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**NATIONALLY ACCREDITED SINCE 1998
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38-1-201. Registration

(a) Any person, firm, or corporation purchasing or otherwise dealing in antique, used or scrap jewelry and precious metals, where the purchase is for resale in its original form or as changed by remounting, melting, reforming, remolding or recasting or for resale as scrap or in bulk, shall be required to register with the chief of police and sheriff of each city and county in which the activity is carried on.

38-1-202. Holding period

(a) It is unlawful for any person or corporation engaging in the activity described in § 38-1-201 to **sell, exchange, barter or remove from the place in which such business is conducted, or to change the form of any such items by remounting, melting, cutting up, or otherwise changing the form of any such items for a period of thirty (30) days from the date of purchase.** The provisions of this section do not apply to persons or corporations engaged in the reclamation of precious metals through the reprocessing of used film or other similar materials that in their original form contain precious metals but were not intended to be items of jewelry, or become antiques or be marketed exclusively for the precious metals contained in the materials.

(b) No person acting as a buyer or dealer under this section shall purchase any item covered by this section from a person under eighteen (18) years of age, nor accept any item covered by this section from anyone who appears intoxicated, nor from any person known to the person to be a thief, or to have been convicted of larceny, burglary or robbery, without first notifying a police officer. Any person acting as a buyer or dealer under this section shall exercise due care to comply with this section.

(c) No person acting as a buyer or dealer under this section shall take any item covered by this section under a buy-sell agreement, when the article is known to the person to be stolen.

38-1-203. Records

(a) Every person or corporation dealing in the items described in § 38-1-201 shall keep a log in duplicate and shall enter on the log:

(1) A clear and accurate description of any items of jewelry or precious metals purchased, including, if applicable:

(A) Brand name;

(B) Model number;

(C) Serial number, if issued by the manufacturer and not intentionally defaced, altered or removed;

(D) Size;

(E) Color, as apparent to the untrained eye, not applicable to diamonds;

(F) Precious metal type, content and weight, if indicated;

(G) Gemstone description, including the number of stones; and

(H) Any other unique identifying marks, numbers, names or letters;

(2) Information on the seller, including: name, race, sex, height, weight, date of birth, residence address and numbers from the items used as identification. Acceptable items of identification are one (1) of the following documents:

(A) A state-issued driver license;

(B) A state-issued identification card;

(C) A passport;

- (D) A valid military identification;
 - (E) A nonresident alien border crossing card;
 - (F) A resident alien border crossing card; or
 - (G) A United States immigration and naturalization service identification; and
- (3) The date and amount of money paid for the items.

(b) The seller and the purchaser shall sign the log below the description of each transaction.

(c) On each day the purchaser shall transact business of the type described within this section, the purchaser shall deliver to the sheriff and the chief of police of each county or municipality in which the business is conducted a copy of the log concerning that day's business; and the copy of the log shall be delivered by twelve o'clock (12:00) noon of the day following the date of the transaction. The book shall be carefully preserved without alteration and shall at all times be open to the inspection of the sheriff of the county and the chief of police or any deputy or police officer of the city or county.

The holding requirement in Tenn. Code Ann. § 38-1-202 and the records and reporting requirements in Tenn. Code Ann. § 38-1-203 apply to bulk purchases of scrap jewelry and precious metals by a precious metals refiner (for refining and resale in bulk as bars, shot, flake) from a metal dealer that has previously complied with all of the provisions of the Scrap Jewelry and Metal Dealers Act of 1980 (including the holding and records and reporting requirements) with respect to the purchased items. Op.Atty.Gen. No. 09-56, April 15, 2009, 2009 WL 106006.

1. Searches

Degree of intrusion authorized by the Scrap Jewelry and Metal Dealers Act of 1980 in requiring persons dealing in antique, used or scrap jewelry and precious metals to keep and preserve, without alteration, a log, open to inspection of police authorities, used to record a clear and accurate description of any items of jewelry or precious metals purchased and date and amount of money paid for the items and the name, race and residence and address of the seller, when balanced against legislative purpose of serving as credible deterrent to crime, is reasonable and does not violate provisions of Fourth Amendment or State Constitution regarding unreasonable searches. T.C.A. § 38-608 (now § 38-1-203); U.S.C.A. Const.Amend. 4; Const. Art. 1, § 7. State v. Kirkland, 1983, 655 S.W.2d 140. Consumer Credit 2; Searches And Seizures 75
T. C. A. § 38-1-203, TN ST § 38-1-203