



July 22, 2024

Private Acts of 1986 Chapter 174

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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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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.

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