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Chapter X - Law Enforcement

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Chapter X - Law Enforcement

Sheriff

Civil Service System

Private Acts of 2007 Chapter 26

SECTION 1. The classified service to which this act shall apply shall include all positions and employees in the sheriff's department of Maury County except for the sheriff, his chief deputy, and any appointed position established in which the sheriff appoints the person to serve in such position.

SECTION 2. There is hereby created a civil service board to administer the terms of this act to be composed of five (5) members selected by the Maury county legislative body. After missing three (3) consecutive meetings a board member's position shall be vacated. The board chairman shall notify the county mayor of such vacancy. The board shall meet at least semiannually.

As amended by: Private Acts of 2023, Chapter 20.

SECTION 3. Civil service board members shall serve three year terms, but the initial appointments shall be:

- (1) Two (2) members selected by the county commission for one (1) year;
- (2) Two (2) members selected by the county commission for two (2) years; and
- (3) One (1) member selected by the county commission for three (3) years. All appointments thereafter shall be for three year terms.

SECTION 4. All members of the board shall receive such salary, if any, as determined by the Maury county legislative body in its sound discretion.

SECTION 5. The members of the board shall receive such salary, if any, as determined by the Maury county legislative body in its sound discretion.

SECTION 6. The civil service board shall elect a board member as chairman. The County Mayor or other person designated by the County Mayor shall serve as secretary to the civil service board without additional compensation. The secretary will be the keeper of the civil service board records.

As amended by: Private Acts of 2023, Chapter 20.

SECTION 7. The board as a body shall have the power:

- (1) To adopt and amend rules and regulations for the administration of this act, provided that no such rules and regulations conflict with the terms of this act.
- (2) To make investigations concerning the enforcement and effect of this act and to require observance of the rules and regulations made thereunder.
- (3) To hear and decide appeals and complaints respecting the administration of this act.
- (4) To keep any other such records as may be necessary for the proper administration of this act.

As amended by: Private Acts of 2023, Chapter 20.

SECTION 8. All persons in the employ of the office of the sheriff upon the effective date of this act who have completed their probationary period as classified service as provided under this act, shall be retained without preliminary or performance examinations, but shall thereafter in all other respects be subject to the provisions of this act.

SECTION 9. The Maury county human resources department shall establish job descriptions and minimum qualifications for sheriff's department jobs as provided in this act. The human resources director shall adopt a classification plan and make rules for its administration to meet state and county requirements.

SECTION 10. Upon request by the sheriff and funding by the Maury County legislative body, positions may be created, combined, altered, or abolished. Provided, however, that no position in the classified service shall be abolished except upon approval of the county legislative body acting in good faith upon the advice of the sheriff.

As amended by: Private Acts of 2023, Chapter 20.

SECTION 11. The sheriff may approve leaves of absence subject to requirements of state and federal laws. Sheriff's department employees covered by this act shall receive the same vacation, sick leave and

other leaves provided to other county employees by regular county human resources policies.

SECTION 12. [Deleted by 2023 Amendment to Private Acts]

As amended by: Private Acts of 2023, Chapter 20.

SECTION 13. [Deleted by 2023 Amendment to Private Acts]

As amended by: Private Acts of 2023, Chapter 20.

SECTION 14. [Deleted by 2023 Amendment to Private Acts]

As amended by: Private Acts of 2023, Chapter 20.

SECTION 15. All employees in classified service may be transferred from one position to another in the same class, but not otherwise. Higher classified persons desiring to apply for lower classified positions shall be required to apply for the position as all other applicants must do. In cases where a higher classified person for medical or compassionate reasons needs to be reassigned to a lower classified position which the person has previously held, this may be allowed by the civil service board upon a request by the sheriff. The reassigned positions classification and rate of pay shall be according to county human resources policy. Transfers may be instituted only by the sheriff and shall be permitted only with the consent of the sheriff.

SECTION 16. The practice and procedure of the board with respect to any investigation shall be in accordance with the rules and regulations established by the board. The board shall provide for reasonable notice to all persons affected by any order to be made by the board after such investigation, with an opportunity to be heard either in person or by counsel and to introduce testimony at a public hearing to be held for that purpose.

The board, when conducting any investigations or hearings authorized by this act, shall have the power to administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. In case of the disobedience of any person in complying with the orders of the board or of a subpoena issued by the board or any of its members, or on the refusal of a witness to testify on any matter on which such witness may be lawfully interrogated, the judge in any court of record within the county on application of any member of the board, shall compel obedience by contempt proceedings. The sheriff or his legal deputy shall serve such subpoenas that are issued by the board.

