

MEMORANDUM

TO: James L. Berrong, Blount County Sheriff; Deputy Chief Chris Cantrell

FROM: Judge Kenlyn Foster

DATE: May 16, 2024

RE: Courtroom B, Magistrate Erin Schad

I am pleased to announce that Erin Schad will join Blount County Juvenile Court as a Juvenile Court Magistrate Judge on June 3, 2024. Magistrate Schad will preside over Courtroom B. I respectfully request that, pursuant to Tennessee Code Annotated sections 8-8-201(a)(2), 16-15-715, and 37-1-213, the Sheriff's Office provide a Court Officer for Courtroom B. Please let me know if you have any questions or concerns.

[Tenn. Code Ann. § 37-1-213](#)

Current through Chapter 1069, with the exception of Chapter 688 secs 79, 80, and 83 of the 2024 Regular Session. The commission may make editorial changes to this version and may relocate or redesignate text. Those changes will appear on Lexis Advance after the publication of the certified volumes and supplements. Pursuant to TCA sections 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Public Chapter and not TCA.

TN - Tennessee Code Annotated > Title 37 Juveniles > Chapter 1 Juvenile Courts and Proceedings > Part 2 Juvenile Court Restructure Act of 1982

37-1-213. Deputies.

The sheriffs of the various counties shall furnish the necessary deputies and special deputies to attend and dispense with the business of such courts.

History

Acts 1982, ch. 934, § 13; T.C.A., § 37-273.

Annotations

Opinion Notes

Attorney General Opinions.

Appointment of court officer authorized to carry weapon in courtrooms; required training, qualifications, etc. OAG 10-77, [2010 Tenn. AG LEXIS 83 \(6/1/10\)](#).

POST certification of bailiffs and court officers. OAG 10-107, [2010 Tenn. AG LEXIS 113 \(10/28/10\)](#).

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[Tenn. Code Ann. § 8-8-201](#)

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TN - Tennessee Code Annotated > Title 8 Public Officers And Employees > Chapter 8 Sheriffs > Part 2 Powers and Duties

8-8-201. Duties of office. [Effective until July 1, 2024. See the version effective on July 1, 2024.]

(a) It is the sheriff's duty to:

(1) Execute and return, according to law, the process and orders of the courts of record of this state, and of officers of competent authority, with due diligence, when delivered to the sheriff for that purpose;

(2)

(A) Except as provided in subdivision (a)(2)(B), attend upon all the courts held in the county when in session; cause the courthouse or courtroom to be kept in order for the accommodation of the courts; furnish them with fire and water; and obey the lawful orders and directions of the court;

(B)

(i) In any municipality having a metropolitan form of government and a population of over four hundred fifty thousand (450,000), according to the 1990 federal census or any subsequent federal census, the trial judges shall, within the annual budget appropriation, appoint persons to serve as court officers for the respective courts, such persons to serve at the will of, and under the direction and supervision of the appointing judge. The officers shall be paid in accordance with the general pay plan of such a municipality;

(ii) It is the duty of such court officers to maintain order during sessions of the court, to serve process as ordered and to perform such other duties as may be prescribed by the judge. The court officers shall, while acting in the performance of their duties, possess and exercise police powers to the same extent as that granted to members of the metropolitan police department;

(3) Take charge and custody of the jail of the sheriff's county, and of the prisoners therein; receive those lawfully committed, and keep them personally, or by deputies or jailer, until discharged by law; be constantly at the jail, or have someone there, with

the keys to liberate the prisoners in case of fire; provided, that if two (2) or more counties enter into an interlocal agreement providing for a jail to serve the counties which are parties to the agreement, the sheriff of any county which is party to such agreement shall not take charge and custody of the jail shared by the agreeing counties unless the interlocal agreement so provides, nor shall the sheriff have charge of the prisoners lawfully committed to such a jail unless so provided by the interlocal agreement;

(4) Mark on all process delivered to the sheriff to be executed, the day on which the sheriff received the same;

(5)

