

***THE
MONTGOMERY COUNTY COMMISSION
CLARKSVILLE CITY COUNCIL
CLARKSVILLE AREA CHAMBER OF COMMERCE***

PRESENTS THE

2020 LEGISLATIVE AGENDA

TO THE

***111TH GENERAL ASSEMBLY
STATE DELEGATION***

***SENATOR BILL POWERS
REPRESENTATIVE CURTIS JOHNSON
REPRESENTATIVE JAY REEDY
REPRESENTATIVE JASON HODGES***

***Forwarded by
Montgomery County Mayor Jim Durrett
City of Clarksville Mayor Joe Pitts
Clarksville Area Chamber of Commerce – Keith Bennett, President***

SEPTEMBER 2019

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LEGISLATIVE SUCCESSES

- * Opioid task force created to address limiting the number of pills and dosage prescribed.
- * Legislation passed granting beer permitting power to Montgomery County for Downtown Commons property.
- * Dedicated funding for TDOT backlog of projects – IMPACT ACT.
- * Rural broadband and internet service – partial but need more.
- * State Parks – Dunbar Cave repairs, Port Royal interstate signage.
- * Joint procurement ability between local government and federal agencies.
- * Self-driving vehicles on Tennessee roads.
- * Defibrillator – use state funds for school purchases, annual training required.
- * Halt military sequestration cuts - minimum local affect.
- * Increase of state reimbursement per inmate, some but need more.
- * Disclosure of real property depressions or sinkholes of continuous contour lines.
- * Referendum required of the residents before annexation.
- * Ephedrine and pseudoephedrine by prescription – moved behind pharmacy counter.
- * Civil refund – amended TCA 8-21-901 to authorize sheriffs to collect the same fee for unsuccessful service as successful service.
- * TMTF renamed and falls under TBI, DEA, and US Attorney’s offices, which provides better funding and in-kind resources to confront dangerous drugs.

- * Broadband and Internet expansion – provide broadband and internet services to County areas by local/municipal providers.
- * Revenue Sales Tax – Local Sales Tax Distribution for Internet Sales.
- * Montgomery County Teen Learning Center – Encourage the continued funding and support of Tennessee’s Genesis Programs, which includes Montgomery County’s Teen Learning Center.
- * Hotel/Motel Tax Modification.
- * Capturing Sales Tax Within MPEC.

I. ROAD PROJECTS

LEGISLATIVE ITEM: Encourage the Tennessee Department of Transportation to obligate funding for the following projects:

PURPOSE: Support the Region and State economic vitality by enabling competitiveness, productivity and efficiency. Increase the safety and security of the transportation system. Protect and enhance the environment, promote energy conservation, improve air quality and overall quality of life.

- Widening of Interstate 24 from Exit 11 to Nashville
- Continuation of SR374 from Dunbar Cave Rd to SR112/Madison St

The road projects listed below are currently part of the Improve Act. We ask for your **continued support** of these projects and to ensure funding is available for timely completion.

- SR48/Trenton Rd. (from SR374/101st Pkwy. to near I-24) encourage TDOT to complete the PE-NEPA phase in a timely manner. Funding was obligated in the FY2017-2020 Transportation Improvement Program (TIP). Complete the PE-Design phase in a timely manner. Partial funding is obligated in the FY2020-2023 TIP.
- SR374 extension (from Dotsonville Rd. to SR149) Encourage TDOT to complete the PE-NEPA document. Corridor public meetings were conducted in Nov. 1997. Funding was obligated in the FY2005-2008 TIP. Then complete the PE-Design phase according to schedule so Right-of-Way phase can begin as per the FY2020-2023 TIP.
- SR374 extension (from Dotsonville Rd. to US79/SR76/Dover Rd.) encourage TDOT to complete PE-NEPA document. Corridor public meetings were conducted in Nov. 1997. Funding was obligated in the FY2005-2008 TIP. Then complete the PE-Design phase according to schedule so Right-of-Way phase can begin as per the FY2020-2023 TIP.
- I-24 widening (from KY State line to SR76/exit 11) to encourage TDOT to obligate funding to complete the PE-NEPA phase and move to Design in a timely manner.