SECTION 17. The sheriff may suspend any employee for not more than ten (10) days for cause, but there shall be a right of appeal for any such suspension. The sheriff may demote any employee with rank for cause, but there shall be a right of appeal for any such demotion. The board shall have the power to reverse the sheriff's decision and reinstate employees with lost wages in such matters.

All suspensions, terminations, and demotions shall also comply with county general personnel policies.

All appeals to the board must be filed within ten (10) days of the sheriff's disciplinary action and shall be heard by the board within thirty (30) days of the board's receipt of the appeal request.

As amended by: Private Acts of 2023, Chapter 20.

SECTION 18. No person holding a position in the classified service shall take an active part in any political campaign while on duty. In addition, no employee of the sheriff's department shall solicit money for political campaigns or in any way use his position as a deputy sheriff so as to indicate his personal political feelings are those of the sheriff's department or to use his position as deputy sheriff to exert any pressure on anyone or on a group of people to sway that person's or persons' political views. No employee while on duty nor any officer while in uniform shall display any political advertising or paraphernalia on their person. No employee of the sheriff's office shall make any public endorsement of any candidate in any campaign for elected office. However, nothing in this act shall be construed to prohibit or prevent any such employee from becoming or continuing to be a member of a political club or organization and enjoying all the rights and privileges of such membership or from attending any political meetings, while not on duty, or in the course of official business nor shall such person be denied from enjoying any freedom or interference in the casting of their vote. Any person violating the provisions of this section shall be dismissed from the service of the office of the sheriff.

SECTION 19. The act shall not be held or construed to create any property rights or any vested interests in any position in the classified service and the right is hereby reserved to repeal, alter, amend this act, or any provision thereof at any time.

SECTION 20. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 21. This act shall have no effect unless it is approved by a two-thirds (2/3) vote fo the legislative body of Maury County. Its approval or nonapproval shall be proclaimed by the presiding officer

of Maury County and certified to the secretary of state.

SECTION 22. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 21.

Passed: April 4, 2007.

Private Acts of 1949 Chapter 310

SECTION 1. That the County Courts of all counties in the State of Tennessee having a population of not less than 40,300, nor more than 40,400, according to the Federal Census of 1940, or any subsequent Federal Census, are hereby authorized to appropriate up to but not exceeding \$3,000.00 for the purpose of acquiring, having installed and maintaining an adequate, modern, efficient, two-way radio broadcasting system, to be operated in conjunction with the office of the Sheriffs of such counties in the suppression of crime, the apprehension of criminals and the maintenance of peace and order in such counties. The title to any equipment bought under this Act shall at all times be vested in the county, but the Sheriffs of such counties may be designated as custodian of any equipment bought under this Act and will be held accountable for such property to the fiscal officer of the County Quarterly Court.

SECTION 2. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 24, 1949

Law Enforcement - Historical Notes

Jails and Prisoners

The following acts once affected jails and prisoners in Maury County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1809, (Sept. Sess.), Chapter 76, authorized the Commissioners of Columbia to build the jail for Maury County in some convenient part of Columbia on land that was then unsold but not on the public square.
2. Private Acts of 1971, Chapter 198, provided for the election of a five (5) member Jail- Workhouse Committee from among the members of the county commission. Private Acts of 1989, Chapter 54, repealed the Private Acts of 1971, Chapter 198.

Militia

Those acts once affecting Maury County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1815, Chapter 119, was a new statewide military code for Tennessee. The table of Organization established all of the county units then existing in Tennessee. Maury County had three units which were designated as the 27th, 46th, and 51st Regiments, respectively.
2. Public Acts of 1819, Chapter 68, revised and amended many parts of the State's Militia Law. Maury County retained its 27th, 46th, and 51st Regiments. The 27th Regiment would call and hold its annual Regimental muster and drill on the second Saturday in September, the 46th Regiment would do the same on the third Saturday of September, and the 51st on the fourth Saturday of the same month. The remainder of this long and involved law addressed itself to the details of organization, operation, logistics, and discipline of the entire military structure of the State.
3. Public Acts of 1825, Chapter 69, declared that free men and indentured servants between the ages of eighteen years and forty-five years would constitute the State Militia. Some few exceptions were mentioned. Maury County had the 27th, 46th, 51st, and 93rd Regiments, all assigned to the Fifth Brigade. The 27th Regiment would muster on the third Wednesday in September, the 46th Regiment on the following Saturday. The 51st Regiment was scheduled to meet for its annual drill and inspections on the fourth Wednesday in September, and the 93rd on the following Saturday. Many other changes were made to the military system primarily of a technical, or organizational nature.
4. Public Acts of 1835-36, Chapter 21, was a reorganization of the whole state militia law and units. Maury County's Regiments were numbered as the 77th, 78th, 79th, 80th, and 142nd. A company would be composed of a Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three (3) Sergeants, three (3) corporals, and no less than forty-five (45) privates.

