

This is a printer friendly version of an article from www.thedailytimes.com
To print this article open the file menu and choose Print.

Article published Jul 28, 2003

Warrant law changes in January

Lance Coleman

Beginning in January, only law enforcement officers will be allowed to swear out arrest warrants. Civilians will be allowed to get only criminal summons against those they allege harmed them.

The exception will be domestic violence cases, Blount County Circuit Court Clerk Tom Hatcher said.

A criminal summons is a civil document -- you don't arrest people on that, Hatcher said.

Once a summons against the alleged perpetrator is issued, it goes to the Civil Process Division of the Sheriff's Office.

Once a deputy serves the summons on the alleged perpetrator, a date is set for booking, Hatcher said.

Hatcher said the booking date will be set within 10 days of the date in which the summons is served.

At the time the person surrenders, they is booked, fingerprinted, the magistrate sets a court date and then the person is allowed to leave without posting bond, he said.

While this is a new law that goes into effect statewide Jan. 1, 2004, Blount County has been issuing criminal summons in bad-check cases for several years.

If the person who has been summoned misses the booking date, the judge will issue an attachment, then they'll be arrested and charged with contempt of court, Hatcher said.

Hatcher said it didn't appear there would be much of a difference in costs in the clerk's office.

"There possibly could be more expense at the sheriff's office. They may have to hire more people in civil process," he said.

The area where Hatcher said the law isn't clear will be in assisting people or businesses

that get criminal summons for bad checks.

"If we have that many summons in the same month, we're looking at an additional 150 summons a month," he said. "That's another 150 people to be booked per month."

According to magistrate Michael Fox, law enforcement will now be the only persons who swear out arrest warrants.

"If law enforcement doesn't swear to the warrant, there won't be any more warrants issued to the public. The state will require us to issue criminal summons," he said.

The exception would be domestic violence victims. They still be able to swear out an arrest warrant, Fox said.

"If you come in on a domestic situation and we feel there's enough reason to believe that if we do issue a summons, a person will suffer bodily injury, we'll issue an arrest warrant," Fox said.

Protecting rights

Assistant Public Defender George Waters said the amendment is a good one and protects defendant's rights.

"It gives citizens a lot of protection," he said. "Law enforcement officers are trained to know if someone needs to be arrested or not."

Waters said this law gives law enforcement officers a more important role in the process.

"They act as the gatekeepers in not allowing just anyone to get an arrest warrant," he said.

This law will save a lot of people from being incarcerated on charges, only to be released when a district attorney sees there isn't enough evidence to prosecute.

"You've taken somebody's liberty for two days or two weeks," he said. "It's a shame for someone to spend five or 10 days in jail for something they didn't do."

Burden on officers

"From what I understand, it will hurt," Blount County Sheriff James Berrong said.

The sheriff said the burden would fall primarily on the intake officers.

"They'll have to book in a lot more people," he said.

In 2002, the intake officers processed in more than 7,000 people, the sheriff said.

That number has consistently gone up each year, Berrong said.

The sheriff said he may have to apply for additional funding from the Blount County Commission.

"That's going to be an extra burden on us," he said.
