



# County Technical Assistance Service

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## Road Work-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,

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## Table of Contents

Road Work-Workhouse.....	3
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## 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).

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