

The House Committee on Governmental Affairs offers the following substitute to HB 991:

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.~~

17 (b)(1) ~~In case there is a failure to appoint, as set forth in Code Section 15-6-54, the~~
18 ~~coroner of the county shall act as sheriff. If there is no coroner, the sheriff of any~~
19 ~~adjoining county is authorized to act as sheriff until the judge of the probate court makes~~
20 ~~the appointment or an election is held. If less than six months of the sheriff's term of~~
21 ~~office remains at the time the vacancy occurs, the chief deputy sheriff or the interim~~
22 ~~sheriff, as the case may be, shall hold office for the unexpired term of the sheriff.~~

23 (2) ~~If more than six months of the sheriff's term of office remains at the time the vacancy~~
24 ~~occurs, the election superintendent for the county shall call a special election to fill such~~
25 ~~vacancy. Such official shall give notice in one or more of the public newspapers of the~~
26 ~~county, if any; in the official legal organ of the county; at the courthouse; and at three or~~

27 more of the most public places of the county at least 30 days prior to the date of such
28 special election. Such special election shall be held at the next available special election
29 date provided in Code Section 21-2-540 that is at least 60 days after the date the vacancy
30 occurred. The person elected at such special election shall hold office for the unexpired
31 term. The election shall be conducted in accordance with Chapter 2 of Title 21.

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35 certification required to be a peace officer has been revoked for the sheriff of said county.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

37 **SECTION 2.**

38 All laws and parts of laws in conflict with this Act are repealed.