

House Bill 1362

By: Representatives Lindsey of the 54th and Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-16-10 of the Official Code of Georgia Annotated, relating to
2 duties of the sheriff, penalties, and electronic storage, so as to provide that the sheriff shall
3 be responsible for developing and implementing a courthouse security plan unless otherwise
4 provided by local law; to amend Title 36 of the Official Code of Georgia Annotated, relating
5 to local government, so as to provide that the General Assembly may provide by local law
6 for alternative means of developing and funding a courthouse security plan; to provide an
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

11 Code Section 15-16-10 of the Official Code of Georgia Annotated, relating to duties of the
12 sheriff, penalties, and electronic storage, is amended by revising paragraph (10) of subsection
13 (a) as follows:

14 "(10) Unless otherwise provided by local law, to To develop and implement a
15 comprehensive plan for the security of the county courthouse and any courthouse annex.
16 Prior to the implementation of any security plan, the plan shall be submitted to the chief
17 judge of the superior court of the circuit wherein the courthouse or courthouse annex is
18 located for review. The chief judge shall have 30 days to review the original or any
19 subsequent security plan. The chief judge may make modifications to the original or any
20 subsequent security plan. The sheriff shall provide to the county governing authority the
21 estimated cost of any security plan and a schedule for implementation 30 days prior to
22 adoption of any security plan. A comprehensive plan for courthouse security shall be
23 considered a confidential matter of public security. Review of a proposed security plan
24 by the governing authority shall be excluded from the requirements of Code Section
25 50-14-1 and any such review shall take place as provided in Code Section 50-14-3. Such
26 security plan shall also be excluded from public disclosure pursuant to paragraph (15) of
27 subsection (a) of Code Section 50-18-72. The sheriff shall be the official custodian of the

1 comprehensive courthouse security plan and shall determine who has access to such plan
2 and any such access and review shall occur in the sheriff's office or at a meeting of the
3 county governing authority held as provided in paragraph (9) of Code Section 50-14-3;
4 provided, however, that the sheriff shall make the original security plan available upon
5 request for temporary, exclusive review by any judge whose courtroom or chambers is
6 located within the courthouse or courthouse annex or by any commissioner of the county
7 in which the courthouse or courthouse annex is located. The sheriff shall be responsible
8 to conduct a formal review of the security plan not less than every four years."

9 SECTION 2.

10 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
11 by revising Code Section 36-9-8, relating to protection of county property by the sheriff, as
12 follows:

13 "36-9-8.

14 Unless otherwise provided by local law, the The public grounds and other county property
15 are placed in the keeping of the sheriff of the county, subject to the order of the county
16 governing authority; and it is his or her duty to preserve them from injury or waste and to
17 prevent intrusions upon them."

18 SECTION 3.

19 Said title is further amended by revising Code Section 36-81-11, relating to budget for
20 implementing security plans subject to approval by the governing authority, as follows:

21 "36-81-11.

22 Unless otherwise provided by local law, the The development and implementation of a
23 security plan and all related technology pursuant to paragraph (10) of subsection (a) of
24 Code Section 15-16-10 shall be subject to the annual budget approved for the office of the
25 sheriff by the governing authority."

26 SECTION 4.

27 This Act shall become effective upon its approval by the Governor or upon its becoming law
28 without such approval.

29 SECTION 5.

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