



July 22, 2024

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# Soliciting Unlawful Compensation

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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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## Soliciting Unlawful Compensation

Reference Number: CTAS-637

A public servant who requests a pecuniary benefit for the performance of an official action knowing that he or she was required to perform that action without compensation or at a level of compensation lower than that requested has committed the offense of solicitation of unlawful compensation, a Class E felony. T.C.A. § 39-16-104.

In addition, pursuant to T.C.A. § 8-21-101, a county official is not allowed to demand or receive fees or other compensation for any service further than is expressly provided by law. If any officer demands or receives any other or higher fees than are prescribed by law, such officer is liable to the party aggrieved in the penalty of \$50.00, to be recovered before any judge of the court of general sessions, and the officer also commits a Class C misdemeanor. T.C.A. § 8-21-103. See *State v. Dixie Portland Cement Co.*, 267 S.W. 595 (Tenn. 1925) (public officers can receive no fees or costs, except as expressly authorized by law). See also Op. Tenn. Atty. Gen. 95-118 (November 28, 1995) (As previously opined by this office, under *Bayless v. Knox County*, 199 Tenn. 268, 286 S.W.2d 579 (1955), and Tenn. Code Ann. § 8-21-101, a county or a county's chief law enforcement officer may only require or accept payment or other compensation if expressly authorized by statute. Op. Tenn. Atty. Gen. 91-76 (August 20, 1991). Op. Tenn. Atty. Gen. U91-76 (May 22, 1991). Op. Tenn. Atty. Gen. 88-199 (November 10, 1988). Op. Tenn. Atty. Gen. 88-93 (April 20, 1988)).

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