



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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General Sessions Court

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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

Division I and Division II

Private Acts of 1986 Chapter 174

SECTION 1. DESIGNATION. There is hereby designated a "Division I, Court of General Sessions of Wilson County, Tennessee," which shall consist of the presently-existing General Sessions Court of Wilson County, Tennessee, as established by Chapter 34 of the Private Acts of 1945 and all other Acts amendatory thereto.

SECTION 2. CREATION. There is hereby created and established another court in and for Wilson County, Tennessee, which shall be designated "Division II, Court of General Sessions of Wilson County, Tennessee".

SECTION 3. JURISDICTION. The Division I, Court of General Sessions of Wilson County, Tennessee, shall retain the jurisdiction previously conferred upon it. The Division II of the Court of General Sessions of Wilson County, Tennessee, as herein created, is hereby vested and conferred with concurrent jurisdiction with Division I over all matters presently under the jurisdiction of Division I, including criminal cases, civil cases, probate cases and juvenile cases. In addition, Divisions I and II are hereby vested and shall have concurrent jurisdiction with the Circuit Court and Chancery Court in Wilson County over domestic matters and shall have the powers vested in the Circuit Judge and Chancellor by the general laws of the State of Tennessee over domestic matters. It is the intent of this Act to vest and confer upon both Division I and Division II equal and concurrent jurisdiction.

SECTION 4. ASSIGNMENT OF CASES. Effective with the start of the business day on September 1, 1986, the General Sessions Court Clerk shall assign to Division I all criminal cases and traffic cases and shall assign to Division II all civil cases including cases involving divorce and domestic matters filed in said court. On the said date, the County Clerk of Wilson County shall henceforth assign all juvenile cases to Division I and shall assign all probate cases to Division II.

In the event the said assignment directions shall result in an unequal work load for either division, the judges of the two divisions may alter the assignment directions by orders directed to the appropriate clerk signed by both judges establishing a modification of the assignment directions.

SECTION 5. INTERCHANGE. The judge of Division I and the judge of Division II shall be empowered from time to time to freely interchange one from the other to hold such respective courts.

SECTION 6. CLERKS OF THE COURT. The County Clerk of Wilson County, Tennessee shall act as the clerk of Division I and Division II Court of General Sessions of Wilson County, Tennessee when acting and performing the duties associated with probate and juvenile matters and shall maintain such minute books and other necessary records for such courts as may be necessary and required by law. The Circuit Court Clerk of Wilson County, Tennessee shall be the clerk of the Division I and Division II Courts of General Sessions of Wilson County, Tennessee to the extent that such court perform the duties, powers and functions associated with all other matters and shall, subject to the jurisdiction of the court, maintain such minute books and other records as may be required by law. The clerks, when performing their duties, shall charge all fees and shall be entitled to receive such fees and charges as shall be fixed from time to time for said county by the General Laws of the State of Tennessee. All such fees, when collected, shall be fully accounted for and disbursed as fees and charges as is similarly done by the other courts operating and functioning in Wilson County, Tennessee.

SECTION 7. JUDICIAL AUTHORITY. The judges of the Division I and Division II, Courts of General Sessions of Wilson County, Tennessee, shall have all authority and jurisdiction to punish for contempt, to issue extraordinary writs and processes including fiats, restraining orders, and injunctions and to compel compliance with its final decree, judgment and orders, as now or shall hereafter be exercised by a judge or chancellor or any Circuit and General Sessions Court of the State of Tennessee.

SECTION 8. QUALIFICATIONS AND ELECTION OF JUDGE. There shall be one judge for the Division II, Court of General Sessions of Wilson County, Tennessee herein created who shall be duly licensed to practice law within the State of Tennessee, and who shall be at least thirty (30) years of age at the time of his election or appointment, and who shall otherwise have all the qualifications and shall have the same term as provided by the Constitution of the State of Tennessee for inferior court judges, and who shall take the same oath as shall be required for the other judges of the State of Tennessee. The position which is to be filled in accordance with the terms hereof shall be a full time position, and the person elected shall not be permitted to have an outside practice of law. The judge of Division II of Wilson County, Tennessee

shall serve for a four (4) year initial period of time, which coincides with that of the present General Sessions Judge whose term expires August 31, 1990. There-after the judge of Division II shall serve for a full eight (8) year term. The judge of Division II shall be elected at the General Election held in August, 1986.

SECTION 9. COURT OF RECORD. Division I and Division II of the Court of General Sessions of Wilson County, Tennessee, shall when required by law be treated and considered as a court of record and such court shall be in continuous sessions without the intervention of any term or terms, it being provided herein that such court shall be held by the judge thereof at such time and during such period as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

SECTION 10. PRACTICE AND PROCEDURE. The Judges of Division I and Division II shall from time to time be authorized and empowered to adopt joint rules of practice and procedure for the courts provided that they are not inconsistent with the substantive and procedural laws of the State of Tennessee relative to the matters of the jurisdiction of the courts or that they shall not otherwise be inconsistent with such rules as may be from time to time promulgated by any superior court having supervisory jurisdiction over the courts.

