



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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General Sessions Court

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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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General Sessions Court

Private Acts of 1947 Chapter 459

SECTION 1. That there is hereby created and established a Court in and for all Counties having a population of not less than 26,500 and not more than 26,510 according to the Federal Census of 1940 or any subsequent Federal Census, which shall be designated as the General Sessions Court of said County. The Court shall be held in the Courthouse and said Counties shall provide court rooms, dockets, furnishings, and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the ordinary funds of said County.

SECTION 2. That should this Act apply to Anderson County, the said Court shall be officially designated as the "General Sessions Court of Anderson County," and the said Court is hereby vested with all of the jurisdiction and shall exercise the authority conferred by the General Assembly of the State of Tennessee upon the Justices of the Peace in civil and criminal cases and actions, and the Justices of the Peace in all counties to which this Act applies are hereby divested of all such jurisdiction, power, and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly County Court, or in the performance of the rites of matrimony is in no wise affected by this Act.

As amended by: Private Acts of 1992, Chapter 226

SECTION 3. That the General Sessions Court shall have jurisdiction concurrent with the Circuit and Chancery Courts of the State of Tennessee to try and dispose of divorce cases, and said Court shall try and dispose of divorce cases in the same manner and with the same authority as is vested in the Circuit and Chancery Courts of the State of Tennessee.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1992, Chapter 226

SECTION 4. The general law governing the general sessions courts for Tennessee as provided in Tennessee Code Annotated, Title 16, Chapter 15, shall govern the General Sessions Court of Anderson County.

As amended by: Private Acts of 1992, Chapter 226

SECTION 5. 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 in so far as the jurisdiction of said Court as vested by Section 2 of this Act is concerned; and appeals from said Court shall be taken to the Circuit Court and shall be perfected in the same manner and within the same time as is now provided for appeals from Courts of Justices of the Peace. However, all cases in the General Sessions Court 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 in the General Sessions Court in any cases heard by said Court.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1992, Chapter 226

SECTION 6. That there shall be one civil docket and one criminal docket for the Court in which all cases to be tried under the jurisdiction conferred by Section 2 of this Act shall be entered immediately upon the issuance of the warrant. Upon said docket 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 the process in brief form, the action of the Court, both interlocutory and final, orders, judgements, executions, garnishments, lists of the fees of the Court, of the Sheriff and all other officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the Judge by whom the case was tried. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the Criminal Docket, so as to provide ready access to the record of each case. The officer to whom a warrant is given for service shall give a receipt for same, and no warrant, either criminal or civil, shall be taken from the office of the General Sessions Court until its issuance has been entered on said docket.

In all cases tried by the general sessions court in which the court has concurrent jurisdiction with the circuit or chancery court, the general sessions court is a court of record. The Tennessee rules of civil procedure shall govern practice and pleading when the general sessions court is sitting as a circuit or chancery court; and the General Sessions Court shall keep a separate Docket and Minute Book for all cases tried by said Court in which it has jurisdiction concurrent with the Circuit and Chancery Courts, and the Minutes of said Court shall be kept in the same manner as is required by law for Clerks and Masters of the Chancery Court to keep their Minute Books, and the Minutes of said Court shall be read in open Court

and signed by the Judge as provided by law for Courts of Record.

As amended by: Private Acts of 1992, Chapter 226

SECTION 7. The general sessions court shall have no terms of court. The court shall be in session daily and continuously except for Saturdays, Sundays, and legal holidays. The general rules of procedure as provided for general sessions courts throughout the state as supplemented by local rules shall control to expedite the trial and disposal of cases before the court.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1992, Chapter 226

SECTION 8. That the General Sessions Court is hereby vested with jurisdiction to try and determine and render final judgement in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment, and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Criminal Court, where such appeal shall be tried by a Judge of such Court without a jury and without indictment or presentment.

As amended by: Private Acts of 1992, Chapter 226

SECTION 9. That it shall be the mandatory duty of the Judge of the General Sessions Court, when a defendant is brought before said Court upon arraignment or trial, 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 in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put on trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such court may proceed to hear and determine said case as is provided in Section 8 of this Act. Said waiver shall be written on or attached to the warrant substantially in words and figures 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.

SECTION 10. that no warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the Criminal Docket of the General Sessions Court has been made by the Clerk or Judge of said Court, showing the names of the person or persons accused, the prosecutor, the officer to whom delivered, and his signature upon said Docket showing receipt of such process; all of which warrant, information, dockets, and other records of the General Sessions Court shall be available to the District Attorney-General for any legal purpose.

As amended by: Private Acts of 1992, Chapter 226

SECTION 11. That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said General Sessions Court shall be taken by the Clerk of the Judge of said Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as is now provided by law.

As amended by: Private Acts of 1992, Chapter 226

SECTION 12. That an appeal from any case in which the jurisdiction of the General Sessions Court is concurrent with the Chancery, Circuit, and Criminal Courts, said appeal shall be to the same Appellant Court, and shall be perfected in the same manner and according to the same procedure as a similar case would be appealed from the Circuit, Chancery, and Criminal Courts.

As amended by: Private Acts of 1992, Chapter 226

SECTION 13. That in all cases tried under the jurisdiction conferred by Section 2 and Section 8 of this Act, the costs and fees of the General Sessions Court shall be the same as those provided by law for Justices of the Peace. 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, and for attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of Justices of the Peace. All costs, fees, and mileage of witnesses, the fees, commissions, and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other officers for services to said Court, and the fines and forfeitures adjudged by said Court shall be handled, accounted for, and disbursed as required by law.

