



State of Tennessee
PUBLIC CHAPTER NO. 370

HOUSE BILL NO. 1190

By Representative Marsh

Substituted for: Senate Bill No. 1658

By Senator Tracy

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 8, Part 1 and Title 38, Chapter 8, Part 1, relative to requirements for office of sheriff.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-8-102, is amended by deleting the section in its entirety and substituting instead the following:

(a) After May 30, 1997, to qualify for election or appointment to the office of sheriff a person shall:

- (1) Be a citizen of the United States;
- (2) Be at least twenty-five (25) years of age prior to the date of qualifying for election;
- (3) Be a qualified voter of the county and a resident of the county for one (1) full year prior to the date of the qualifying deadline for running as a candidate for sheriff;
- (4) Have obtained a high school diploma or its equivalent in educational training as recognized by the Tennessee state board of education;
- (5) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any misdemeanor crime of domestic violence or any felony charge or violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances;
- (6) Be fingerprinted and have the Tennessee bureau of investigation make a search of local, state and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of the Tennessee bureau of investigation. It shall be the responsibility of the Tennessee bureau of investigation to forward all criminal history results to the peace officer standards and training commission for evaluation of qualifications;
- (7) Not have been released, separated or discharged from the armed forces of the United States with a dishonorable or bad conduct discharge, or as a consequence of conviction at court martial for either state or federal offenses;
- (8) Have been certified by a Tennessee licensed health care provider qualified in the psychiatric or psychological fields as being free from any disorder, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM III) or its successor, of the American Psychiatric Association, at the time of the examination, that would, in the professional judgment of the examiner, impair the subject's ability to perform any essential function of the job; and

(9)

(A) Except as provided in subdivision (B), have at least three (3) years of full-time experience as a peace officer standards and training

commission certified law enforcement officer in the previous ten (10) years or at least three (3) years of full-time experience as a state or federal certified law enforcement officer with training equivalent to that required by the peace officer standards and training commission in the previous ten (10) years; provided that any person holding the office of sheriff on the effective date of this act shall be deemed to have met the requirements of subdivision (9).

(B) Subdivision (9)(A) shall not apply in any county having a metropolitan form of government where the sheriff does not have full law enforcement powers.

(b)

(1) Any person seeking the office of sheriff shall file with the peace officer standards and training commission, at least fourteen (14) days prior to the qualifying deadline, the following:

(A) An affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section; and

(B) A confirmation of psychological evaluation form certified by the psychologist/psychiatrist providing psychological evaluation as provided for in subdivision (a)(8) for the purposes of sheriff candidacy qualification. The form shall be developed by the peace officer standards and training commission and shall include the examining psychologist's/psychiatrist's license number and state of licensure. The form shall clearly state in bold face type directly above the signature line that a person who, with intent to deceive, makes any false statement on such application commits the offense of perjury pursuant to § 39-16-702. The form shall be made available by the peace officer standards and training commission upon request by any candidate for the office of sheriff.

(2) If such affidavit and form are not filed with the peace officer standards and training commission by the fourteenth day prior to the qualifying deadline for the office of sheriff, such candidate's name shall not be placed on the ballot. The peace officer standards and training commission shall have the authority to verify the validity of such affidavit and form.

(3)

(A) The peace officer standards and training commission shall verify peace officer standards and training certification of any person seeking the office of sheriff to the extent subdivision (a)(9) requires such person to have such certification. If the person does not have such certification on the date the person files the affidavit seeking to qualify as a candidate for the office of sheriff, the peace officer standards and training commission shall certify whether the person has the three (3) years of full-time experience as a peace officer standards and training commission certified law enforcement officer and whether the certification is current. If the candidate does not have a current certification, or if the person has the law enforcement experience as a state or federal law enforcement officer pursuant to subdivision (a)(9), then such candidate shall certify with the county election commission by the withdrawal deadline their exemption pursuant to such subdivision.

(B) The original notarized verification form from the peace officer standards and training commission shall be filed by the peace officer standards and training commission with the county election commission by the withdrawal deadline.

(C) If the peace officer standards and training commission or the candidate, as appropriate, has not certified to the county election

commission by the withdrawal deadline a person seeking to qualify as a candidate for the office of sheriff as meeting the qualifications as provided for in this section, such person's name shall not appear on the ballot.

(D) In the event that a person seeks election to the office of sheriff by the county legislative body to fill a vacancy in office, such verification must be filed with the county clerk prior to the election.

(c)

(1) Every person who is elected or appointed to the office of sheriff after May 30, 1997, shall, annually during the sheriff's term of office, complete forty (40) hours of in-service training appropriate for the rank and responsibilities of a sheriff. The training shall be approved by the peace officer standards and training commission. Any sheriff who does not fulfill the obligations of this annual in-service training shall lose the power of arrest.

(2) Every person who is elected to the office of sheriff after August 1, 2006, in a regular August general election for a four-year term, and is a first term sheriff, regardless of the person's previous law enforcement experience, must successfully complete the newly elected sheriffs' school prior to September 1 immediately following the person's election, and thereafter must successfully complete forty (40) hours of annual in-service training appropriate for the rank and responsibilities of a sheriff pursuant to subdivision (c)(1). The newly elected sheriffs' school shall be taught at the Tennessee law enforcement academy during the month of August, only in the years that elections for sheriffs are held. The curriculum shall be developed by the Tennessee law enforcement training academy in cooperation with the Tennessee sheriffs' association and must be approved by the peace officer standards and training commission. Any usual and customary cost associated with attending the newly elected sheriffs' school shall be paid by the county. Any such sheriff who does not fulfill the obligations of this training course shall lose the power of arrest. No fees collected for the sheriffs' school shall inure to the benefit of the Tennessee sheriffs' association.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

HOUSE BILL NO. 1190

PASSED: May 18, 2011


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 30th day of MAY 2011


BILL HASLAM, GOVERNOR