

Effective: July 1, 2013

West's Tennessee Code Annotated Currentness

Title 41. Correctional Institutions and Inmates

▢ Chapter 4. Jails and Jailers

→→ **§ 41-4-144. Employment qualifications**

(a) After July 1, 2006, any person employed as a jail administrator, jailer, corrections officer or guard in a county jail or workhouse shall:

- (1) Be at least eighteen (18) years of age;
- (2) Be a citizen of the United States;
- (3) Be a high school graduate or possess its equivalency, which shall include a general educational development (GED) certificate;
- (4) Not have been convicted of, or pleaded guilty to, or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or municipal ordinances relating to force, violence, theft, dishonesty, gambling, liquor, controlled substances or controlled substance analogues;
- (5) Not have been released or discharged under any other than honorable discharge from any of the armed forces of the United States;
- (6) Have the person's fingerprints on file with the Tennessee bureau of investigation;
- (7) Have passed a physical examination by a licensed physician;
- (8) Have a good moral character as determined by a thorough investigation conducted by the sheriff's office; and
- (9) 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 person's ability to perform an essential function of the job, with or without a reasonable accommodation.

(b)(1) Requirements for minimum qualifications as set forth in subsection (a) shall be mandatory and binding upon any municipality, county or political subdivision of this state.

(2) Any person who appoints any applicant who, to the knowledge of the appointor, fails to meet the minimum qualifications as set forth in subsection (a), and any person who signs the warrant or check for the payment of the salary of any person who, to the knowledge of the signer, fails to meet the minimum qualifications as set forth in this section, commits a Class A misdemeanor and upon conviction shall be subject to a fine not exceeding one thousand dollars (\$1,000).

(3) This section shall not apply to any jail administrator, jailer, corrections officer or guard hired by any municipality, county, or political subdivision of this state prior to July 1, 2006.

(c) Nothing in this chapter shall be construed to preclude an employing agency from establishing qualifications and standards for hiring and training jail or workhouse employees that exceed those set forth in this section.

CREDIT(S)

2006 Pub.Acts, c. 849, § 1, eff. July 1, 2006; 2012 Pub.Acts, c. 848, § 38, eff. May 15, 2012; 2013 Pub.Acts, c. 173, § 2, eff. July 1, 2013.

HISTORICAL AND STATUTORY NOTES

2012 Pub.Acts, c. 848, § 38, in subsec. (a)(4), substituted “liquor, controlled substances or controlled substance analogues;” for “liquor or controlled substances;”.

2012 Pub.Acts, c. 848, § 99, provides:

“SECTION 99. This act shall take effect fourteen (14) days after becoming a law [approved May 1, 2012], the public welfare requiring it.”

2013 Pub.Acts, c. 173, § 2, rewrote subsec. (a)(9), which formerly read:

“(9) Be free from any disorder as described in the current edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association that would, in the professional judgment of the examiner, impair the subject's ability to perform any essential function of the job or would cause the subject to pose a direct threat to public safety. An applicant must be certified as meeting these criteria by a Tennessee licensed health care provider qualified in the psychiatric or psychological fields.”

LIBRARY REFERENCES

Prisons  7.

Westlaw Topic No. 310.

C.J.S. Prisons and Rights of Prisoners § 14.

T. C. A. § 41-4-144, TN ST § 41-4-144

Current through end of 2013 First Reg. Sess.

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