



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

November 13, 2024

Chapter X - Law Enforcement

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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Chapter X - Law Enforcement

Jails and Prisoners

Private Acts of 1943 Chapter 125

SECTION 1. That the County of Hamilton, State of Tennessee, by and through its County Council in regular or special session assembled is hereby authorized to purchase land in Hamilton County consisting of the amount of acreage the Council may deem necessary upon which to erect a County Workhouse and all other necessary buildings and the equipment for the same and to provide necessary equipment for farming and cultivating said land, and to purchase live stock.

SECTION 2. That said County Council is authorized to appropriate sufficient funds of the county to finance the same.

SECTION 3. That the Department of Highways and Public Works of Hamilton County may work the convicts of Hamilton County in the operation of said Work House and the farming and cultivation of said land.

SECTION 4. That all laws or parts of laws in conflict with this Act are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: Jnauary [sic] 22, 1943.

Private Acts of 1943 Chapter 326

COMPILER'S NOTE: This Act should be read in conjunction with Private Acts of 1915, Chapter 204.

SECTION 1. That Chapter 204 of the Private Acts of the General Assembly of the State of Tennessee for the year 1915, and any and all amendatory Acts thereof be and the same are hereby amended so as to provide as follows:

SECTION 2. That the Department of Highways and Public Works of Hamilton County, Tennessee, may work and use its County Convicts and prisoners in farming and cultivating any lands or farms owned or operated by Hamilton County, Tennessee.

SECTION 3. That all laws and parts of laws in conflict with this Act are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 5, 1943.

Hamilton County Penal Farm

Private Acts of 1973 Chapter 39

SECTION 1. The Silverdale facility in Hamilton County and heretofore named the "Hamilton County Penal Farm" by the County Council of said County, be and the same is hereby officially named the "Hamilton County Penal Farm" and authority is given to keep the necessary records as well as taking any other action deemed necessary for Hamilton County to make claim against the State of Tennessee for keeping State prisoners in said Hamilton County Penal Farm, and in the amount as is set out in Section 41-1143 of Tennessee Code Annotated.

SECTION 2. Before this act becomes effective the same must be approved by two-thirds (2/3) majority vote of the governing body of Hamilton County, the same being the County Council of said County, and, that said vote shall be taken within thirty (30) days from the enactment of this act. Its approval or nonapproval shall be proclaimed by the presiding officer of the governing body of Hamilton County, and shall be certified by him to the Secretary of State.

SECTION 3. All laws or parts of laws in conflict with this act are hereby repealed.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: April 4, 1973.

Offenses

Fireworks

Private Acts of 1955 Chapter 413

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 herein defined, in all Counties of this State having a population of not less than 208,000 and not more than 212,000 inhabitants according to the Federal Census of 1950, 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 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 \$50.00 and not more than \$400.00, 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 of 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 have no effect unless the same shall have been approved by two-thirds vote of the County Council of Hamilton County, Tennessee, on or before the next regular meeting of such County Council 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 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 18, 1955.

Police Radio Sets

Private Acts of 1961 Chapter 238

SECTION 1. That it shall be unlawful for any person to equip or operate inside any county of this State having a population of not less than 227,905 nor more than 240,523, according to the Federal Census of 1960, or any subsequent Federal Census, any motor vehicle with a high frequency police radio receiving set, unless such vehicle is being used by the Federal, State, Municipal or County government, a peace officer, or unless a permit for the use of the same shall have been granted as hereinafter prescribed.

SECTION 2. That any person desiring a permit from the Sheriff of said county or counties to operate a high frequency police radio receiving set in a motor vehicle inside the county shall file an application with that County Sheriff in writing, stating the name of the applicant, the license number, engine number, model and make of the motor vehicle in which it is desired to install such set and shall furnish a photograph of applicant and his finger-prints. The application shall also state the reason why it is desired to install said set. If the Sheriff finds that the set will be used for a lawful purpose, and that the public interest will be served by a granting of the application, he shall issue a permit for installation and use of the set upon payment of an application fee of \$10.00. An application must be filed and a new permit must be secured for each year during any part of which a high frequency police radio receiving set is used. Each permit shall be good for one year from date of issuance, but may at any time be revoked by

the Sheriff upon written or oral notice. The application fee shall be paid into the county general fund.