As amended by: Private Acts of 1992, Chapter 226

SECTION 14. There shall be two full-time Judges for the General Sessions Court of Anderson County, Tennessee, one being the Judge of Division I and the other being the Judge of Division II, with the same

qualifications and term of office as provided by the Constitution of the State of Tennessee for Judges of inferior courts; and such Judges shall take the same oath as prescribed for Circuit Judges and Chancellors. The Judges of the General Sessions Court of Anderson County, Tennessee shall be licensed attorneys of this State and residents of Anderson County, Tennessee. The Judges shall devote full time to the office and shall not otherwise practice law, and shall be paid a salary as provided in Section 15. The Judges of Division I and Division II shall have and exercise all the same jurisdiction and may hold court and hear cases in either Division. Both Judges shall devote such time as necessary between either Division to equalize the case load and to provide for the expeditious hearing of all cases in both Divisions. Cases arising in Division II of the General Sessions Court of Anderson County, Tennessee shall be heard in Oak Ridge, Tennessee subject to the City of Oak Ridge, Tennessee providing adequate courtroom and office facilities for the Judge and support staff.

The Judges of the General Sessions Court of Anderson County, Tennessee are hereby vested with all of the powers possessed by Circuit Judges and Chancellors to issue all writs of injunction, attachment, habeas corpus, ne exeat, and all other kinds of extraordinary process, returnable to the General Sessions Court of Anderson County, Tennessee, or to any other County Courts, Circuit Courts, Chancery Courts, or any other comparable courts of the State.

As amended by: Private Acts of 1997, Chapter 22

SECTION 15. The Judges of Anderson County shall be paid the same salary as provided by the general law in the State of Tennessee pertaining to the General Sessions Court Judges.

As amended by: Private Acts of 1949, Chapter 592
Private Acts of 1951, Chapter 453
Private Acts of 1957, Chapter 313
Private Acts of 1974, Chapter 290
Private Acts of 1992, Chapter 226
Private Acts of 1993, Chapter 77

SECTION 16. That J. Leon Alkenes of Anderson County, Tennessee, is hereby named as Judge of the General Sessions Court of Anderson County, should this Act apply to Anderson County, and he shall serve until the first day of September, 1948, and until his successor has been elected and qualified. His successor shall be elected by the qualified voters of the County at the general election on the first Thursday of August, 1948, to serve until the first day of September, 1950, or until his successor is elected and qualified. His successor shall be elected every eight years thereafter for a term of eight years. Any vacancy shall be filled as provided by law.

As amended by: Private Acts of 1992, Chapter 226

SECTION 17. A substitute or special judge shall be selected and qualified as provided by law, provided that the judge of the juvenile court of Anderson County and any chancellor, general sessions, circuit, criminal or appellate court judge in the State of Tennessee may sit by interchange. The Clerk of the General Sessions Court shall receive the sum of Twelve Hundred (\$1200.00) Dollars per annum to be paid in equal monthly installments out of the general funds of the county for the purpose of defraying the expense incidental to conducting his duties as clerk of the General Sessions Court.

As amended by: Private Acts of 1949, Chapter 592
Private Acts of 1951, Chapter 621
Private Acts of 1992, Chapter 226

SECTION 18. That should this Act apply to Anderson County, the Clerk of the Circuit Court of said County shall act as the Clerk of the General Sessions Court, and when acting as Clerk of said Court, shall be designated as the "Clerk of the General Sessions Court of Anderson County."

All fees, commissions and emoluments of said General Sessions Court, which are earned by the Clerk of said Court and collected by him, shall accrue to his benefit for his compensation as Clerk of said court.

As amended by: Private Acts of 1949, Chapter 592
Private Acts of 1992, Chapter 226

The clerk of said Court shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law requires shall be issued only by or upon the fiat of a judicial officer.

SECTION 19. That the Sheriff of any County to which this Act applies shall assign a Deputy Sheriff to attend the sessions of said Court to preserve order and to wait on and serve said Court. The Sheriff shall receive no additional compensation for his services or those of the Deputies so assigned; however, such

Deputy Sheriff so assigned shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of Deputy Sheriffs of said County.

The Clerk of said Court shall certify to the County Judge of said County the names of Deputy Sheriffs so assigned to said Court. The County Judge shall issue warrants drawn upon the Trustee for their compensation as provided herein.

The Sheriff of said County, or any Deputy Sheriff or Constable thereof shall serve legal processes, writs, and papers issued by the General Sessions Court with the same authority as provided by law in other inferior Courts.

As amended by: Private Acts of 1992, Chapter 226

SECTION 20. That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to the Justices of the Peace or former Justices of the Peace of any County to which this Act might apply, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace. Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be delivered to the Clerk of the General Sessions Court.

As amended by: Private Acts of 1992, Chapter 226

SECTION 21. That the General Sessions Court shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of any County to which this Act applies as if such cases had originated in the General Sessions Court.

As amended by: Private Acts of 1992, Chapter 226

SECTION 22. That this Act shall in no wise impair the right, title, or interest of any Justice of the Peace 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 23. That the Legislature expressly declares that each section, subsection, paragraph, and clause 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 24. That all laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 25. That this Act shall take effect thirty (30) days after its passage, the public welfare requiring it.

Passed: February 25, 1947.

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