

**CHAPTER NO. 849**

**SENATE BILL NO. 3189**

**By Cooper**

**Substituted for: House Bill No. 3188**

**By Harmon, Eric Watson**

AN ACT to amend Tennessee Code Annotated, Title 41, Chapter 4, relative to jailer qualifications.

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

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 4, Part 1, is amended by adding the following language as a new section:

Section 41-4-143.(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 or controlled substances;
- (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 such 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) 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.

(b)(1) Requirements for minimum qualifications as set forth in this section 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 this section, 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.

SECTION 2. This act shall take effect on July 1, 2006, the public welfare requiring it.

Passed: May 17, 2006

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 2nd day of June 2006

  
PHIL BREDESEN, GOVERNOR