

The House Committee on Public Safety offers the following substitute
to HB 32:

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:

SECTION 1.

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

8 "15-16-8.

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

13 (b) ~~In case there is a failure to appoint, as set forth in Code Section 15-6-54, the coroner~~
14 ~~of the county shall~~ The Governor shall appoint a person to act as sheriff until the vacancy
15 is filled as provided in subsection (c) of this Code section. ~~If there is no coroner, the~~
16 Governor has not yet made an appointment, and at least ten days have expired since the
17 vacancy occurred, the judge of probate court of the county where the vacancy exists may
18 designate any law enforcement officer certified by the Georgia Peace Officer Standards and
19 Training Council in the county where the vacancy exists or the sheriff of any adjoining
20 county is authorized to act as sheriff until the judge of the probate court Governor makes
21 the appointment or an election is held, whichever first 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
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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.