For more detailed information please contact the following individual:

Jim Durrett, Montgomery County Mayor at mayordurrett@mcgtn.net, 931-648-5787
Joe Pitts, City of Clarksville Mayor at joe.pitts@cityofclarksville.com, 931-645-7444

II. E-911 USER FEE

LEGISLATIVE ITEM: Change E-911 user fee rate of \$1.16 back to previous rate of \$1.50.

PURPOSE: In 1998 Tennessee Legislation adopted a rate of \$1.50 for land line and cellular devices. The rate was lowered from the adopted rate of \$1.50 to \$1.16. The rate of \$1.16 does not provide enough funding to support 911 funding in Montgomery County (or any other county in Tennessee). Each year personnel and contractual fees continue to rise, but the 911 fee remains the same. Each budget year the 911 district must cut budget line items to accommodate the increases. Additionally, the 911 district is in dire need of adding personnel to handle the increase in 911 traffic as the population increases. There is a push from all 911 districts in the State and the Tennessee Emergency Communications Board (TECB) to get the 911 rate restored to the \$1.50 per device to assist 911 in keeping solvent and matching personnel with the call load levels experienced.

For more detailed information please contact the following individual:
Commissioner David Harper, district15@mcgtn.net, 931-624-1971

III. WITNESS PROTECTION

LEGISLATIVE ITEM: Request that the Tennessee General Assembly examine the issue of protection and support for witnesses and families during criminal investigations.

PURPOSE: Put measures in place for the protection of persons who cooperate with the justice system to eliminate the risk of serious physical or mental harm.

States have a responsibility to respect the fundamental rights of victims, assist them in accordance with their special needs, and protect them from further harm. Such measures may include:

Assistance before and during trial to cope with psychological and practical obstacles of testifying.

Protective measures before, during and after hearing or trial for "at risk" witnesses.

Court procedures to ensure the witness' safety while testifying.

A covert witness protection program.

According to the United Nations Drug and Crime Articles 24 and 25 of Organized Crime Convention, State parties shall take appropriate measures within their means to provide effective protection, as well as assistance to victims and witnesses of crime. Measures may include inter alia establishing procedures to safeguard the physical integrity of people who give testimony in criminal proceedings from threats against their life and intimidation. Witnesses must be protected from threats, intimidation, corruption, or bodily injury and States are obliged to strengthen international cooperation in this regard.

For more detailed information please contact the following individual:
Commissioner Rashidah Leverett, district5@mcgtn.net, 931-266-1083

IV. LAW ENFORCEMENT

LEGISLATIVE ITEM: Certification of veterans with military police training and experience.

PURPOSE: This legislation will enable a better path for transitioning members of the military who have been honorably discharged as former Military Police (MP) officers. The legislation should create eligibility for veterans to attend the POST transition school conducted by the Tennessee Law Enforcement Training Academy.

Suggested criteria should specify that the veteran meet all the minimum requirements for employment in the state of Tennessee for a Police Officer, be hired by a state or local law enforcement agency to perform duties that require POST certification and have experience of not less than two years serving as an MP. This will provide excellent opportunities for well-trained, disciplined soldiers to transition to civilian life.

This proposed legislation is good for our military, it is good for Tennessee law enforcement agencies, and is good for our community.

For more detailed information please contact the following individuals:
Commissioner John Gannon, district1@mcgtn.net, 931-552-4691 or Chief
Deputy John Smith, Montgomery County Sheriff's Office, jrsmith@mcgtn.net,
931-320-1829

V. PROFESSIONAL BONDSMAN

LEGISLATIVE ITEM: Amend certain requirements for professional bondsman.

PURPOSE: Make professional bondsman, to include their agents, employees, representatives, etc. to be subject to the same requirements when acting as a bounty hunter by taking fugitives into custody. The current statutory definition of a ‘Professional bondsman’ or ‘bondsman’ under TCA 40-11-301 does not reference or describe duties that are specific to acting as a ‘bounty hunter’ as defined in TCA 40-11-318. However, ‘Bounty hunting’ as defined in the previous citation does provides an exemption to ‘bounty hunting’ status when a person is taken into custody by a professional bondsman and/or their agents, employees, representatives, etc.

