



Judicial Council of Georgia Standing Committee on Legislation Certiorari Review Subcommittee

2024 Legislative Update:

Superior and State Court Appellate Practice Act,
HB 916 (2022), HB 186 (2023), and SB 450 (2024)

Legislative Update:

Superior and State Court Appellate Practice Act

- ▶ HB 916, the Superior and State Court Appellate Practice Act, repealed and replaced Georgia's certiorari review and notice of appeal statutes (former OCGA §§ 5-3-1 et seq.; 5-4-1 et seq.); was effective on July 1, 2023
- ▶ Created a unified “petition for review” procedure for appealing a case from a lower judicatory to superior court or state court
- ▶ “Lower judicatory” is broadly defined to include any government official or body “exercising judicial or quasi-judicial powers authorized by law” per OCGA § 5-3-3 (5) & (6)
- ▶ The Act was subsequently amended by HB 186 (2023) and SB 450 (2024), as noted in the following slides.

Legislative Update: HB 186 (2023)

- ▶ HB 186 was enacted in 2023, and was effective on July 1, 2023
- ▶ HB 186 amended the following Code sections:
 - 5-3-7: Amended subsection (b) to broaden the exception for filing a petition for review within 30 days to accommodate any Code section that had a different deadline than the standard 30 days
 - 5-6-35: Removed an obsolete reference to the repealed “certiorari” procedure in (a) (1)
 - 5-7-3: Added a “petition for review” reference
 - 36-32-2.1: Removed an obsolete reference to the repealed “certiorari” procedure in (e) (1) (D)

Legislative Update: SB 450 (2024)

- ▶ SB 450 was enacted in 2024, and was effective on April 22, 2024
- ▶ SB 450 amended the following Code sections:
 - 5-3-4: (b) (7) probate court exception was clarified to include “any other order not appealable from a probate court” subject to the PFR procedure
 - 5-3-5: Added “(d)” providing that except traffic convictions under Title 40, review of probate court cases is de novo with the right to a jury trial if demanded
 - 5-3-12: Added “(e)” providing that the consent of all the parties is needed for voluntary dismissal in certain cases (see slide 20 of the training video for details)
 - 15-10-41: Clarified (b) (2) that a magistrate court retains de novo jurisdiction over a “reversal of a default judgment or reversal of a refusal to open a default judgment” by the reviewing court

Legislative Update: SB 450 (2024) (continued)

- ▶ SB 450 also amended the following Code sections:
 - 32-3-11; 32-3-14; 32-3-16; 32-3-17.1: Removed eminent domain proceedings from the petition for review procedure because no lower judicatory decision to review
 - 40-13-28: Added reference to new § 5-3-5 (d)
 - 44-7-56: Clarified that all sums found by the trial court to be due for rent or future rent are to be paid into the registry of the trial court that rendered the judgment appealed to the Court of Appeals or Supreme Court (i.e., not to the appellate courts)
 - 53-6-30: Added a conforming reference to Ch. 3 of Title 5 (i.e., the petition for review procedure)

Questions?

If you have any questions about the petition for review procedure, please email:

HB916@georgiacourts.gov

For more information, training materials, model documents, and bench cards, visit:

<https://jcaoc.georgiacourts.gov/hb916>