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# Criminal 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.

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# Criminal Court

## Acts of 1903 Chapter 361

**COMPILER'S NOTE:** See Private Acts of 1929, Chapter 10.

**SECTION 1.** That a Criminal Court Circuit is hereby created and established, to be composed of the Counties of Hamilton, Sequatchie, Marion and Franklin, to be known as the Criminal Court for the Sixth Judicial Circuit. Said Court shall have jurisdiction of all criminal business of said counties, which said criminal jurisdiction is taken from the Sixth Judicial Circuit and conferred as said Criminal Court herein established for said circuit.

**SECTION 2.** That said Criminal Court shall have general common law jurisdiction, original and appellate, over all criminal cases arising in said counties to the same extent as is now or hereafter may be conferred as said Criminal Court of this State under the common law or by statute.

**SECTION 3.** That the time for holding the Criminal Court for said Criminal Circuit shall be as follows: In Hamilton County on the second Monday in January, May and September each year; in Sequatchie County on fourth Mondays in March, July and November of each year; in Marion County on the first Mondays in April, August and December each year; in Franklin County on the third Mondays in April, August and December each year; provided, that in Hamilton County said Criminal Court shall be kept open for the transaction of business from its opening until Saturday before the day herein fixed for the convening of court in Sequatchie County.

**SECTION 4.** That the Circuit Court Clerks of the counties herein named shall be the Clerks of the said Criminal Court in the respective counties herein named, and they shall receive the same compensation and perform the same duties as they are now receiving and performing by law.

**SECTION 5.** That the Attorney General and Assistant Attorney General for the Sixth Judicial Circuit shall be the Attorney General and Assistant Attorney General for said Criminal Court and shall hold and perform the duties thereof until the first Monday in September, 1910, as are now provided by law.

**SECTION 6.** That immediately on the passage of this Act, or as soon thereafter as practicable, the Governor shall appoint a Judge of said Criminal Court, whose salary shall be the same as that of the other Criminal and Circuit Judges of the State, and paid in like manner by the State, and who shall possess same qualifications as are now required by law for Judges of this state, who shall hold this office until September 1, 1904, and until his successor is elected and qualified, and at the August election, 1904, there shall be elected by the qualified voters of Hamilton, Sequatchie, Marion and Franklin Counties, a Judge of said Criminal Court who shall hold his office until September 1, 1910, and until his successor is elected and qualified, and at the regular August election for other civil officers for the State in 1910, and thereafter every eight years there shall be elected by the qualified voters of said counties a Judge and Attorney General for said Criminal Court.

**SECTION 7.** That the Judge of the Sixth Judicial Circuit shall try and determine all cases of a civil nature, as now provided by law, and that the terms of Court shall be as follows: In Hamilton County, first Mondays in January, May and September, each year; in Sequatchie County, fourth Mondays in March, July and November each year; in Marion County, the first Mondays in April, August and December each year; and in Franklin County the third Mondays in April, August and September each year.

**SECTION 8.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, insofar as they conflict with this Act, but no further or otherwise.

**SECTION 9.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 14, 1903.

## Private Acts of 1929 Chapter 10

**SECTION 1.** That the Circuit Court of Hamilton County shall hereafter be divided into two divisions, to be known as the First Division of the Circuit Court of Hamilton County, and the Second Division of the Circuit Court of Hamilton County; that said two divisions of said court shall be held and operated as the Circuit Court of Hamilton County under the Act creating said Circuit Court and under the general laws relating to Circuit courts, and that each division of said court shall have full and complete jurisdiction as a Circuit court, and each shall have equal and concurrent jurisdiction with the other in accordance with an orderly apportionment of the business of said court between said divisions as hereinafter provided. Both said courts shall be held at the Court House in Chattanooga in rooms to be provided by Hamilton County, and at such times and terms as now provided by law relative to said Circuit Court, *provided*, that either

division may convene or adjourn without regard to the sessions of the other, and *provided*, that no final adjournment of the said Circuit Court for any term shall be taken except by expiration by law or by joint order of both divisions.

**SECTION 2.** That the Criminal Court of Hamilton County shall hereafter be divided into two divisions to be known as the First Division of the Criminal Court of Hamilton County, and the Second Division of the Criminal Court of Hamilton County; that said two divisions of said court shall be held and operated as the Criminal Court of Hamilton County under the Act creating said Criminal Court and under the general laws relating to Circuit and Criminal courts, and that each division of said court shall have full complete jurisdiction as a Criminal court, and each shall have equal and concurrent jurisdiction with the other, except as hereinafter provided. Both of said courts shall be held at the Court House in Chattanooga in rooms to be provided by Hamilton County, and at such times and terms as now provided by law relative to said Criminal court, *provided*, that either division may convene or adjourn without regard to the sessions of the other, and *provided*, that no final adjournment of the said Criminal Court for any term shall be taken except by expiration by law or by joint order of both divisions.

