



County Technical Assistance Service

Published on e-Li (<https://eli.ctas.tennessee.edu>)

November 14, 2019

Workhouses

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
www.ctas.tennessee.edu

Table of Contents

Workhouses .....	. 3
Board of Workhouse Commissioners .....	. 3
Operation of Workhouse Under Control of County Mayor .....	. 4
Operation of Workhouse Under Control of Sheriff .....	. 4
Workhouse Superintendent .....	. 5
Sentence to County Workhouse .....	. 5
Labor Prescribed for Workhouse Prisoners .....	. 6
Convicted Prisoners-Workhouse .....	. 6
Road Work-Workhouse .....	. 7
Jail Maintenance Work-Workhouse .....	. 7
Litter Grant Program .....	. 7
Work Contracts with Other Counties .....	. 8
Contracts with Department of Transportation .....	. 8
Sentence Reduction Credits-Workhouse .....	. 8
Good Time Credit-Workhouse .....	. 9
Disciplinary Review Board-Workhouse .....	. 9
Punishment for Refusing to Work-Workhouse .....	. 9
Other Work Permitted-Workhouse .....	. 10
Inmate Labor for Private Purposes Prohibited-Workhouse .....	. 10
Work Release .....	. 10
Misdemeanor Prisoners .....	. 11
Felony Prisoners .....	. 11
DUI Offenders .....	. 11
D.U.I. Convicts Performing Litter Removal .....	. 12
Wages or Salary of Employed Prisoners - Cost for Boarding .....	. 12
Alternative Work Release Procedures .....	. 13
Employment of Prisoners in Another County .....	. 13
Grounds for Refusal to Release Prisoner .....	. 14
Contracts with Other Governmental Agencies .....	. 14
Work Release Programs by Counties .....	. 14
Guidelines for Work Release Programs .....	. 15
Transfer to Department of Correction .....	. 16
Care of Workhouse Prisoners .....	. 16
Medical Care of Workhouse Prisoners .....	. 16
Charging Inmates for Issued Items-Workhouse .....	. 17
Jail Fees -Workhouses .....	. 17
Travel Restrictions-Workhouse .....	. 18

Workhouses

Reference Number: CTAS-1432

While the sheriff is, of right, entitled to the custody of the jail for the safekeeping of prisoners awaiting trial, transfer, or execution, etc., this will not prevent the county court from declaring the jail a county workhouse for the confinement of prisoners who are under sentence therein, provided the jail is of sufficient capacity to accommodate both classes of prisoners, or may be made so by additions thereto. While the jail is so jointly occupied, workhouse prisoners will be under the control of the superintendent, who will provide for them as required in this act, but all other prisoners will be committed to the care and custody of the sheriff. *State v. Cummins*, 42 S.W. 880 (Tenn. 1897).

Workhouses Authorized

The Counties, through their county legislative bodies, are authorized and empowered to establish, construct and maintain portable, movable or stationary workhouses, as the legislative bodies may, in their discretion and wisdom, deem advisable for the best interest of the county. Prisoners receiving workhouse sentences by the circuit or criminal court of the county shall be sentenced to the workhouse as may be provided by the county legislative body. T.C.A. § 41-2-101(a).

The county legislative body may provide lands, buildings and articles of any kind as may be necessary for a workhouse for the county. T.C.A. § 41-2-101(b).

Pursuant to T.C.A. §§ 41-2-101(a), 41-2-101(c), and 41-2-103, counties have the authority to establish, construct and maintain portable or moving workhouses for the convenience of working prisoners upon the public highways and in working out their sentences in any labor assigned them. T.C.A. § 41-2-101(c).

Jail as Workhouse

In any county not having provided a separate workhouse, the county legislative body may declare its jail to be a workhouse if, in the opinion of the members of the county legislative body, the jail is of sufficient capacity and suitable for the purpose. From and after such declaration the jail shall be known as, and shall be, the county workhouse, and the county shall have thereafter the benefit of all laws in the state applying to workhouses. T.C.A. § 41-2-102. Whenever the jail has been declared a workhouse, the sheriff shall be *ex officio* the superintendent of the workhouse. T.C.A. § 41-2-108.

Board of Workhouse Commissioners

Reference Number: CTAS-1433

When the county has established a separate workhouse, or the jail has been declared a workhouse, the county legislative body shall elect four competent persons, who, in conjunction with the county mayor, shall be known as the board of workhouse commissioners, of which the county mayor shall be, *ex officio*, chair of the board. T.C.A. § 41-2-104(a). Pursuant to the common law, county commissioners may not elect themselves to the board of workhouse commissioners. *State ex rel. v. Thompson*, 395, 246 S.W.2d 59 (Tenn. 1952) (Under the common law it is a violation of public policy for an appointing body to confer office upon one of its own members.). See also Op. Tenn. Atty. Gen. No. 04-070 (April 21, 2004) (A local legislative body cannot elect or appoint one of its own members to an office over which it has the power of election or appointment.); Op. Tenn. Atty. Gen. No. 98-004 (January 5, 1998); Op. Tenn. Atty. Gen. No. U92-129 (December 14, 1992); Op. Tenn. Atty. Gen. No. 88-166 (September 9, 1986).

Two of the workhouse commissioners shall serve for the term of one year and two for the term of two years; and annually thereafter, on the first Monday in January, the county legislative body shall elect two workhouse commissioners for the term of two years, and all vacancies shall be filled by like election for the unexpired term of the workhouse commissioner whose place is to be supplied. T.C.A. § 41-2-104(b).

Workhouse commissioners shall take an oath faithfully to discharge and perform the duties of their office, which oath shall be filed with the county clerk, and a record of the same made on the minutes of the county legislative body; and they shall appoint one of their number secretary. T.C.A. § 41-2-104(c). The board of workhouse commissioners shall each receive such compensation as may be fixed by the county legislative body to be paid quarterly upon warrant of the executive. T.C.A. § 41-2-104(g).

