

**STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL**

**March 15, 2024**

**Opinion No. 24-006**

**Jurisdiction, Authority, and Duties of Constables**

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**Question 1**

Do constables have arrest powers throughout the entire State of Tennessee?

**Opinion 1**

No. Constables cannot exercise governmental power to make arrests throughout the entire State of Tennessee.

**Question 2**

If a constable is tasked with serving process outside the constable's county, and the constable observes a crime taking place outside the constable's county, does the constable have authority to make the arrest?

**Opinion 2**

The scenario described in the question cannot arise. Constables lack authority to serve process outside their county.

**Question 3**

If a constable does not act to "cause the peace of the state to be kept [and] . . . arrest all persons that go in . . . sight armed offensively" or to "apprehend all felons, rioters, or persons riotously assembled," would that violate the constable's oath of office?

**Opinion 3**

It depends. Constables cannot violate the oath set out in Tenn. Code Ann. § 8-10-108(b) if they lack law enforcement powers or if their failure to act occurs outside their county.

## ANALYSIS

**1. Constables cannot exercise governmental power to make arrests throughout the entire State of Tennessee.**

“The jurisdiction of a constable is county-wide.” Tenn. Att’y Gen. Op. 94-095 (Aug. 30, 1994); Tenn. Att’y Gen. Op. 92-18 (Feb. 28, 1992); Tenn. Att’y Gen. Op. 81-96 (Feb. 13, 1981). This means that constables vested with governmental arrest powers can make arrests only within their county. Tenn. Att’y Gen. Op. U91-144 (Nov. 26, 1991). “Although a constable’s [governmental] powers do not extend beyond the county line, a constable pursuing a suspect outside the county has the same powers of arrest as any private citizen.” Tenn. Att’y Gen. Op. 92-18 (Feb. 28, 1992).

**2. Constables lack authority to serve process outside their county.**

The scenario described in the question cannot arise. “[A] constable has no authority to serve papers outside the boundary of his own county.” Tenn. Att’y Gen. Op. 94-095 (Aug. 30, 1994).

**3. Constables cannot violate the oath set out in Tenn. Code Ann. § 8-10-108(b) if they lack law enforcement powers or if their failure to act occurs outside their county.**

The duties of a constable vary. The Tennessee Code vests some constables with law enforcement powers. Those constables take an oath to “cause the peace of the state to be kept,” to “arrest all persons that go in [their] sight armed offensively,” and to “apprehend all felons, rioters, or persons riotously assembled.” Tenn. Code Ann. §§ 8-10-108(b), (d), (e); -109(a). Other constables, however, lack the law enforcement powers described in § 8-10-108(b) and do not take the same oath. *See id.* §§ 8-10-108(a), -109(b)(1)(A). The determination of whether a constable has violated his or her oath thus depends on the powers that the constable exercises. Moreover, as discussed above, constables can take official action only within their counties. Constables cannot exercise law enforcement powers outside their county and, therefore, cannot violate their oath by failing to act outside their county.

JONATHAN SKRMETTI  
Attorney General and Reporter

J. MATTHEW RICE  
Solicitor General

KATHERINE C. REDDING  
Senior Assistant Attorney General

Requested by:

The Honorable Timothy Hill  
State Representative  
582 Cordell Hull Building  
425 5th Avenue North  
Nashville, Tennessee 37243