1   1XGPLZ-1

2   By Representative Bolton

3   RFD: County and Municipal Government

4   First Read: 11-Apr-23

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4 SYNOPSIS:

5   Under existing law, when the office of the

6   sheriff of a county is vacant or in certain other

7   circumstances when existing law has provided that it is

8   not appropriate for the sheriff to serve, the county

9   coroner discharges the duties of the sheriff.

10   This bill would provide that when the office of

11   sheriff is vacant or when certain other circumstances

12   exist, the highest ranking deputy sheriff in the county

13   would serve as acting sheriff.

14

15   A BILL

16   TO BE ENACTED

17   AN ACT

18

19   Relating to sheriffs; to provide for the acting sheriff

20 when the office of sheriff of a county is vacant or when

21 certain other circumstances exist in the county; and to repeal

22 Section 11-5-5 of the Code of Alabama 1975, relating to the

23 county coroner serving as sheriff when the office of sheriff

24 is vacant or when certain other circumstances exist in the

25 county.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

27   Section 1. For the purpose of maintaining order and

28 avoiding the disruption in the provision of law enforcement

29 services and the operation of the county jail, the highest

30 ranking deputy sheriff in the office of the sheriff shall

31 discharge the duties of the sheriff when any of the following

32 apply:

33   (1) When the office of the sheriff is vacant and until

34 a successor is qualified.

35   (2) When the sheriff is incompetent to act.

36   (3) When the sheriff is imprisoned.

37   (4) In any civil or criminal proceeding in which the

38 sheriff is a party.

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

40   Section 2. Section 11-5-5 of the Code of Alabama 1975,

41 relating to the county coroner serving as sheriff under

42 certain conditions, is repealed.

43   Section 3. This act shall become effective on the first

44 day of the third month following its passage and approval by

45 the Governor, or its otherwise becoming law.