Duties and Powers

Where a separate workhouse has been established, the workhouse commissioners shall have charge, supervision and control of the workhouse in all of its departments, the convicts, the appointment or selection of a superintendent of the workhouse, all necessary guards and other employees, the discharging thereof at any time, in the discretion of the workhouse commissioners, and generally to regulate and control that department of the county's business. T.C.A. § 41-2-104(d).

Three members of the board shall constitute a quorum for the transaction of business. The board of workhouse commissioners shall:

1. Meet once each month, and more often if necessary, to transact business, at the office of the county mayor;
2. Keep, in a well-bound book to be furnished by the county, full and complete minutes of their proceedings;
3. Examine all accounts submitted to them by the superintendent, approve the accounts if found correct, and enter them on their minutes, showing from whom supplies were furnished and for what purpose and the amount. The chair and secretary shall sign the accounts and deliver them to the county mayor, who shall issue a warrant for their payment and keep a record of the accounts, designating to whom issued and for what purpose and shall preserve the vouchers; and
4. Visit and inspect the workhouse prisoners, where at work, as often as necessary.

T.C.A. § 41-2-104(e) and (f).

Quarterly Audit

The board of workhouse commissioners shall, at the close of each quarter and at least two days before the meeting of the county legislative body, submit the book kept by the superintendent and the minute book of the board to the county mayor, for settlement and comparison with the audited account kept in the county mayor's office. If found correct, the county mayor shall endorse on such books "examined and approved" and sign the books officially. T.C.A. § 41-2-106.

Operation of Workhouse Under Control of County Mayor

Reference Number: CTAS-1434

As an alternative to a board of workhouse commissioners, any county may, upon the recommendation of the county mayor and a resolution passed by a two-thirds vote of the county legislative body, place the operation, supervision and control of the county workhouse under the administrative control of the county mayor. If a county chooses this alternative, the county mayor shall possess the same powers, duties and responsibilities as are provided by law for the board of workhouse commissioners. T.C.A. § 41-2-104(h)(1)(A).

The provisions of T.C.A. § 41-2-104(h)(1) shall not apply in any county having a population of not less than 319,625 nor more than 319,725 according to the 1980 federal census or any subsequent federal census. T.C.A. § 41-2-104(h)(2).

Operation of Workhouse Under Control of Sheriff

Reference Number: CTAS-1435

As a further alternative to a board of workhouse commissioners, any county may, upon recommendation by the county mayor and by resolution of the county legislative body, place the operation, supervision and control of the county workhouse under the administrative control of the county sheriff. Administrative control of the workhouse shall be subject to such terms and conditions as the county legislative body and the sheriff may agree. Notwithstanding any provisions of law to the contrary, the agreement between the county legislative body and the sheriff may provide for the payment of additional compensation to the sheriff for such services. If a county chooses this further alternative, the sheriff shall possess the same powers, duties and responsibilities as are provided by law for the board of workhouse commissioners, unless otherwise provided by the agreement between the county legislative body and the sheriff. T.C.A. § 41-2-104(h)(1)(B).

The provisions of T.C.A. § 41-2-104(h)(1) shall not apply in any county having a population of not less than 319,625 nor more than 319,725 according to the 1980 federal census or any subsequent federal census. T.C.A. § 41-2-104(h)(2).

Workhouse Superintendent

Reference Number: CTAS-1436

Pursuant to T.C.A. § 41-2-107(a), the board of workhouse commissioners appoints the superintendent of the workhouse. The superintendent is appointed on the first Monday in January of every even-numbered year and hold office for two years, unless sooner suspended or removed, as provided in T.C.A. § 41-2-104(d).

The superintendent shall take an oath and give bond for the faithful discharge of such superintendent's duty with two or more approved sureties or an approved surety company in the sum of \$1,000, payable to the state for the use of the county, before the county mayor, which oath and bond shall be filed with the county clerk and record of the oath and bond made on the minutes of the county legislative body. T.C.A. § 41-2-107(b).

The salary of the superintendent shall be fixed by the workhouse commissioners and shall be paid quarterly on the warrant of the county mayor. T.C.A. § 41-2-107(c).

Sheriff as Superintendent

Whenever the jail in any county has been declared a workhouse, as provided in T.C.A. § 41-2-102, the sheriff shall be *ex officio* the superintendent of the workhouse. All persons liable to imprisonment for safekeeping, whether charged with felonies or misdemeanors, shall be confined therein, securely kept and properly cared for. T.C.A. § 41-2-108.

Accounts and Reports

The superintendent is required by law to keep or cause to be kept in a well-bound book to be furnished by the county an account of all supplies, implements and tools purchased for the workhouse, keeping the account for supplies separate from implements and tools. T.C.A. § 41-2-110(a)(1).

When a purchase is made, the superintendent is required to obtain an itemized bill specifying from whom purchased, the kind and amount of the articles purchased, and the date. The superintendent must approve the bill, enter it on the books, and present it to the workhouse commissioners for their approval. T.C.A. § 41-2-110(a)(2) and (3).

The superintendent must make quarterly reports to the workhouse commissioners of the whole working system, the amount of the work done and its estimated value, the amount of current expenses for supplies and for tools and implements, and any other matter deemed necessary by the superintendent or ordered by the commissioners or the county legislative body. T.C.A. § 41-2-110(b).

Sentence to County Workhouse

Reference Number: CTAS-1437

It is the duty of the judges of the circuit or criminal courts, whenever prisoners are convicted of any offense for which they are confined in the workhouse, to sentence such prisoners to the workhouse of the county, portable, movable or stationary, as may be provided and established in the county. T.C.A. § 41-2-103.

In all cases where a person is by law liable to be imprisoned in the county jail for safekeeping or punishment, confinement in the workhouse, if one is provided, may, in the discretion of the court, be substituted. T.C.A. § 41-2-113.

Sentence to Hard Labor

In all cases where a person is by law liable to be imprisoned in the county jail for punishment or for failure to pay a fine, such person shall be sentenced to be confined, and shall be confined at hard labor in the county workhouse until the expiration of the sentence of imprisonment or, subject to the limitations imposed by T.C.A. § 40-24-104 (Nonpayment of Fines), until the fine has been worked out, paid or secured to be paid. T.C.A. § 41-2-111(a).

