



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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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

Offenses

Fireworks

Private Acts of 1947 Chapter 592

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 18,621 and not more than 18,625 inhabitants, according to the Federal Census of 1940 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, 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 Fifty (\$50.00) Dollars and not more than Four Hundred (\$400.00) Dollars, 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 take effect from and after its passage, the public welfare requiring it.

Passed: March 6, 1947.

Law Enforcement - Historical Notes

Militia

Those acts once affecting Jefferson 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 1796, Chapter 12, instructed the Sheriff of each Tennessee County to hold elections to choose the field officers of the county units of the militia. Those field officers elected would then meet in Knoxville in the Hamilton District to select a Brigadier General to command the brigade.
2. Acts of 1799, Chapter 24, made it the duty of the field officers in the militia of Jefferson County to hold two general county musters in May and November which musters would involve the Company of Lane's, Dameron's, McDonnell's, and Van Shears, which companies were all regulated under the general state militia laws.
3. Acts of 1801, Chapter 1, amended the general militia law of the State so as to divide each regiment into two battalions and set a muster date for each one. Some exceptions were made to the above, some of which concerned Jefferson County but the Colonel of the Jefferson County

militia was directed to cause all the militia units in the County to attend each general review at the Jefferson County Courthouse.

4. Acts of 1801, Chapter 87, stated that, subsequent to the passage of this Act the cavalry units of the Counties of Jefferson, Cocke, Grainger and Claiborne, would constitute a Regiment of Cavalry, to be called the Second Regiment of the Hamilton District. Each unit must contain no less than thirty men nor more than fifty, who would all be outfitted and equipped according to the State law and would muster annually at Cheek's Crossroads.
5. Acts of 1803, Chapter 1, was a new and complete militia law and military code for the State. The State Militia would be composed of freemen and indentured servants between the ages of 18 and 45, with some exceptions being named, such as clergymen, Judges, lawmakers, etc. The Act designated specific units by County, numbering the Jefferson County organizations as the Sixth Regiment. There must be at least one annual Regimental muster for each County which would occur in Jefferson County on the last Thursday in September of each year.
6. Acts of 1815, Chapter 119, was the next edition of the State militia law and military code, which continued to limit the membership of the militia to free men and indentured servants between the ages of 18 and 45. Jefferson County was the Sixth Regiment in the State Table of Organization. All the phases of military affairs were provided in this lengthy general act including the regulations for the internal discipline of the units, for courts martial, and for the uniforms and equipment of the members, infantry, cavalry, and quartermaster.
7. Acts of 1819, Chapter 68, reenacted the State Militia Law in another long and involved general statute. A comparison of this Act with the preceding one did not reveal any changes which would affect Jefferson County.
8. Acts of 1825, Chapter 69, revised the State Militia Law in several instances but continued to abide by the same limitations and qualifications for members, retaining the exceptions previously mentioned. There was a Table of Organization which identified every County group. Jefferson County would now have the Sixth and the Seventieth Regiment. The annual muster for the Sixth Regiment would be on the first Thursday in October and for the Seventieth on the fourth Thursday in September. The units in the Counties of Jefferson, Grainger, Cocke, and Claiborne would compose the Second Brigade, and the First, Second, Third, Seventh, and Twelfth Brigades were the First Division. Some alterations occurred in other portions of this lengthy statute but did not specifically affect Jefferson County.
9. Acts of 1835-36, Chapter 21, in this new State Military Code and Militia Law which implemented the new State Constitution, the Jefferson County Regiments were designated as the 13th Regiment and the 14th Regiment. The militia of Greene County, Jefferson County, and Cocke County composed the Second Brigade.
10. Acts of 1837-38, Chapter 157, Section 3, scheduled the county drills for every militia unit in the State and amended some regulations concerning the organizational structure, the equipment Charts, and the disciplinary requirements. The Counties of Greene, Cocke, and Jefferson constituted the Second Brigade which would muster on the Monday and Tuesday following the first Friday and Saturday in September.
11. Acts of 1839-40, Chapter 56, revised many features of the military law in Tennessee due to the rise in the number of counties in the State and to the increased membership in the units themselves. Jefferson County had the 13th and 14th Regiments which were now made up of white males between the ages of 18 and 45. The Second Brigade still consisted of the Counties of Greene, Cocke, and Jefferson whose units would muster on the Thursday and Friday of the second week in October of each year.

