

House Bill 32

By: Representatives Walker of the 141<sup>st</sup>, Sims of the 167<sup>th</sup>, Skipper of the 137<sup>th</sup> and Coleman of the 142<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to  
2 sheriffs, so as to change provisions relating to filling vacancies in the office of sheriff; to  
3 provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 SECTION 1.

6 Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to sheriffs, is  
7 amended by striking Code Section 15-16-8, relating to vacancies in the office of sheriff, and  
8 inserting in its place a new Code section to read as follows:

9 “15-16-8.

10 (a) Except as otherwise provided by local law, vacancies in the office of sheriff shall be  
11 filled ~~and the proceedings thereafter shall be as in cases of vacancies in the office of clerk~~  
12 ~~of the superior court, subject to the exception provided in subsection (b) of~~ as provided in  
13 this Code section.

14 (b) ~~In case there is a failure to appoint, as set forth in Code Section 15-6-54, the coroner~~  
15 ~~of the county shall~~ The Governor shall appoint a person to act as sheriff until the vacancy  
16 is filled as provided in subsection (c) of this Code section. ~~If there is no coroner, the~~  
17 Governor has not yet made an appointment, the judge of probate court of the county where  
18 the vacancy exists may designate any deputy sheriff of the county where the vacancy exists  
19 or the sheriff of any adjoining county is authorized to act as sheriff until the judge of the  
20 probate court Governor makes the appointment or an election is held, whichever first  
21 occurs.

22 (c) ~~Reserved~~ If at the time the vacancy occurs there are more than six months remaining  
23 in the unexpired term of office, the vacancy shall be filled for the remainder of the  
24 unexpired term at a special election to be called by the county election superintendent; and  
25 the person acting as sheriff under subsection (b) of this Code section shall act until a

1 successor is so elected for the remainder of the unexpired term. If at the time the vacancy  
2 occurs there are six months or less remaining in the unexpired term of office, the person  
3 acting as sheriff under subsection (b) of this Code section shall serve for the remainder of  
4 the unexpired term of office.

5 (d) The General Assembly may provide by local law for the method of filling any vacancy  
6 in the office of sheriff of any county.

7 ~~(d)~~(e) Notwithstanding the provisions of Code Section 45-5-1, the office of sheriff shall  
8 by operation of law be deemed vacated upon certification being made by the Georgia Peace  
9 Officer Standards and Training Council to the judge of the probate court of such county  
10 that a newly elected sheriff who is not a registered or certified peace officer at the time of  
11 taking office has failed to become a certified peace officer within the required time and  
12 pursuant to the provisions of subparagraph (c)(1)(J) of Code Section 15-16-1. Such  
13 vacancy shall be filled as provided in this Code section.”

## 14 **SECTION 2.**

15 This Act shall become effective upon its approval by the Governor or upon its becoming law  
16 without such approval and shall apply with respect to vacancies occurring on or after that  
17 effective date.

## 18 **SECTION 3.**

19 All laws and parts of laws in conflict with this Act are repealed.