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General Sessions Court

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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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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General Sessions Court

Criminal Jurisdiction

Private Acts of 1947 Chapter 536

SECTION 1. That the Court of General Sessions for Williamson County, Tennessee, as created by Chapter 424 of the Private Acts of 1939, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant, of information wherein the person charged with such offense 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 Circuit Court of Williamson County, Tennessee, where such appeal shall be tried by the Judge of such Court without a jury, and without indictment or presentment.

SECTION 2. That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment for trial, to advise such defendant of his constitutional rights 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 in reference to the accusation, and the right to a trial by jury. Upon the defendant agreeing to waive the right to be put to 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 by Section 1 hereof.

Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

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

SECTION 3. That the legislature expressly declares that each section, paragraph and provision of this Act is severable, and that should any portion of the Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional and invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such parts elided therefrom.

SECTION 4. That all laws and parts of laws in conflict with this Act be, and the same **are, hereby repealed.**

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 4, 1947.

Judge's Retirement

Private Acts of 1961 Chapter 221

SECTION 1. That in counties of this State having a population of not less than 25,260, nor more than 25,270 by the Federal Census of 1960, or any subsequent Federal Census, any Judge of General Sessions Courts who has been a Judge of his Court for 30 years or more, and had attained 60 (Sixty) years of age, or who has been such a Judge for 24 years and has attained the age of 65 (Sixty-five) years or who has been such a Judge for 20 years and has attained the age of 70 (Seventy) years, may upon complying with provisions hereinafter set out, apply for retirement and be retired under the provisions of this Act and shall thereupon be entitled to receive during the remainder of his life the total amount to which he would have been entitled if he had continued in said service.

That in the event of the death of a retired Judge or one subject to the benefit of this Act, then and in that event his widow or other duly designated dependent shall be entitled to receive one-half (1/2) of the benefits provided herein for and during their natural lives, to which said Judge would have been entitled had he been living. Said Judge shall designate and certify in writing to the County Judge of said county the dependent to whom payments hereunder shall be made.

Time served by any present or former General Sessions Judge in that capacity prior to the enactment of this Act shall be credited toward the aggregate number of years required for retirement. In the event of the death of the spouse or other designated dependent who is receiving benefits pursuant to this act, then and in that event all monies remaining in the General Sessions Retirement Fund which such spouse or designated dependent would have been entitled to had such spouse or dependent been living shall be transferred to the Williamson County General Fund.

As amended by: Private Acts of 1963, Chapter 279
Private Acts of 2001, Chapter 20

SECTION 2. That any General Sessions Judge who has been Judge of his Court for sixteen (16) consecutive years, and has become, by reason of illness or injury, totally disabled to perform his judicial duties, may upon complying with the requirements hereinafter set out, apply for retirement and be retired under the provisions of this Act, and shall thereupon be entitled to receive, during continuance of such disability, the two-thirds (2/3) amount to which he would have been entitled if he had continued in such service.

SECTION 3. That any Judge who may elect to retire under the provisions of this Act, or any former Judge being eligible who, by virtue of prior service, and upon attaining the age provided hereunder, shall certify to the Governor his intention to retire during or at the expiration of the term of office then held by him in the case of present Judges then sitting, or upon the attaining of proper age by former Judges, stating the time at which he proposes to retire, and if he proposes to retire for disability, he shall at the same time file with the Governor of the State certificates of at least two physicians licensed to practice in the State of Tennessee certifying the fact of such disability. The Governor of the State shall thereupon inquire into the merits of said application for retirement and if he approves the same, he shall certify such approval to the Secretary of State and to the Clerk of the County Court of the County in which said Judge holds office, if then sitting, whereupon the retirement of such Judge shall become effective and the office vacant at the time indicated in his certificate of intention to retire, and the resulting vacancy shall be filled in the manner provided by law; if said Judge be not then sitting, said retirement shall become effective in the time indicated in his certificate of intention to retire.

SECTION 4. That any Judge who may retire under the provisions of this Act, shall be empowered to conclude the hearing or trial of all cases and all matters subsequent thereto, in all proceedings pending before him where the trial or hearing has been begun by him prior to his retirement, including the entry of judgments and orders in connection with said trial or hearing.

SECTION 5. That upon the approval by the Governor of the State of an application for retirement under this Act, and the certificate of such approval as hereinbefore provided, such retired Judge shall, from and after the effective date of such retirement, thereafter be paid in monthly installments the amount to which, according to his status he is entitled under the provisions hereof, such payments to be made upon warrant of the County Judges upon the "General Sessions Judges Retirement Fund" in the hands of the Trustee of the County. It shall be the duty of the county legislative body to appropriate from the ordinary funds of the county a sum sufficient to make up any deficit in the hand of the trustee of the county to pay all retirement benefits hereunder, and it shall be the duty of the county executive to issue warrants for this appropriation, monthly, until such time as the general sessions judges retirement fund has sufficient funds on hand to pay retirement benefits. Provided further, that the counties, acting through their Quarterly County Court, may use such surpluses as may accumulate in said fund, for General County uses on a loan basis, with same to be repaid by the County when needed by the fund.

If at any time the General Sessions Judges Retirement Fund shall be inadequate to pay the compensation of such Judges of General Sessions as have retired as provided by law, the Quarterly County Court may, in its discretion, augment said "General Sessions Judges Retirement Fund" in the same manner provided by law for the payment of the salaries of such General Sessions Judges while in office.

