

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 424:

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 an exception; to provide for a  
6 definition; to provide for a confirming affidavit; to provide for completion of basic training  
7 and certification requirements by certain candidates for the office of sheriff; to provide for  
8 reimbursement of certain expenses; to allow sheriffs to receive certain additional salaries; to  
9 provide for related matters; to provide for effective dates; to repeal conflicting laws; and for  
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to  
14 general provisions regarding sheriffs, is amended in Code Section 15-16-1, relating to  
15 qualification requirements for sheriff and exemptions, by deleting "and" at the end of  
16 subparagraph (c)(1)(I), by revising subparagraph (c)(1)(J), by adding a new subparagraph

H. B. 424 (SUB)

17 (c)(1)(K), by revising paragraphs (c)(2) and (c)(4), and by revising subsection (d) as follows:

18 ~~“(J)(i) At the time of qualifying as a candidate for the office of sheriff, Is a registered~~  
19 ~~peace officer as provided in Code Section 35-8-10 or is a certified peace officer as~~  
20 ~~defined in Chapter 8 of Title 35 and is in good standing with the Georgia Peace~~  
21 ~~Officer Standards and Training Council. Any person who at the time of qualifying~~  
22 ~~as a candidate for the office of sheriff is not a registered or certified peace officer at~~  
23 ~~the time such person assumes the office of sheriff shall be required to complete~~  
24 ~~satisfactorily but is receiving retirement benefits, other than disability retirement~~  
25 ~~benefits, as a former agent of the Federal Bureau of Investigation shall satisfactorily~~  
26 ~~complete the requirements for certification as a peace officer as provided in Chapter~~  
27 ~~8 of Title 35 within six months after such person takes office; provided, however, that~~  
28 ~~an extension of the time to complete such requirements may be granted by the~~  
29 ~~Georgia Peace Officer Standards and Training Council upon the presentation of~~  
30 ~~evidence by a sheriff that he or she was unable to complete the basic training course~~  
31 ~~and certification requirements due to illness, injury, military service, or other reasons~~  
32 ~~deemed sufficient by such council. The Georgia Peace Officer Standards and~~  
33 ~~Training Council shall make every effort to ensure that space is available for newly~~  
34 ~~elected sheriffs who are not certified or registered peace officers to attend the course~~  
35 ~~as soon as possible after such persons take office. Such council shall notify the~~  
36 ~~appropriate judge of the probate court whenever a newly elected sheriff who is not~~  
37 ~~certified fails to become certified as a peace officer pursuant to the requirements of~~  
38 ~~this subparagraph.~~

39 (ii) As used in this subparagraph, the term 'in good standing with the Georgia Peace  
40 Officer Standards and Training Council' means that a peace officer has not had his or  
41 her peace officer certification revoked or suspended by the Georgia Peace Officer  
42 Standards and Training Council in the previous five years and is not under any

43 sanction imposed by such council on the opening date of the qualifying period for  
44 office; and

45 (K) At the time of qualifying as a candidate for the office of sheriff files with the  
46 officer before whom such person is qualifying a sworn statement attesting that he or she  
47 is not receiving any medical disability retirement benefits from any local, state, or  
48 federal government retirement plan.

49 (2)(A) Upon request of a person seeking to qualify as a candidate for the office of  
50 sheriff, the executive director of the Georgia Peace Officer Standards and Training  
51 Council shall create and provide an affidavit attesting to such person's compliance with  
52 the requirements of subparagraph (J) of paragraph (1) of this subsection. Such affidavit  
53 shall be signed by the executive director of the Georgia Peace Officer Standards and  
54 Training Council, or his or her designee, and the person seeking to qualify as a  
55 candidate for the office of sheriff. Such affidavit shall be presented to the officer before  
56 whom such person is qualifying prior to the end of the qualifying period for such office  
57 in order to qualify as a candidate.

58 (B) Each person offering his or her candidacy for the office of sheriff shall, at the time  
59 such person qualifies, swear or affirm before the officer before whom such person has  
60 qualified to seek the office of sheriff that he or she meets all of the qualifications  
61 required by this subsection, except as otherwise provided in subparagraph (J) of  
62 paragraph (1) of this subsection, and that he or she has complied or will comply with  
63 the requirements of subparagraph (G) of paragraph (1) of this subsection no later than  
64 the close of business on the third business day following the close of such qualification  
65 period."

66 "(4) Each person offering to run for the office of sheriff and who is otherwise qualified  
67 shall be allowed, ~~six months~~ prior to qualifying and at his or her own expense, to attend  
68 the basic law enforcement mandate course for peace officers as a pre-service candidate.  
69 The Georgia Peace Officer Standards and Training Council shall work to ensure that

70 space is available for such individuals to attend the course. Each such person attending  
71 the basic law enforcement mandate course for peace officers in accordance with this  
72 paragraph shall be entitled to reimbursement of his or her expenses if he or she is  
73 subsequently elected to the office of sheriff. Such reimbursement for expenses shall be  
74 limited to the cost of tuition, course uniforms, and course equipment and shall be paid by  
75 the office of sheriff to which he or she is elected. Any course uniforms or equipment for  
76 which reimbursement of expenses has been rendered shall become property of the office  
77 of sheriff to which the candidate was elected.

78 (d) **Exemption.** The requirements of subparagraphs (c)(1)(D), ~~(c)(1)(E)~~, through  
79 (c)(1)(F); and (c)(1)(H); ~~(c)(1)(I), and (c)(1)(J)~~ through (c)(1)(K) of this Code section shall  
80 be deemed to have been met by any person who is currently serving as a duly qualified and  
81 elected sheriff of one of the several counties of this state."

82 **SECTION 2.**

83 Said article is further amended by revising Code Section 15-16-20.1, relating to additional  
84 salary, as follows:

85 "15-16-20.1.

86 In addition to the minimum salary provided in Code Section 15-16-20, the sheriff of any  
87 county who performs the duties of a sheriff for a state court, probate court, magistrate  
88 court, juvenile court, or county recorder's court under any applicable general or local law  
89 of this state shall receive for his or her services in such court or courts a salary of not less  
90 than \$385.90 per month, to be paid from the funds of the county. A sheriff who serves in  
91 more than one such court shall receive ~~only one~~ such salary for up to two courts. Such  
92 salaries shall not be eligible for increase for any state cost-of-living or general performance  
93 based increases."

94 **SECTION 3.**

95 (a) Section 1 of this Act shall become effective upon its approval by the Governor or upon  
96 its becoming law without such approval.

97 (b) Section 2 of this Act shall become effective on July 1, 2024.

98 **SECTION 4.**

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