SECTION 3. That any permit issued under the provisions of Section 2 hereof shall not be transferable to any other person, and any high frequency police radio receiving set authorized to be installed and used by any such permit shall not be placed in any motor vehicle other than the one described in the application for said permit without first obtaining a permit from the County Sheriff for the removal of said set to the other motor vehicle. No fee shall be charged for such removal permit. In case of a change in license number of any motor vehicle in which a high frequency police radio receiving set has been permitted under this Act, the owner of said vehicle shall notify the Sheriff of such change within five (5) days after the change is made.

SECTION 4. That no person shall, within the county or counties to which this Act applies, intercept any message emanating through the medium of any radio network of the police departments, Sheriff's office, or any other legally constituted law enforcement agency, or divulge or publish the existence, contents, substance, purpose, effect or meaning of such intercepted communication, and no person not being entitled thereto shall receive or assist in receiving any such message and use the same, or any information therein contained, for his own benefit or for the benefit of another person.

SECTION 5. That it shall be a violation of this Act for any licensed auto wrecker operator to have in his place of business, or for any auto wrecker to be equipped with, any radio set capable of receiving signals or broadcasts on the frequencies allocated for police and law enforcement use.

SECTION 6. That it shall be unlawful for the operator of any motor vehicle, other than law enforcement and fire department officers in the line of duty, to follow up and answer police radio calls, or to in any way interfere with law enforcement officers answering such radio police calls.

SECTION 7. That definitions as used in this Act are as follows:

(a) High Frequency Police Radio Receiving Set. A high frequency police radio receiving set shall be any radio receiving set capable of receiving any message sent out by any police radio station.

(b) Person. The word "person" shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, co-partnership, society or any other organization.

SECTION 8. That any violations of this Act shall be punished as provided in Section 39-3113 of the Tennessee Code Annotated. Each person shall be deemed guilty of a separate offense for each day during any portion of which any violations of the provisions of this Act are committed, continued or permitted.

SECTION 9. That this Act is supplemental to and in support of Sections 39-3111--39-3114 of the Tennessee Code Annotated, and nothing in this Act shall be construed to repeal or in any way amend said Sections 39-3111--39-3114, anything in this Act to the contrary notwithstanding.

SECTION 10. That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, 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 11. That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the county council or Quarterly County Court of any county to which it may apply, on or before the next regular meeting of said county council or Quarterly County Court of said county 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 body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

SECTION 12. That this Act shall take effect from and after its passage for the purpose of validating same as provided in Section 11 above, and for all other purposes, on and after May 1, 1961, the public welfare requiring it.

Passed: March 9, 1961.

Sheriff

Private Acts of 1963 Chapter 249

SECTION 1. That in all the counties of this State having a population of not less than 230,000 nor more than 250,000 according to the Federal Census of 1960 or any subsequent Federal Census, each salaried deputy sheriff, who is required to wear a uniform, shall be paid Two Hundred Forty Dollars (\$240.00) per annum by the county as a uniform allowance.

As amended by: Private Acts of 1974, Chapter 175
Private Acts of 1979, Chapter 94

SECTION 2. That the uniform allowance provided by Section 1 of this Act shall be paid by the county upon certification by the sheriff to the county judge or chairman that the deputy sheriff is a salaried deputy sheriff, that he is required to wear a uniform, and that he is entitled to receive the said uniform allowance.

SECTION 3. That the provisions of Section 1 and Section 2 of this Act shall become effective on and after July 1, 1963.

SECTION 4. That this Act shall have no effect unless the same be approved by a two-thirds (2/3) majority vote of the legislative body of any county to which this Act applies. The presiding officer of such body shall proclaim its approval or non-approval and certify the same to the Secretary of State.

SECTION 5. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 21, 1963.

Law Enforcement - Historical Notes

Jails and Prisoners

The following acts once affected jails and prisoners in Hamilton County, but are no longer operative.