**SECTION 3.** That there is hereby created the office of an additional Circuit Judge for the Sixth Judicial Circuit for the purpose of providing a judge to hold the Second Division of the Circuit Court of Hamilton County and the Second Division of the Criminal Court of Hamilton County. It shall be the duty of the Governor to appoint a Judge to fill such position, who shall hold office until the next regular August election and until his successor is elected and qualified in accordance with general law. Said judge shall be qualified as other Circuit judges, shall hold his office for the same term, and receive the same compensation and shall possess the same powers and jurisdiction as other Circuit judges of the State.

**SECTION 4.** That the First Division of the Circuit Court of Hamilton County shall be held by the present Circuit judge of the Sixth Judicial Circuit, whose position and office shall be officially designated "Judge First Division of the Circuit Court of Hamilton County," that the First Division of the Criminal Court of Hamilton County shall be held by the present judge of the Criminal Court of the Sixth Judicial Circuit, whose position and office shall be designated "Judge First Division of the Criminal Court of Hamilton County"; that the Second Division of the Circuit Court of Hamilton County shall be held by the judge provided for in this Act, whose position and office shall be officially designated "Judge Second Division of the Circuit Court of Hamilton County"; that the Second Division of the Criminal Court of Hamilton County shall be held by the judge provided for in this Act.

**SECTION 5.** That the powers and jurisdiction of the three judges shall be equal, co-ordinate and concurrent, and either judge may hold either court, or division thereof, as may be convenient and to the public good, as determined by said judges.

**SECTION 6.** That the Circuit Court Clerk and the Criminal Court Clerk shall respectively act as Clerk of the Second Division of the Circuit Court and the Second Division of the Criminal Court. Only one set of dockets, records, and minutes shall be kept by each of the Circuit and Criminal courts, but the minutes of each division shall be kept by the respective clerks separately in the Minute Book, and signed by the presiding judge, but one caption, or opening order, for each term of each court shall be sufficient, without showing a formal opening of each division.

**SECTION 7.** That it shall be the duty of the said three judges to meet at least once each month during Court sessions and apportion the work of the Circuit Court and the Criminal Court between the various divisions of said courts to the end that substantially one-third of all the business of said courts shall be performed by each of said judges, and for this purpose said three judges are hereby invested with the power and duty to make rules and regulations covering the division of the court business, the assignment of trial dockets, the interchange of judges, the drawing and assigning of jurors, the hearing of motions, and the adoption of co-ordinate rules and assigning the court business and making rules as aforesaid, said three judges shall act as one court, convening as the Circuit Court for the consideration of orders and rules pertaining to that court, and convening as the Criminal Court for the consideration of orders and rules pertaining to that court, and such orders and rules shall be spread upon the minutes of the respective courts and signed by the presiding judge.

**SECTION 8.** That the grand jury of the Criminal Court of Hamilton County shall be empaneled, sworn, and charged in the First Division of the Criminal Court, and shall make all reports to said Division. The appointment of the foreman of the grand jury, in accordance with existing law, shall be made by the judge of the First Division of the Criminal Court. It shall be the duty of the Attorney-General of the Sixth Judicial Circuit, and his assistants, to represent the State in all prosecutions and the State causes assigned for trial in the Second Division of the Criminal Court, and this service shall be rendered without additional compensation.

**SECTION 9.** That all pleading and process shall run in the name of the Circuit or Criminal Court of Hamilton County, as the case may be, as now provided by law, and no distinction in this respect shall be

made as to the divisions of said courts.

**SECTION 10.** That the judge of the Second Division of the Circuit Court is authorized to appoint a Court officer, in accordance with the existing power of the judge of the Circuit Court of Hamilton County, and such officer shall receive compensation in the same manner and amount as now paid the officer of said Circuit Court. The present judge of the Circuit Court and the present judge of the Criminal Court shall have the same power to appoint court officers as they now have by existing law.

**SECTION 11.** That the Acts of 1903, Chapter 361, establishing the Criminal Court of the Sixth Circuit, and fixing the jurisdiction of the Circuit and Criminal Courts of said circuit, is hereby amended so as to conform to the provisions of this Act; that the Public Acts of 1915, Chapter 18, making Hamilton County the Sixth Circuit and providing for the holding of the Circuit and Criminal Courts of said circuit, is hereby amended so as to conform to the provisions of this Act; and that all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

**SECTION 12.** That this Act take effect from and after the first Monday of the month following its passage, the public welfare requiring it.

Passed: January 23, 1929.

