



March 12, 2025

Guard for Removal of Prisoner

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-1387

The sheriff is authorized to employ as many as two guards, if necessary, in removing a prisoner under T.C.A. § 41-4-121, and they shall each be allowed for such services as are provided for similar services in conveying convicts to the penitentiary. T.C.A. § 41-4-122. On demand made immediately preceding or during the term at which the prisoner is triable, the prisoner must be delivered to the sheriff or deputy sheriff of the county from which the prisoner was sent. T.C.A. § 41-4-123. When the court orders the prisoner to be carried to the jail of another county for safekeeping for want of a sufficient jail in the county where the case is pending, it may make a reasonable allowance to the sheriff and necessary guard, including expenses for conveying the prisoner to the jail so ordered by the judge. T.C.A. § 41-4-124. If the court directs the sheriff to summon more than two guards in order to carry safely any prisoner charged with a crime from one county to another for trial or safekeeping, the commissioner of finance and administration shall allow such additional guards ordered by the court the same compensation that is allowed by law to the two guards, and give a warrant for the same to the sheriff. T.C.A. § 41-4-126. See also T.C.A. § 8-26-108.

The jailer in such case may prove costs in the circuit or criminal court of the county and obtain the certificate of the district attorney general of that court thereto. The clerk of the court shall forward the same to the court where the cause is pending to be taxed in the bill of costs. T.C.A. § 41-4-125.

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