(A) Execute all writs and other process legally issued and directed to the sheriff, within the county, and make due return thereof, either personally or by a lawful deputy or, in civil lawsuits only, by a lawfully appointed civil process server except in counties specified in subdivision (a)(5)(B);

(B) The provisions of subdivision (a)(5)(A), relative to other authorized process servers, do not apply in the counties having a population of:

not less than

nor more than

41,800 41,900

85,725 85,825

143,900 144,000

287,000 288,000

according to the 1980 federal census or any subsequent census;

(6) Execute every notice to take depositions, delivered to the sheriff, for any party residing in the county, by delivering a copy thereof to such party in due time; mark on the original notice the time of delivering such copy, and return the same to the clerk of the court in which the suit is pending;

(7) Serve, in due time, any delinquent officer or principal debtor with a copy of any notice of motion delivered to the sheriff to be served on such officer or debtor, and return the original notice in due time to the clerk of the court in which the motion is to be made, with the sheriff's endorsement of service;

(8) Go to the house or place of abode of every defendant against whom the sheriff has process, before returning on the same that the defendant is not to be found;

(9) Specify in the return in what county in the state the defendant resides, when the defendant is a known inhabitant of any other county than that of the sheriff to which the process is directed;

- (10) Use, in the execution of process, a degree of diligence exceeding that which a prudent person employs in such person's own affairs;
- (11) Give a receipt, if required by the party, for executions delivered to the sheriff;
- (12) Receive nothing but money, or, unless otherwise instructed, current convertible bank notes, in satisfaction of any writ of execution delivered to the sheriff;
- (13) Levy every writ of execution first on the defendant's goods and chattels, if there are any;
- (14) Levy the same upon lands to the amount of the whole debt, or so much of the debt as may exceed the value of the goods and chattels, if there are not, to the best of the sheriff's knowledge, goods and chattels sufficient to answer the plaintiff's demand;
- (15) Exhaust the property of a principal before selling the property of a surety, as provided in [§ 26-3-105](#);
- (16) Take from a defendant, on whose personal property the sheriff has levied an execution, a delivery bond, if requested, with surety, for double the amount of the execution, payable to the plaintiff, conditioned for the delivery of the property at the day and place of sale;
- (17) Levy such execution, if the bond be forfeited, upon so much of the property of the defendant, if to be found, as shall be sufficient to satisfy it; and, if there be a deficit, then upon the surety's property, sufficient to satisfy so much of the debt as the property not delivered was valued at;
- (18) Summon a jury to ascertain the value of the undelivered property of the principal, if the value is not set forth in the delivery bond;
- (19) Return the execution, and the bond with it, to the tribunal from which it issued, if satisfaction of the execution cannot be had before the return day;
- (20) Have personal property that the sheriff sells under execution present at the time of sale, unless the defendant agrees that it may be sold without being present;
- (21) Describe land levied upon by execution or attachment, so as to identify it and distinguish it from other lands;
- (22) Serve the defendant in possession of land with twenty (20) days' notice of the levy, and of the time and place of sale;
- (23) Advertise the sale of any land levied on by execution, as prescribed in [§§ 35-5-101 — 35-5-104](#);
- (24) Pay the expenses of such advertisement out of the proceeds of the sale;
- (25) Return every execution which is delivered to the sheriff, on or before the day of return mentioned therein, with a sufficient response endorsed thereon or attached to it;
- (26) Pay to the party entitled to the same, or to the party's agent or attorney, on demand, any moneys collected by the sheriff on any execution from a court of record;
- (27) Return with such execution any money collected on such execution;