SECTION 11. COMPENSATION OF JUDGES. The compensation of the Judge of Division II shall be the same as the compensation of the Judge of Division I.

SECTION 12. LITIGATION TAX. There is hereby levied and imposed on each and every criminal case, traffic case and juvenile case, as applicable, filed on or after September 1, 1986 in either Division I or Division II of the General Sessions Court of Wilson County, Tennessee an additional litigation tax in the amount of \$2.25, which tax shall be paid to the General Fund of Wilson County, Tennessee.

SECTION 13. PROVISIONS SEVERABLE. Every position of this Act is declared to be severable and should any portion of the same be held inconsistent or invalid for any reason, the same shall not affect the remainder of this Act, it being the intent herein that such unconstitutionally-declared portions shall be deleted and that the General Assembly would have enacted this Act with such unconstitutional or invalid portions deleted therefrom.

SECTION 14. APPROVAL OF COUNTY COMMISSION. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the members of the Wilson County Board of County Commissioners on or before May 20, 1986. Its approval or nonapproval shall be proclaimed by the presiding officer of the said board and certified by him to the Secretary of State.

SECTION 15. EFFECTIVE DATE FOR THE PURPOSE OF APPROVING OR REJECTING THE PROVISIONS OF THIS ACT. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 14.

Passed: April 7, 1986.

Division III

Private Acts of 2007 Chapter 46

SECTION 1. Chapter 34 of the Private Acts of 1945, as amended by Chapter 174 of the Private Acts of 1986, and all other acts amendatory thereto, is amended by adding the following new sections:

SECTION ____. There is hereby created and established another court in and for Wilson County, Tennessee, which shall be designated, "Division III, Court of General Sessions of Wilson County, Tennessee."

SECTION ____. Division I and II, Courts of general Sessions of Wilson County, Tennessee, shall retain the jurisdiction previously conferred upon them. Division III of the Court of General Sessions of Wilson County, Tennessee, as herein created, is vested and conferred with concurrent jurisdiction with Divisions I and II and shall have full authority to preside over Divisions I and II, including criminal, civil, probate, juvenile and domestic relations cases, however; Division III, Court of General Sessions of Wilson County, Tennessee, shall be limited to domestic relations and civil cases, probate cases and juvenile custody and child support cases. Division III, along with Division I and II, shall have concurrent jurisdiction with the Circuit Court and Chancery Court in Wilson County over domestic matters and shall have the powers vested in the Circuit Judge and Chancellor by the general laws of the State of Tennessee over domestic matters. It is the intent of this act to give equal concurrent jurisdiction to Division I, II, and III Courts of General Sessions for Wilson County, Tennessee, but Division III shall be assigned only civil, domestic relations and probate cases as well as those juvenile cases where the issue is setting, establishing and enforcing child

support, as well as custody issues.

SECTION ____. Effective with the appointment of a judge by the Wilson County Board of County Commissioners or with the term of the elected judge beginning on September 1, 2008, the General Sessions Court Clerk shall assign to Division III all civil, domestic relations and juvenile cases related to establishing and enforcing child support and custody issues. On that date, the Clerk and Master for Wilson County shall assign all probate cases to Division III.

SECTION ____. The Judge of Division I, Division II and Division III, shall be empowered from time to time to freely interchange one from the other to hold such respective courts.

SECTION ____. The Clerk and Master of Wilson County, Tennessee, shall act as the Clerk of Division III Court of General Sessions of Wilson County, Tennessee, when acting and performing the duties associated with probate matters and shall maintain such minute books and other necessary records for such courts as may be necessary and required by law. The Circuit Court Clerk of Wilson County, Tennessee, shall be the Clerk of Division I, Division II, and Division III Courts of General Sessions of Wilson County, Tennessee, to the extent that such court performs the duties, powers and functions associated with all other matters and shall, subject to the jurisdiction of the Court, maintain such minute books and other records as may be required by law. The Clerks, when performing their duties shall charge all fees and shall be entitled to receive such fees and charges as shall be fixed from time to time for the county by the general laws of the State of Tennessee. All such fees, when collected, shall be fully accounted for and disbursed as fees and charges as is similarly done by the other courts operating and functioning in Wilson County, Tennessee.

