



8-10-1984

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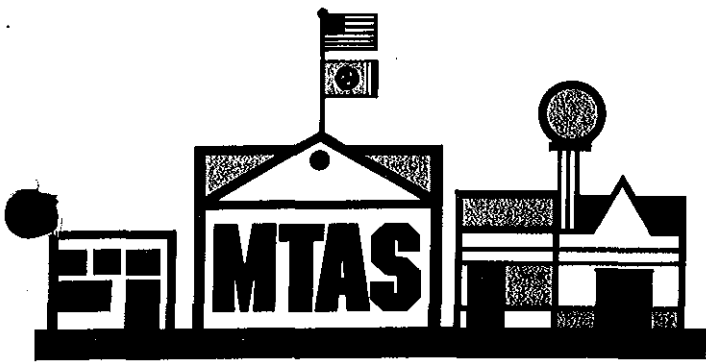
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Recommended Citation

Muscatello, Joe, "Technical Bulletins: Use of Citation In-Lieu of Continued Custody" (1984). *MTAS Publications: Technical Bulletins*.

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TECHNICAL BULLETIN

MUNICIPAL TECHNICAL ADVISORY SERVICE
THE UNIVERSITY OF TENNESSEE
IN COOPERATION WITH THE TENNESSEE MUNICIPAL LEAGUE

U.T. E14-1050-00-001-85

August 10, 1984

USE OF CITATION IN-LIEU OF CONTINUED CUSTODY

Amendment to T.C.A. 40-7-118
by Joe Muscatello
MTAS Management Consultant

Chapter 553 of the Public Acts of 1984 amends Tennessee Code Annotated, Section 40-7-118, by requiring a citation be issued to an arrested person to appear in court in lieu of continued custody and taking of the arrested person before a magistrate.

Before this amendment the issuance of a citation was left to the discretion of the arresting officer.

However, no citation shall be issued if:

- (1) The person arrested requires medical examination or medical care or is unable to care for his/her own safety;
- (2) There is reasonable likelihood that the offense would continue or resume; or that persons or property would be endangered by the arrested person;
- (3) The person cannot or will not offer satisfactory evidence of identity;
- (4) The prosecution of the offense for which the person was arrested, or of another offense, thereby would be jeopardized;
- (5) A reasonable likelihood exists that the person will fail to appear in court; or
- (6) The person demands to be taken immediately before a magistrate or refuses to sign the citation.

Whenever an officer makes a physical arrest for a misdemeanor and the officer determines that a citation be issued because of one of the six reasons listed above, the officer shall note the reason for not issuing a citation on the arrest ticket.

Before this amendment was passed, this act applied only to counties having a population of more than 700,000 according to the 1980 Federal Census (Shelby). The act now applies to all counties except those having a population of not less than 85,725 nor more than 85,825, or to any county having a population of not less than 56,000 nor more than 56,100 according to the 1980 Federal Census of population or any subsequent Federal Census (Summer and Wilson).

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