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Private Acts of 1947 Chapter 349

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Private Acts of 1947 Chapter 349

SECTION 1. That there is hereby created and established a Court for Sullivan County, Tennessee, which shall be divided into four (4) divisions; one of which shall be designated Court of General Session, Division I and IV, and the other, Court of General Sessions, Division II and III. The Court shall be held in the Courthouse at Blountville, Bristol, and Kingsport; and Sullivan County shall provide courtrooms, dockets, furnishings, and necessary supplies, for the equipment and maintenance of said Court, and the Quarterly County Court shall order the expense paid from the General Fund of the County.

As amended by: Private Acts of 1978, Chapter 234
Private Acts of 1997, Chapter 34

SECTION 2. The Judges of the Court of General Sessions, Divisions I and IV, shall hold court at Bristol, Tennessee or such other place within the division they deem necessary. The Judges of the Court of General Sessions, Divisions II and III, shall hold Court at Kingsport, Tennessee.

As amended by: Private Acts of 1978, Chapter 234
Private Acts of 1997, Chapter 34

SECTION 3. That when the defendant in any civil action resides or is served with process in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, or Twenty-second voting precinct of Sullivan County, the case shall be tried in Division I or IV of the Court. All criminal actions charged in those districts shall be heard in Division I or IV of the Court.

As amended by: Private Acts of 1973, Chapter 40
Private Acts of 1997, Chapter 34
Private Acts of 1997, Chapter 35

SECTION 4. That when the defendant in any civil action resides or is served with process in the Seventh-A, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, or Fifteenth voting precinct of Sullivan County, the case shall be tried at Kingsport, Tennessee. All criminal charges preferred in the Seventh-A, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, or Fifteenth voting precinct of Sullivan County shall be heard in Kingsport, Tennessee.

As amended by: Private Acts of 1997, Chapter 35

SECTION 5. All cases coming within the jurisdiction of the Juvenile Court, shall be presented to the Court of General Sessions, Division I and IV, or the Court of General Sessions, Division II, and tried at either Blountville, Bristol or Kingsport, as provided in Sections 3 and 4 hereof.

As amended by: Private Acts of 1978, Chapter 234
Private Acts of 1997, Chapter 34

SECTION 6. That the jurisdiction, powers and authority of said Court shall extend to the entire County of Sullivan and shall be the same as provided by law for Justices of the Peace in civil and criminal actions and the Justices of the Peace of Sullivan County are hereby divested of all such jurisdiction, powers, and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court, or in the performance of the rites of matrimony, is in no wise affected by this Act.

In addition to the jurisdiction, power and authority set forth in this section, the jurisdiction and power of said court is extended to all claims and demands, of whatever nature, of One Thousand Dollars (\$1,000.00), or less, in value.

As amended by: Private Acts of 1949, Chapter 436

SECTION 7. That the Court of General Sessions, Division I and Division II, shall have the jurisdiction, powers and authority as provided by Sections 10275, 11371, 11372, 11373, 11380, 11381, 11382, of the Official Code of Tennessee to hear and enter judgment in cases of juvenile delinquency and cases of nonsupport; and the County Judge of Sullivan County is hereby divested of all such jurisdiction, powers, and authority as provided by said sections of the Code herein cited.

SECTION 8. That the Court of General Sessions, in addition to the jurisdiction of a Justice of the Peace to try and determine small offenses, is hereby vested with the jurisdiction to try and determine and render final judgement in all misdemeanor cases brought before the Court by warrant or information, wherein the person charged with such misdemeanor offenses enters a plea of guilty, or request a trial upon the merits and expressly waives an indictment, presentment, and a Grand Jury investigation, and a jury trial.

The final judgment of the Court in all misdemeanor cases tried as herein provided may be appealed to the Circuit Court at Blountville provided the person charged and found guilty enters into bond with good and solvent surety to pay said cost and cost of appeal if the judgment is affirmed. All judgments of the Court shall become final on the date and hour announced and unless appealed instanter shall be final thereafter and shall not be subject to change or modification except for error.

