

House Bill 521

By: Representatives Crawford of the 127<sup>th</sup>, Talton of the 145<sup>th</sup>, and Barnard of the 166<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to general provisions applicable to sheriffs, so as to require candidates for sheriff to  
3 be certified peace officers in good standing at the time of qualifying for election to the office;  
4 to provide that the office of sheriff shall be deemed vacant if the sheriff's certification as a  
5 peace officer is revoked; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to  
9 general provisions applicable to sheriffs, is amended in Code Section 15-16-1, relating to  
10 qualifications and training of sheriffs, by striking subparagraph (J) of paragraph (1) of  
11 subsection (c) and inserting in lieu thereof the following:

12 ~~“(J) Is a registered peace officer as provided in Code Section 35-8-10 or is a certified~~  
13 ~~peace officer in good standing as defined in Chapter 8 of Title 35. Any person who is~~  
14 ~~not a registered or certified peace officer at the time such person assumes the office of~~  
15 ~~sheriff shall be required to complete satisfactorily the requirements for certification as~~  
16 ~~a peace officer as provided in Chapter 8 of Title 35 within six months after such person~~  
17 ~~takes office; provided, however, that an extension of the time to complete such~~  
18 ~~requirements may be granted by the Georgia Peace Officer Standards and Training~~  
19 ~~Council upon the presentation of evidence by a sheriff that he or she was unable to~~  
20 ~~complete the basic training course and certification requirements due to illness, injury,~~  
21 ~~military service, or other reasons deemed sufficient by such council. The Georgia Peace~~  
22 ~~Officer Standards and Training Council shall make every effort to ensure that space is~~  
23 ~~available for newly elected sheriffs who are not certified or registered peace officers to~~  
24 ~~attend the course as soon as possible after such persons take office. Such council shall~~  
25 ~~notify the appropriate judge of the probate court whenever a newly elected sheriff who~~

1 is not certified fails to become certified as a peace officer pursuant to the requirements  
2 of this subparagraph."

### 3 SECTION 2.

4 Said article is further amended by striking Code Section 15-16-8, relating to vacancies in the  
5 office of sheriff, and inserting in lieu thereof the following:

6 "15-16-8.

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

11 (b) In case there is a failure to appoint, as set forth in Code Section 15-6-54, the coroner  
12 of the county shall act as sheriff. If there is no coroner, the sheriff of any adjoining county  
13 is authorized to act as sheriff until the judge of the probate court makes the appointment  
14 or an election is held.

15 (c) ~~Reserved.~~ Notwithstanding the provisions of Code Section 45-5-1, the office of sheriff  
16 shall by operation of law be deemed vacant upon certification by the Georgia Peace Officer  
17 Standards and Training Council to the judge of the probate court of the county that the  
18 certification required to be a peace officer has been revoked for the sheriff of said county.  
19 Such vacancy shall be filled as provided in this Code section.

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

### 27 SECTION 3.

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