

Tennessee Replevin Law

The Law:

39-16-504. Destruction of and tampering with governmental records. —

(a) It is unlawful for any person to:

(1) Knowingly make a false entry in, or false alteration of, a governmental record;

(2) Make, present, or use any record, document or thing with knowledge of its falsity and with intent that it will be taken as a genuine governmental record; or

(3) Intentionally and unlawfully destroy, conceal, remove or otherwise impair the verity, legibility or availability of a governmental record.

(b) A violation of this section is a Class A misdemeanor.

(c)(1) Upon notification from any public official having custody of government records, including those created by municipal, county or state government agencies, that records have been unlawfully removed from a government records office, appropriate legal action may be taken by the city attorney, county attorney or attorney general, as the case may be, to obtain a warrant for possession of any public records which have been unlawfully transferred or removed in violation of this section.

(2) Such records shall be returned to the office of origin immediately after safeguards are established to prevent further recurrence of unlawful transfer or removal. [Acts 1989, ch. 591, § 1; 1998, ch. 906, § 1.]

Cross-References. Penalty for Class A misdemeanor, § 40-35-111. 39-16-501 – 39-16-507 are referred to in § 40-12-201.

Section to Section References. Sections This section is referred to in § 5-23-107.

The Explanation:

Possession and sale by private individuals of any government record is prohibited in Tennessee according to Tennessee Code Annotated § 39-16-504. Called the Replevin law, it prohibits the removal of records from governmental agencies in the state. This law includes all records created by state, county, or municipal government. Section (a)(3) states that it is unlawful to, “Intentionally and unlawfully destroy, conceal, remove or otherwise impair the verity, legibility or availability of a government record.” Section (c)(1) and (2) further state that, “Upon notification from any public official having custody of government records, including those created by municipal, county or state government agencies, that records have been unlawfully removed from a government records office, appropriate legal action may be taken by the city attorney, county attorney, or general attorney, as the case may be, to obtain a warrant for possession of any public records which have been unlawfully transferred or removed in violation of this section,” and that “such records shall be returned to the office of origin immediately after safeguards are established to prevent further recurrence of unlawful transfer or removal.” Violating this law is a Class A misdemeanor.