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COURTS Sheriffs: Prohibit Sheriffs from Engaging in Private Security, Private Investigation, or Bail Bond Businesses

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COURTS

Sheriffs: Prohibit Sheriffs from Engaging in Private Security, Private Investigation, or Bail Bond Businesses

CODE SECTION:	O.C.G.A. § 15-16-4.1 (new)
BILL NUMBER:	SB 117
ACT NUMBER:	62
GEORGIA LAWS:	2003 Ga. Laws 320
SUMMARY:	The Act prohibits sheriffs from engaging either directly or indirectly in any private security business, any private investigation business, any bail bond business, or any wrecker towing business. The Act also defines the term “engaging indirectly” as it applies to a sheriff’s activities.
EFFECTIVE DATE:	July 1, 2003

History

SB 117 was introduced at the request of the Georgia Sheriffs’ Association.¹ Also, legislators “believed that there were instances in which sheriffs [in Georgia] had abused their authority.”² The widely publicized accusations of corruption and scandal which surrounded former Dekalb County Sheriff Sidney Dorsey was most prominent in legislators’ minds during this legislation’s inception.³ The grand jury had indicted Dorsey for the murder of Sheriff-elect Derwin Brown.⁴ The State had also charged Dorsey with using Dekalb County deputies under his power to work at a security firm he owned.⁵ Furthermore, Dekalb District Attorney J. Tom Morgan alleged that

1. See Telephone Interview with Terry Norris, Georgia Sheriffs’ Association (Nov. 3, 2003).

2. See Telephone Interview with Sen. Daniel Lee, Senate District No. 27 (May 15, 2003) [hereinafter Lee Interview].

3. See *id.*; see generally Dana Tofig, *Ex-Sheriff Convicted of Murder: Why Dorsey Went Down*, ATLANTA J. CONST., July 11, 2003, at 1A. Thus, legislators unofficially referred to this bill as the “Dekalb County” bill. *Id.*

4. Tofig, *supra* note 3.

5. *Id.*

Dorsey coerced on-duty deputies to act as chauffeurs for his family and friends and that he accepted sexual and monetary bribes from a Dekalb County bonding company owner.⁶ The District Attorney also accused Dorsey of prematurely releasing from incarceration a friend and former employee of his security company.⁷ Sheriff-elect Brown had pledged to uncover scandals involving Dorsey, and investigators subsequently linked Brown's murder to Dorsey's corrupt actions.⁸

After the scandal unfolded in Dekalb County, legislators recognized that "a great potential for conflicts of interest" exists when a sheriff engages in activities such as private security, investigation, or bail bonding.⁹ The bill was proposed as an effort to avoid these conflicts of interest and was supported by the Georgia Sheriffs' Association.¹⁰ The Georgia Sheriffs' Association was primarily concerned with protecting the integrity of sheriffs and had previously sponsored an identical bill in the House.¹¹

SB 117

Senators Bill Hamrick, Charlie Tanksley, Steve Thompson, Daniel Lee, and Rene Kemp of the 30th, 32nd, 33rd, 27th, and 3rd districts, respectively, sponsored SB 117.¹² The bill was assigned to the Senate Judiciary Committee on February 11, 2003.¹³ The Senate Committee favorably reported the bill on March 4, 2003, adding minor changes.¹⁴ The Senate passed the bill, as substituted, by a vote of 45 to 5 on March 6, 2003.¹⁵

The Speaker assigned the bill on March 24, 2003 to the House Committee on Special Judiciary.¹⁶ The House Committee favorably

6. See Tofig, *supra* note 3.

7. *Id.*

8. *Id.*

9. See Lee Interview, *supra* note 2.

10. *Id.*

11. See Telephone Interview with Terry Norris, Georgia Sheriffs' Association (June 6, 2003).

12. See SB 117, as introduced, 2003 Ga. Gen. Assem.

13. See State of Georgia Final Composite Status Sheet, SB 117, Apr. 25, 2003.

14. See *id.* Compare SB 117, as introduced, 2003 Ga. Gen. Assem., with SB 117 (SCS), 2003 Ga. Gen. Assem. The substitution affected Code section 15-16-4.1 rather than Code section 15-16-29 and added that a violation of the new law would be a violation of a sheriff's oath and not merely an unlawful act. The Committee also added "wrecker towing business" to the list of a sheriff's prohibited activities. Compare SB 117, as introduced, 2003 Ga. Gen. Assem., with SB 117 (SCS), 2003 Ga. Gen. Assem.

15. See Georgia Senate Voting Record, SB 117 (Mar. 6, 2003).

16. See State of Georgia Final Composite Status Sheet, SB 117, Apr. 25, 2003.

reported the bill on April 17, 2003, making two notable changes.¹⁷ First, the House Committee changed the prohibition on a sheriff's activities to apply only in the county in which the sheriff has jurisdiction.¹⁸ Second, the House Committee prohibited only a sheriff's *unemancipated* children from engaging in the prohibited activities.¹⁹ The House passed the bill, as substituted, on April 22, 2003.²⁰ The Senate agreed to the House substitute, without further change or discussion, on April 25, 2003, the final day of the legislative session.²¹ On May 2, 2003, the Senate sent the bill to Governor Sonny Perdue, who signed the bill on May 29, 2003.²²

The Act

The Act adds new Code section 15-16-4.1, which prohibits a sheriff from engaging, either directly or indirectly, in a private security, private investigation, bail bonding, or wrecker towing business.²³ Code section 15-16-4.1 does not prohibit a sheriff from engaging in prohibited activities outside the county in which that sheriff has jurisdiction, nor does it prohibit a sheriff's emancipated children from engaging in prohibited activities.²⁴

Courtney Elizabeth Marcelo

17. *Id.*

18. *Compare* SB 117 (SCS), 2003 Ga. Gen. Assem., *with* SB 117 (HCS), 2003 Ga. Gen. Assem.

19. *Compare* SB 117 (SCS), 2003 Ga. Gen. Assem., *with* SB 117 (HCS), 2003 Ga. Gen. Assem.

20. *See* State of Georgia Final Composite Status Sheet, SB 117, Apr. 25, 2003.

21. *See id.*; Audio Recording of Senate Proceedings, Apr. 25, 2003, at <http://www.ganet.org/services/leg/audio/2003archive.html>.

22. 2003 Ga. Laws 320.

23. *See* O.C.G.A. § 15-16-4.1 (2003).

24. *See id.*; *see also* Audio Recording of Senate Proceedings, Mar. 6, 2003, at <http://www.ganet.org/services/leg/audio/2003archive.html>.