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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

## Offenses

### Alcoholic Beverages

#### Private Acts of 1978 Chapter 317

**SECTION 1.** In counties having a population of not less than 127,300 nor more than 127,400, according to the Federal Census of 1970 or any subsequent federal census, no beer or alcoholic beverages may be sold, given away or consumed in county parks.

**SECTION 2.** Any person who violates the provisions of this Act shall be subject to a fine not to exceed fifty dollars (\$50).

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Sullivan County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**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 3.

Passed: April 26, 1978.

### Automobile Graveyards

#### Private Acts of 1979 Chapter 110

**SECTION 1.** As used in this Act "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remedying purposes only.

**SECTION 2.** The legislative body of Sullivan County, by resolution, may regulate and license the maintenance of automobile graveyards, as defined above, and may prescribe civil fines for violations of such regulations, which civil fines shall not be in excess of fifty dollars (\$50.00) for each violation; provided, however, that such regulations shall be at least as stringent as required by Tennessee Code Annotated, Section 54-2313.

**SECTION 3.** No resolution authorized by Section 2 of this Act shall be adopted until after notice of intention to propose the same for adoption shall have been published prior to its adoption once a week for two (2) successive weeks in a newspaper of general circulation in Sullivan County, and no such resolution shall become effective until it shall have been published in full for two (2) successive weeks in a like newspaper.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Sullivan County before July 1, 1979. Its approval or nonapproval shall be proclaimed by the presiding officer of the Sullivan County legislative body and certified by him to the Secretary of State.

**SECTION 5.** 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 on July 1, 1979.

Passed: May 2, 1979

### Curfew Laws

#### Private Acts of 1937 Chapter 522

**SECTION 1.** That in all counties of the State of Tennessee having a population of not less than 51,080, nor more than 51,100, according to the Federal Census of 1930, or any subsequent Federal Census from and after the passage of this Act, it shall be unlawful for those persons who shall not have obtained their

sixteenth birthdays to be on, upon, or along the public streets, by-ways, highways and/or public roadways later than the hour of nine o'clock P. M. Eastern Standard Time, except in those cases hereinafter provided.

**SECTION 2.** That those children who have not reached their sixteenth birthdays who shall be accompanied by their parents, guardians and/or other responsible adult, and/or those persons who have not reached their sixteenth birthdays who shall be on a lawful mission discharging lawful duties to his or her parents, guardians, and/or other responsible adults, shall not be included within purview of this Act.

**SECTION 3.** That every parent, guardian, or any other person having charge or control of any child before he shall have reached the age of sixteen, shall cause such child to be on, upon, about and/or within his home or place of abode not later than nine o'clock P. M. Eastern Standard Time, unless excepted as provided by Section 2 of this Act.

**SECTION 4.** That any parent, guardian, or other person embraced within the provisions of this Act who fails or refuses to comply with the provisions of this law shall be guilty of a misdemeanor and shall be fined not less than Three (\$3.00) Dollars, nor more than Twenty-five (\$25.00) Dollars, and the costs of the suit.

**SECTION 5.** That if any parent, guardian, or any other person having charge or control of a child under the age of sixteen within the provisions of this Act prove in defense that he is unable to compel the child under his control to remain, on, upon, about and/or within the home or abode of such child; he may thereupon be discharged from liability, and such child shall thereafter be proceeded against as a delinquent child under the statutes for such cases made and enacted.

**SECTION 6.** That it is the legislative intent in passing this Act to protect the morals, insure the safety, and promote the general character of those under the age of sixteen in those counties coming within the provisions of this Act.

**SECTION 7.** That the County Judge or Chairman of those counties embraced in this Act, or the Juvenile Judge, shall have the sole, original and exclusive jurisdiction of all cases coming within the terms of this Act, and it shall be the duty of any Justice of the Peace to bind those infants falling within the scope of this Act over to the County Judge, or County Chairman, or Juvenile Judge of those counties embraced within this Act, and any person interested may demand a Jury, or the Judge may of his own motion order a Jury to try cases within the scope of this Act.

**SECTION 8.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

**SECTION 9.** That this Act take effect from and after its passage, the public welfare requiring it.  
Passed: May 12, 1937.

## Pyrotechnics

### Private Acts of 2010 Chapter 72

**SECTION 1.** Chapter 16 of the Private Acts of 1953, and any acts amendatory thereto, is repealed.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Sullivan County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Sullivan County legislative body and certified to the secretary of state.

**SECTION 3.** 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 as provided in Section 2.

Passed: May 13, 2010.

