

House Bill 1090

By: Representatives Hill of the 81st, Sims of the 130th, Bridges of the 7th, Forster of the 3rd,
Post 1, Sailor of the 61st, Post 1, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 36 of the Official Code of Georgia Annotated, relating to county
2 police, so as to provide that a county or consolidated government having a county or
3 consolidated government police force shall hold a referendum asking the electors whether
4 law enforcement services should be consolidated under the office of the sheriff; to provide
5 for a referendum; to provide ballot language; to provide for applicability; to repeal
6 conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Chapter 8 of Title 36 of the Official Code of Georgia Annotated, relating to county police,
10 is amended by inserting immediately following Code Section 36-8-7 a new Code Section
11 36-8-8 to read as follows:

12 "36-8-8.

13 (a)(1) The governing authority of any county or consolidated government in which a
14 county police force or consolidated government police force has been authorized and
15 established shall not less frequently than once every four years submit to the qualified
16 electors of the county the question of whether the county police force or consolidated
17 government police force should be consolidated under the office of sheriff. The county
18 governing authority of the county or consolidated government shall establish the date of
19 the election in compliance with Code Section 21-2-540, which shall be not less than 30
20 days after the call of the election, and shall notify the county election superintendent of
21 its decision as to the date; provided, however, that such election shall not be held in the
22 same year in which the county sheriff is elected. The election superintendent shall issue
23 the call for the election and shall specify that the election shall be held on the date
24 determined by the governing authority of the county or consolidated government. The
25 election superintendent shall cause the date and purpose of the election to be published

1 once a week for two weeks immediately preceding the date thereof in the official organ
2 of the county. The ballot shall have written or printed thereon the following:

- 3 '() YES Shall the law enforcement services provided by [the county police
force or consolidated government police force] _____ County
4 () NO be consolidated under the office of sheriff of _____ County?'

5 (2) Those persons desiring to vote in favor of consolidating all law enforcement services
6 of the county police force or consolidated government police force under the office of
7 sheriff in the county shall vote 'Yes,' and those persons in favor of maintaining law
8 enforcement services under the county police force or consolidated government police
9 force shall vote 'No.' If more than one-half of the votes cast on the question are in favor
10 of consolidating all law enforcement services under the office of sheriff, then all law
11 enforcement services of the county police force or consolidated government police force
12 shall be consolidated under the office of sheriff within six months of the date of the
13 election. Otherwise, authorized law enforcement services will remain the responsibility
14 of the county police force or consolidated government police force. The county election
15 superintendent shall hold and conduct the election under the same rules and regulations
16 as govern special elections, except as otherwise provided in paragraph (1) of this
17 subsection. He or she shall canvas the returns and declare and certify the result of the
18 election to the Secretary of State. The expense of any such election shall be borne by the
19 county wherein the election was held.

20 (b) The provisions of subsection (a) shall apply to any county which has created a county
21 police force prior or consolidated government police force to July 1, 2004, and to any
22 county police force or consolidated government police force on or after that date."

23 SECTION 2.

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