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# Chapter X - Law Enforcement

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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

### Fireworks

#### Private Acts of 1963 Chapter 205

**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 hereinafter defined, in all Counties of this State having a population of not less than 39,100 and not more than 39,150 inhabitants, according to the Federal Census of 1960, or any subsequent Federal Census.

The term "pyrotechnics" as used in this Act shall be held to mean any sparkler, squib, rocket, firecracker, Roman candle, fire balloon, flashlight composition, fireworks or other similar device or 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 in 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 herein.

**SECTION 6.** That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within 15 days after the approval of this Act by the Governor, or after its otherwise effective date, it shall be the duty of the county board of election commissioners of the county to which this Act applies, to call an election for the county to be held not less than 20 nor more than 40 days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the county board of election commissioners upon the first Monday occurring 5 or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election held hereunder. The cost of said election shall be paid by the county to which this Act applies.

**SECTION 7.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 6 herein.

Passed: March 19, 1963

## Law Enforcement - Historical Notes

### Jails and Prisoners

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

1. Acts of 1820, Chapter 77, was the authority for the county court of Roane County, a majority of

- the justices being present, at their discretion to direct that the jail of the said county, located in the town of Kingston, be sold by the sheriff to the highest and best bidder at public sale after the same had been advertised for at least twenty days prior to the sale. The county court had the further authority to let a contract to the lowest and best bidder to build a new jail for the county. If sufficient funds were not available to construct the new jail, the county court could levy a general property tax on all the property in the county to finance the jail's construction.
2. Acts of 1823, Chapter 157, was the enabling law for the county court of Roane County to order that the jail and the land upon which it was located in Roane County to be sold in such manner and fashion as the court determined would be in the best interests of the county. The court had the authority to appoint commissioners to purchase a lot and to supervise the construction of a new jail for the county. The court had further authority to levy a general property tax, if necessary, to pay for the new jail, but could not exceed the scale established in this law. The county trustee could call on the commissioners for a settlement if they complied with the procedures stipulated in the act. Public buildings would hereafter be under the management of the court, or the commissioners if they were appointed. Penalties were prescribed for failure to comply with, or for a violation of the terms of, this act.
  3. Private Acts of 1927, Chapter 730, applied to the counties of Blount, Bradley, Loudon, McMinn, Monroe, Polk, and Roane, and declared that all workhouse bonds would be received, approved, and collected by the criminal court clerk who would have and could exercise the same powers in this regard as former county officials had. The clerk must see to it that each bond had two good and solvent sureties, and the clerk would be paid a compensation of 10% of the money collected in this endeavor.
  4. Private Acts of 1929, Chapter 720, amended Private Acts of 1927, Chapter 730, to provide that each workhouse bond, as was authorized in the amended act, would contain language after the passage of this act which would provide for the payment of an attorney's fee of 15% for any attorney who was employed to collect the bonds which sum would be in addition to, and over and above the payments of interest, costs, and principal.

### **Militia**

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

1. Acts of 1803, Chapter 1, constituted one of the first statewide military codes and militia laws enacted for Tennessee, preceding several others to come. The militia was to be composed of free men and indentured servants between the ages of 18 and 45, with certain professions and occupations being excepted. The militia regiment in Roane County was designated as the 14th regiment and it joined the regiments then existing in the counties of Knox, Sevier, Blount, and Anderson to form the third brigade. The first, second, and third brigades constituted the first division. This act was an all new militia law and military code dealing with all facets of military organization, logistics, and internal discipline and order.
2. Acts of 1815, Chapter 119, was the next general militia law for Tennessee providing for the same composition of free white males and indentured servants no younger than 18 and no older than 45. Organizational assignments were changed due to the growth of the state in population and the number of counties. The units in Roane County were the 14th Regiment still but these units, plus those in Anderson, Rhea, and Bledsoe Counties, would make up the Seventh Brigade. A regiment consisted of two battalions of two companies which contained 40 privates, 2 musicians, 3 corporals, 3 sergeants, and a captain, one lieutenant, and one ensign. The rest of the act was devoted to the enactment of a new military code designed to meet the times and changing situations found in a growing state.
3. Acts of 1821, Chapter 184, scheduled the annual muster and drill times for several of the county regiments in the state militia, including Roane County's Regiment which was directed to come together for the regimental muster and drill on the first Saturday after the third Tuesday in September of each year.
4. Acts of 1822, Chapter 52, was the legal authority for the militia in Roane County situated on the south side of the Tennessee River to hold a battalion muster within the bounds of that area at such time and place as might be directed by the field officers of the said units and of the regiment.
5. Acts of 1825, Chapter 69, was the next general militia law for the state which rewrote the whole militia law. The units in Roane County were designated as the 40th and the 95th regiments, which would combine with the units in Monroe County, Morgan County, and Anderson County to form the Seventh Brigade. The 40th Regiment would hold its annual muster and drill on the fourth