1. Acts of 1901, Chapter 38, amended Public Acts of 1897, Chapter 104, by replacing the minimum population figure of the act at 70,000 instead of 55,000, which made the original act no longer applicable to Hamilton County. The act set up certain requirements for workhouse commissions to comply with, and prohibited relatives of the workhouse commission and members of the county court from being superintendent of the workhouse.
2. Acts of 1903, Chapter 538, made it the duty of the county judge or chairman of the county court to submit a detailed report to the quarterly county court showing the name of each prisoner bailed out of the workhouse during the preceding quarter, the amount of fines and costs collected during the quarter, and all bail bonds or contracts in his hands which were in default.

Militia

Those acts once affecting Hamilton County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Private Acts of 1821, Chapter 184, designated the militia of Hamilton County as composing the sixty-fourth regiment and was to hold the regimental muster on the first Tuesday of October.
2. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Hamilton County composed the sixty-fourth regiment and was to hold its regimental musters on the fourth Saturday in October. The sixty-fourth regiment was a part of the twelfth brigade, which in turn was a part of the first division.
3. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalions, regiments, brigades and divisions, and prescribed the times and modes of electing officers. The militia of Hamilton County composed the thirty-seventh regiment, and regimental musters were to be held on a Thursday or Saturday in September every year, the particular day to be determined by the number of the regiment.
4. Acts of 1837-38, Chapter 157, amended the militia laws of the state. County drills for Hamilton County, which was a part of the seventh brigade, were set for the third Thursday and Friday of September. Times for regimental musters for the seventh brigade were established, and the thirty-seventh regiment was to hold its muster on the second Tuesday of October.
5. Private Acts of 1839-40, Chapter 56, placed Hamilton County in the thirty-seventh regiment of the seventh brigade of the state militia and their annual muster would take place on the second Tuesday in October each year. The act also divided the state into brigades, with the seventh brigade being comprised of Rhea, Meigs, Bledsoe, Marion and Hamilton counties.
6. Acts of 1861 (1st Ex. Sess.), Militia Law Chapter 1, designated Hamilton County's militia to compose the thirty-seventh regiment, which was to meet for its regimental musters the Tuesday after the second Monday in October in each year. Marion and Hamilton counties constituted the seventh brigade, and the seventh brigade was a part of the first division.

Sheriff

The following acts have no current effect but are included here for reference purposes since they once applied to the Hamilton County Sheriff's Office. Also referenced below are acts which repeal prior law

without providing new substantive provisions.

1. Private Acts of 1821, Chapter 114, prohibited Charles Gamble, Esq., sheriff of Hamilton County, from collecting more than the single tax due and owing on several tracts of land being advertised for sale by him for the tax of 1820.
2. Acts of 1845-46, Chapter 173, made it lawful for the sureties of James M. Anderson, late sheriff of Hamilton County to execute a note for their respective pro rata shares of the obligations of Anderson for one year of time. This same act was reenacted as Acts of 1847-48, Chapter 138.
3. Private Acts of 1857-58, Chapter 153, Section 4, authorized the sheriff of Hamilton County to appoint one deputy in addition to the number of deputies then allowed him by law.
4. Private Acts of 1945, Chapter 384, fixed the compensation of deputy sheriffs and constables who regularly waited on the circuit, criminal, chancery and domestic relations courts in Knox and Hamilton counties at \$5.00 per day for six days per week for the entire year, to be paid out of the county treasury. This act was subsequently repealed by Private Acts of 1977, Chapter 151, as it specifically applied to Knox County, and repealed by Private Acts of 1978, Chapter 249, in its entirety.
5. Private Acts of 1953, Chapter 405, fixed the compensation of deputy sheriffs regularly waiting on the general sessions, circuit, criminal, chancery and domestic relations courts in Knox and Hamilton counties (by virtue of the population range given - not less than 200,000 nor more than 250,000, according to the Federal Census of 1950, or subsequent) at \$7.50 per day for each day of service, to be paid out of the county treasury. The act went on to say specifically that the salary increase was subject to and at the option of the county court of Knox County.
6. Private Acts of 1977, Chapter 112, specifically repealed Private Acts of 1953, Chapter 405. According to the secretary of state's office, Knox County approved this act at the local level but Hamilton County failed to take any action.

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