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Inspection of Pawnbroker's Records

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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Reference Number: CTAS-1284

All pawnbrokers are required to record certain information at the time of making a pawn transaction or a buy-sell transaction. T.C.A. § 45-6-209(b). These records must be delivered to the appropriate law enforcement agency by mail or in person, or electronically if requested by the law enforcement agency, within 48 hours following the day the transactions were made. In addition, these records must be made available for inspection each business day, except Sunday, by the sheriff of the county and the chief of police of the municipality in which the pawnshop is located. T.C.A. §§ 45-6-209(d) and (e); 45-6-213(a); and 45-6-221.

Pursuant to T.C.A. § 45-6-209(b)(7), a pilot project has been established in Knox and Shelby counties that requires the pawnbroker to take the right thumbprint of the pledgor at the time of making the pawn or buy-sell transaction. If taking the right thumbprint is not possible the pawnbroker must take a fingerprint from the left thumb or another finger and must identify on the pawn ticket which finger has been used. A thumb or fingerprint taken pursuant to T.C.A. § 45-6-209(b)(7) must be maintained by the pawnbroker for a period of five years from the date of the pawn transaction.

In Knox and Shelby counties, if the pawn transaction involves a firearm, the pawnbroker must exclude from the information sent to the sheriff's office or police department the name, address and identification numbers of the pledgor pawning the firearm. The name, address and identification numbers of the pledgor must remain with the pawnbroker along with the pledgor's thumbprint. A law enforcement officer inspecting a record involving a firearm may not take or record the name, address and identification numbers of the pledgor except pursuant to a subpoena. T.C.A. § 45-6-209(g)(1). If a court grants the request of a law enforcement officer for a subpoena to require production of the thumbprint of a pledgor taken and maintained by the pawnbroker, the pawnbroker must supply the law enforcement officer with the name, address and identification numbers of the pledgor whose thumbprint was subpoenaed. T.C.A. § 45-6-209(g)(2).

The attorney general has opined that a city does not have the authority to adopt an ordinance requiring the pledgor in a pawn transaction to place a thumbprint on the pawnbroker's copy of the pawn transaction. Op. Tenn. Atty. Gen. 00-071 (April 11, 2000). Nor does a city have the authority to adopt an ordinance requiring the pledgor in a pawn transaction to place a thumbprint on a form separate from the pawn ticket to be maintained by the pawnbroker and made available to law enforcement authorities. Op. Tenn. Atty. Gen. 00-167 (Oct. 26, 2000).

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