

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE BILL 328

Short Title: Wayne Sheriff Vacancies. (Local)

Sponsors: Representatives Sager and LaRoque (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 14, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A VACANCY IN THE OFFICE OF SHERIFF IN WAYNE
3 COUNTY IS FILLED BY RECOMMENDATION OF THE EXECUTIVE COMMITTEE
4 OF THE POLITICAL PARTY OF THE VACATING SHERIFF.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 162-5.1 reads as rewritten:
7 "**§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief**
8 **deputy.**

9 If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all
10 process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the
11 residue of the term, who shall possess the same qualifications, enter into the same bond, and be
12 subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a
13 political party, the board of commissioners shall consult the county executive committee of that
14 political party before filling the vacancy, and shall elect the person recommended by the county
15 executive committee of that party, if the party makes a recommendation within 30 days of the
16 occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall
17 continue to discharge the duties of sheriff until it shall be filled.

18 In those counties where the office of coroner has been abolished, the chief deputy sheriff, or
19 if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties
20 of the sheriff until the county commissioners appoint some person to fill the unexpired term. In
21 all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to
22 perform their duties with full authority.

23 This section shall apply only in the following counties: Alamance, Alexander, Alleghany,
24 Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay,
25 Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood,
26 Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New
27 Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson,
28 Stanly, Stokes, Surry, Transylvania, Wake, Wayne, and Yancey."

29 **SECTION 2.** This act is effective when it becomes law.