All persons convicted of a felony, whose imprisonment has been by the jury commuted to imprisonment in the county jail, shall be compelled to work out the term of imprisonment at hard labor in the county workhouse in the county where convicted. T.C.A. § 40-23-105.

Fine Accompanying Sentence to Workhouse

When any person is sentenced to the workhouse, the judge of the court trying the case shall fix the fine in each case against the prisoner at a sum equal to the state and county tax provided by law provided that a greater fine may be entered, in the discretion of the court. T.C.A. § 41-2-112.

Statement of Sentence

A certified statement of the sentence of each prisoner shall be made out on printed blanks provided for the purpose and delivered to the superintendent of the workhouse, and also to the county mayor, by the clerk of the court trying the case, and shall specify:

1. The name of the convict;
2. Date of sentence;
3. Crime for which committed;
4. The term of imprisonment; and
5. The amount of fine and costs; and the superintendent and the county mayor shall enter the amount in a book provided by the county for that purpose.

T.C.A. § 41-2-116(a).

The superintendent shall also keep a record of the age, sex, complexion, color of hair and eyes and nationality of each convict. T.C.A. § 41-2-116(b).

Workhouse Sentence Beginning after Term in Penitentiary

When any convict is sentenced by the courts to serve a sentence in the county workhouse after a term of imprisonment in the penitentiary, the judge of the court shall, in the commitment to the penitentiary, cause this fact to appear, and shall direct the warden of the penitentiary to notify the superintendent of the workhouse of the time when the convict will be discharged. It is the warden's duty to deliver the convict up on the order of the superintendent. T.C.A. § 41-2-117.

Labor Prescribed for Workhouse Prisoners

Reference Number: CTAS-1438

The board of workhouse commissioners shall prescribe the kind of labor at which the prisoners shall be put provided that when practicable, they shall be worked on the county roads in preference to all other kinds of labor. T.C.A. § 41-2-105.

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.

Sentence Reduction Credits-Workhouse

Reference Number: CTAS-1445

Work performed by a prisoner under T.C.A. § 41-2-123(b) shall be credited toward reduction of the prisoner's sentence as follows: For each one day worked on the road by the prisoner, the prisoner's sentence shall be reduced by two days. T.C.A. § 41-2-123(b)(3). Work performed by a prisoner under T.C.A. § 41-2-146 shall be credited toward reduction of the prisoner's sentence as follows: For each one day worked on such duties by the prisoner, the sentence shall be reduced by two days. T.C.A. § 41-2-146(b). See also T.C.A. § 41-2-147 (Work performed by a prisoner under T.C.A. § 41-2-147 shall be credited toward reduction of such prisoner's sentence as follows: For each one day worked on such duties by the prisoner, the sentence shall be reduced by two days.); Op. Tenn. Atty. Gen. No. 03-125 (September 29, 2003).

Any prisoner receiving sentence credits under T.C.A. § 41-2-147 is not eligible for good time credits authorized by T.C.A. § 41-2-111. T.C.A. § 41-2-147(c).

FELONY OFFENDERS. Sentence reduction credits for good institutional behavior as authorized by T.C.A. § 41-21-236 shall likewise apply in accordance with the terms of T.C.A. § 41-21-236 and under the criteria, rules and regulations established by the Department of Correction to all felony offenders serving sentences of one or more years in local jails or workhouses and to all inmates serving time in county jails or workhouses because the inmate's commitment to the Department of Correction has been delayed due to invocation of the governor's emergency overcrowding powers or through an injunction from a federal court restricting the intake of inmates into the Department of Correction. When T.C.A. § 41-21-236 is applied to such offenders, references therein to "warden" are deemed references to the superintendent or jailer, as appropriate. Such felony offenders are not eligible to receive any other sentence credits for good institutional behavior provided that in addition to the sentence reduction credits for good institutional behavior as authorized by T.C.A. § 41-21-236, such felony offenders may receive any credits for which they are eligible under Title 41, Chapter 2, for work performed or satisfactory performance of job, educational or vocational programs. T.C.A. § 41-21-236(d).

With respect to sentence reduction credits, when a state inmate is serving a sentence in a county workhouse the superintendent or jailer is deemed to be a warden pursuant to T.C.A. § 41-21-236(d) and is, therefore, required to keep written records on a monthly basis of the sentence reduction credits a prisoner has earned. T.C.A. § 41-21-236(a)(3). Because prisoners may become ineligible to earn sentence reduction credits, see T.C.A. § 41-21-236(b)(7), and may also be deprived of sentence reduction credits they have already earned, see T.C.A. § 41-21-236(a)(5), (6), these records must reflect any actions that either render a prisoner ineligible to earn sentence credits or deprive a prisoner of previously earned sentence reduction credits. *Cooley v. May*, 2001 WL 1660830, *6 (Tenn. Ct. App. 2001).

"Although no statute or rule expressly requires a sheriff housing a state prisoner to send an accounting of a prisoner's sentence reduction credits to the Department of Correction, this obligation is a necessary part of T.C.A. § 41-21-236(a)(3). It would be nonsensical to allow state prisoners to earn sentence reduction credits while they are incarcerated in a county jail but then not to require a sheriff to inform the

Department of Correction – the legal custodian of the prisoner – how many sentence reduction credits the prisoner had earned or forfeited on a monthly basis.” *Id.*

Good Time Credit-Workhouse

Reference Number: CTAS-1446

Each prisoner who has been sentenced to the county workhouse for any period of time less than one year on either a misdemeanor or a felony, and who behaves uprightly, shall have deducted from the sentence imposed by the court time equal to one quarter of such sentence. In calculating the amount of good time credit earned, the one-quarter reduction shall apply to the entire sentence, including pretrial and post-trial confinement. Fractions of a day's credit for good time of one-half or more shall be considered a full day's credit. If any prisoner violates the rules and regulations of the workhouse or otherwise behaves improperly, the sheriff or superintendent of the workhouse may revoke all or any portion of such prisoner's good time credit provided that the prisoner is given a hearing in accordance with due process before a disciplinary review board and is found to have violated the rules and regulations of the institution. T.C.A. § 41-2-111(b).