SECTION ____. The judges of the Division I, Division II and Division III of the General Sessions Court of Wilson County, Tennessee, shall have all authority and jurisdiction to punish for contempt, to issue extraordinary writs and processes including fiats, restraining orders, and injunctions and to compel compliance with its final decrees, judgments and orders, as now or shall hereafter be exercised by a judge or chancellor or any circuit and general sessions court of the state of Tennessee.

SECTION ____. There is created the position of judge for the Division III Court of General Sessions of Wilson County, Tennessee, created by this act. The judge of Division III shall be appointed by the Wilson County Board of County Commissioners as provided by law. The judge so appointed shall serve until August 31, 2008 or until such judge's successor is elected and qualified. At the August general election in 2008, the qualified voters of Wilson County shall elect a person to serve as judge of Division III of the Court of General Sessions for such county. The person so elected shall commence service on September 1, 2008 and serve until August 31, 2014, or until such judge's successor is elected and qualified. Thereafter a judge for Division III shall be elected for a full eight (8) year term.

The person initially appointed to serve as judge of Division III and all persons elected or appointed to such office thereafter shall be duly licensed to practice law in the state of Tennessee, at least thirty (30) years of age at the time of his or her election or appointment, and otherwise have all the qualifications and serve the same term as provided by the constitution of the state of Tennessee for inferior court judges. The person so appointed or elected shall take the same oath as shall be required for the other judges of the state of Tennessee. The position of judge for Division III shall be a full time position, and the person elected shall not be permitted to have an outside practice of law.

SECTION ____. Division I, Division II and Division III of the Court of General Sessions of Wilson County, Tennessee shall, when required by law, be treated and considered as a court of record and such court shall be in continuous sessions without the intervention of any term or terms, it being provided herein that such court shall be held by the judge thereof at such time and during such period as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

SECTION ____. The Judges of Division I, Division II and Division III shall from time to time be authorized and empowered to adopt joint rules of practice and procedure for the courts provided that they are not inconsistent with the substantive and procedural laws of the State of Tennessee relative to the matters of the jurisdiction of the courts or that they shall not otherwise be inconsistent with such rules as may be from time to time promulgated by any superior court having supervisory jurisdiction over the courts.

SECTION ____. Compensation of the Judge of Division III shall be the same as the compensation of the Judge of Division I and Division II.

SECTION ____. Upon the appointment or election of the Judge of the General Sessions Court,

Division III, the three General Sessions Judges shall vote upon and select one (1) of the three (3) judges to serve as the presiding judge for a one-year term. Such term shall run from September 1st through August 31st annually. The presiding judge shall designate the future assignment of cases so as to equalize the case load, however, Division III shall only be assigned cases that do not require the attention or presence of the District Attorney General's staff nor the District Public Defender's staff.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Wilson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Wilson County legislative body and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.

Passed: May 10, 2007.

Private Acts of 2020, Chapter 48

SECTION 1. Chapter 34 of the Private Acts of 1945, as amended by Chapter 17 4 of the Private Acts of 1986, Chapter 46 of the Private Acts of 2007, and all other acts amendatory thereto, is amended by adding the following as a new section:

The Judge of the General Sessions Court, Division III, shall be empowered from time to time to freely interchange with the judges of the Circuit and Chancery Courts in Wilson County for matters of domestic relations and probate.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Wilson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Wilson County legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: July 15, 2020.

Private Acts of 1945 Chapter 34

SECTION 1. That there is hereby created and established a Court in and for Wilson County, Tennessee, which shall be designated Court of General Sessions of Wilson County, Tennessee.

Said County shall provide a court room in the Courthouse in Lebanon, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for the same out of the ordinary funds of said County, and the Judge of the Court of General Sessions of said County will hold the Court and try cases in such courtroom so provided.

However, whenever the convenience of litigants and witnesses demand that the Judge of said Court hear or try a case or cases in any part or locality of Wilson County other than Lebanon, Tennessee, the Judge of said Court of General Sessions is hereby vested with the discretionary authority and power to set the trial and hearing of such case or cases at such place in Wilson County as he deems will be convenient and accessible to the litigants and witnesses.

SECTION 2. That said Court of General Sessions is hereby vested with all of the jurisdiction and shall exercise the authority conferred by the General Assembly of Tennessee upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of said County are hereby divested of all such jurisdiction and authority, but any Justice of the Peace of said County elected for any district may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense, and may issue civil process on any cause of action heretofore triable by a Justice of the Peace, such warrants and process to be returnable to and triable by said Court of General Sessions. 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 or to administer oaths is in no wise affected by this Act. That in addition to the

other jurisdiction conferred upon the Judge of said Court of General Sessions, he is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery, Circuit and Criminal Courts to grant fiats for writs of injunction and attachment.