5. Acts of 1837-38, Chapter 156, scheduled county drills and musters for every county militia unit in Tennessee. Maury County would convene and drill its units on the Thursday and Friday following the second Friday in September. Maury, Marshall, and Bedford Counties' units made up the Twelfth Brigade.
6. Acts of 1839-40, Chapter 56, limited membership in the Militia of the State to white, male, inhabitants between the ages of eighteen and forty-five years, with some exceptions specified. The organizational Table did not make any changes in the regiments of Maury County, but fixed a new schedule for musters in the County.

Offenses

The act briefly summarized below fell into this category in Maury County.

1. Private Acts of 1917, Chapter 200, made it unlawful to operate a pool or billiard hall outside municipal boundaries in Maury County. Violation of the act was punishable by a fine of not more than \$50 and by imprisonment in the workhouse for not more than three months or both such fine and imprisonment.

Sheriff

The following acts have no current effect but are included here for reference purposes since they once applied to the Maury County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1813, Chapter 54, directed the Sheriff of Maury County to hold an election at the Courthouse in the Town of Columbia for the purpose of electing five suitable persons to serve as commissioners for the Town.
2. Private Acts of 1823, Chapter 186, permitted the Sheriffs of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington counties to appoint one deputy each in addition to the number then fixed by law. The act was repealed entirely by Private Acts of 1978, Chapter 248.
3. Acts of 1837-38, Chapter 306, allowed the respective sheriffs of Maury, Hawkins, and Monroe Counties to appoint another additional deputy sheriff to assist in the conduct of their offices.
4. Acts of 1851-52, Chapter 367, permitted the Sheriff of Maury County to employ another deputy sheriff in addition to all those previously authorized by law. The act also authorized the boundary line to be run between Maury and Lewis Counties.
5. Private Acts of 1927, Chapter 684, fixed the Sheriff's salary at \$2,500 in Maury County provided he filed a sworn, itemized statement of the fees received in his office. If the fees, excluding prisoner's board and turn key, failed to reach \$2,500, the County would pay him the difference but, if they exceeded that amount, the Sheriff could retain the excess.
6. Private Acts of 1929, Chapter 258, was almost identical to Private Acts of 1929, Chapter 918, below, except the salary was \$2,400 and an error was made in the citation of the act to be repealed.
7. Private Acts of 1929, Chapter 918, repealed Private Acts of 1927, Chapter 684, and provided that the Sheriff be paid \$2,500 in salary, payable monthly by the County Judge on warrants drawn on the general fund, in addition to all the fees and emoluments of his office. The Sheriff was empowered to appoint and remove any deputies he considered essential without approval of County Court. The deputies' salaries were to be paid out of the fees of the office.
8. Private Acts of 1933, Chapter 505, declared that the Sheriff of Maury County would not be entitled to receive more than \$3,000 annually for any year during his term of office and that the act was not to be construed as modifying or interfering with Section 10,728-10,747, Code of Tennessee of 1932.
9. Private Acts of 1939, Chapter 200, authorized the Quarterly Court of Maury County to create the position of Special Investigator of Crime for a term of two years. This official would investigate crimes and submit the evidence thereof to the District Attorney of the State in that County. He would be paid by the County, and any Deputy Sheriff or Constable otherwise qualified would be eligible for the office without resigning their offices. Following the initial two-year term, the Quarterly Court would have the option to fill the position for another term.
10. Private Acts of 1943, Chapter 187, appointed the Maury County Sheriff as the custodian of the County Courthouse, empowering the said custodian to regulate and designate office space in the courthouse for all Judges, Chancellors, and County Officers.
11. Private Acts of 1967-68, Chapter 196, placed the salary of the Sheriff and deputies on the basis of T.C.A. 8-2404 but also gave the deputies tenure after six months employment so that the Sheriff

could not discharge them without cause. Any discharge after the six month period would only serve as a suspension until the said action was confirmed by a Board elected by the County Court. The act was not approved locally and did not become law.

12. Private Acts of 1978, Chapter 248, repealed Private Acts of 1823, Chapter 186.
13. Private Acts of 1968, Chapter 475, which enacted the Sheriff's Civil Service law in Maury County, was repealed by Private Acts of 2024, Chapter 51.

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