Disciplinary Review Board-Workhouse

Reference Number: CTAS-1447

Each county is required to have a disciplinary review board composed of six impartial members, one or more of whom may be members of the workhouse staff. The members of the disciplinary review board are appointed by the sheriff or the superintendent of the workhouse, subject to approval by the county legislative body. Members serve for a period of two years, except that appointments made to fill unexpired terms are for the period of such unexpired terms. No less than one and no more than three of the members of the disciplinary review board are required to transact the business authorized by law. Members of the board, while acting in good faith, shall not be subject to civil liability relative to the performance of duties delegated to the board by law. T.C.A. § 41-2-111(c).

The prisoner shall be given notice of the disciplinary hearing and shall have the right to call witnesses in the prisoner's behalf. The decisions of the disciplinary review board for workhouse inmates may be appealed to the sheriff or workhouse superintendent. T.C.A. § 41-2-111(d).

Except in Shelby County, the county legislative body is authorized to establish the rate of compensation for members of the disciplinary review board. T.C.A. § 41-2-111(c)(5).

Punishment for Refusing to Work-Workhouse

Reference Number: CTAS-1448

Notwithstanding any other provision of law to the contrary, except as provided in T.C.A. § 41-2-150(b), any person sentenced to the county workhouse, for either a felony or misdemeanor conviction, in counties with programs whereby prisoners work either for pay or sentence reduction or both, shall be required to participate in such work programs during the period of incarceration. Any prisoner who refuses to participate in such programs when work is available shall have any sentence reduction credits received pursuant to the provisions of T.C.A. § 41-2-123 or T.C.A. § 41-2-146 reduced by two days of credit for each one day of refusal to work. Any prisoner who refuses to participate in such work programs who has not received any sentence reduction credits pursuant to such sections may be denied good time credit in accordance with the provisions of T.C.A. § 41-2-111(b), and may also be denied any other privileges given to inmates in good standing. T.C.A. § 41-2-150(a).

The only exceptions to the work requirements of T.C.A. § 41-2-150(a) shall be for those who, in the opinion of the workhouse superintendent, would present a security risk or a danger to the public if allowed to leave the confines of the workhouse, and those who, in the opinion of a licensed physician or licensed medical professional, should not perform such labor for medical reasons. T.C.A. § 41-2-150(b).

Pursuant to T.C.A. § 41-2-120(a), any prisoner refusing to work or becoming disorderly may be confined in solitary confinement or subjected to such other punishment, not inconsistent with humanity, as may be deemed necessary by the workhouse superintendent for the control of the prisoners, including reducing

sentence credits pursuant to the procedure established in T.C.A. § 41-2-111. Such prisoners refusing to work, or while in solitary confinement, shall receive no credit for the time so spent. T.C.A. § 41-2-120(b).

Other Work Permitted-Workhouse

Reference Number: CTAS-1449

Inmates housed in a county workhouse may voluntarily perform any labor on behalf of a charitable organization or a nonprofit corporation or a governmental entity. T.C.A. § 41-3-106(b)(2). *See also* T.C.A. § 41-2-148(b)(2); Op. Tenn. Atty. Gen. No. 03-075 (June 18, 2003).

Inmate Labor for Private Purposes Prohibited-Workhouse

Reference Number: CTAS-1450

No sheriff, jailer or other person responsible for the care and custody of inmates housed in a county workhouse may employ, require or otherwise use any such inmate to perform labor that will or may result directly or indirectly in the sheriff's, jailer's or other person's personal gain, profit or benefit or in gain, profit or benefit to a business partially or wholly owned by the sheriff, jailer or other person. This prohibition applies regardless of whether the inmate is or is not compensated for any such labor. T.C.A. § 41-2-148(a). *See also* Op. Tenn. Atty. Gen. No. 03-075 (June 18, 2003).

No sheriff, jailer or other person responsible for the care and custody of inmates housed in a county workhouse may permit any inmate to perform any labor for the gain, profit or benefit of a private citizen, or for-profit corporation, partnership or other business unless such labor is part of a court-approved work release program or unless the work release program operates under a commission established pursuant to T.C.A. § 41-2-134. T.C.A. § 41-2-148(b)(1). *See also* Op. Tenn. Atty. Gen. No. 03-125 (September 29, 2003).

Penalties

Any sheriff, jailer or other person responsible for the custody of an inmate housed in a local facility who violates the provisions of T.C.A. § 41-2-148, upon the person's first such conviction therefor, commits a misdemeanor and shall be punished by a fine equal to the value of the services received from the inmate or inmates and imprisonment for not less than 30 days nor more than 11 months and 29 days. Upon a second or subsequent conviction for a violation of T.C.A. § 41-2-148, such sheriff, jailer or other person is guilty of a felony and shall be punished by a fine of not less than the value of the services received from the inmate or inmates nor more than \$5,000 and imprisonment for not less than one nor more than five years. If the person violating T.C.A. § 41-2-148 for the second or subsequent time is a public official, in addition to the punishment set out above, such person shall immediately forfeit such person's office and shall be forever barred from holding public office in this state. T.C.A. § 41-2-148(d)(1). *See In re Williams*, 987 S.W.2d 837 (Tenn. 1998).

Any private citizen, corporation, partnership or other business knowingly and willfully using inmate labor in violation of T.C.A. § 41-2-148(b) commits a Class A misdemeanor and, upon conviction, shall be punished by a fine of \$1,000 and by imprisonment for not more than 11 months and 29 days. Each day inmate labor is used in violation of T.C.A. § 41-2-148(b) constitutes a separate offense. T.C.A. § 41-2-148(d)(2).

Work Release

Reference Number: CTAS-1451

All counties, except Shelby County, are authorized to permit certain prisoners to leave the workhouse or jail during reasonable and necessary hours for occupational, scholastic or medical purposes as provided in T.C.A. §§ 41-2-127 - 41-2-132.

