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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.

Sincerely,

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# Chapter X - Law Enforcement

## Constables

### Public Acts of 1971 Chapter 231

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** Notwithstanding the provisions of any other Act to the contrary, the jurisdiction and all powers, duties and functions heretofore previously granted and vested in the office of constable in his capacity as a peace officer are hereby restored and reinstated to the full extent of the law. The provisions of this Act shall only apply to Hamblen County, Tennessee.

**SECTION 2.** The jurisdiction, duties, powers, and functions of the office of constable made reference to herein as being restored and reinstated are those matters that were repealed or amended by Section 8-1009 [8-10-109], Tennessee Code Annotated, and Section 8-1008 [8-10-108], Tennessee Code Annotated, and Sections 39-2007 [39-6-616], 39-2009 [39-6-618], 40-711 [40-6-210], 40-713 [40-6-212], 52-1401 [Repealed], 52-1403 [Repealed], 57-214 [57-5-202], 57-601 [57-9-101], 57-604 [57-9-103], 57-622 [57-9-201], and 59-852 [55-8-152], Tennessee Code Annotated, and Chapter 319 of the Public Acts of 1969 as codified in the Tennessee Code Annotated.

**SECTION 3.** That all laws or parts of laws in conflict with provisions of this Act, including but not limited to any of those provisions as set forth in Section 2 hereof, be and the same are hereby repealed and amended in order to more fully carry out the intent and provisions of this Act. The provisions of this Act shall prevail insofar as it relates to the office of constable as a peace officer in Hamblen County, Tennessee.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Hamblen County on or before the next regular meeting of the 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 proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 5.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 10, 1971.

## Offenses

### Regulation of Fireworks

#### Private Acts of 1947 Chapter 805

**COMPILER'S NOTE:** See Tennessee Code Annotated, Title 68, Chapter 22, for general statutes on the regulation and control of pyrotechnics.

**SECTION 1.** That from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics, as hereinafter defined, in all Counties of this State having a population of not less than 18,611 and not more than 18,615 inhabitants, according to the Federal Census of 1940 or any subsequent Federal Census.

The term "pyrotechnics" as used in this Act shall be held to mean any sparkler, squibb, rocket, firecracker, Roman candle, fire balloon, flashlight composition, fireworks or other similar device or composition used to obtain a visible or audible pyrotechnic display.

**SECTION 2.** That any article or articles of merchandise coming within the definition of "pyrotechnics" as defined in this Act are hereby declared to be contraband, and subject to confiscation whenever found within the boundaries of any County within this State to which this Act is applicable, and it shall be the duty of the Sheriff of any such County, and all peace officers, to seize such article or articles and destroy the same.

**SECTION 3.** That any person guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty (\$50.00) Dollars and

not more than Four Hundred (\$400.00) Dollars, or by confinement in the County jail for not less than thirty days and not more than eleven months and twenty-nine days, or by both such fine and imprisonment in the discretion of the Court.

**SECTION 4.** That nothing in this Act shall be construed as applying to persons, firms and corporations conducting public displays of pyrotechnics by contract or arrangement with any State Fair, patriotic assembly or similar public functions, who acquire all articles used in such pyrotechnic displays from points outside the Counties in this State to which this Act is applicable, and keep such pyrotechnic articles in their possession at all times during the public gathering, and transport the same out of this County upon the conclusion of the arrangement or contract under which such pyrotechnics are displayed for public entertainment.

**SECTION 5.** That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

**SECTION 6.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1947.

## Law Enforcement - Historical Notes

### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Hamblen County Sheriff's Office.

1. Private Acts of 1917, Chapter 276, set the Sheriff's salary at \$800 per year, and required that he file an annual statement of all the fees collected by his office.
2. Private Acts of 1925, Chapter 540, set the Sheriff's salary at \$1,200 annually, in addition to the fees of his office.
3. Private Acts of 1929, Chapter 564, provided that the Sheriff be paid \$1,800 per annum; his first deputy was to receive \$85 per month and his second deputy was to receive \$50 per month.
4. Private Acts of 1933, Chapter 763, provided the Hamblen County Sheriff was to receive \$2,500 per year as his only compensation. All the fees from his office were to be paid into the County Treasury.

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