BACKGROUND: Current law requires a person who intends to perform the services of a bounty hunter to undergo background checks, follow certain procedures, maintain appropriate identification, and undergo specific training. Professional bondsman and/or their agents, employees, representatives, etc. may perform the services of a bounty hunter but is not required to meet any of the clearly established requirements of a bounty hunter. Numerous incidents have occurred where professional bondsman and/or their agents, employees, representatives, etc., have engaged in conduct that would have been a violation of statute had such conduct been engaged by a bounty hunter(s) while taking person(s) into custody. These actions created a hazard to public safety and resulted in unnecessary injury. Current law provides no remedy or corrective behavior. The Clarksville Police Department, the 19th Judicial District Attorney’s Office, and the Montgomery County Sheriff’s Office have worked diligently to seek remedies to this issue. These agencies have spent considerable resources responding to, investigating, and evaluating prosecutorial options. Amending portions of the current statute is what is necessary to provide the standards for professional bondsman and/or their agents, employees, representatives, etc., as well as make certain actions punishable by law.

For more detailed information please contact the following individual:
Commissioner David Harper, district15@mcgtn.net, 931-624-1971,
or Sheriff Fuson at jsfuson@mcgtn.net or 931-320-2215

VI. CORRECTIONAL INSTITUTIONS AND INMATES

LEGISLATIVE ITEM: Amend T.C.A. 41-8-103(11) to redefine “Prisoner Day” from the date ‘*sentenced to the department of correction*’ to the date ‘*convicted by the trial court.*’ And to amend T.C.A 41-8-106(g)(2) to allow the commissioner of the Department of Corrections to compensate a county for “Detainee Days” as defined in T.C.A. 41-8-101(6), where the trial judge allows the defendant credit for pretrial detention as authorized under T.C.A. 40-23-101(c); and any other portion of the County Correctional Incentives Act of 1981 in a manner that will not contradict the intent of these amendments.

PURPOSE: (I) The purpose of the amendments is to fashion language that would allow a county to seek reimbursement from the state under TCA 41-8-106 to first, begin at the date of conviction instead of the date of sentence. A recent analysis of data from the Montgomery County Jail showed that three inmates from a sample of 46 who received convictions during the last half of FY18 had a combined total of 353 days from conviction until sentencing. At the current reimbursement per diem rate, the county would have been eligible to collect an additional \$13,767 for the six-month period. As the data collected within this period appears typical, the estimate for eligible reimbursement would be \$27,534 for the entire fiscal year.

(II) The second purpose is to fashion language as to allow reimbursement to be retroactive to the initial date of incarceration if the trial judge grants credit for time served as allowed under TCA 40-23-101 – Commencement of sentence – Credit for pretrial detention and Jail time pending appeal. The same 46 inmates convicted in the second half of FY18 were analyzed for confinement time prior to guilty pleas or trial convictions. Data shows that there were approximately 4,140 combined days served by the 46 inmates prior to conviction. If pre-trial confinement became reimbursement eligible, the county could potential bill the state for an additional \$161,460 for six months (\$322,920 annually).

For more detailed information please contact the following individual:
Commissioner John Gannon, district1@mcgtn.net, 931-801-6571

VII. PUBLIC NOTICE

LEGISLATIVE ITEM: Public notices regarding the budget, tax rate, etc. could be put in digital media form rather than printed in the local newspaper. It is an antiquated and inefficient law.

PURPOSE: Revise TCA Code Annotated regarding printed public notices.

1. T.C.A. 5-5-015. Special Meetings. Montgomery County requests that general law be modified such that a special meeting of the legislative body may be called on five days' notice by the Chair of the legislative body then serving; and that the call shall be made by publishing the same on the internet website, bulletin board, or notification calendar of the County used for its regular public notices otherwise, and that the requirement of publication in a "newspaper" be removed therefrom.
2. That T.C.A. 5-12-108. Budget Proposal - - - Public Comment - - - Committee Revisions. Montgomery County requests that general law be amended such that the proposed annual operating budget be published at least five days before the Budget Committee conducts a public hearing and that publication will be done by publishing the same on the internet website, bulletin board, or notification calendar of the County used for its regular public notices otherwise, and that the requirement of publication in a "newspaper" be removed therefrom.