## Law Enforcement - Historical Notes

### Jails and Prisoners

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

1. Private Acts of 1831, Chapter 30, directed the treasurer of East Tennessee to pay Montgomery Irvin, a former jailor of Sullivan County, the sum of \$48.12½ for boarding James Havion in the Sullivan County Prison.
2. Private Acts of 1831, Chapter 127, directed the treasurer of East Tennessee to pay Montgomery Irvin, a former jailor of Sullivan County, the sum of \$41.37½, and to William Hartman, a former jailor of Sullivan County, the sum of \$17.50 for the keeping of Wm. Crutchfield in the Sullivan County Jail.

3. Private Acts of 1978, Chapter 279, would have provided a referendum in Sullivan County on the question of the location of a regional prison, however, this act was not ratified by Sullivan County and therefore never took effect.

### **Militia**

Those acts once affecting Sullivan County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1803, Chapter 1, provided for the establishment and regulation of the militia throughout the state. The militia of Sullivan County composed the second regiment and held regimental musters on the first Thursday in October.
2. Acts of 1815, Chapter 119, provided for the better establishment and regulation of the militia of the state by dividing the militia of the state into regiments and revising the militia laws of the state. The militia of Sullivan County composed the second regiment of the state.
3. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Sullivan County composed the second regiment and held regimental musters on the second Thursday in the month of October. This act was repealed by Public Acts of 1978, Chapter 595.
4. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Sullivan County composed the second regiment and held regimental musters on the first Thursday in October.
5. Private Acts of 1827, Chapter 248, set the time for holding the county drills in Sullivan County on the Friday and Saturday after the fourth Monday in September in each year.
6. Private Acts of 1829-30, Chapter 155, provided for an election to determine if the second regiment of Sullivan County should be divided to form an additional regiment.
7. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalion, regiments, brigade and divisions and prescribed the times and modes of electing officers. The militia of Sullivan County composed the third and fourth regiments, first brigade of the first division.
8. Acts of 1837-38, Chapter 157, placed the militia of Sullivan County in the first brigade and set the time for holding regimental musters on the second Friday and Saturday in September. This act was repealed by Public Acts of 1978, Chapter 595.
9. Acts of 1839-40, Chapter 56, condensed and brought into one view the militia laws of the State of Tennessee. The militia of Sullivan County composed the third and fourth regiments of the first brigade and held musters on the Tuesday after the first Monday in October for the third regiment; the fourth regiment held musters on Wednesday the next day.
10. Private Acts of 1861, Chapter 1, divided the state militia into companies, battalion, regiments, brigade and divisions and prescribed the times and modes of electing officers. The militia of Sullivan County formed the third and fourth regiments of the first brigade and held musters on the Tuesday after the first Monday in October for the third regiment and on Wednesday the next day for the fourth regiment.

### **Offenses**

Some counties in Tennessee have made various activities illegal within their boundaries by the enactment of private legislation. Some of these were billiard playing, operating dance halls, shooting fireworks, and things of a similar nature.

The acts briefly summarized below fell into this category in Sullivan County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1935, Chapter 554, prohibited, regulated and licensed the sale of beer within 2,000 feet of any church or school in Sullivan County, and prohibited the sale and drinking of beer in any dance hall in said county.
2. Private Acts of 1947, Chapter 618, regulated the possession, storage, use, manufacture, or sale of pyrotechnics in Sullivan County. This act was repealed by Private Acts of 1951, Chapter 305.
3. Private Acts of 1953, Chapter 16, authorized the possession, storage, use, manufacture, transportation or sale of fireworks. This act was repealed by Private Acts of 2010, Chapter 72.
4. Private Acts of 1978, Chapter 191, prohibited beer and alcoholic beverages from being sold, given away or consumed in Sullivan County Parks. This act was duplicated by Private Acts of 1978, Chapter 317.

5. Private Acts of 1985, Chapter 77, would have authorized the possession, use, manufacture and sale of pyrotechnics in Sullivan County, however, this act was not ratified by Sullivan County and therefore never became law.
6. Private Acts of 1985, Chapter 78, made it lawful to possess, store, use and manufacture, transport or sell pyrotechnics in Sullivan County from June 20, 1985, through January 2, 1987.

### **Sheriff**

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

1. Private Acts of 1833, Chapter 111, authorized the Sullivan County Sheriff to appoint a deputy to collect moneys which were due to the estate of Samuel W. Netherland.
2. Acts of 1843-44, Chapter 4, authorized the sheriff of Sullivan County to appoint an additional deputy.

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