

1 SB161
2 209125-1
3 By Senator Whatley
4 RFD: Judiciary
5 First Read: 02-FEB-21

SYNOPSIS: Under existing law, when the office of the sheriff of a county is vacant or in certain other circumstances when existing law has provided that it is not appropriate for the sheriff to serve, the county coroner discharges the duties of the sheriff.

This bill would provide that when the office of sheriff is vacant or when certain other circumstances exist, the highest ranking deputy sheriff in the county would serve as acting sheriff.

A BILL
TO BE ENTITLED
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 Section 11-5-5 of the Code of Alabama 1975, relating to

1 the county coroner serving as sheriff when the office of
2 sheriff is vacant or when certain other circumstances exists
3 in the county.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. In any county, the highest ranking deputy
6 sheriff in the office of the sheriff shall discharge the
7 duties of the sheriff when any of the following apply:

8 (1) When the office of the sheriff is vacant and
9 until his or her successor is qualified.

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

11 (3) When the sheriff is imprisoned.

12 (4) In any case in which the sheriff is a party.

13 (5) In any case when he or she is directed by the
14 judge of probate.

15 Section 2. Section 11-5-5 of the Code of Alabama
16 1975, relating to the county coroner serving as sheriff under
17 certain conditions, is repealed.

18 Section 3. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.