

O.C.G.A. § 15-16-26

Current Through the 2016 Regular Session

[Official Code of Georgia Annotated](#) > [TITLE 15. COURTS](#) > [CHAPTER 16. SHERIFFS](#) > [ARTICLE 1. GENERAL PROVISIONS](#)

§ 15-16-26. Investigation of charges against sheriff; suspension; additional investigations; assumption of sheriff's duties; indictment for felony

- (a) Whenever the Governor determines that an investigation of a sheriff of this state should be made as a result of criminal charges, alleged misconduct in office, or alleged incapacity of the sheriff to perform the functions of his office, he shall appoint two sheriffs who are members of the Georgia Sheriffs' Association who, along with the Attorney General, shall constitute a committee to conduct an investigation. Such sheriffs may be from any two counties in the state other than the county of the sheriff under investigation. The members of any such committee shall receive no compensation for their services but shall be reimbursed for any expenses incurred in connection with an investigation. The funds necessary to conduct an investigation shall come from the funds appropriated to the executive branch of state government.
- (b) Any member of the committee shall be authorized to administer oaths to any witness before the committee. The committee shall make a report of its investigation to the Governor within 30 days from the date of the appointment of both sheriff members by the Governor.
- (c) If the committee recommends the suspension of the sheriff, the Governor shall be authorized to suspend the sheriff for a period of up to 60 days. In any case where a sheriff has been suspended for 60 days, the Governor may extend the period of suspension for an additional 30 days. Upon such recommendation, the Governor shall also be authorized to request the district attorney of the county of the sheriff's residence to bring a removal petition against the sheriff pursuant to subsection (b) of [Code Section 15-16-10](#) based upon the evidence reported by the committee. In the event that the Governor determines that further investigation should be made, he or she may then order additional investigation by the committee, by the Georgia Bureau of Investigation, by other law enforcement agencies of this state, or by any special committee appointed by the Governor for such purpose.
- (d) Except as provided in subsection (e) of this Code section, the chief judge of the superior court of the county of the sheriff's residence shall appoint a person who meets the qualifications for sheriffs pursuant to [Code Section 15-16-1](#) to assume the duties and responsibilities of the office of sheriff during any period of suspension.
- (e) Upon indictment for a felony, the provisions of [Code Section 45-5-6](#) shall apply.
- (f) The remedy provided by this Code section is intended to be cumulative of other remedies available on the subject and is not intended to repeal such remedies.

History

Ga. L. 1968, p. 1248, §§ 1-4; Ga. L. 1982, p. 425, § 1; Ga. L. 1984, p. 1279, § 2; [Ga. L. 2012, p. 173, § 2-8/HB 665](#); [Ga. L. 2013, p. 141, § 15/HB 79](#).

Annotations

Notes

THE 2013 AMENDMENT,

effective April 24, 2013, part of an Act to revise, modernize, and correct the Code, deleted "and [Code Section 15-16-26](#)" following "[Code Section 15-16-10](#)" in the third sentence of subsection (c).

Case Notes

JUDICIAL DECISIONS**CITED in**

[Manders v. Lee, 338 F.3d 1304 \(11th Cir. 2003\); DeKalb County Sch. Dist. v. Ga. State Bd. of Educ., 294 Ga. 349, 751 S.E.2d 827 \(2013\).](#)

Research References & Practice Aids

OPINIONS OF THE ATTORNEY GENERAL

MAYOR AND COUNCIL WITHOUT AUTHORITY TO INVESTIGATE. --Mayor and council of the consolidated government of a city of this state do not have the authority to investigate the office of sheriff of the consolidated government. 1975 Op. Att'y Gen. No. U75-36.

ALR. --

Confidentiality of proceedings or reports of judicial inquiry board or commission, [5 ALR4th 730](#).

Hierarchy Notes:

[Title Note](#)

Hierarchy Notes:

[Chapter Note](#)

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