



# County Technical Assistance Service

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## Bailiffs

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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,

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## Bailiffs

**Reference Number:** CTAS-1237

Except in Davidson County, it is the duty of the sheriff to attend upon all the courts held in the county when in session. T.C.A. § 8-8-201(a)(2). And, unless otherwise provided, it is the duty of the sheriff in every county to provide sufficient bailiffs to serve the general sessions courts. T.C.A. § 16-15-715. *Taylor v. Wilson County*, 216 S.W.2d 717 (Tenn. 1949) (Sheriff of Wilson County had statutory duty to wait on the general sessions court for Wilson County, and he had the right to collect the compensation provided for by general law for performing required duty of attending the court for a substantial portion of a day.); Op. Tenn. Atty. Gen. No. 05-026 (March 21, 2005) (The sheriff has the duty to appoint court officers for general sessions courts except in municipalities with a metropolitan form of government and a population of more than 450,000.). Op. Tenn. Atty. Gen. No. 92-55 (Oct. 6, 1992) (It is the sheriff's responsibility to assign deputies to wait upon the courts. The judge cannot, however, order the sheriff to assign specific personnel to the courtroom.). Furthermore, it is the duty of the sheriff to furnish the necessary deputies and special deputies to attend and dispense with the business of the juvenile courts. T.C.A. § 37-1-213. Accordingly, the sheriff is authorized to employ deputies to carry out these functions. *Jones v. Mankin*, 1989 WL 44924, \*9 (Tenn. Ct. App. 1989).

Beginning July 1, 2008, deputy sheriffs newly assigned to courts pursuant to T.C.A. §§ 8-8-201(a)(2)(A), 16-15-715, and 37-1-213 shall participate in forty hours of basic training in courthouse security within twelve months of assignment to that duty. Every year thereafter the deputies shall participate in a minimum of sixteen hours of training specific to courthouse security that has been approved by the peace officers standards and training commission. T.C.A. § 5-7-108(a)(2).

The Attorney General has opined that all bailiffs and court officers must be certified by the Peace Officer Standards and Training Commission (POST). The Attorney General noted that sheriffs are peace officers who are under a duty, among other things, to provide courtroom security, attend to the courts, and obey the lawful orders and directives of the courts. Deputy sheriffs, likewise, are required to be certified as peace officers within one year of employment. Tenn. Code Ann. §§ 38-8-102 to 122. As with sheriffs, the Legislature has imposed training requirements for deputy sheriffs who serve as bailiffs. Op. Tenn. Atty Gen. 12-32 (March 9, 2012).

The Attorney General noted that reading T.C.A. §§ 5-7-108(a)(2), 8-8-201(a)(2)(A) and 38-8-102 to 122 *in pari materia* confirms that the Legislature intended to impose certification and training requirements upon the persons a sheriff assigns to serve as bailiffs and court officers. As this Office previously opined, to construe such statutes as authorizing a sheriff to circumvent such express requirements by assigning persons who do not possess the title of deputy sheriff to serve as bailiffs or court officers would be contrary to that intent. Op. Tenn. Atty Gen. 12-32 (March 9, 2012), citing Op. Tenn. Atty Gen. 10-107 (October 28, 2010).

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