Shelby County is required to permit certain prisoners to leave the workhouse or jail during reasonable and necessary hours for occupational, scholastic or medical purposes as provided in T.C.A. §§ 41-2-127 - 41-2-132.

Misdemeanor Prisoners

Reference Number: CTAS-1452

Upon the application of the superintendent of the workhouse, the board of workhouse commissioners, if there is one, otherwise the judge of the circuit court, criminal court or general sessions court having jurisdiction in the county, may by order direct the superintendent of the workhouse to permit a prisoner serving a misdemeanor sentence to leave the workhouse during necessary and reasonable hours for the purpose of working at the prisoner's employment, conducting the prisoner's own business or other self-employed occupation including, in the case of a woman, housekeeping and attending to the needs of her family, seeking employment, attending an educational institution or securing medical treatment. T.C.A. § 41-2-128(a).

Similarly, the judge of the circuit court, criminal court or general sessions court having jurisdiction in the county where the person is imprisoned may, upon application of the sheriff, enter a like order for the same purpose for jail prisoners. The order may be rescinded or modified at any time with or without notice to the prisoner. T.C.A. § 41-2-128(a).

Felony Prisoners

Reference Number: CTAS-1453

Prisoners serving a felony sentence in the county workhouse may be allowed to leave the county workhouse during necessary and reasonable hours for occupational, scholastic or medical purposes. T.C.A. § 41-2-128(b).

Any individual serving a felony sentence based on a crime against person or property who has a previous sentence defined as a felony against person or property, as defined by the laws of the state of Tennessee or any other state of the United States or by the criminal statutes of the United States, shall not be eligible to apply for release from the county workhouse for occupational, scholastic or medical purposes. T.C.A. § 41-2-128(b).

DUI Offenders

Reference Number: CTAS-1454

Notwithstanding the provisions of T.C.A. § 41-2-128, T.C.A. § 55-10-403(a)(1) or T.C.A. § 55-50-504(a)(2) to the contrary, the judge may sentence persons convicted of a second violation of T.C.A. § 55-10-401 (driving under the influence of an intoxicant or drug) or T.C.A. § 55-50-504(a)(2) (driving while license cancelled, suspended or revoked), to the work release program established pursuant to T.C.A. § 41-2-128 if, prior to doing so, the following conditions have been met:

1. An investigative report is completed and considered by the judge, with such report confirming the defendant's employment and the employer's willingness to participate in the work release program, including, but not limited to, reports to monitor the defendant's attendance, performance, and response to treatment;
2. A plan acceptable to the judge is established to provide for monitoring the defendant's whereabouts while at or on the defendant's job; and
3. The defendant agrees to defray, to the best of the defendant's ability, the cost of incarceration and treatment.

T.C.A. § 41-2-128(c)(1).

No person convicted of a second violation of T.C.A. § 55-10-401 (driving under the influence of an intoxicant or drug) that results in personal injury to, or the death of, another may be sentenced to a work release program. T.C.A. § 41-2-128(c)(2).

As a condition of participation in a work release program, the defendant must agree to be screened, at least daily, for the purpose of determining whether the person has consumed alcohol or illegal drugs. T.C.A. § 41-2-128(c)(3).

A defendant permitted to participate in a work release program pursuant to T.C.A. § 41-2-128 shall not be permitted to operate a motor vehicle while participating in the program and shall at all times remain in actual incarceration as provided by law when not actually at his or her place of employment or while being transported to or from his or her place of employment. T.C.A. § 41-2-128(c)(4).

At the time of sentencing, the judge shall cause the sentencing order to reflect the defendant's cost of incarceration and treatment and shall affix to the order, taking into consideration the defendant's ability to pay, the time and manner in which the costs are to be paid. The court shall enter the necessary orders requiring that the costs of incarceration and treatment be paid or secured including, but not limited to, orders of probation, which include as a condition thereof the payment of costs covered by T.C.A. § 41-2-128(c)(5). T.C.A. § 41-2-128(c)(5)(A).

When a defendant alleges that he or she is unable to pay pursuant to the terms set out by the order, the defendant may petition the court for modification as to the terms of payment. When it is determined that the defendant is unable to pay the entirety of the costs covered by T.C.A. § 41-2-128(c)(5) in the time and manner imposed by the court, any costs imposed against the defendant shall be pursuant to a schedule promulgated by the chief administrative officer of the county, or such officer's designee, with the schedule to be based upon the defendant's ability to pay the same. T.C.A. § 41-2-128(c)(5)(B). In promulgating the schedule governing costs and the amount to be paid by the defendant, the chief administrative officer of the county, or such officer's designee, shall consider the defendant's ability to pay and the disbursement schedule set forth in T.C.A. § 41-2-129, and shall incorporate payments ordered herein into the schedule. T.C.A. § 41-2-128(c)(5)(C). In no event shall a person be denied access to this program or be denied discharge from incarceration as a result of that person's inability to pay. T.C.A. § 41-2-128(c)(5)(D).

A county that permits a person convicted of a second offense violation of T.C.A. § 55-10-401 to be sentenced to a work release program must maintain records sufficient to allow an annual determination of whether such participation in any way diminishes the effectiveness of T.C.A. § 55-10-402. T.C.A. § 41-2-128(c)(6).

On an annual basis, the county legislative body must conduct a public hearing to examine, monitor and evaluate the work release program operating under the authority of T.C.A. § 41-2-128(c) to ensure that all requirements of the law are being complied with and that the program is being operated in accordance with the law. As part of the public hearing, the county legislative body must discuss the program's effectiveness and compliance and hear the opinions of the public concerning the program. The county legislative body must give notice of the public hearing at least 30 days prior to the meeting. T.C.A. § 41-2-128(c)(7)(A). If the county legislative body finds through its public hearing or any other information the body may obtain that the work release program is being operated in compliance with the law, it shall so certify the program. Such certification shall be transmitted to all judges having jurisdiction over the offense of driving under the influence of an intoxicant in the county. T.C.A. § 41-2-128(c)(7)(B). If the county legislative body finds that a work release program is not being operated in compliance with the law, it shall not certify the program. Such failure of certification shall be transmitted to all judges having jurisdiction over the offense of driving under the influence of an intoxicant in the county. T.C.A. § 41-2-128(c)(7)(C).