As amended by: Private Acts of 1947, Chapter 755

Private Acts of 2023, Chapter 33

SECTION 9. That it shall be the mandatory duty of the Judges of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, in all cases in which the Court has jurisdiction, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement, or the right to remain silent and the right to a trial by jury.

Upon the defendant agreeing in writing to waive the right to be put to trial by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, the Judge may proceed to hear and determine said case as provided in Section 8 hereof.

Said waiver shall be written on or attached to the warrant or complaint substantially as follows:

The defendant, _____, pleads guilty to the offense of _____, and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives trial by a jury of his peers.

This _____ day of _____, 19

Defendant

SECTION 10. That the court in Divisions I and IV shall be open from 9:00 a.m. until 5:00 p.m. each week day. The Court at Kingsport shall be open from 9 A.M. until 5 P.M. each week day.

The Judges in their respective divisions may at any time, day or night, issue warrants, mittimus, or grant bail to a person charged with a criminal offense.

All cases shall be set for an hour certain, and the practice heretofore prevailing of allowing one hour for the parties to appear in Courts of Justices of the Peace shall not apply to the Court created under the provisions of this Act.

As amended by: Private Acts of 1997, Chapter 34

SECTION 11. That before the issuance of any warrant in a civil case, the plaintiff shall execute a cost bond with good security in the sum of Twenty-Five Dollars (\$25.00) or in lieu thereof, make a cash deposit with the Clerk of not less than Two and 50/100 Dollars (\$2.50) or more than Twenty-Five Dollars (\$25.00) to secure the cost, or take the oath prescribed for poor persons. On motion, the Court may qualify the bond and require further security of the plaintiff for cost.

SECTION 12. That the laws now regulating pleading and practice, stay of judgements, writs, and processes in civil cases in the Courts of Justices of the Peace shall apply to and govern said Court; and all the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the Judges of said Court.

Any party to a civil action may appeal from an adverse decision to the Circuit Court at Blountville when the judgement is entered by the Court at Blountville, the Law Court at Bristol when the judgement is entered by the Court at Bristol, the Law Court at Kingsport when the judgment is entered by the Court at Kingsport within a period of five days after entry of judgement upon complying with the law as now provided for appeals from Justice of the Peace Courts, provided that within five days a motion for rehearing may be filed which shall be heard by the Court as soon as practicable, and the judgment rendered thereon shall be considered the final judgment from which an appeal may be taken within a five day period. No execution shall issue until the expiration of five days from the date of final judgment, except for causes as now provided by statute.

All process in civil cases shall be returnable the fifth day after issuance provided service has been had on the person named as defendant therein.

SECTION 13. That in all matters the cost and fees of said Court of General Sessions shall be the same as those now provided or which may be hereafter provided for Justices of the Peace in civil and criminal cases and the same as allowed to the County Judge of Sullivan County in cases of juvenile delinquency and nonsupport.

The fees and other compensation of the Sheriff, his deputies, constables, game wardens, and State highway patrolmen for the execution of writs and process of said Court, fees for attendance and mileage of witness shall be the same in said Court as those provided by law for the Courts of Justices of the Peace; provided, however, the Judge may in his discretion disallow the fees of mileage of any salaried game warden, State highway patrolman, or City policeman when it appears that said fee is not assigned and paid to the State or other governmental unit employing the officer claiming such fee or mileage.

The fees and compensation due for service rendered by the Judges of the Court shall accrue to the Clerk of the Circuit Court of Sullivan County. All cost, fees, and mileage of witnesses, the fees and commissions

and emoluments of the Sheriff, his deputies, constables, game wardens, and state highway patrolmen for services to said Court, and the fines and forfeitures adjudged by it shall be paid to the Clerk and by said Clerk handled, accounted for and disbursed the same as required by law.

SECTION 14. That there shall be one Civil Docket, one Criminal Docket, one Juvenile and one Nonsupport Docket kept at Blountville, Bristol, and Kingsport, in which all cases shall be entered immediately upon the issuance of the warrant or process. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of process in brief form, the action of the Court both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of Court, of the Sheriff, and all other officers, for their respective services, fees of witnesses and credits on judgments.