For more detailed information please contact the following individual:
Commissioner John Gannon, district1@mcgtn.net, 931-552-4691

VIII. LAW ENFORCEMENT – SUPPORT AND ADVOCATE FOR COMMUNITY CORRECTIONS AGENCIES

LEGISLATIVE ITEM: Amend TCA 40-36-101 et seq. to use state dollars to help fund local community corrections.

PURPOSE: Look into how the funds are currently allocated from TN Department of Corrections. Look at when grants are awarded from the Governor that those grant monies be allocated at the local level. We are dependent on grant funds to run local programs. When it comes to employee salaries, TDOC employees receive them, but not at the local level.

\$721,000 for a one-time bonus to all Community Corrections Program Staff was cut by Governor Lee. Statewide Community Corrections Supervises 8,000 felons at a cost of approximately \$5 per day. It is increasingly difficult for Community Corrections programs to compete in a marketplace as these positions require a college degree. The average salary is \$11 - \$13 per hour. Until FY2011, Community Corrections program staff were given cost of living raises by the state. The state ceased that process in 2011. The Department of Corrections has not offered any additional dollars for raises. The total budget for the Department of Corrections is \$1.1 billion for FY2018-19.

For more detailed information please contact the following individuals:
Commissioner Jerry Allbert, district20@mcgtn.net, 931-214-7026, or Montgomery /
Robertson County Community Corrections Program Manager Christi Holt,
clholt@mcgtn.net, 931-648-5776

IX. ANIMAL CONTROL

LEGISLATIVE ITEM: Microchipping Required on Redemption and Adoption. It shall be required that all dogs and cats that are redeemed by their owners from a County Animal Control operated facility, will be required to be implanted with a microchip identification device, prior to redemption. All dogs and cats adopted through a County Animal Control operated facility, will be required to have a microchip identification device implanted prior dog or cat leaving the shelter.

PURPOSE: Animal control would like a state mandate that animals that go through Animal Control be microchipped. Microchips are a huge help in quickly returning pets to their families. It would help shelters hold pet owners accountable and can greatly reduce financial burdens on taxpayers.

For more detailed information please contact the following individual:
Commissioner Chris Rasnic, district17@mcgtn.net, 931-624-3786

X. SERVICE DOGS IN GOVERNMENT BUILDINGS

LEGISLATIVE ITEM: Amend TCA 39-14-216 to better regulate what constitutes a service animal.

PURPOSE: The purpose of this amendment is to strengthen the laws regarding what and where these service animals can be. Some type of proof needs to be present with the animal to ensure the animal is needed and properly trained. The outcome is to cut down on untrained animals in the voting polls causing disruption with barking and making a mess by doing their business on the floor. It appears the current regulations allow for more of an everyday pet and not a true service animal.

For more detailed information please contact the following individual:
Commissioner Jerry Allbert, district20@mcgtn.net, 931-214-7026

CONTINUE TO SUPPORT THE FOLLOWING ITEMS:

REIMBURSEMENT FOR CUSTODY OF TDOC INMATES

LEGISLATIVE ITEM: We are requesting the Tennessee State Legislature to consider increasing the daily reimbursement rate of Tennessee Department of Corrections inmates being held in the Montgomery County Jail.

MONTGOMERY COUNTY STATE PARKS AND NATURAL AREAS

LEGISLATIVE ITEM: A request to our state delegation for continued assistance and support for local state parks and natural areas located within Montgomery County.

JUVENILE DETENTION CENTER

LEGISLATIVE ITEM: Montgomery County has funded a study to determine the feasibility of a juvenile detention center.

PUBLIC SAFETY: REQUEST TO ALLOW EMS TO BE A PART OF BRIDGE PROGRAM

LEGISLATIVE ITEM: Urge legislators to include Emergency Medical Personnel in the 25/55 Bridge Program for retirement.