D.U.I. Convicts Performing Litter Removal

Reference Number: CTAS-1467

After service of at least the minimum sentence day for day, the judge has the discretion to require an individual convicted of a violation of 55-10-401 to remove litter from the state highway system, public playgrounds, public parks or other appropriate locations for any prescribed period or to work in a recycling center or other appropriate location for any prescribed period of time in lieu of or in addition to any of the penalties otherwise provided in 55-10-402; provided, that any person sentenced to remove litter from the state highway system, public playgrounds, public parks or other appropriate locations or to work in a recycling center shall be allowed to do so at a time other than the person's regular hours of employment. T.C.A. 55-10-402(d)(1).

Wages or Salary of Employed Prisoners - Cost for Boarding

Reference Number: CTAS-1455

When a prisoner is employed for wages or salary, the superintendent of the workhouse collects the wages or salary or can require the prisoner to turn over the wages or salary when received. The superintendent of the workhouse must deposit the money in a trust checking account and must keep a ledger showing the status of the account of each prisoner. In the case of a jail prisoner, the sheriff shall collect the wages or salary of the prisoner or require the prisoner to turn over the wages or salary when received and shall perform the duties prescribed above. T.C.A. § 41-2-129(a).

Every prisoner gainfully employed is liable for the cost of the prisoner's board in the workhouse as fixed by the county board of workhouse commissioners. The superintendent of the workhouse shall charge the prisoner's account if the prisoner has one for such board. If the prisoner is gainfully self-employed the prisoner shall pay for such board, in default of which the prisoner's privilege under T.C.A. §§ 41-2-127 - 41-2-132 shall be automatically forfeited. If necessarily absent from the workhouse at a meal time, a prisoner shall at the prisoner's request be furnished with an adequate nourishing lunch to carry to work. If the workhouse food is furnished directly by the county, the superintendent of the workhouse shall account for and pay over such board payments to the county. T.C.A. § 41-2-129(b)(1) - (5).

The same provisions shall apply in the case of jail prisoners, except that the county legislative body shall have and exercise the duties and authority prescribed for the county board of workhouse commissioners in the case of workhouse prisoners, and the sheriff shall have and exercise the duties and authority prescribed for the superintendent in the case of workhouse prisoners. T.C.A. § 41-2-129(b)(6).

By order of the county board of workhouse commissioners, or county legislative body if there is no county board of workhouse commissioners, or in the case of jail prisoners, the wages or salaries of employed prisoners shall be disbursed for the following purposes in the order stated:

1. The board of the prisoner;
2. Necessary travel expenses to and from work and other incidental expenses of the prisoner;
3. Support of the prisoner's dependents, if any, the amount to be determined by the local governing body of the county workhouse or by the county legislative body in the case of jail prisoners;
4. Payment of docket costs connected with the prisoner's commitment;
5. Payment either in full or ratably of the prisoner's obligations acknowledged by the prisoner in writing or that have been reduced to judgment; and
6. After deductions are made as set forth above, \$2, if there is at least a balance of \$2 in the account, shall be deducted each month from a prisoner's trust account for any month the prisoner is gainfully employed, to be applied to the county-operated victim's assistance program, if such a program exists in the county.
7. After deductions are made in accordance with subdivisions (c)(1)-(6), four dollars (\$4.00), if there is at least a balance of four dollars (\$4.00) in the account, shall be deducted each month from a prisoner's trust account for any month the prisoner is gainfully employed, to be directly applied to satisfy any judgments, against the prisoner, for restitution in favor of the victim.

T.C.A. § 41-2-129(c).

Alternative Work Release Procedures

Reference Number: CTAS-1456

As an alternative to the procedures described in T.C.A. § 41-2-129, subsections (a), (b) and (c), the sentencing court may place a prisoner on work release subject to the terms and conditions that the sheriff and the sentencing court may agree upon. T.C.A. § 41-2-129(d).

Employment of Prisoners in Another County

Reference Number: CTAS-1457

The county board of workhouse commissioners, or the county legislative body if there is no county board of workhouse commissioners, may by order authorize the superintendent of the workhouse to arrange with another superintendent for employment of the prisoner in the other's county, and while so employed, to be in the other's custody but in other respects to be and continue subject to the commitment. T.C.A. § 41-2-130(a).

Likewise, the county legislative body may authorize the sheriff to arrange with the sheriff of another county, in the case of jail prisoners, for employment of any such prisoner in the other's county, to be in such sheriff's custody while so employed but in all other respects to be and continue subject to the commitment. T.C.A. § 41-2-130(b).

Grounds for Refusal to Release Prisoner

Reference Number: CTAS-1458

The superintendent of a workhouse may refuse to permit a prisoner to exercise the privilege to leave the workhouse for any breach of discipline or other violation of workhouse regulations. Similarly, the sheriff may refuse to permit a prisoner to exercise the privilege to leave the jail for any breach of discipline or other violation of jail regulations. T.C.A. § 41-2-131.

Contracts with Other Governmental Agencies

Reference Number: CTAS-1459

The superintendent of a workhouse is authorized, with the approval of the local governing body of the county workhouse, to jointly contract with any other governmental agency, whether federal, state, county or municipal, with regard to accepting prisoners in custody of such other governmental agency or agencies for purposes of participating in the work release program under the provisions of T.C.A. §§ 41-2-127 - 41-2-132. The sheriff is also authorized, with the approval of the county legislative body, to contract with another unit of government to accept prisoners in the custody of such government for the purpose of participating in the work release program. T.C.A. § 41-2-132.

Work Release Programs by Counties

Reference Number: CTAS-1460

All counties in the state, except as set forth below, may institute a work release program in accordance with the provisions of Title 41, Chapter 2. T.C.A. § 41-2-133(a).