The judgment of the Court shall be entered on the warrant and docket and signed by the Judge.

On the Criminal Docket there shall be kept a column wherein the Criminal warrant is charged to the officer taking said warrant for execution, and the officer, who received the warrant, shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of the Court until its issuance has been properly entered on said respective docket.

The Court will keep on the Juvenile and Nonsupport Docket orders and judgments entered in such cases and for this the Court of General Sessions of Sullivan County shall be a court of record.

SECTION 15. That the Judges of the Court of General Sessions shall be persons licensed to practice law in Tennessee, of good moral character, and shall take the same oath as prescribed for Circuit Judges and Chancellor.

SECTION 16. The compensation of the judges of sessions court shall be the same as eighty-five percent (85%) of the annual compensation paid to circuit judges and chancellors by the state as provided for in Section 8-2303 of Tennessee Code Annotated, payable in equal monthly installments from the General Fund of Sullivan County. Said Judge shall devote all his working time to the duties of the office, and shall not engage in the practice of law in any capacity whatsoever during his tenure of office; provided, either Judge may complete or finish any legal business undertaken before assuming the office.

As amended by:

Private Acts of 1949, Chapter 435

Private Acts of 1957, Chapter 161

Private acts of 1974, Chapter 176

SECTION 17. That the judges of Divisions I and IV of such court shall each be elected by a majority of all the qualified voters in the territory embraced in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, and Twenty-second voting precincts of Sullivan County; the judges of Divisions II and III of such court shall each be elected by a majority of all the qualifies voters in the territory embraced in the Seventh-A, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, and Fifteenth voting precincts of Sullivan County.

The Judge of Division III of said court shall be elected by a majority of all the qualified voters in the territory embraced in the Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, and Fifteenth voting precincts of Sullivan County.

The judge of each Division shall be a resident, citizen, and practicing attorney within the jurisdiction of the territory embraced in his division.

The candidates for the four (4) divisions of the court shall qualify with the election commission of Sullivan County as required by law in general elections and shall be designated on the official ballot as "Candidates for Judge of the Court of General Sessions, Division I", and "Candidates for Judge of the Court of General Sessions, Division II" and "Candidates for Judge of the Court of General Sessions, Division III" and "Candidates for Judge of the Court of General Sessions, Division IV."

As amended by:

Private Acts of 1973, Chapter 40

Private Acts of 1978, Chapter 234

Private Acts of 1997, Chapter 34

Private Acts of 1997, Chapter 35

Private Acts of 1998, Chapter 140

SECTION 18. The Governor shall appoint the Judge of the Court of General Sessions, Division III, effective September 1, 1978, who shall serve until the first day of September, 1980, and until his successor shall be elected by the qualified voters of the County, as set forth in Section 17 of this act.

The judges of the Court of General Sessions, Division I and Division II, shall continue in office until their successors are elected and qualified.

Their successors shall be elected by the qualified voters as set forth pursuant to Section 17, as amended, at the August general election in 1982, for the term provided for Circuit Judges and Chancellors in this

state.

The term of office of Judge of the Court of General Sessions, Division IV, shall begin on September 1, 1998, and shall be filled by the voters, as set forth in Section 17, at the regular August election in 1998.

As amended by: Private Acts of 1978, Chapter 234
Private Acts of 1997, Chapter 34

SECTION 19. That if the Judge of either division of said Court cannot preside in a pending case or is unable to attend Court because of sickness or cannot attend Court for any other reason and the Judge of the other division cannot sit by interchange, which said Judges are empowered to do at any time, then a majority of the lawyers present in that division of Court may elect one of their number who has the qualifications of such Judge, and when elected, shall have the same authority as the regular Judge to hold the Court for the occasion or time the regular Judge is absent. The Clerk of the Circuit Court or his deputy shall preside at said election and shall keep in his office a permanent record of the election of such special Judges. Such special Judges shall not be entitled to compensation for their services.

