



# County Technical Assistance Service

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## Convicted Prisoners-Workhouse

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Capitol Blvd. Suite 400  
Nashville, TN. 37219  
615-532-3555 phone  
615-532-3699 fax  
[ctas@tennessee.edu](mailto:ctas@tennessee.edu)  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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## Convicted Prisoners-Workhouse

**Reference Number:** CTAS-1439

Officials having responsibility for the custody and safekeeping of defendants may promulgate and enforce reasonable disciplinary rules and procedures requiring all able-bodied inmates to participate in work programs. Such rules and procedures may provide appropriate punishments for inmates who refuse to work, including, but not limited to, increasing the amount of time the defendant must serve in confinement or changing the conditions of the defendant's confinement, or both. Any such increase in the amount of time a defendant must serve for refusing to participate in a work program shall not exceed the sentence originally imposed by the court. T.C.A. § 40-35-317(b).

The legislature has clearly stated its intent to require able-bodied inmates to participate in work programs. Under T.C.A. § 40-35-317(b), officials in charge of county jails or workhouses may promulgate and enforce disciplinary rules requiring such work and punishing inmates refusing to work. Op. Tenn. Atty. Gen. No. 83-363 (August 15, 1983).

Pursuant to T.C.A. § 41-2-147(a), the sheriff or workhouse superintendent having responsibility for the custody of any person sentenced to a local workhouse pursuant to the provisions of T.C.A. § 40-35-302 (misdemeanor sentence), T.C.A. § 40-35-306 (split confinement), T.C.A. § 40-35-307 (probation coupled with periodic confinement) or T.C.A. § 40-35-314 (felon confined in local jail) shall, when such person has become eligible for work-related programs pursuant to such sections, be authorized to permit the person to perform any of the duties set out in T.C.A. § 41-2-123 or T.C.A. § 41-2-146.

## Road Work-Workhouse

**Reference Number:** CTAS-1440

All prisoners sentenced to the county workhouse under the provisions of T.C.A. § 40-23-104 (Sentence to Workhouse for Felony Term) or former T.C.A. § 40-35-311 shall be worked on the county roads under the supervision of the chief administrative officer of the county highway department when, in the opinion of such chief administrative officer, a sufficient number are available to pay the county for the necessary expense incurred for keeping and caring for them. Such prisoners may be used by municipalities within the county by mutual agreement between the county sheriff or superintendent of the county workhouse and the chief executive officer of the municipality. T.C.A. § 41-2-123(a).

When any prisoner has been sentenced to imprisonment in a county workhouse for a period not to exceed 11 months and 29 days, the superintendent of the county workhouse is authorized to permit the prisoner to work on the county roads or within municipalities within the county on roads, parks, public property, public easements or alongside public waterways up to a maximum of 50 feet from the shoreline. T.C.A. § 41-2-123(b)(1).

It is the duty of such prisoners to pick up and collect litter, trash and other miscellaneous items that are unsightly to the public and that have accumulated on the county roads. All prisoners participating in this work program shall be under the supervision of the superintendent of the county workhouse or the superintendent's representative. Prisoners used by a municipality shall be supervised by representatives of the municipality. The prisoners may be used by municipalities for such duties or manual labor as the municipality deems appropriate. T.C.A. § 41-2-123(b)(2).

Under state law, neither the state nor any municipality, county or political subdivision thereof, nor any employee or officer thereof, shall be liable to any person for the acts of any prisoner while on a work detail, or while being transported to or from a work detail, while attempting an escape from a work detail, or after escape from a work detail. T.C.A. § 41-2-123(d)(1).

Under state law, neither the state nor any municipality, county, or political subdivision thereof, nor any employee or officer thereof, shall be liable to any prisoner or prisoner's family for death or injuries received while on a work detail other than for medical treatment for the injury during the period of the prisoner's confinement. T.C.A. § 41-2-123(d)(2).

## Jail Maintenance Work-Workhouse

**Reference Number:** CTAS-1441

When any prisoner has been sentenced to imprisonment in a county workhouse or is serving time in the county workhouse pursuant to an agreement with the Department of Correction, the superintendent of the county workhouse is authorized to permit the prisoner to participate in work programs. T.C.A. § 41-2-146(a).

## Litter Grant Program

**Reference Number:** CTAS-1442

The commissioner of transportation is authorized to make grants to the several counties of the state, either through the office of sheriff or that of the county mayor or other appropriate official, for the purpose of funding programs to collect litter and trash along county, state and interstate roads and highways within the respective counties. Such grants may provide for the use of labor of prisoners sentenced to the county workhouse, and may fund expenses including, but not limited to, salaries, administration and the purchase, maintenance and operation of equipment. Not more than 10 percent of the funds awarded by a grant under T.C.A. § 41-2-123(c) shall be expended to advertise or promote a litter and trash collection program, and no part of such funds shall be used to purchase supplies, materials or equipment displaying the name or likeness of the administrator of such program or of any other individual. Local county officials and other recipients may submit applications outlining a plan for litter abatement that may include recycling programs to the Department of Transportation. All applications shall be subject to prior review and approval by the governor or designated agent. T.C.A. § 41-2-123(c).

## Work Contracts with Other Counties

**Reference Number:** CTAS-1443

Any county not desiring to work its workhouse prisoners may, through its county mayor and by direction of the county legislative body, contract with any other county for the custody and employment of such prisoners. The prisoners shall then be worked and guarded by the county contracting to take them, and shall be subject to any rules that may be established by the workhouse commissioners of such county. T.C.A. § 41-2-124.

## Contracts with Department of Transportation

**Reference Number:** CTAS-1444

The Tennessee Department of Transportation is authorized to enter into contracts with county officials charged by law to work workhouse prisoners in the construction and reconstruction of roads. The contract will allow credit to the county for the work of prisoners on state or federal roads as approved by TDOT or the appropriate federal department. T.C.A. § 41-2-125.

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