

SENATE BILL 444

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 10, relative to qualifications for
constables.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-10-102(a)(1), is amended by adding the following as a new subdivision:

(F) In any county having a population of not less than eighty-nine thousand eight hundred (89,800) nor more than eighty-nine thousand nine hundred (89,900) according to the 2010 federal census or any subsequent federal census:

(i) Have at least one (1) year of full-time experience as a POST commission certified law enforcement officer or a state or federal certified law enforcement officer with training equivalent to that required by the POST commission; and

(ii) Have been certified by a Tennessee licensed health care provider qualified in the psychiatric or psychological fields as being free from any disorder, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM III) or its successor, of the American Psychiatric Association, at the time of the examination, that would, in the professional judgment of the examiner, impair the subject's ability to perform any essential function of the job.

SECTION 2. Tennessee Code Annotated, Section 8-10-102(b)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) Except as provided in subdivision (b)(2), any person seeking the office of constable shall file the following with the county election commission, along with the nominating petition:

(A) An affidavit signed by the candidate affirming that the candidate meets the requirements of this section. In the event that person seeks election to the office of constable by the county legislative body to fill a vacancy in office, the same affidavit shall be filed with the county clerk prior to the election; and

(B) In any county having a population of not less than eighty-nine thousand eight hundred (89,800) nor more than eighty-nine thousand nine hundred (89,900) according to the 2010 federal census or any subsequent federal census, a confirmation of psychological evaluation form certified by the psychologist/psychiatrist providing psychological evaluation as provided for in subdivision (a) for the purposes of constable candidacy qualification. The form shall be developed by the POST commission and shall include the examining psychologist's/psychiatrist's license number and state of licensure. The form shall clearly state in bold face type directly above the signature line that a person who, with intent to deceive, makes any false statement on such application commits the offense of perjury pursuant to § 39-16-702. The form shall be made available by the POST commission upon request by any candidate for the office of constable. The POST commission shall have the authority to verify the validity of such affidavit and form.

SECTION 3. Tennessee Code Annotated, Section 8-10-102, is amended by adding the following new subsection:

(d) In any county having a population of not less than eighty-nine thousand eight hundred (89,800) nor more than eighty-nine thousand nine hundred (89,900) according to the 2010 federal census or any subsequent federal census:

(1) The POST commission shall verify a candidate has one (1) year of full-time experience as a POST commission certified law enforcement officer or if the person has the law enforcement experience as a state or federal law enforcement officer, then such candidate shall certify with the county election commission by the withdrawal deadline their exemption pursuant to such subdivision (a)(1)(F);

(2) The original notarized verification form from the POST commission shall be filed by the POST commission with the county election commission by the withdrawal deadline;

(3) If the POST commission or the candidate, as appropriate, has not certified to the county election commission by the withdrawal deadline a person seeking to qualify as a candidate for the office of constable as meeting the qualifications as provided for in this section, such person's name shall not appear on the ballot; and

(4) In the event that a person seeks election to the office of constable by the county legislative body to fill a vacancy in office, such verification must be filed with the county clerk prior to the election.

SECTION 4. This act shall take effect July 1, 2013, the public welfare requiring it, and shall apply to all elections occurring on or after such dates.