To promote the efficient and orderly disposition of cases coming before the Court of General Sessions, Divisions II and III, the Judge with the maximum number of years of service on said court shall have the authority and responsibility to see that the administrative functions of the court are carried out in the most efficient manner, and his duties shall include: the preparation of the budget request for Divisions II and III, and their submission to the appropriate authorities; the preparation and submission of all requisitions for equipment and supplies; the establishment of efficient procedures to insure maximum efficiency in docket control including the direct and exclusive authority and responsibility for the assignment of cases and courtrooms within each of said Divisions II and III, to maintain a proper case load balance. There shall be no additional compensation to said judge for these administrative duties.

As to Divisions I and IV of the Court, the Judge with the greater number of years of service as Judge of the Court shall be the Presiding Judge. If they should have the same amount of service, the Judge of Division I shall be the Presiding Judge. The Presiding Judge shall be responsible for the administrative duties of the Court including the assignment of cases and courtrooms and responsibility for division of the workload.

As amended by: Private Acts of 1978, Chapter 234
Private Acts of 1997, Chapter 34

SECTION 20. That in case of a vacancy in the office of Judge in either division of said Court the Governor may appoint a qualified attorney at law to fill such vacancy from the division of the Court where the vacancy exists to hold office until the next general August election, when the vacancy will be filled for the remainder of the unexpired term.

SECTION 21. That the Clerk of the Circuit Court of Sullivan County shall act as the Clerk of the Court of General Sessions, and when acting as Clerk of said Court in each division thereof shall be designated "Clerk of Court of General Sessions." The fees, commissions, and emoluments of said Court of General Sessions accruing to the Clerk provided in Section 13 hereof shall constitute a part of the fees, commissions, and emoluments of the office of the Clerk of the Circuit Court of Sullivan County, Tennessee. The Clerk of the Circuit Court shall receive no additional compensation for his services; however, such additional deputies and assistants as may be necessary for the proper operation and administration of the duties of said office shall be appointive and compensated in the manner as now provided by law for appointment and compensation of Deputy Circuit Court Clerks.

SECTION 22. That the Clerk of said Court shall have concurrent authority with the Judges to issue warrants and other process and writs other than search warrants and other process and writs which the law requires shall be issued only by a judicial officer. Deputy Clerks shall have concurrent authority with the Judges to issue process to the same extent as the Clerk but only for the division in which the Deputy Clerk is appointed to serve.

SECTION 23. That the Sheriff of Sullivan County or any Deputy Sheriff or Constable thereof, shall serve all legal process, writs, and papers issued by said Court with the same authority as provided by law in the other inferior courts of Tennessee.

SECTION 24. That this act shall in no wise impair the right, title, or interest of any Justice of the Peace in Sullivan County or County Judge of Sullivan County to any unpaid fees, or funds in which he had a right or interest in any proceeding, judgement, or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 25. That all official dockets, records, and papers in cases that are disposed of, or which are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of Sullivan County, shall be delivered by the Justices residing in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, and Twenty-second Civil Districts to the Court of General Sessions, Division I, and by the Justices residing in

the Tent [sic], Eleventh, Twelfth, Thirteenth, Fourteenth, and Fifteenth Civil Districts to the Court of General Sessions, Division II, as the successors of said Justices of the Peace.

SECTION 26. That the Judges appointed shall have authority to hear and determine all undisposed cases pending in the Courts of Justices of the Peace of Sullivan County on the effective date of this Act as if such cases had originated in Division I or Division II of the Court of General Sessions.

SECTION 27. That the Judge of either division shall have the power to hear and determine any case of juvenile delinquency or nonsupport case pending upon the effective date of this Act as if such case had originated in either Division I or Division II of said Court.

SECTION 28. That the Legislature expressly declares that each section, subsection, paragraph, and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 29. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 30. That this Act take effect from and after the 15th day of April, 1947, the public welfare requiring it.

Passed: February 24, 1947.

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