The provisions of T.C.A. § 41-2-133 do not apply to any county having a population of: _____

Not less than	Nor more than
14,400	14,500
19,500	19,600
20,200	20,300
28,000	28,100
30,400	30,500

according to the 1970 federal census or any subsequent federal census. T.C.A. § 41-2-133(b). As of 2006, the excepted counties include Bedford, Crockett, Dyer, Haywood, Lauderdale, and Tipton.

Work Release Commission

Tennessee Code Annotated section 41-2-134(a) creates a commission in each county not excepted by T.C.A. § 41-2-133(b) with the authority to authorize prisoners to come under a work release program whenever any person has been committed to the workhouse or similar place of confinement and to approve educational programs established pursuant to T.C.A. § 41-2-145.

The commission as authorized in T.C.A. § 41-2-134 is authorized and empowered to permit prisoners to leave the workhouse during approved working hours to work at a place of employment and to earn a living to meet in whole or in part the cost of the prisoner's current financial obligations. The prisoner must return to the workhouse each day after work and may be released only for related rehabilitative purposes as recommended by the correctional/rehabilitation work release coordinator. T.C.A. § 41-2-134(b).

In Shelby and Davidson Counties, the commission shall be composed of not more than 12 members nor fewer than three members, who shall meet as three-member panels to review and approve applications for work release. In other counties, the commission shall be composed of three members. T.C.A. § 41-2-134(c)(1) and (c)(2).

In all counties:

1. The sheriff or workhouse superintendent shall appoint the members of the commission subject to the approval of the county legislative body;
2. Each member shall serve a four-year term; and

3. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term. T.C.A. § 41-2-134(c)(3).

The commission shall meet weekly or at the call of the sheriff at the sheriff's office. T.C.A. § 41-2-134(d).

Guidelines for Work Release Programs

Reference Number: CTAS-2040

Cost

The state's share of the cost imposed on local governments by the work release program as instituted by T.C.A. § 41-2-132 are funded by the increase in state taxes apportioned by law to cities and counties that are not specifically earmarked for a particular purpose. T.C.A. § 41-2-133(c).

Jurisdiction of Sentencing Court

The sentencing court has no authority to grant a furlough to a defendant pursuant to the authority of T.C.A. § 40-35-316(a) for the purpose of allowing a defendant to work unless the defendant is held to and meets all of the eligibility and supervision requirements, testing standards and other criteria imposed by or pursuant to state law. T.C.A. § 40-35-316(b).

Petition to Come Under the Work Release Program

A prisoner desiring to come under the work release program must file a petition with the work release coordinator of the correctional/rehabilitation division. The petition must be joined in by the sheriff and concurred with by the superintendent and approved by the commission. T.C.A. § 41-2-135.

Grounds for Removal from Program

Any prisoner placed under the work release program may be taken out of the program for just cause by the commission. In the event a prisoner is taken out of the work release program, the prisoner must remain in the workhouse and complete his or her sentence. T.C.A. § 41-2-136.

Penalty for Failure to Return from Work on Time

In the event a prisoner placed under the work release program does not return to the workhouse at the time specified by the superintendent or the work release coordinator, such failure to return constitutes prima facie evidence of intent to escape, and the prisoner shall be subject to such penalties as are imposed or shall hereafter be imposed under the general law of the state for persons charged with the crime of escape. T.C.A. § 41-2-137.

Monthly Report to Sentencing Judge

The superintendent of the workhouse must file a monthly report with respect to each prisoner placed under the work release program with the judge by whom the prisoner was sentenced advising the judge as to the conduct and financial achievement of the prisoner. T.C.A. § 41-2-138.

Liability of Participating Prisoners for Program Costs

Any prisoner placed under the work release program who has been convicted of a misdemeanor must pay to the workhouse, for housing, board and administration of the program, the sum of not less than six dollars nor more than \$28 for each day the prisoner works away from the workhouse, in addition to any fine imposed by the court. The above amount shall be determined by the board of workhouse commissioners established by T.C.A. § 41-2-134 and in accordance with T.C.A. § 41-2-129(b)(1). T.C.A. § 41-2-139.

Rules and Regulations Governing Work Release Program

The sheriff, the correctional/rehabilitation work release coordinator, and the superintendent of the workhouse must establish rules and regulations for the orderly operation of the work release program. The rules and regulations must be approved by the commission. A violation of any rules and regulations so promulgated shall constitute cause for the removal of the prisoner from the program under the provisions of T.C.A. § 41-2-136. T.C.A. § 41-2-141.

Transfer to Department of Correction

Reference Number: CTAS-1461

Whenever the sheriff or superintendent in charge of the county workhouse or penal farm determines that a prisoner who is convicted and sentenced to the workhouse or penal farm under T.C.A. § 40-23-104 (Sentence to Workhouse for Felony Term), T.C.A. § 40-35-314 (Confinement in Local Jail or Workhouse) or former T.C.A. § 40-35-311 proves to be a troublemaker or does not adjust to the proper operation of the workhouse or penal farm and creates a problem, the sheriff or superintendent may present to the court that ordered the prisoner confined in the county workhouse or penal farm for the term of such sentence a petition setting forth the reasons why, in such officer's opinion, an order should be entered transferring the prisoner from the county workhouse or penal farm to the Department of Correction. T.C.A. § 41-2-121(a).

A copy of the petition must be served upon the prisoner by the sheriff and the prisoner then brought before the court to show cause why the prisoner should not be transferred from the county workhouse or penal farm to the department to serve out the term in the department in conformity with the allegations and prayer of the petition before the court. If the judge of the court that ordered the prisoner confined in the county workhouse or penal farm for the term of such sentence is not immediately available due to death, illness, recess or any other reason, the petition may be presented to, and acted upon by, any other judge of a court of equal or concurrent jurisdiction. T.C.A. § 41-2-121(b).

