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# Chapter X - Law Enforcement

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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.

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Table of Contents

|   |            |
|---|------------|
| <b>Chapter X - Law Enforcement .....</b>        | <b>. 3</b> |
| <b>Jail Commission .....</b>                    | <b>. 3</b> |
| <b>Private Acts of 1933 Chapter 848 .....</b>   | <b>. 3</b> |
| <b>Junkyards .....</b>                          | <b>. 3</b> |
| <b>Private Acts of 1959 Chapter 340 .....</b>   | <b>. 3</b> |
| <b>Sawdust in Streams .....</b>                 | <b>. 4</b> |
| <b>Private Acts of 1911 Chapter 362 .....</b>   | <b>. 4</b> |
| <b>Law Enforcement - Historical Notes .....</b> | <b>. 4</b> |

# Chapter X - Law Enforcement

## Jail Commission

### Private Acts of 1933 Chapter 848

**SECTION 1.** That in counties of this State having a population of not less than 35,000 nor more than 35,150 according to the Federal Census of 1930 or any subsequent Federal Census, the sheriff thereof shall be paid the sum of Thirty-five Hundred (\$3,500) Dollars per year, payable monthly out of the county treasury. In addition thereto such sheriff may appoint a jailer who shall have charge and care of the County jail. Such jailer shall be paid the sum of Nine Hundred (\$900.00) Dollars per annum, payable monthly out of the county treasury. The above compensation shall be in full of all compensation for the services of the said sheriff as above mentioned and all fees and other emoluments of office which would accrue to him in the absence of this law shall be and become the property of the County.

It shall be the duty of the sheriff of such counties, not later than the tenth of each month, to make a report to the county judge and to turn over to such official all sums which may have been collected by him during the preceding calendar month by virtue of his position as sheriff, which report shall be in itemized form and contain a true and accurate list of the office accruing to such sheriff by virtue of his position.

**SECTION 2.** That after the effective date of this Act the sheriffs of such counties shall be deprived of any and all emoluments which might otherwise accrue to them by virtue of the board of prisoners after conviction and in such counties all accounts for supplies and clothing and the board and upkeep of such prisoners shall be paid by the county. There is hereby created a Jail Commission composed of the county judge, county court clerk and sheriff of such counties, whose duties it shall be to provide clothing, bedding and food for prisoners in such county jails as now provided by law. Such Jail Commission shall be vested with exclusive power to make all purchases of food, bedding, clothing and other supplies for prisoners in the jails of said counties and such supplies, food, clothing, etc. shall be paid out of the General County Account by warrant issued by the county court clerk and signed by the county judge, after approved bills therefor have been filed in his office, which said bills shall be approved by a majority of said Jail Commission. In case there shall be any prisoners held in said jail under the authority to convictions in courts of the United States, such prisoner shall be provided for in the same manner as provided in the above section but all sums paid by the United States for their care and upkeep shall be and become the property of the county.

**SECTION 3.** That it shall be unlawful for any sheriff in counties affected by this Act to fail and refuse to make the reports herein called for to the county judge or to make an incorrect report, or to willfully convert to his own use any sums belonging to the county under this Act. It shall also be a misdemeanor for any sheriff in counties affected by this Act to share in or receive any portion of the fees accruing to his deputies under the provision of any Act allowing the same to such deputies.

**SECTION 4.** That this Act shall take effect from and after Sept. 1, 1934, the public welfare requiring the same.

Passed: April 22, 1933.

## Junkyards

### Private Acts of 1959 Chapter 340

**SECTION 1.** That hereafter in counties having a population of not less than 41,035 nor more than 41,055, according to the Federal Census of 1950 or any subsequent Federal Census, it shall be unlawful for any person, persons, firm or corporation to maintain a junkyard within five hundred (500) feet of the property line of any church, synagogue, temple, chapel, or other place of worship.

**SECTION 2.** That as used in this Act, the term "junkyard" shall mean any place or location where three or more incapacitated motor vehicles are kept, located, or stored, for the purpose of being scrapped, dismantled, or sold for junk as a whole or in parts.

**SECTION 3.** That violation of the provisions of this Act shall be a misdemeanor, punishable upon conviction thereof by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00). Each day that such violation is continued shall be deemed a separate offense.

