



County Technical Assistance Service

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

February 19, 2019

Transfer to Department of Correction

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

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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).

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