SECTION 3. That before any civil case shall be tried or judgment rendered in said Court the plaintiff shall secure the costs by executing a cost bond with good security in the sum of \$25.00, or by making a cash cost deposit of not less than \$5.00 or more than \$25.00, or shall take the oath prescribed for poor persons, in lieu of a bond, and on motion, the Court may increase the amount of such bond or deposit.

SECTION 4. That the rules of pleadings and practice, forms of writs and process and stay of and appeals from judgments in civil cases of said Court shall be the same as of Justices of the Peace.

SECTION 5. That in all matters the costs and fees of said Court of General Sessions 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 the attendance and mileage of witnesses testifying under subpoena in said Court of General Sessions shall be as follows: \$1.00 per day for each day's necessary attendance, under subpoena, where the witnesses live in Wilson County.

Also, when the said witnesses reside at a greater distance than ten miles from the place of trial, 4¢ per mile for going to and returning from Court where they live in Wilson County. Where the witnesses attending said Court under subpoena live out of said County, \$1.50 for each day's necessary attendance and 5¢ per mile for every mile traveled in going to and from such Court.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk of said Court and by him accounted for as hereinafter provided. Said 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 it shall be handled, accounted for and disbursed as required by law.

As amended by: Private Acts of 1949, Chapter 301

SECTION 6. That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his deputies, constables, game wardens and state highway patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace.

The Criminal Docket shall be kept in like manner.

SECTION 7. That there shall be one Judge for said Court, with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for Judges of inferior Courts; and the oath shall be the same as that prescribed for Circuit Judges and Chancellors. The Judge of such Court shall be a person licensed to practice law in the State of Tennessee.

The Judge of said General Sessions Court shall be incompetent to sit on and to try cases in the instances provided by the Code of Tennessee, as set out in Section 9892 thereof. The Judge of said General Sessions Court is prohibited from accepting employment as an attorney or counsel in any case or lawsuit originating in his said Court or in any case or lawsuit in Wilson County, Tennessee, of which said Court of General Sessions is given jurisdiction to try by this Act or by the law of Tennessee. He may accept employment in all cases or legal matters which do not originate in and of which said Court of General Sessions Court is not given jurisdiction by this Act or by the law of Tennessee.

SECTION 8. That the compensation of said Judge shall be Three Thousand (\$3,000.00) Dollars per annum, payable in equal monthly installments. It shall be paid out of the ordinary funds of the County, and shall not be decreased during the term for which said Judge is elected.

As amended by: Private Acts of 1949, Chapter 444

SECTION 9. That Thomas A. Sexton, Attorney, Lebanon, Wilson County, Tennessee, is hereby appointed first Judge of said Court and he shall serve until the first day of September, 1946, and until a successor has been elected and qualified. His successor shall be elected by the qualified voters of the County, at the election for judicial and other civil officers on the first Thursday of August, 1946, and shall hold said office from the 1st day of September, 1946, until the 1st day of September, 1950, or until his successor is elected and qualified.

His successor shall be elected every eight years at such election for the term provided by law for Judges of inferior courts.

SECTION 10. That if the Judge of said Court fails to attend, cannot preside in a pending case, or for any

reason hold Court, or act as Judge, as majority of the attorneys present in such Court may elect one of their number, who has the qualifications of such a Judge, and when elected he shall take the same oath and have the same authority as a regular Judge to hold the Court and perform the duties of such Judge for the occasion.

SECTION 11. That in the case of a vacancy in the office of such Judge for any cause, the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 12. That the Clerk of the Circuit Court and Criminal Courts of said County shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Wilson County." The fees, commissions and emoluments of said Court of General Sessions and of said Clerk of said Court shall accrue to said County, and such fees, commissions and emoluments shall be in the amounts as those which Justices of the Peace are authorized to tax, charge, receive and collect under the law of the State of Tennessee.

The Clerk of said Court shall receive compensation for his services in the sum of Twelve Hundred (\$1,200.00) Dollars per annum, payable in equal monthly installments, out of the ordinary funds of said County, and he shall pay to said Court monthly, all fees, fines, commissions and emoluments of said Court of General Sessions and of the Clerk thereof.

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

As amended by: Private Acts of 1949, Chapter 444, Page 1189.

SECTION 13. That the Sheriff of said County, or any deputy Sheriff or constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts.

SECTION 14. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 15. That all of the official dockets, records and papers in cases which are undisposed of or pending in the offices of Justices of the Peace of said County at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official dockets, records, and papers in possession of Justices of the Peace of said County, in cases which have been completed, shall be turned over to said County, as provided by law.

SECTION 16. That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions, and to issue executions on and orders concerning any unsatisfied judgments on the dockets of said Justices of the Peace, and certify as to any such judgments or records, as such Justices of the Peace could do, but for this Act.

SECTION 17. That the General Assembly 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 portion shall be elided, and the General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 18. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 16, 1945.

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