ADDITIONAL INFORMATION REGARDING LEGISLATIVE ITEMS

IV: BONDSMAN

ADDITIONAL REFERENCE MATERIAL: The following portions of statute have been reviewed by the 19th Judicial District Attorney's Office and suggested changes accordingly that are indicated by striking portions indicated in **RED**, and adding portions indicated in **BOLD BLUE ITALICS**. 40-11-301. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Available capacity" is a professional bondsman's capacity reduced by the total amount of bail, expressed in dollars, which the professional bondsman has outstanding and from which the professional bondsman has not been released;
- (2) "Capacity" is the total amount of bail, expressed in dollars, on which a professional bondsman may act as surety;
- (3) "Equity in real estate" is determined by taking the fair market value of the real estate and subtracting from that value all outstanding liens and encumbrances. For purposes of establishing fair market value, either the county property assessor's appraisal or an opinion of value from a licensed real estate broker may be used; and
- (4) (A) "Professional bondsman" means any person, firm, partnership or corporation, engaged for profit in the business of furnishing bail, making bonds or entering into undertakings, as surety, in criminal proceedings, or for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine, imprisonment or death, before any of the courts of this state, including municipal courts or securing the payment of fines, judgments or damages imposed and of costs assessed by those courts upon preliminary or final disposition thereof;
- (B) "Professional bondsman" or "bondsman" extends to and includes the agents, representatives or employees of a professional bondsman, or those acting for the bondsman, whether with or without compensation or salary. The business of a professional bondsman ~~shall be limited to the acts, transactions and undertakings enumerated in subdivision (4)(A) and to no others.~~ (Marked through red text deleted and replaced by "**may include bounty hunting as defined in 40-11-318(a).**") 40-11-318. Bounty hunting.

(a) "Bounty hunting" means **a professional bondsman or** a person who acts as an agent of a professional bondsman who attempts to or takes into custody a person who has failed to appear in court and whose bond has been forfeited, for a fee, the payment of which is contingent upon the taking of a person into custody and returning the person to the custody of the professional bondsman for whom the bounty hunter works. ~~; provided, that "bounty hunting" does not include the taking into custody of a person by a professional bondsman.~~

(b) No person who has been convicted of a felony shall serve as a bounty hunter in this state. Persons having been convicted of a felony who perform the services of a bounty hunter as defined in this section commit a criminal offense, punishable as a Class A misdemeanor.

(c) Before a bounty hunter takes into custody any person who has failed to appear in court, the bounty hunter shall comply with § 40-11-401, make a good faith effort to verify the person's address, and present to the office of the appropriate law enforcement officer of the political subdivision where the taking will occur:

- (1) A certified copy of the underlying criminal process against the defendant;
- (2) A certified copy of the bond or capias;
- (3) Proper credentials from a professional bondsman in Tennessee verifying that the bounty hunter is an agent of a professional bondsman; and

