



# County Technical Assistance Service

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## Official Oppression

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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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## Official Oppression

**Reference Number:** CTAS-642

A public servant acting under color of office or employment (acting or purporting to act in an official capacity or taking advantage of actual or purported capacity) commits an offense who:

1. Intentionally subjects another to mistreatment or to arrest, detention, stop, frisk, halt, search, seizure, dispossession, assessment or lien when the public servant knows the conduct is unlawful; or
2. Intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity, when the public servant knows the conduct is unlawful.

T.C.A. § 39-16-403(a).

An offense under this section is a Class E felony. T.C.A. § 39-16-403(c).

See *Coffey v. State*, 339 S.W.2d 1 (Tenn. 1960) (upholding constable's conviction for official oppression and removal from office).

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