



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

### Fireworks

#### Private Acts of 1992 Chapter 163

**SECTION 1.** It shall be unlawful to sell fireworks in Claiborne County unless:

- (1) Such fireworks are sold from a permanent structure that is not less than twenty feet (20') by twenty feet (20');
- (2) Such permanent structure has permanent utility services; and
- (3) The vendor intends to conduct business in such permanent structure on a continuing basis throughout the year.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Claiborne County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Claiborne County 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 upon being approved as provided in Section 2.

Passed: March 5, 1992.

## Law Enforcement - Historical Notes

### Jails and Prisoners

The following act once affected jails and prisoners in Claiborne County, but is no longer operative.

1. Public Acts of 1867-68, Chapter 77, authorized the election of a jailer for Montgomery and Claiborne counties by the qualified voters. The jailor held his office for two years or until his successor was elected and qualified.

### Militia

Those acts once affecting Claiborne 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, established a regiment of calvary which consisted of the counties of Cocke, Jefferson, Grainger and Claiborne which was known as the second regiment of the Hamilton District.
2. Acts of 1803, Chapter 1, divided the militia of the state into companies, regiments, brigades and divisions and prescribed the times and modes of electing officers. Claiborne County composed the ninth regiment, which regiment constituted the second brigade.
3. Acts of 1813, Chapter 44, annexed the militia company commanded by Captain John Brock, in the county of Claiborne, to the first battalion of the ninth regiment in said county.
4. Acts of 1815, Chapter 119, was 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. Claiborne County's militia unit composed the ninth regiment and part of the second brigade along with Cocke, Grainger and Jefferson counties.
5. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Claiborne County composed the ninth regiment and held its regimental muster on the second Thursday in the month of October. The counties of Claiborne, Jefferson, Grainger and Cocke composed the second brigade.
6. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Claiborne County composed the ninth regiment and held a regimental muster on the second Thursday in October; which regiment constituted the second brigade and held their regimental musters annually.
7. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, regiments, brigades and divisions and prescribed the times and modes of electing officers. Claiborne County was composed of the seventeenth and eighteenth regiment of the state.

8. Acts of 1837-38, Chapter 157, amended the militia laws of the state by setting the county drills for Claiborne County, the fourth brigade, to the first Friday and Saturday in September. This act was repealed by the Public Acts of 1978, Chapter 595.
9. Acts of 1849-50, Chapter 194, released the Clear Fork Company of Claiborne County from attending the battalion and regimental musters because of the inconveniences of crossing the Cumberland Mountain. However, the company was required to muster at its respective company muster ground, on the same days that the battalion and regimental musters were held.

### **Offenses**

The act briefly summarized below fell into this category in Claiborne County.

1. Private Acts of 1949, Chapter 869, regulated the possession, storage, use, manufacture or sale of pyrotechnics, in all counties having a population of not less than 24,600 and not more than 24,700 according to the Federal Census of 1940. This act was repealed by Private Acts of 1991, Chapter 23.

### **Sheriff**

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

1. Private Acts of 1823, Chapter 252, authorized the sheriff of Claiborne County to remain in office, even though his term was to expire in February of 1824, until the sitting of the next county court of Claiborne County on the second Monday in March of 1824.
2. Private Acts of 1826 (Ex. Sess.), Chapter 43, authorized the sheriff of Claiborne County to summon 26 men from said county to attend the next term of the county court as jurors.

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