- Thursday in September and the 95th Regiment on the third Thursday in September each year.
6. Acts of 1826, Chapter 163, declared it to be lawful for a volunteer rifle company to be raised out of the 14th Regiment and the 85th Regiment of Roane County, which would be composed of not less than 34 nor more than 68 privates, which company would be known as the Kingston Rifle Company. The commanding officer of the Fourteenth Regiment would select the commanding officer of the new company who would be charged with the responsibility of holding regular drills for the company at least six times each year. The members of the company would be permitted to design, or to choose, their own distinctive uniforms.
  7. Acts of 1835-36, Chapter 21, was a new military code and militia law ranging over every phase of organization and operation of the state militia, being enacted subsequent to the adoption of the 1835 Constitution of the State. The units in Roane County were named the 28th Regiment and the 29th Regiment which together with the units in Monroe County, McMinn County, and Bradley County, would constitute the sixth brigade in the state.
  8. Acts of 1837-38, Chapter 157, Section 3, among other things related to amending the basic military code of the state, also provided for the scheduling of annual musters and drills for all county units in the state militia. The units in Roane County would hold their annual muster and drill together on the first Friday and Saturday in September of each year, and would be a part of the sixth brigade with Monroe County and McMinn County.
  9. Acts of 1839-40, Chapter 56, was a virtual re-enactment of the state militia law, which did not affect Roane County in its reorganization of some tactical units, but this act did enlarge the membership of the sixth brigade to include the militia units in the counties of Roane, Monroe, McMinn, Bradley, and Polk.

### **Sheriff**

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

1. Acts of 1829, Chapter 138, provided for the respective Sheriffs of Roane County and Morgan County to meet and compare the votes for State Representative at Kingston in Roane County on the Saturday immediately following the election.
2. Acts of 1833, Chapter 49, granted Robert S. Gilleland, the late Sheriff of Roane County, an added two years after January 1 following to collect all the taxes, costs, and sums due him which accrued during his term as Sheriff, and as the collector of public taxes in Roane County. He would have the same rights and powers and be subject to the same regulations as were in force and effect during his term of office.
3. Private Acts of 1923, Chapter 24, stated that in Roane County (identified by the 1920 Federal Census figures) the Sheriff would receive as compensation for his services the sum of \$2,000, payable quarterly on the first day of January, April, July, and October, out of the regular funds in the county treasury by the Trustee, on the warrant of the County Judge, or Chairman, and, in addition thereto the Sheriff was to have all the fees, commissions, and emoluments of his office to which he would be entitled under the law. See Robert v. Roane County, 160 Tenn. 113, 23 S.W.2d 239 (1929).
4. Private Acts of 1929, Chapter 109, seemed to be a duplicate of the 1923 Act, above, by providing for the Sheriff of Roane County to be paid \$2,000 each year, in quarterly amounts on the first day of January, April, July, and October, out of regular county funds and, in addition, he would be paid all the income from his office to which he was lawfully entitled.
5. Private Acts of 1929, Chapter 324, recited in the preamble that by virtue of Private Acts of 1923, Chapter 24, Item 3, above, a salary of \$2,000 each year was provided for the Sheriff of Roane County, but that now some question has arisen concerning the constitutionality of Private Acts of 1923, Chapter 24, because of a defect in its caption. This Act corrected the alleged defect and re-enacted the terms of the two acts analyzed above to pay the Sheriff an annual salary of \$2,000 in addition to all the fees, commissions, and emoluments of the office.
6. Private Acts of 1970, Chapter 203, which was rejected by the Quarterly Court of Roane County and therefore never became an effective law, was the legal authority for the Quarterly Court of Roane County to set up an investigation bureau in the county which would be composed of not more than two investigative officers, which bureau would be administered and supervised by a committee of the county judge and the sheriff. The committee could hire two officers for the bureau and fix their compensation and salary within the budget limitations of the department and county. Each of the officers hired must be sworn and bonded, and must operate within the framework of the powers expressly conferred upon them in this law.

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