- (28) Make out, if required by the defendant, on levying any debt, damages, or costs by virtue of an execution, a bill of fees due in the case, and set down, under the bill, a true copy of the clerk's and other endorsed fees separately and distinctly, and give a receipt for the same to the defendant in the execution;
- (29) Endorse on the execution the amount of the sheriff's own fees taken on the same, to be entered by the clerk on the execution docket;
- (30) Pay to the party entitled thereto, or to the party's agent or attorney, any money collected by the sheriff, by virtue of an execution from a judge of the court of general sessions, on or before the return day of the execution;
- (31) Pay to the party entitled to receive the same, or to the party's agent or attorney, any money collected by the sheriff upon any debt or demand delivered to the sheriff for collection, whether the sheriff collects or receives the money before or after the issuance of any summons, or before or after the rendition of a judgment or the issuance of an execution;
- (32) Return every execution issued by any judge of the court of general sessions and delivered to the sheriff, with a sufficient response thereon, within thirty (30) days after the issuance of the same, either to the judge who issued it, or to the judge having possession of that judge's papers;
- (33) Perform such other duties as are, or may be, imposed by law;
- (34) Enforce the ordinances of a municipality; provided, that the municipality has expressed by ordinance its intent to have the sheriff enforce its ordinances, and that the municipality has filed a certified copy of its ordinances with the sheriff and the general sessions court of the county;
- (35)
- (A) Take or cause to be taken a full set of fingerprints of each person arrested whether by warrant or *capias* for an offense which results in such person's incarceration in a jail facility or the person's posting of a bond to avoid incarceration. If fingerprints are maintained manually, two (2) full sets of fingerprints shall be obtained and sent to the Tennessee bureau of investigation. If fingerprints are maintained electronically, a set of fingerprints shall be transmitted to the Tennessee bureau of investigation. Upon receipt of the fingerprints, the Tennessee bureau of investigation shall retain one (1) set of the fingerprints as provided in [§ 38-6-103](#), and shall send one (1) set of the fingerprints to the federal bureau of investigation;
- (B) A person who is issued a citation pursuant to [§ 40-7-118](#) or [§ 40-7-120](#) shall not, for purposes of this section, be considered to have been arrested and the agency issuing the citation shall not be required to take the fingerprints of such person; and
- (36) Promptly turn over and transfer custody of any inmate sentenced to the department of correction who is being housed in such sheriff's local jail awaiting transfer when called upon to do so by a state official pursuant to [§ 40-35-212](#) or [§ 41-8-106](#).

(b)

(1) In addition to the duties set forth in subsection (a), the sheriff shall perform the duties set forth in the following sections: 2-17-106, 5-7-108, 6-55-201, 7-51-1105, 7-51-1107, 7-51-1111, 7-86-105, 8-4-115, 8-7-110, 8-22-110, 8-26-108, 11-24-112, 16-2-505, 16-15-715, 16-15-901, 18-1-206, 20-2-103, 20-2-111, 22-2-307, 22-2-310, 26-1-402, 26-2-216, 26-2-405, 26-2-406, 26-5-116, 29-16-111, 29-17-706, 29-18-115, 33-3-611, 33-5-409, 33-6-406, 33-6-407, 33-6-610, 33-6-611, 33-6-615, 33-6-901, 37-1-213, 37-1-310, 37-1-403, 37-1-405, 37-1-603, 37-1-605, 37-1-607, 37-5-205, 38-1-106, 38-3-102, 38-3-108, 38-3-122, 38-7-106, 38-7-108, 38-7-116 [repealed], 38-8-102, 38-8-111, 38-10-102, 38-11-204, 39-14-149, 39-17-420, 39-17-429, 39-17-714, 39-17-1315, 39-17-1317, 39-17-1351, 39-17-1361, 40-6-105, 40-6-210, 40-6-212, 40-6-215, 40-7-120, 40-9-103, 40-9-124, 40-9-127, 40-10-105, 40-10-106, 40-11-106, 40-11-135, 40-11-147, 40-11-207, 40-11-211, 40-11-212, 40-13-301, 40-20-117, 40-23-103, 40-23-113, 40-23-116, 40-25-111, 40-25-135, 40-28-107, 40-30-110, 40-33-102, 40-33-104, 40-33-105, 40-33-107, 40-35-307, 40-36-201, 40-38-103, 41-1-604, 41-4-143, 41-7-105, 41-8-105, 41-11-105, 41-11-110, 41-21-308, 41-21-909, 41-22-301, 41-22-303, 41-22-307, 47-13-104, 47-25-404, 49-6-3007, 49-6-3203, 53-11-451, 54-11-105, 54-14-106, 55-10-402, 55-10-410, 55-10-420, 57-3-410, 57-5-202, 57-9-101, 57-9-102, 57-9-103, 57-9-104, 57-9-106, 57-9-107, 57-9-108, 57-9-110, 57-9-111, 57-9-115, 57-9-118, 60-1-205, 62-35-131, 63-3-126, 63-5-124, 63-8-120, 63-9-110, 63-16-115, 63-17-219, 63-25-110, 65-6-133, 66-19-206, 66-19-208, 66-19-209, 66-23-111, 67-1-1202, 67-1-1203, 67-4-110, 67-4-215, 67-4-603, 67-4-1017, 67-5-2006, 68-29-136, 68-102-145, 68-120-401, 68-140-522, 70-4-106, 70-6-201, and 71-6-208.