As amended by: Private Acts of 1979, Chapter 5

SECTION 6. That for the purpose of creating the General Sessions Judges Retirement Fund hereinbefore mentioned, there shall be taxed and paid as part of the costs a litigation tax of \$2.50 on all civil cases in General Sessions Courts of counties included within the population bracket set out above; and \$5.00 on all criminal cases including those misdemeanor cases requiring the signing of a waiver by the Defendant to give such General Sessions Court jurisdiction. The litigation tax imposed by this Act shall be in addition to that now levied on such cases by the general law of the State for other purposes.

The funds derived from the litigation tax herein imposed shall be paid to the Trustees of such counties quarterly by the 10th day of each January, April, July and October, and by him credited to the General Sessions Judges Retirement Fund.

As amended by: Private Acts of 1979, Chapter 5

SECTION 7. That this Act shall have no effect unless the same shall be approved by a two-thirds (2/3) vote of the Quarterly County Court of the county or counties falling within the population bracket set out

in the caption of said Act within one year after the approval of this Act by the Governor of Tennessee. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer of said county or counties and certified by said officer to the Secretary of State.

SECTION 8. That this Act shall become effective from and after its passage, the public welfare requiring it.

Passed: March 8, 1961.

Private Acts of 1939 Chapter 424

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

Said County shall provide a court room at Franklin, 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 the Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the legislature 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 was elected for any district, except the district in which Franklin is situated, may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense committed in the district for which such Justice of the Peace was elected, and may issue civil process on any cause of action heretofore triable in his district, 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 is in no wise affected by this Act.

SECTION 3. That before the issuance of any warrant in a civil case, 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 \$2.50 or more than \$25.00, or shall take the oath prescribed for poor persons, and on motion, the Court may increase the amount of such bond or deposit.

SECTION 4. That the rules of pleading and practice, form 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. Except, that all cases set for trial in said court shall be set for a time certain, and the one hour grace period allowed in the Justice of Peace Court is hereby eliminated.

As amended by: Private Acts of 1957, Chapter 186.

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 Warden and State Highway Patrolmen for the execution of writs and process of said Court, and the 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.

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 is shall be handled, accounted for and disbursed as required by law.

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. Beginning upon the appointment by the Williamson County Board of Commissioners of a second General Sessions Court Judge in 1995, the General Sessions Court shall be divided into Part I and Part II, and there shall be a judge for each part of the court. Each judge shall have all the qualifications as prescribed by law for general session judges, shall take the oath prescribed for general session judges, whether by general law or private act. The present judge of the court shall become the judge of Part I of

the court. In 1995, the Williamson County Board of Commissioners, shall appoint a judge of Part II to serve until the 1996 regular August election, when the judge of Part II of the court shall be popularly elected to an initial two (2) year term, and to eight (8) year terms thereafter, and shall take office on September 1, 1996, after the popular election. Beginning with the appointment of the Judge of Part II of the Court, and continuing through until September 1, 1997, the judge for Part I shall be the senior judge, who shall be vested with the authority to assign for trial and disposition all matters, suits and cases which may be filed with the Court. At the end of one (1) year, from September 1, 1996, the judge of Part II shall be designated senior judge, with all the above authority and responsibility. The judges shall rotate the position of senior judge each year thereafter on September 1.

As amended by: Private Acts of 1957, Chapter 186
Private Acts of 1976, Chapter 261
Private Acts of 1995, Chapter 9

SECTION 8. That the compensation of said Judge shall be Four Thousand Eight Hundred (\$4,800) Dollars per annum, payable in equal monthly installments. It shall be paid out of the ordinary funds of the county, and shall not be increased or diminished during the time for which said Judge is elected. Such compensation shall be in lieu of all other compensation, secretarial allowances or other emoluments of such office.

As amended by: Private Acts of 1949, Chapter 900
Private Acts of 1957, Chapter 186

SECTION 9. That the Governor shall appoint the first judge of said court, who shall serve until the first day of September, 1940, and until his 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, 1940, and shall hold said office from the 1st day of September, 1940, until the first day of September, 1948, or until his successor is 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 cause, or for any reason hold court, a 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 shall have the same authority as a regular judge to hold the court for the occasion.

SECTION 11. That in the case of a vacancy 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 and Criminal Courts of said county shall be the Clerk of said Court of General Sessions, and when acting as such shall be designated "Clerk of Court of General Sessions of Williamson County." The Clerk of said Court shall be compensated for his services as provided under Chapter 24, Tennessee Code, 1956, as amended, same being Sections 8-2403, et seq.

That the Clerk of the General Sessions Court of Williamson County, Tennessee shall be subject to the provisions of Chapter 22, Tennessee Code, 1956, as amended, same being Sections 8-2201, et seq., just as the Clerks of any other courts therein enumerated. The Clerk of the said Court of General Sessions and the Clerk of the Circuit and Criminal Courts of Williamson County 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 a judicial officer.

As amended by: Private Acts of 1941, Chapter 204
Private Acts of 1949, Chapter 899
Private Acts of 1959, Chapter 127

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 that 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.

SECTION 17. That the Legislature expressly declare that each section, subsection, paragraph and provision of this Act is several 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 Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

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

Passed: March 1, 1939.

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