

House Bill 934

By: Representatives Mangham of the 94th, Watson of the 91st, Stephenson of the 92nd, Mosby of the 90th, McClinton of the 84th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to create the office of sheriff-elect in each county; to provide for qualifications, salary,
3 and duties of the sheriff-elect; to amend Article 5 of Chapter 9 of Title 45 of the Official
4 Code of Georgia Annotated, relating to law enforcement officers, firefighters, prison guards,
5 and publicly employed emergency medical technicians, so as to provide that sheriffs-elect
6 be eligible for certain indemnification programs in the event of death or injury; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
11 by inserting immediately following Chapter 7 a new chapter to read as follows:

12 "CHAPTER 7A

13 36-7A-1.

14 There is created in each county the office of sheriff-elect. The sheriff-elect shall be an
15 employee of the judicial circuit. He or she shall receive such salary and be supplied such
16 staff as the county governing authority deems appropriate.

17 36-7A-2.

18 After the election for the office of sheriff is certified by the Secretary of State and until he
19 or she takes the oath of office, a newly elected sheriff shall automatically become
20 employed in the position of sheriff-elect.

1 36-7A-3

2 The sheriff-elect shall conduct a study of security measures provided in the courthouse of
3 the county in which he or she was elected and shall, prior to December 31 of the year of
4 his or her election, consult with the judges of such court concerning any changes to security
5 procedures. The sheriff-elect shall also have the duty, with the consent of the sheriff, of
6 assisting the sheriff in such duties as the sheriff deems proper; provided, however, that the
7 sheriff-elect shall not assume any duties reserved for peace officers until he or she has
8 satisfactorily completed the requirements for certification as a peace officer as provided in
9 Chapter 8 of Title 35."

10 **SECTION 2.**

11 Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated, relating to law
12 enforcement officers, firefighters, prison guards, and publicly employed emergency medical
13 technicians, is amended by striking paragraph (6) of Code Section 45-9-81, relating to
14 definitions relative to indemnification for death or permanent disability, and inserting in lieu
15 thereof the following:

16 "(6) 'Law enforcement officer' means any agent or officer of this state, or a political
17 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested
18 either expressly by law or by virtue of public employment or service with authority to
19 enforce the criminal or traffic laws and whose duties include the preservation of public
20 order, the protection of life and property, or the prevention, detection, or investigation of
21 crime. Such term also includes the employees designated by the commissioner of juvenile
22 justice of the Department of Juvenile Justice pursuant to paragraph (2) of subsection (i)
23 of Code Section 49-4A-8, which employees have the duty to investigate and apprehend
24 delinquent and unruly children who have escaped from a facility under the jurisdiction
25 of the Department of Juvenile Justice or who have broken the conditions of supervision.
26 Such term also includes law enforcement officers of the Department of Motor Vehicle
27 Safety. Such term also includes members of the Georgia National Guard, the composition
28 of which is set forth in Code Section 38-2-3, who have been called into active state
29 service by the Governor. Such term also includes a sheriff-elect as provided for in
30 Chapter 7A of Title 36."

31 **SECTION 3.**

32 Said article is further amended by striking paragraph (6) of Code Section 45-9-102, relating
33 to definitions relative to indemnification for injuries incurred in the line of duty, and inserting
34 in lieu thereof the following:

"(6) 'Law enforcement officer' means any agent or officer of this state, or a political subdivision or municipality thereof, who, as a full-time employee, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws and whose duties include the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime. Such term also includes prison guards as defined under Code Section 45-9-81 and the employees designated by the commissioner of juvenile justice of the Department of Juvenile Justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8, which employees have the duty to investigate and apprehend delinquent and unruly children who have escaped from a facility under the jurisdiction of the Department of Juvenile Justice or who have broken the conditions of supervision and employees designated and delegated law enforcement powers by the commissioner of motor vehicle safety, which personnel have the duty to enforce the laws relating to motor carriers and the transportation of hazardous materials. Such term also includes a sheriff-elect as provided for in Chapter 7A of Title 36."

SECTION 4.

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