

House Bill 139 (AS PASSED HOUSE AND SENATE)

By: Representatives Hamilton of the 24th, Carter of the 175th, Powell of the 32nd, Talton of the 147th, Jasperse of the 11th, and others

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 regarding sheriffs, so as to revise the general qualification
3 requirements for sheriffs; to provide for related matters; to repeal conflicting laws; and for
4 other 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 regarding sheriffs, is amended by revising subsection (c) of Code
9 Section 15-16-1, relating to general qualification requirements for sheriffs, as follows:

10 **"(c) Qualifications.**

11 (1) No person shall be eligible to hold the office of sheriff unless such person:

12 (A) At the time of qualifying as a candidate for the office of sheriff is a citizen of the
13 United States;

14 (B) Has been a resident of the county in which he or she seeks the office of sheriff for
15 at least two years immediately preceding the date of qualifying for election to the
16 office;

17 (C) At the time of qualifying as a candidate for the office of sheriff is a registered
18 voter;

19 (D) At the time of qualifying as a candidate for the office of sheriff has attained the age
20 of at least 25 years;

21 (E) At the time of qualifying as a candidate for the office of sheriff has obtained a high
22 school diploma or its recognized equivalent in educational training as established by the
23 Georgia Peace Officer Standards and Training Council;

24 (F) Has not been convicted of a felony offense or any offense involving moral
25 turpitude contrary to the laws of this state, any other state, or the United States;
26 provided, however, that a plea of nolo contendere to a felony offense or any offense
27 involving moral turpitude contrary to the laws of this state shall have the same effect

28 as a plea of guilty, thereby disqualifying such a person from holding the office of
29 sheriff;

30 (G) Is fingerprinted and a search made of local, state, and national fingerprint files to
31 disclose any criminal record, which fingerprints are to be taken under the direction of
32 the judge of the probate court of the county in which such person is qualifying and must
33 be taken on or before, but no later than, the close of business on the third business day
34 following the close of such qualification for election to the office of sheriff period. If
35 the search of such fingerprint files results in the discovery of any criminal record that
36 reveals that the person has been convicted, or the record shows no disposition of the
37 record, of a felony offense or any offense involving moral turpitude contrary to the laws
38 of this state, any other state, or the United States, the probate judge shall notify the
39 election superintendent of such record immediately;

40 (H) At the time of qualifying as a candidate for the office of sheriff, files with the
41 officer before whom such person is qualifying ~~gives~~ a complete written history of his
42 or her places of residence for a period of six years immediately preceding his or her
43 qualification date, giving the house number or RFD number, street, city, county, and
44 state;

45 (I) At the time of qualifying as a candidate for the office of sheriff, files with the
46 officer before whom such person is qualifying ~~gives~~ a complete written history of his
47 or her places of employment for a period of six years immediately preceding his or her
48 qualification date, giving the period of time employed and the name and address of his
49 or her employer; and

50 (J) Is a registered peace officer as provided in Code Section 35-8-10 or is a certified
51 peace officer as defined in Chapter 8 of Title 35. Any person who is not a registered
52 or certified peace officer at the time such person assumes the office of sheriff shall be
53 required to complete satisfactorily the requirements for certification as a peace officer
54 as provided in Chapter 8 of Title 35 within six months after such person takes office;
55 provided, however, that an extension of the time to complete such requirements may
56 be granted by the Georgia Peace Officer Standards and Training Council upon the
57 presentation of evidence by a sheriff that he or she was unable to complete the basic
58 training course and certification requirements due to illness, injury, military service, or
59 other reasons deemed sufficient by such council. The Georgia Peace Officer Standards
60 and Training Council shall make every effort to ensure that space is available for newly
61 elected sheriffs who are not certified or registered peace officers to attend the course
62 as soon as possible after such persons take office. Such council shall notify the
63 appropriate judge of the probate court whenever a newly elected sheriff who is not

64 certified fails to become certified as a peace officer pursuant to the requirements of this
65 subparagraph.

66 (2) Each person offering his or her candidacy for the office of sheriff shall, ~~within 60~~
67 ~~days prior to or~~ at the time such person qualifies;

68 ~~(A) File with the officer before whom such person has qualified to seek the office of~~
69 ~~sheriff a certified copy of his or her birth certificate and a certified copy of his or her~~
70 ~~high school diploma or certified proof of its recognized equivalent in education training~~
71 ~~as established by the Georgia Peace Officer Standards and Training Council; and~~

72 ~~(B) Swear~~ swear or affirm before the officer before whom such person has qualified
73 to seek the office of sheriff that he or she meets all of the qualifications required by this
74 subsection, except as otherwise provided in subparagraph (J) of paragraph (1) of this
75 subsection, and that he or she has complied or will comply with the requirements of
76 subparagraph (G) of paragraph (1) of this subsection no later than the close of business
77 on the third business day following the close of such qualification for election to the
78 office of sheriff period.

79 (3) Each person offering his or her candidacy for the office of sheriff shall file an
80 affidavit with the election superintendent of the county by the close of business on the
81 third business day following the close of the qualification period stating:

82 (A) That such person is a high school graduate or has obtained the recognized
83 equivalent in education training as established by the Georgia Peace Officer Standards
84 and Training Council; and

85 (B) When and from what school such person graduated from high school or obtained
86 such recognized equivalent in education training.

87 In addition, such person shall also file a certified copy of his or her birth certificate with
88 the election superintendent of the county.

89 ~~(3)~~(4) Each person offering to run for the office of sheriff and who is otherwise qualified
90 shall be allowed, six months prior to qualifying and at his or her own expense, to attend
91 the basic mandate course for peace officers. The Georgia Peace Officer Standards and
92 Training Council shall work to ensure that space is available for such individuals to
93 attend the course."

94 **SECTION 2.**

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