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COURTS

Demand of Jury Panels From Which to Select Jury in Civil Actions in the State Courts and the Superior Courts: Raise the Minimum Damages Claim Amount Whereby Parties May Demand a Jury of Twelve

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| CODE SECTIONS: | O.C.G.A. § 15-12-122 (amended) |
| BILL NUMBER: | HB 1575 |
| ACT NUMBER: | 821 |
| GEORGIA LAWS: | 2002 Ga. Laws 803 |
| SUMMARY: | The Act increases the minimum claim for damages to twenty-five thousand dollars in order to have a jury of twelve members in civil actions in state court. |
| EFFECTIVE DATE: | July 1, 2002 |

History

Representative J. Max Davis of the 60th District introduced HB 1575.¹ Prior to this legislation, the minimum amount of damages that must have been claimed in order for a party to demand a jury of twelve persons was ten thousand dollars.² Because state courts were historically places where misdemeanors and minor civil cases were tried, this amount was adequate.³ As the amount of cases in state courts rose, however, the need to raise the minimum amount of damages in order to request a jury of twelve also rose.⁴ HB 1575 was introduced to serve two purposes. First, the sponsors of the bill felt that raising the minimum amount of damages in order to request a jury of twelve would save the counties that have state courts hundreds of thousands of dollars by cutting the expense of

1. Audio Recording of House Proceedings, Mar. 18, 2002 (remarks by Rep. J. Max Davis), at <http://www.ganet.org/services/leg/audio/2002archive.html> [hereinafter House Audio].

2. O.C.G.A. § 15-12-122(a)(2) (2001).

3. House Audio, *supra* note 1.

4. *Id.*

empanelling jurors.⁵ Furthermore, it is believed that reducing the number of twelve-person juries empanelled for minor civil cases will aid in speeding the judicial process.⁶

HB 1575

Representatives J. Max Davis, Glenn Richardson, Arnold Ragas, Larry Walker, and Jimmy Skipper, of the 60th, 26th, 141st, 64th, and 137th Districts, respectively, sponsored HB 1575.⁷ Upon introduction, the House assigned the bill to its Judiciary Committee, which favorably reported the bill, without change, on March 7, 2002.⁸ The House passed the bill by a vote of 163 to 1 on March 18, 2002.⁹

On March 19, 2002, the Senate assigned the bill to its Judiciary Committee, which favorably reported the bill, without change, on March 26, 2002.¹⁰ The Senate passed the bill by a unanimous vote of 49 to 0 on April 10, 2002.¹¹ Governor Roy Barnes signed the bill into law on May 13, 2002.¹²

The Act

The Act amends Georgia Code section 15-12-122 by changing the minimum amount of damages claimed in order to demand a twelve-person jury in civil actions in state courts from ten thousand dollars to twenty-five thousand dollars.¹³ The Act only affects minor civil

5. *Id.*

6. Audio Recording of Senate Proceedings, Apr. 10, 2002 (remarks by Sen. Moore of the 18th District), at <http://www.ganet.org/services/leg/audio/2002archive.html> [hereinafter Senate Audio].

7. HB 1575, as introduced, 2002 Ga. Gen. Assem.

8. State of Georgia Final Composite Status Sheet, HB 1575, Apr. 12, 2002.

9. *Id.*; Georgia House of Representatives Voting Record, HB 1575 (Mar. 18, 2002).

10. State of Georgia Final Composite Status Sheet, HB 1575, Apr. 12, 2002.

11. *Id.*; Georgia Senate Voting Record, HB 1575 (Apr. 10, 2002).

12. 2002 Ga. Laws 803, § 2, at 803.

13. Compare 1995 Ga. Laws 1292, § 7, at 1297 (formerly found at O.C.G.A. § 15-12-122(a)(2) (2001)), with O.C.G.A. § 15-12-122(a)(2) (Supp. 2002).

claims, however, and does not change the requirements for twelve-person juries in superior court or in criminal cases.¹⁴

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14. Compare O.C.G.A. § 15-12-122(b) (2001) and O.C.G.A. § 15-12-125 (2001), with O.C.G.A. § 15-12-122(a)(2) (Supp. 2002).