



County Technical Assistance Service  
INSTITUTE for PUBLIC SERVICE

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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

## Jails and Prisons

### Private Acts of 1947 Chapter 570

**SECTION 1.** That all Counties having a population of not less than 26,500 nor more than 26,510, according to the Federal Census of 1940 and any subsequent Federal Census, shall furnish to the Sheriff of said Counties all equipment for the maintenance and operation of the County Jail. All furnishings, bedding, mattresses, tables, chairs, utensils and all other equipment ordinarily used in the maintenance and operation of the County Jail shall be furnished by the said Counties. The operating expenses such as telephone services, fuel, lights, water, etc., shall be furnished by the said Counties. The Sheriff will be provided for the official use of the Sheriff's Office with two (2) automobiles to be used in connection with law enforcement.

**SECTION 2.** That the Sheriff and his paid Deputies will be furnished with uniforms by said Counties at no expense to the Sheriff and said Deputies. They shall bear the cost of the upkeep and maintenance of their uniform. If at any time the Sheriff or his salaried Deputies resign, die, or are otherwise removed from their respective offices, said uniforms shall be surrendered to the County.

**SECTION 3.** That all expenditures authorized by this Act shall be paid for upon a warrant drawn by the County Judge upon the general fund of said Counties.

**SECTION 4.** That all contracts entered into which contravene provisions of this Act are hereby declared to be void and it shall be a misdemeanor to enter into such contracts.

**SECTION 5.** That it is the intention of the Legislature that if any part or parts of this Act is declared to be unconstitutional, the parts so declared to be shall be deleted from the Act and the remainder shall stand as if no part of the Act had been declared unconstitutional.

**SECTION 6.** That this law shall take effect on and after its passage, the public welfare requiring it.

Passed: February 26, 1947.

## Offenses

### Fireworks

### Private Acts of 1947 Chapter 291

**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 26,500 and not more than 26,510 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 therein.

**SECTION 6.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 13, 1947.

## Law Enforcement - Historical Notes

### Jails and Prisons

The following acts once affected jails and prisoners in Anderson County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1920 (Ex. Sess.), Chapter 4, constituted the legal authority to purchase land in Morgan and Anderson counties either for or in connection with Brushy Mountain Prison.
2. Private Acts of 1931, Chapter 130, required Anderson County (identified by the use of the 1930 Federal Census) hereafter to furnish to the county jail the water, light, heat, fuel, and all the necessary bed clothing for jail purposes, plus a telephone to be used for jail business. All of the cost of the above was to be counted as expenses incidental to the normal operation of the county jail and would be paid in that manner.
3. Private Acts of 1947, Chapter 571, fixed the jailor's fees to \$1.10 per day for each prisoner in counties having a population of not less than 26,500 nor more than 26,510, according to the Federal Census of 1940.

### Militia

Those acts once affecting Anderson 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 1801, Chapter 87, Section 2, formed the first regiment of calvary for the district of Hamilton which was composed of Knox, Sevier, Blount, Roane and Anderson counties.
2. Acts of 1803, Chapter 1, was a statewide militia law regulating and organizing all the county military units. The militia would be made up of freemen and indentured servants between the ages of 18 and 45, with certain people and professions being exempted from service. Anderson County's unit was the thirteenth regiment, forming third brigade with the counties of Knox, Sevier, Blount, and Roane. The first, second, and third brigades constituted the first division. This act was a long one which dealt with all the phases of military law both internal and external.
3. Acts of 1815, Chapter 119, was a new military code and militia law for Tennessee which incorporated most of the features of the preceding militia act. Some organizational changes were made and internal disciplinary rules were tightened. Anderson County's militia units were still designated as the thirteenth regiment but were assigned to the seventh brigade with Roane, Bledsoe, and Rhea counties. A regiment consisted of two battalions formed of companies which contained 40 privates, two musicians, three sergeants, three corporals, one captain, one lieutenant, and one ensign.
4. Acts of 1817, Chapter 73, declared that all people residing on the waters of the New River in Anderson County were exempt from the mustering of militia units except for battalion and regimental musters, and the settlers along the waters of the New River were given the authority to form their militia company which would then be taken into the state organization as the other units were.
5. Public Acts of 1825, Chapter 69, modified the existing military code of Tennessee with some organizational changes and changes in the schedules of training for the larger units. Freemen and indentured servants between the ages of 18 and 45 were still qualified to serve in the units. The Anderson County units composed the thirteenth regiment which would conduct its regimental muster on the third Thursday in October of each year. The seventh brigade included the militia of the counties of Roane, Monroe, Morgan, and Anderson.
6. Private Acts of 1827, Chapter 61, was the legal authority for the citizens in the mountainous areas of Anderson County to form a military company, elect their company officers, drill, muster and

