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Judge's Retirement

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,

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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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.

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