

Senate Bill 37

By: Senators Robertson of the 29th, Albers of the 56th, Hatchett of the 50th, Summers of the 13th, Kirkpatrick of the 32nd and others

AS PASSED SENATE

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 qualification requirements
 3 for the office of sheriff; to require certification as a peace officer at the time of qualifying as
 4 a candidate for sheriff; to require such candidate to be in good standing with the Georgia
 5 Peace Officer Standards and Training Council; to provide for a confirming affidavit; to
 6 provide for a definition; to provide for related matters; to repeal conflicting laws; and for
 7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to
 11 general provisions regarding sheriffs, is amended by revising subparagraph (c)(1)(J) of Code
 12 Section 15-16-1, relating to qualification requirements for sheriff and exemptions, as follows:

13 "(J) At the time of qualifying as a candidate for the office of sheriff, ~~is a registered~~
 14 ~~peace officer as provided in Code Section 35-8-10 or is a certified peace officer as~~
 15 defined in Chapter 8 of Title 35 and is in good standing with the Georgia Peace Officer
 16 Standards and Training Council. Upon request of the person seeking to qualify as a
 17 candidate for the office of sheriff, the executive director of the Georgia Peace Officer

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18 Standards and Training Council shall create and provide for an affidavit attesting to
19 such person's compliance with this subparagraph. Such affidavit shall be signed by the
20 executive director of the Georgia Peace Officer Standards and Training Council, or his
21 or her designee, and the person seeking to qualify as a candidate for the office of sheriff
22 and shall be presented to the proper elections official prior to the end of the established
23 period of qualification in order to qualify as a candidate. As used in this subparagraph,
24 the term 'in good standing with the Georgia Peace Officer Standards and Training
25 Council' means that a peace officer has never had his or her peace officer certification
26 revoked by the Georgia Peace Officer Standards and Training Council; within the
27 preceding five years, has not had his or her certification suspended by the Georgia
28 Peace Officer Standards and Training Council; and, upon the opening date of the
29 established period of qualification, is not under any sanction imposed by the Georgia
30 Peace Officer Standards and Training Council. Any person who is not a registered or
31 ~~certified peace officer at the time such person assumes the office of sheriff shall be~~
32 ~~required to complete satisfactorily the requirements for certification as a peace officer~~
33 ~~as provided in Chapter 8 of Title 35 within six months after such person takes office;~~
34 ~~provided, however, that an extension of the time to complete such requirements may~~
35 ~~be granted by the Georgia Peace Officer Standards and Training Council upon the~~
36 ~~presentation of evidence by a sheriff that he or she was unable to complete the basic~~
37 ~~training course and certification requirements due to illness, injury, military service, or~~
38 ~~other reasons deemed sufficient by such council. The Georgia Peace Officer Standards~~
39 ~~and Training Council shall make every effort to ensure that space is available for newly~~
40 ~~elected sheriffs who are not certified or registered peace officers to attend the course~~
41 ~~as soon as possible after such persons take office. Such council shall notify the~~
42 ~~appropriate judge of the probate court whenever a newly elected sheriff who is not~~
43 ~~certified fails to become certified as a peace officer pursuant to the requirements of this~~
44 ~~subparagraph."~~

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SECTION 2.

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