(2) The sheriff shall perform such other duties as are, or may be, imposed by law or custom.

History

Code 1858, §§ 360, 4093 (deriv. Acts 1777 (Nov.), ch. 8, §§ 5, 7, 10; 1794, ch. 1, §§ 9, 23; 1799, ch. 14, § 1; 1801, ch. 13, § 1; 1803, ch. 18, § 2; 1817, ch. 199, §§ 5, 6; 1827, ch. 35, § 4; 1829, ch. 71, § 1; 1831, ch. 25, §§ 1, 2; 1835-1836, ch. 17, §§ 4, 5; 1835-1836, ch. 19, § 6; 1837-1838, ch. 190, § 1; 1841-1842, ch. 37; 1843-1844, ch. 32, § 1; 1845-1846, ch. 22; 1849-1850, ch. 120, § 1); Acts 1897, ch. 66, § 1; Shan., §§ 449, 5906; mod. Code 1932, §§ 696, 10106; modified; Acts 1973, ch. 88, § 1; 1973, ch. 355, § 1; impl. am. Acts 1979, ch. 68, §§ 2, 3; T.C.A. (orig. ed.), § 8-810; Acts 1981, ch. 289, § 2; 1982, ch. 930, § 1; 1986, ch. 698, § 2; 1987, ch. 338, §§ 2, 3-5; [1994, ch. 728, § 1](#); [1995, ch. 462, §§ 1, 2](#); [1997, ch. 502, § 2](#); [1999, ch. 190, § 2](#); [2004, ch. 438, § 1](#); [2004, ch. 669, §§ 1, 2](#); [2005, ch. 174, § 1](#); [2008, ch. 701, § 6](#); [2008, ch. 1159, § 3](#); [2013, ch. 154, § 29](#); [2019, ch. 118, § 1](#); [2019, ch. 509, § 2](#).

Annotations

Notes

[Tenn. Code Ann. § 16-15-715](#)

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TN - Tennessee Code Annotated > Title 16 Courts > Chapter 15 Courts of General Sessions > Part 7 Miscellaneous Provisions

16-15-715. Court bailiffs.

The sheriff shall, unless otherwise provided, provide sufficient bailiffs to serve the general sessions courts.

History

[Acts 1993, ch. 241, § 25.](#)

Annotations

Opinion Notes

Attorney General Opinions.

Sheriff has the duty to appoint court officers for general sessions courts, except in municipalities having a metropolitan form of government and a population of more than 450,000, OAG 05-026, [2005 Tenn. AG LEXIS 26 \(3/21/05\)](#)

Appointment of court officer authorized to carry weapon in courtrooms; required training, qualifications, etc. OAG 10-77, [2010 Tenn. AG LEXIS 83 \(6/1/10\)](#).

POST certification of bailiffs and court officers. OAG 10-107, [2010 Tenn. AG LEXIS 113 \(10/28/10\)](#).

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