- (4) A pocket card, with identifying photo, certifying that the bounty hunter has completed the training required by § 40-11-401.
- (d) Failure to present all of the proper credentials as specified in this section to the office of the appropriate law enforcement officer prior to taking any person into custody shall be punishable as a Class A misdemeanor.
- (e) A professional bondsman, who knowingly employs a convicted felon to act as an agent of the bondsman for purposes of taking into custody a person who failed to appear in court, commits a Class A misdemeanor.
- (f) Any resident of this state who is a United States citizen and who intends to perform the functions of a bounty hunter as defined in subsection (a), shall submit to a criminal history background check as provided by § 38-6-109 at the sheriff's office at the county of the person's permanent residence. The person requesting the criminal history background check shall be responsible for any fees associated with the background check. The criminal background check shall include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation (TBI) and the federal bureau of investigation (FBI). The sheriff's office shall maintain files in their respective counties on bounty hunters requesting a criminal history background check. A sheriff may charge a fee of not more than two hundred dollars (\$200) for each background check performed pursuant to this subsection (f) and in addition to the background check fees payable to the TBI, the FBI and any designated vendor.
- (g) No bounty hunter shall wear, carry, or display any uniform, badge, shield, card, or other item with any printing, insignia, or emblem that purports to indicate or copies or resembles an item that indicates that such bounty hunter is an employee, officer, or agent of any local, state, or federal government or any political subdivision of any local, state, or federal government. Any time a bounty hunter is engaged in the functions of bounty hunting, the bounty hunter shall wear clothing that clearly identifies the person as a bounty hunter and prominently displays the words "bounty hunter".
- (h) Nothing in this section gives a bounty hunter legal defense or privilege to violate any traffic laws or criminal statutes. 40-11-133. Arrest of defendant by bail bondsman or other authorized person.
- (a) For the purposes of §§ 40-11-132, 40-11-203, and 40-11-204, the bail bondsman, *bounty hunter* or surety may arrest the defendant on a certified copy of the undertaking, at any place either in or out of the state, or may, by written authority endorsed on the certified copy, authorize another person to make the arrest. In the event that circumstances prevent the obtaining of a certified copy of the undertaking or *capias* from the clerk's office at the time of the arrest or surrender, a duplicate copy of the same shall suffice until such time that a certified copy can be obtained from the clerk's office.
- (b) After the payment of the forfeiture, the bail bondsman, *bounty hunter* or surety may arrest the defendant on a certified copy of the *capias*, or may, by a written authority endorsed on the certified copy, authorize another person to make the arrest.
- (c) Any *capias* issued pursuant to a forfeit, whether the forfeit is conditional or final, shall remain in full force and effect until the defendant is apprehended and returned to the criminal justice system, and a disposition is entered in the defendant's case.
- (d) Any approved bail bondsman in good standing is authorized to return the defendant to the jurisdiction for which the bail bond is obligated for the defendant's appearance; provided, the bail bondsman is liable for the expenses of returning the defendant and the defendant is located within this state.
- (Add *bounty hunter* to persons authorized to arrest in subsections (a) and (b).)

V: LAW ENFORCEMENT

The purpose of this legislation will enable a better path for transitioning members of the military who have been honorably discharged as former Military Police (MP) officers. The legislation should create eligibility for veterans to attend the POST transition school conducted by the Tennessee Law Enforcement Training Academy. Suggested criteria should specify that the veteran meet all the minimum requirements for employment in the state of Tennessee for a Police Officer, be hired by a state or local law enforcement agency to perform duties that require POST certification and have experience of not less than two years serving as an MP. This will provide excellent opportunities for well-trained, disciplined soldiers to transition to civilian life.

BACKGROUND: Some Tennesseans serve their country around the world as MP Officers and members of the military from other parts of the country serve in Tennessee. This legislation would incentivize Tennesseans to return to their home state to become police officers; and incentivize non-residents transitioning out of the military to remain in Tennessee. The Tennessee Law Enforcement Training Academy costs city and county agencies \$3,300 in tuition. Additionally, the city and county agencies furnish salary and benefits for the 12-week school. Most local agencies have structured field training programs that range from 10 to 14 weeks. The tuition for the transition school at the academy is \$825 and concludes in three weeks. Most agencies have accelerated field-training programs ranging from four to eight weeks. By leveraging a three-week transition school and a shorter field-training program, state and local agencies will have the ability to deploy former military police officers on the street in less than half the time. The cost savings is also significant. On average, an agency provides salary and benefits to untrained officers for approximately 26 weeks. The salary and benefits of the recruits training officer must also be included for the entire field-training period. The cost of the 12-week academy, salary and benefits for a new officer for six months, and the training officer for the field training phase, total almost \$60,000. A transitioning former military police officer may be deployed at a cost of approximately \$21,596 or 1/3 of the cost that agencies must currently bear to bring our military police heroes into civilian law enforcement. Florida, Kentucky, Minnesota, Missouri, Montana, North Carolina, North Dakota, Texas, and Virginia all have similar paths for Military Police Officers. This proposed legislation is good for our military, it is good for Tennessee law enforcement agencies, and is good for our community.

ADDITIONAL INFORMATION: Contact John Smith, Chief Deputy, Montgomery County Sheriff's Office at jrsmith@mcgtn.net or 931.320.1829.