**SECTION 4.** That a junkyard maintained in violation hereof is hereby declared a public nuisance.

**SECTION 5.** That the Legislature expressly declares that each section and provision of this Act is severable, and that should any provision of this Act be held unconstitutional or invalid by a court of competent jurisdiction, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 6.** That this Act shall have no effect unless the same shall have been approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of any county to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be certified by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

**SECTION 7.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 19, 1959.

## Sawdust in Streams

### Private Acts of 1911 Chapter 362

**SECTION 1.** That it shall be unlawful for any person, firm, or corporation, in counties whose population is not more than 31,090 nor less than 31,080 as shown by the Federal census of 1910 or any subsequent Federal census, to place or cause to be placed in any of the running streams, lakes, or ponds, or place or cause to be placed so near the banks of any running streams, lakes, and ponds, so that the same will be washed therein by high tides or overflows, any sawdust, shavings, or off fallings from sawmills or planing machines, or other refuse matter.

**SECTION 2.** That any violation of this Act shall be a misdemeanor, and the punishment for each offense shall upon conviction be a fine of not less than ten nor more than fifty dollars.

**SECTION 3.** That the grand juries of counties whose population is not more than 31,090 nor less than 31,080 as shown by the Federal census in 1910 or any subsequent Federal census, have inquisitorial power under this Act.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 18, 1911.

## Law Enforcement - Historical Notes

### **Jails and Prisoners**

The following act once affected jails and prisoners in Greene County, but is no longer operative.

1. Acts of 1805, Chapter 55, authorized a tax levy by the Greene County Court for the purpose of constructing a stone jail.

### **Militia**

Those acts once affecting Greene 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 1803, Chapter 1, was a militia law for Greene County, placing the county troop in the third regiment of the Tennessee militia, and specifying that the annual muster would be held in Greeneville on the second Thursday of October.
2. Acts of 1815, Chapter 119, specified that the Greene County militia was part of the third regiment.
3. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Greene County composed the third regiment and held regimental musters on the third Thursday in October.
4. Private Acts of 1824, Chapter 37, was another militia law for Greene County, which created the ninetieth regiment of the second battalion. The regimental muster was to be held on the second Thursday in October and the battalion would muster on the second Saturday in April of each year.
5. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Greene County composed the third regiment and ninetieth regiment; the third regiment held a regimental muster on the third Thursday in October, and the ninetieth regiment, on the fourth Thursday in October.

6. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalions, regiments, brigades and divisions. The militia of Greene County composed the seventh and eighth regiments of the state. The counties of Greene, Jefferson and Cocke constituted the second brigade of the first division.
7. Acts of 1837-38, Chapter 157, provided that the annual muster of the second brigade would be held on the first Friday and Saturday in September of each year in Greeneville.
8. Acts of 1839-40, Chapter 56, revised and amended the militia laws of the state. The militia of Greene County composed the seventh and eighth regiments of the second brigade. The seventh regiment held musters on the second Monday in October, while the eighth held musters on Tuesday the next day.
9. Public Acts of 1861, Chapter 1, revised and amended the militia laws of the state. The militia of Greene County composed the seventh and eighth regiments which were part of the second brigade. Regimental musters were held on the second Monday in October for the seventh regiment and on the next day for the eighth regiment.

### **Offenses**

The act briefly summarized below fell into this category in Greene County. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1997, Chapter 5, repealed the Private Acts of 1949, Chapter 588 and any other acts amendatory thereto, relative to the prohibition of pyrotechnics in Greene County.

### **Sheriff**

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

1. Acts of 1853-54, Chapter 76, authorized the sheriff of Greene County to appoint an additional deputy.
2. Acts of 1859-60, Chapter 122, released James Jones, the Greene County Sheriff, from payment of punitive damages of \$683.17 in a judgment granted to the state against him for late tax collection.
3. Public Acts of 1917, Chapter 47, set the salary of the Greene County Sheriff to \$2,000 per year.
4. Private Acts of 1919, Chapter 102, fixed the compensation for the Greene County Sheriff to \$600 per annum. The act was amended by Private Acts of 1929, Chapter 535, which increased the salary of the sheriff to \$1,200 per annum.
5. Private Acts of 1921, Chapter 852, provided that the sheriff was to receive \$600 annually for ex-officio services in addition to the other fees of this office. This act was repealed by Private Acts of 1923, Chapter 102.
6. Private Acts of 1925, Chapter 28, was identical to Private Acts of 1921, Chapter 852, which provided that the sheriff was to receive \$600 annually for ex-officio services in addition to the other fees of this office.
7. Private Acts of 1953, Chapter 381, abolished the fee system for compensation of the Greene County sheriff, setting his salary at \$6,500 annually, to be paid from the fees of his office, with any excess fees going into the county general fund.

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