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*** Current through Chapters 2, 3, 5-7, 9, 11-15, 17, 19-20 of the 2017 Regular Session.

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Title 8 Public Officers And Employees
Chapter 8 Sheriffs
Part 1 Appointment--Vacancy

Tenn. Code Ann. § 8-8-102 (2017)

8-8-102. Qualifications for office -- Affidavits -- Training -- Challenge to candidate's qualifications -- Fraudulent challenge.

(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 (TBI) make a search of local, state and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of TBI. It shall be the responsibility of TBI to forward all criminal history results to the peace officer standards and training (POST) 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 field as being free from any impairment, as set forth in the

current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the applicant's ability to perform an essential function of the job, with or without a reasonable accommodation;

(9) (A) Except as provided in subdivision (a)(9)(B), have at least three (3) years of full-time experience as a POST 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 POST commission in the previous ten (10) years; provided, that any person holding the office of sheriff on May 30, 2011, shall be deemed to have met the requirements of this subdivision (a)(9).

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

(10) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or violation of any federal or state laws relating to controlled substance analogues.

(b) (1) Any person seeking the office of sheriff shall file with the POST 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 POST 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 POST commission upon request by any candidate for the office of sheriff.

(2) If such affidavit and form are not filed with the POST 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 POST commission shall have the authority to verify the validity of such affidavit and form.

(3) (A) The POST 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 POST commission shall certify whether the person has the three (3) years of full-time experience as a POST 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 subdivision (a)(9).

(B) The original notarized verification form from the POST commission shall be filed by

the POST commission with the county election commission by the withdrawal deadline.

(C) If the POST 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 POST 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 POST 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.

(d) A person may challenge whether a candidate has the required qualifications for sheriff, as identified in subsection (a); provided, that the challenge is filed in writing with the POST commission no later than twelve o'clock (12:00) noon prevailing time on the third day after the qualifying deadline, as determined under § 2-5-101(a).

(e) If a candidate's qualifications are challenged pursuant to subsection (d), the POST commission shall:

(1) Notify the candidate of the challenge;

(2) Review and verify the candidate's required qualifications, identified in subsection (a);

(3) Review and verify the candidate's affidavit and psychological evaluation form, in accordance with subsection (b); and

(4) If the POST commission determines the candidate does not possess the required qualifications for sheriff:

(A) Disqualify the candidate;

(B) Notify the candidate and county election commission of its determination no later

than twelve o'clock (12:00) noon prevailing time on the seventh day after the qualifying deadline, as determined under § 2-5-101(a); and

(C) Request that the county election commission:

(i) Not print the candidate's name on any ballot; and

(ii) Remove the candidate's name from any printed ballot.

(f) (1) It is an offense for a person to intentionally file a fraudulent challenge under subsection (d).

(2) A violation of subdivision (f)(1) is a Class A misdemeanor punishable by fine only.

HISTORY: Code 1858, § 358 (deriv. Acts 1777 (Nov.), ch. 8, § 3); Shan., § 447; Code 1932, § 694; T.C.A. (orig. ed.), § 8-802; Acts 1993, ch. 373, § 2; 1994, ch. 941, § 1; 1997, ch. 338, §§ 1, 2; 2000, ch. 742, §§ 1, 2; 2001, ch. 360, § 1; 2001, ch. 413, § 15; 2006, ch. 948, § 1; 2011, ch. 370, § 1; 2012, ch. 848, § 5; 2013, ch. 137, § 1; 2015, ch. 508, § 1.