

House Bill 991

By: Representatives Maddox of the 127th, Baker of the 78th, and Talton of the 145th

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 relative to sheriffs, so as to change provisions relating to how
3 vacancies are filled; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to
8 general provisions relative to sheriffs, is amended by revising Code Section 15-16-8, relating
9 to how vacancies are filled, as follows:

10 "15-16-8.

11 (a) Except as otherwise provided by local law, vacancies in the office of sheriff shall be
12 filled ~~and the proceedings thereafter shall be as in cases of vacancies in the office of clerk~~
13 ~~of the superior court, subject to the exception provided in subsection (b) of this Code~~
14 ~~section by the chief deputy sheriff if a chief deputy has been appointed. In any county in~~
15 which a chief deputy sheriff has not been appointed, the probate judge shall, within three
16 days of the vacancy, appoint a qualified person to serve as the interim sheriff. Such interim
17 sheriff shall serve in such capacity until the vacancy is filled pursuant to the provisions of
18 subsection (b) of this Code section. If less than six months of the sheriff's term remains,
19 the chief deputy sheriff shall hold office for the unexpired term of the sheriff.

20 (b) ~~In case there is a failure to appoint, as set forth in Code Section 15-6-54, the coroner~~
21 ~~of the county shall act as sheriff. If there is no coroner, the sheriff of any adjoining county~~
22 ~~is authorized to act as sheriff until the judge of the probate court makes the appointment~~
23 ~~or an election is held. When a vacancy in the office of sheriff is created more than six~~
24 months from the date when the next general election is to be held or if the vacancy has
25 been filled with an interim sheriff as provided in subsection (a) of this Code section, the
26 election superintendent for the county shall call a special election to fill such vacancy, and

27 such official shall give notice in one or more of the public newspapers of the county, if any,
28 at the courthouse, and at three or more of the most public places of the county at least 30
29 days prior to the date of such special election. Such special election shall be held at least
30 120 days but no later than 365 days after the date the vacancy occurred. The person elected
31 at such special election shall hold office for the unexpired term of his or her predecessor.
32 The returns of the election shall be made to the Governor, who shall immediately
33 commission the person elected sheriff.

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

39

SECTION 2.

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