Care of Workhouse Prisoners

Reference Number: CTAS-1462

It is the duty of the superintendent to:

1. Discharge each prisoner as soon as such prisoner's time is out or upon order of the board of commissioners;
2. See that prisoners are properly guarded to prevent escape;
3. See that they are kindly and humanely treated and properly provided with clothing, wholesome food properly cooked and prepared for eating three times a day when at work;
4. See that they are warmly and comfortably housed at night and in bad weather;
5. See that when sick they have proper medicine and medical treatment, and, in case of death, are decently buried; and
6. Keep the males separate from the females.

T.C.A. § 41-2-109.

Medical Care of Workhouse Prisoners

Reference Number: CTAS-1463

The county health officer or jail physician is required to attend on all workhouse prisoners while they remain in the jail building, after sentence to the workhouse, and give them such medicine and medical treatment as may be necessary. By law, the health officer and physician receive no additional compensation for such services other than their regular salary. T.C.A. § 41-2-118(a). If the county does not have a health officer or jail physician, the county may contract for medical services with a private physician. T.C.A. § 41-2-118(b).

Transfer to State Psychiatric Hospital

Whenever the sheriff or superintendent or other official in charge of the county workhouse or penal farm determines that a prisoner convicted and sentenced to the workhouse or penal farm requires hospitalization for treatment of a mental illness, the official may seek the admission of the prisoner to a state psychiatric hospital under T.C.A. § 33-6-201, Title 33, Chapter 6, Part 4 or Title 33, Chapter 6, Part 5. T.C.A. § 41-2-122(a).

A prisoner from a workhouse or penal farm who is admitted to a state psychiatric hospital under T.C.A. § 33-6-201, Title 33, Chapter 6, Part 4, or Title 33, Chapter 6, Part 5, shall be returned to the workhouse or penal farm when the superintendent of the hospital determines that the prisoner no longer meets the standards under which the prisoner was admitted or when continued hospitalization is no longer advisable or beneficial. T.C.A. § 41-2-122(b).

Reimbursement for State Inmate Medical Care

The state is liable for expenses incurred from the emergency hospitalization and medical treatment rendered to any state prisoner incarcerated in a county jail or workhouse provided that the prisoner is admitted to the hospital. The sheriff of the county in which the state prisoner is incarcerated must file a petition with the criminal court committing the state prisoner to the county jail or workhouse attaching thereto a copy of the hospital bills of costs for the state prisoner. It is the duty of the court committing the state prisoner to the county jail or workhouse to examine bills of costs, and if the costs are proved, the court is required to certify the fact thereon and forward a copy to the judicial cost accountant. The expenses for emergency hospitalization and medical treatment are paid in the same manner as court costs. T.C.A. § 41-4-115(b).

The state is responsible for the transportation costs and cost of any guard necessary when a state prisoner is admitted to a hospital or requires follow-up treatment. Such reimbursement is to be made according to the procedures established by T.C.A. § 41-8-106, but shall be in addition to the per diem established in T.C.A. § 41-8-106. T.C.A. § 41-4-115(c).

If a defendant serving a felony sentence in a local workhouse develops medical problems that the local workhouse is not equipped to treat, the court has the authority to transfer the defendant to the Department of Correction. T.C.A. § 40-35-314(e).

Charging Inmates for Issued Items-Workhouse

Reference Number: CTAS-1464

Any county may, by a resolution adopted by a two-thirds vote of the county legislative body, establish and implement a plan authorizing the workhouse superintendent to charge an inmate committed to the county workhouse a fee, not to exceed the actual cost, for items issued to the inmate upon each new admission to the county workhouse. T.C.A. § 41-4-142(a).

Additionally, any county may, by a resolution adopted by a two-thirds vote of its county legislative body, establish and implement a plan authorizing the workhouse superintendent to charge an inmate committed to the workhouse a nominal fee set by the county legislative body at the time of adoption for the following special services, when provided at the inmate's request:

1. Participation in GED or other scholastic testing for which the administering agency charges a fee for each test administered;
2. Escort by correctional officers to a hospital or other health care facility for the purpose of visiting an immediate family member who is a patient at such facility; or
3. Escort by correctional officers for the purpose of visiting a funeral home or church upon the death of an immediate family member.

T.C.A. § 41-4-142(b).

A plan adopted pursuant to T.C.A. § 41-4-142(a) or (b) may authorize the workhouse superintendent to deduct the amount from the inmate's workhouse trust account or any other account or fund established by or for the benefit of the inmate while incarcerated. Nothing in T.C.A. § 41-4-142 shall be construed as authorizing the workhouse superintendent to deny necessary clothing or hygiene items or to fail to provide the services specified in T.C.A. § 41-4-142(b) based on the inmate's inability to pay such fee or costs. T.C.A. § 41-4-142(c).

Jail Fees -Workhouses

Reference Number: CTAS-1465

The county legislative body of each county has the authority to pass a resolution fixing the amount of jailer's fees that may be applied to misdemeanor prisoners. The rate fixed shall apply to prisoners confined in the county jail or county workhouse or workhouses, but not meeting the conditions required for a state subsidy under Title 41, Chapter 8. T.C.A. § 8-26-105(a). See [Sample Resolution to Fix Jailer's Fee](#).

Reimbursement for Boarding State Prisoners

The state is required to pay for the board of state prisoners in accordance with Title 41, Chapter 8. Within the time requirements of T.C.A. § 41-8-106, the number of prisoners held and bills for the same shall be made out and sworn to by the sheriff or workhouse superintendent and certified by the clerk. T.C.A. § 41-2-119(a) and (b).

See [Jailer's Fees](#) under [Sheriff's Fees](#) of the Law Enforcement topic for more information.

Travel Restrictions-Workhouse

Reference Number: CTAS-1466

No sheriff, jailer or other person responsible for the care and custody of inmates housed in a county workhouse may permit any inmate housed therein to leave this state unless such travel is approved by the sentencing court, the inmate is in need of emergency medical treatment available only in another state, or there is a death or medical emergency in the inmate's immediate family. T.C.A. § 41-2-148(c).

Source URL: <https://eli.ctas.tennessee.edu/reference/workhouses>

