

# **2010 Tennessee Code**

## **Title 8 - Public Officers And Employees**

### **Chapter 8 - Sheriffs**

#### **Part 1 - AppointmentVacancy**

#### **8-8-102 - Qualifications for office Affidavits.**

#### **8-8-102. Qualifications for office Affidavits.**

**(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;
- (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 felony charge or any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances; so long as the violation involves an offense that consists of moral turpitude or a misdemeanor crime of domestic violence;
- (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 qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM III) or its successor, of the American Psychiatric Association; and

**(9) (A)** Possess a current and valid peace officer certification as issued by the peace officer standards and training commission as provided in § 38-8-107, and as defined in title 38, chapter 8, within twelve (12) months prior to the close of qualification for the election for the office of sheriff.

**(B)** In the event that certification for peace officer is inactive or no longer valid, proof of the intent to run for the office of sheriff shall be presented to the peace officer standards and training commission for approval to take the peace officer standards and training certification examination; provided, that all requirements are met as set forth in subdivisions (a)(1)-(8) and those set by the commission.

**(C)** The provisions of this subdivision (a)(9) shall not apply in any county having a metropolitan form of government where the sheriff does not have 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)** The peace officer standards and training commission shall verify peace officer standards and training certification of any person seeking the office of sheriff who meets these requirements. 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. If the peace officer standards and training commission 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. 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.

**(d) (1)** Notwithstanding any provision of subsections (a)-(d) to the contrary, a current and valid peace officer certification issued by the peace officer standards and training commission or training that is approved by or meets the standard on minimum hours required to be certified by the peace officer standards and training commission is not a requirement for a person to initially qualify for election to the office of sheriff. However, if such a person qualifies to run for the office of sheriff and is elected to the office, such person shall be required to enroll, within six (6) months after taking office, in the recruit training program offered by the Tennessee law enforcement training academy. Any cost associated with obtaining such peace officer standards and training certification shall be paid by the county. For such person to qualify for the office of sheriff in any subsequent election, the person must have completed such recruit training program and have obtained peace officer standards and training certification during such person's first term of office as sheriff.

**(2)** If, pursuant to subdivision (d)(1), a person is elected to the office of sheriff, and the person does not possess a current and valid peace officer certification, upon taking office the salary of such person shall be fifteen percent (15%) less than the salary of a person initially elected to the office of sheriff who does possess a current and valid certification; provided, that if during the first year in office, such person completes the recruit training program and obtains certification, the salary of such person shall, as a matter of law, automatically be raised the month following the date certification is obtained to the level of other persons initially elected to the office of sheriff who are certified. However, if such a person does not complete the recruit training program and obtain certification during the person's first year in office, then the following reduction in salary shall occur as a matter of law, until such person obtains certification:

**(A)** During the second year in office, the salary shall be twenty percent (20%) less than the salary of a first-term sheriff who is certified;

**(B)** During the third year in office, the salary shall be twenty-five percent (25%) less than the salary of a first-term sheriff who is certified; and

**(C)** During the fourth year in office, the salary shall be thirty percent (30%) less than the salary of a first-term sheriff who is certified.

Notwithstanding such salary schedule, the salary shall, as a matter of law, be automatically raised the month following the date certification is obtained to the level of a first-term sheriff who is certified.

**(3)** As used in this subsection (d), "certification" or "certified" means a current and valid peace officer certification issued by the peace officer standards and training commission or training that is approved by or meets the standard on minimum hours required to be certified by the peace officer standards and training commission.

[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.]