

**House County and Municipal Government Reported
Substitute for HB276**



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SYNOPSIS:

A BILL
TO BE ENACTED
AN ACT

Relating to sheriffs; to provide for the acting sheriff when the office of sheriff of a county is vacant or when certain other circumstances exist in the county; and to repeal Sections 11-5-5, 11-5-6, 11-5-7, 11-5-8, and 11-5-9 of the Code of Alabama 1975, relating to the county coroner serving as sheriff when the office of sheriff is vacant or when certain other circumstances exist in the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purpose of maintaining order and avoiding the disruption in the provision of law enforcement services and the operation of the county jail, the highest ranking deputy sheriff in the office of the sheriff shall discharge the duties of the sheriff when any of the following apply:

- (1) When the office of the sheriff is vacant and until a successor is qualified.
- (2) When the sheriff is incompetent to act.
- (3) When the sheriff is imprisoned.
- (4) In any ~~civil or~~ criminal proceeding involving the discharge of the duties of the office of the sheriff in which



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29 the sheriff is a party.

30 (5) In any case when directed by the judge of probate.

31 Section 2. ~~Section~~ Sections 11-5-5, 11-5-6, 11-5-7,
32 11-5-8, and 11-5-9 of the Code of Alabama 1975, relating to
33 the county coroner serving as sheriff under certain
34 conditions, are repealed.

35 Section 3. This act shall become effective on the first
36 day of the third month following its passage and approval by
37 the Governor, or its otherwise becoming law.