Sheriff

The following acts have no current effect but are included here for reference purposes since they once applied to the Jefferson County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1797, Chapter 8, designated the Sheriff as the tax collector in Jefferson County, a duty which the Sheriff performed for many years in all the counties.
2. Acts of 1823, Chapter 186, made it legal for the Sheriffs of the counties of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington to appoint one Deputy Sheriff over and above the number now allowed under the law, but no Sheriff could have more than three deputies. This Act was repealed expressly by Private Acts of 1978, Chapter 166.
3. Acts of 1825, Chapter 220, was the legal authority for the Sheriff of Jefferson County to appoint one Deputy Sheriff who would be in addition to, and over and above, the number of deputies now

allowed under the general law.

4. Acts of 1826, Chapter 122, authorized and required the Treasurer of East Tennessee to pay to JAMES BRADFORD, the Sheriff of Jefferson County, the sum of \$15 for his services in reporting on two tracts of land which had been sold for taxes.
5. Acts of 1827, Chapter 4, allowed the Sheriff of the counties of Hawkins, Giles and Jefferson to employ two additional deputies who were to be over and above all the allotments of deputies under the general law.
6. Acts of 1831, Chapter 203, released PETER NORTH, of Jefferson County, from the forfeiture of a recognizance bond which was entered against him in the Circuit Court of Jefferson County for \$500 as security for the appearance of JAMES NORTH on an indictment for riot, but nothing in this act was intended to relieve North from the payment of costs in the case.
7. Acts of 1831, Chapter 213, required the Treasurer of East Tennessee to pay to VERDENBURGH THOMPSON, the jailor of Jefferson County, the sum of \$18.62 for keeping BOLDEN GAINES in the prison of the County, and to pay to L. D. PARROTT the sum of \$4.80 for his services as a guard, out of any money, or funds, in the house of the Treasurer which were not otherwise appropriated.
8. Private Acts of 1913, Chapter 116, stated that the Sheriff of Jefferson County (identified by the use of the 1910 Federal Census figures) would hereafter be paid the sum of \$750 each year, payable on January 1 and July 1 on the warrant of the County Judge. The Sheriff must file a sworn, itemized statement showing the correct amount of the fees collected in the office. If the statement showed to the County Judge, or Chairman, that the fees were less than the salary, the county would pay the difference, but if the fees exceeded the salary the Sheriff could retain the excess. Fees paid to the Sheriff for boarding prisoners would not be included. This Act was repealed in Item 10, below.
9. Private Acts of 1919, Chapter 235, amended Private Acts of 1913, Chapter 116, above, to raise the annual salary of the Sheriff, as provided therein, from \$750 to \$1250.
10. Private Acts of 1921, Chapter 442, set the compensation of the Sheriff of Jefferson County for his services as the fees now allowed to the Sheriff by law, and in addition, the sum of \$800 annually, payable monthly out of the general funds of the county on the warrant of the County Judge, or Chairman, but no other payment would be made to the Sheriff for his ex-officio services, this being meant as a replacement for that. Private Acts of 1913, Chapter 116, was repealed in its entirety.
11. Private Acts of 1923, Chapter 349, provided that in Jefferson County (identified by the use of the 1920 Federal Census figures) the Sheriff would receive as compensation for his service, all the fees now allowed to him under the law and in addition to the fees he would be paid the sum of \$1200 annually, payable \$100 each month out of general county funds or the warrant of the County Judge, or Chairman. No ex-officio compensation could be paid the Sheriff, this being the entire amount he would be paid.
12. Private Acts of 1925, Chapter 127, amended Private Acts of 1923, Chapter 349, above, by increasing the amount to be paid to the Jefferson County Sheriff over and above the fees of the office from \$1200 to \$1800, payable at \$150 a month.
13. Private Acts of 1933, Chapter 768, set the annual salary of the Sheriff of Jefferson County at \$2000, exclusive of the fees earned for boarding prisoners, the same to be paid monthly by the Trustee on the warrant of the County Judge. The Sheriff was obligated to keep a record of every fee collected in his office and to file a sworn and itemized statement each month with the County Judge, or Chairman, and pay the fees over to the Trustee, the Sheriff would be paid only out of the fees he collected, and, if they failed to reach the \$2,000, the amount collected would be the salary. All fees lost by and through the negligence of the Sheriff would be charged against him. Turnkey fees were not to be considered as a part of those to be charged to the Sheriff.
14. Private Acts of 1978, Chapter 166, repealed Acts of 1823, Chapter 186, and Acts of 1831, Chapter 123.

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