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Drug Law Enforcement and Drug Abuse Prevention

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

| | |
|--|---|
| Drug Law Enforcement and Drug Abuse Prevention | 3 |
|--|---|

Drug Law Enforcement and Drug Abuse Prevention

Reference Number: CTAS-188

A significant portion of the sheriff's duties concern enforcing drug laws and preventing drug abuse and illegal drug trafficking in the county. This is an area that has seen a great deal of new legislation in the past decade.

County Bounty Act

This Act provides financial incentives to counties that aggressively pursue a course resulting in eliminating illegal drug trafficking from within its jurisdictional boundaries.

Each county is authorized to participate in the program created by this Act. A participating county must submit its record of prosecutions and convictions of illegal drug trafficking in its county to the committee designated pursuant to T.C.A. § 38-11-204, in a manner established by rules promulgated by the committee. T.C.A. § 38-11-203.

The Act authorizes the establishment of an ad hoc committee, composed of the director of schools or the director's designee, the sheriff or the sheriff's designee, and a member of the Alliance for a Drug Free Tennessee established in the county to be appointed by the county mayor. The committee shall be formed in each county upon the enactment of a resolution of the county legislative body for that purpose. The committee shall administer and implement the provisions of the Act in the county following its formation. T.C.A. § 38-11-204(a).

The committee is required to meet at least semi-annually to review the record of prosecutions and convictions of illegal drug trafficking in its county submitted pursuant to T.C.A. § 38-11-203. The data shall be compiled to determine whether the county is following a pattern of aggressive affirmative action to eliminate illegal drug trafficking from within its jurisdictional boundaries. The committee shall consider the numbers and types of convictions for those violations of the Tennessee Drug Control Act, as provided in T.C.A. §§ 39-17-417 -- 39-17-419 or for prosecution under Title 39, Chapter 12, Part 2. Aggressive affirmative action shall be based on a percentage increase in convictions in each fiscal year over the previous year's convictions with the base year being the fiscal year ending June 30, 1989. The committee shall determine by rule what percentage increase shall be sufficient to establish whether a county is aggressively pursuing illegal drug trafficking. T.C.A. § 38-11-204(b). During the review, a report shall be submitted by the sheriff of the amount of goods seized and forfeited pursuant to the provisions of T.C.A. § 39-17-420 during the previous six-month period. T.C.A. § 38-11-204(c).

The committee must consider all the data presented for its consideration, and having made a determination that financial incentives are appropriate for the period under consideration, must, with the approval of the sheriff, determine what percentage of the amount of goods seized and forfeited shall be made available to its county school system for drug education and prevention programs. Funds shall be made available subject to matching funds from private contributions. Additional funds may be made available from county or state appropriations or federal funds available for such purposes. T.C.A. § 38-11-204(d).

A special fund shall be established in the county general fund to be designated as "county bounty funds." All funds allocated, appropriated, or collected under the provisions of this Act shall be deposited to this account. The financial incentives shall be distributed annually to the county school board for drug education and prevention programs. T.C.A. § 38-11-205(a). A special fund shall be established in the state general fund to be designated as "county bounty funds." Amounts specifically appropriated each year in the general appropriations act for the purposes of this part shall be deposited to this account. The funds shall be available to the school systems of participating counties for drug education and prevention programs. T.C.A. § 38-11-205(b). From the funds appropriated, amounts shall be distributed on an annual basis to the school systems of participating counties in pro-rata amounts that reflect the ratio of the aggressiveness to pursue illegal drug trafficking in a specific county to all other participating counties according to the determination of and as reported to the General Assembly by the Comptroller of the Treasury. T.C.A. § 38-11-205(c).

Each participating county shall by January 15 of each year send to the Comptroller of the Treasury and the Speakers of each house the results of its determinations, together with the amount of financial incentives pursuant to T.C.A. § 38-11-204(d). The Comptroller of the Treasury shall compile the data contained in the information the Comptroller receives and report the results of the Comptroller's findings to the State and Local Government Committee of the Senate and the Local Government Committee of the House

of Representatives detailing the affirmative actions taken in those participating counties to aggressively pursue illegal drug trafficking. T.C.A. § 38-11-206.

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