conduct themselves as other military units did under the military laws of the state.

7. Public Acts of 1835-36, Chapter 21, was the enactment of a new militia law and military code for the state subsequent to the adoption of the new state constitution. This law, which carried over substantially all of the regulations for internal organizations and conduct, nevertheless rearranged the table of organization because of the growing numbers of people and the formation of new counties across the state. Anderson County was designated as the twenty-fourth regiment and was assigned to the fourth brigade along with Claiborne, Campbell, and Morgan counties.
8. Acts of 1837-38, Chapter 157, Section 3, amended the Tennessee Military Code by scheduling county drills for every militia unit in existence. The fourth brigade still included the same county military units mentioned above but the county drills for Anderson County were set to take place on the Wednesday and Thursday following the first Friday and Saturday in September each year.
9. Acts of 1839-40, Chapter 56, Section 25, reenacted most of the militia law of the state of Tennessee concerning itself mostly with the internal guidance and composition of military units plus some limitations on the logistics of supplies and equipment. No organizational changes were made for Anderson County.

### **Offenses**

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Anderson County.

1. Private Acts of 2021, Chapter 34, would have repealed Private Acts of 1947, Chapter 291, relative to the regulation of pyrotechnics in Anderson County, but the act failed to gain local approval.

### **Sheriff**

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

1. Acts of 1851-52, Chapter 323, directed the treasurer of the State of Tennessee to pay \$49.62 to James E. Walker, former sheriff of Anderson County, out of any unappropriated funds in the treasury, which was the amount expended by the said Walker in recapturing John Knight and Ephraim Dunnivant, escapees, who were then lodged in the Anderson County jail on felony charges and who were later convicted and transported to the prison in Nashville.
2. Private Acts of 1947, Chapter 395, created a sheriff's fund in the county, consisting of all the fees to which the sheriff, the deputies, or the jailor, might be entitled under the law, which would be in the custody of the county trustee. The trustee, the county judge, or the purchasing agent would compensate the sheriff, the deputies, and the jailor in the amounts stipulated in the act but could not exceed the amount of funds available for these purposes.
3. Private Acts of 1947, Chapter 415, abolished the office of county physician in Anderson County and authorized the sheriff to call upon any licensed physician to care for and treat any prisoner within the sheriff's custody according to the medical needs of the prisoner. The physician must present a bill for calls made, which could not exceed \$3.00 per call, to the sheriff, who was required to endorse them on the accuracy of their charges, whereupon the county judge would draw a warrant for their payment. Other county officials were permitted to use this method to obtain medical attention for those needing it within their scope of employment. The physician would then present the charges to the official who had summoned him. The official would then proceed according to the above directions.
4. Private Acts of 1955, Chapter 96, declared it unlawful in Anderson County for any deputy sheriff to undertake to perform any of the duties pertaining to his office unless the deputy was clad in the uniform of his office at the time. It was the duty of the quarterly county court to furnish the specifications for the uniforms. Any deputy failing to comply was guilty of a misdemeanor, and would be dismissed from office and ineligible to hold the same for the ensuing ten years after dismissal. This act was rejected by the quarterly court and never became an effective law.

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