

1 HB304  
2 209125-1  
3 By Representative Lawrence  
4 RFD: Public Safety and Homeland Security  
5 First Read: 03-FEB-21

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

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

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20 A BILL  
21 TO BE ENTITLED  
22 AN ACT

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24 Relating to sheriffs; to provide for the acting  
25 sheriff when the office of sheriff of a county is vacant or  
26 when certain other circumstances exist in the county; and to  
27 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17 certain conditions, is repealed.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.