

## **Chapter 162.**

### **Sheriff.**

#### Article 1.

#### The Office.

#### **§ 162-1. Election and term of office.**

In each county a sheriff shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold his office for four years. (Const., art. 4, s. 24; Rev., s. 2808; C.S., s. 3925.)

#### **§ 162-2. Disqualifications for the office.**

(a) No person shall be eligible for the office of sheriff if any of the following apply:

- (1) The person is not of the age of 21 years.
- (2) The person has been convicted of a felony in this State, the United States, or any other state, whether or not that person has been restored to the rights of citizenship or granted an expunction. This subdivision shall not include an unconditional pardon of innocence.
- (3) The person is not a qualified voter in the county in which the candidate is chosen.

(b) Notwithstanding Article 5 of Chapter 15A of the General Statutes, any person filing a notice of candidacy, or any appointee selected to fill a vacancy, to the office of sheriff shall provide a statement of disclosure prepared by the North Carolina Sheriffs' Education and Training Standards Commission in accordance with Article 3 of Chapter 17E of the General Statutes.

(c) No person shall engage in the practice of law or serve as a member of the General Assembly while serving as sheriff. (1777, c. 118, ss. 2, 4, P.R.; 1806, c. 699, s. 2, P.R.; 1829, c. 5, s. 6; 1830, c. 25, ss. 2, 3; R.C., c. 105, ss. 5, 6, 7; Code, ss. 2067, 2068, 2069; Rev., s. 2809; C.S., s. 3926; 1971, c. 1231, s. 1; 1983, c. 670, s. 1; 2021-107, s. 1.)

#### **§ 162-3. Sheriff may resign.**

Every sheriff may vacate his office by resigning the same to the board of county commissioners of his county; and thereupon the board may proceed to elect another sheriff. (1777, c. 118, s. 1, P.R.; 1808, c. 752, P.R.; R.C., c. 105, s. 15; Code, s. 2077; Rev., s. 2810; C.S., s. 3927.)

#### **§ 162-4. Repealed by Session Laws 1979, c. 518.**

#### **§ 162-5. Vacancy filled; duties performed by coroner or chief deputy.**

(a) If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the first meeting of the board of county commissioners next succeeding such vacancy, when the board of county commissioners shall appoint a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected.

(b) If the board of county commissioners should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled. In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the board of county

commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

(c) The board of county commissioners shall not make any appointment under this section without first being presented with a valid disclosure statement of no felony convictions or expungements, issued within 90 days prior to the appointment, prepared by the North Carolina Sheriffs' Education and Training Standards Commission pursuant to Article 3 of Chapter 17E of the General Statutes with respect to the individual being appointed. (1829, c. 5, s. 8; R.S., c. 109, s. 11; R.C., c. 105, s. 11; Code, s. 2071; Rev., s. 2811; C.S., s. 3929; 1973, c. 74; 1983, c. 670, s. 2; 2021-107, s. 8(a).)

**§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.**

(a) If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board of county commissioners shall appoint a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected.

(b) If the sheriff were elected as a nominee of a political party, the board of county commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall appoint the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy.

(c) If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled. In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the board of county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

(d) The board of county commissioners shall not make any appointment under this section without first being presented with a valid disclosure statement of no felony convictions or expungements, issued within 90 days prior to the appointment, prepared by the North Carolina Sheriffs' Education and Training Standards Commission pursuant to Article 3 of Chapter 17E of the General Statutes with respect to the individual being appointed.

(e) This section shall apply only in the following counties: Alamance, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Stokes, Surry, Swain, Transylvania, Wake, Washington, Wayne, and Yancey. (1981, c. 763, ss. 10, 14; c. 830; 1983, c. 670, s. 2; 1987, c. 196, s. 3; 1989, c. 83; c. 497, s. 1; 1991, c. 15, s. 1; c. 558, s. 2; 2001-257, s. 2; 2003-39, s. 1; 2003-90, s. 1; 2009-32, s. 2; 2011-175, s. 4(a); 2012-25, s. 1; 2015-251, s. 1; 2019-5, s. 1; 2019-206, s. 1; 2021-107, s. 8(b); 2021-141, s. 1.)

**§§ 162-6 through 162-7. Repealed by Session Laws 1973, c. 108, s. 99.**