## Private Acts of 1917 Chapter 779

**SECTION 1.** [Deleted by Private Acts of 1923, Chapter 460].

**SECTION 2.** [Deleted by Private Acts of 1923, Chapter 460].

**SECTION 3.** [Deleted by Private Acts of 1923, Chapter 460].

**SECTION 4.** [Deleted by Private Acts of 1923, Chapter 460].

**SECTION 5.** That appeals from the judgements of the City Court of the City of Chattanooga and other Municipalities in Hamilton County, shall be made to the Criminal Court of Hamilton County and shall be triable by that Court.

As amended by: Private Acts of 1923, Chapter 460

**SECTION 6.** That all laws in conflict with this Act are repealed, and this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 2, 1917.

## Private Acts of 1937 Chapter 868

**SECTION 1.** That the City Court of the City of Chattanooga in Hamilton County is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant 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 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 of Hamilton County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment. The jurisdiction hereby conferred shall be exercised within the corporate limits of the City of Chattanooga, but concurrently with Criminal Court of Hamilton County as hereinafter provided.

**SECTION 2.** That the Criminal Court of Hamilton County is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court upon warrant or information by the District Attorney General wherein the person charged with such misdemeanor offense enters a plea of guilty, or requests a trial upon the merits, and expressly waives an indictment, presentment and grand jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The jurisdiction hereby vested shall extend to misdemeanor cases committed in Hamilton County.

Any person who has been committed to jail, or placed under bond to appear before the Criminal Court in any misdemeanor case by judgment of a Justice of the Peace may demand a trial before the Criminal Court upon waiving an indictment, presentment and grand jury investigation and a jury trial. In such cases speedy trial shall be held before a Judge of such Court without a jury.

It shall be the duty of the District Attorney General to ascertain from persons held in jail whether they desire to avail themselves of such procedure.

Such trials may be held upon the original warrants, or upon an information filed by the District Attorney General.

**SECTION 3.** That in all trials provided by this Act the costs as now provided by law shall be taxed and collected, except that no State and County litigation tax shall be charged or collected.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: May 20, 1937.

## Public Acts of 1968 Chapter 528

**SECTION 1.** A court, to be styled the "Third Division of the Criminal Court of Hamilton County" is established.

**SECTION 2.** The Third Division of the Criminal Court shall be held in the City of Chattanooga and shall have concurrent jurisdiction with the First Division of the Criminal Court of Hamilton County, and the Second Division of the Criminal Court of Hamilton County, and its terms shall begin on the same days as those of the said Divisions of the Criminal Court of Hamilton County.

**SECTION 3.** The Third Division of the Criminal Court of Hamilton County shall have the same jurisdiction, power, and authority as is conferred on the above said Divisions of the Criminal Court of Hamilton County in all and every particular.

**SECTION 4.** All laws now in force applicable to the process, pleadings, and course of procedure in the said Divisions of the Criminal Court of Hamilton County shall be equally applicable to the process, pleadings, and course of procedure of the said Third Division of the Criminal Court; and the Sheriff and other Officers of the State shall execute all process of the Third Division of the Criminal Court, and be liable for defaults in respect thereto, in like manner and to the same extent as in the case of similar process of the said Divisions of the Criminal Court of Hamilton County.

**SECTION 5.** No appointment shall be made to fill the office created by this Act prior to the August 1968 elections, but a Judge for the said Third Division of the Criminal Court of Hamilton County, shall be elected by the qualified voters of said County on the first Thursday of August, 1968, who shall hold said office from the first day of September, 1968, until the first day of September, 1974, and until his successor is elected and qualified; and at the August election of that year, and thereafter every eight years, there shall be elected by the qualified voters of the said County a Judge of the said Third Division of the Criminal Court. The Judge of the Third Division shall be an Attorney, duly licensed to practice law in the Courts of the State of Tennessee, not less than thirty (30) years of age, and he shall receive as compensation the same salary, payable in like manner, and shall have the same dignity of office, as the Criminal Judges of this State, and shall interchange with any of the Criminal Court Judges of this State when such a request is made of him for the purpose of hearing criminal cases.

**SECTION 6.** The business of the said Third Division of the Criminal Court of Hamilton County shall be equalized with the business of the above said Divisions of the Criminal Court of Hamilton County, in the same manner and subject to the same provisions as are now applicable to equalizing the business of the above said Divisions of the Criminal Court of Hamilton County.

**SECTION 7.** The Clerk of the First and Second Divisions of the Criminal Court of Hamilton County shall also be the Clerk of the Third Division of the Criminal Court of Hamilton County; but he shall keep separate books, give separate bonds, and in all respects keep the business of the Third Divisions of the Criminal Court separate from the business of each of the other two Divisions of the Criminal Court of said County.

**SECTION 8.** Such number of jurors as may be required to try the jury cases in the said Third Division of the Criminal Court, whose qualifications shall be the same prescribed by law for jurors in criminal causes in said County, shall be selected in the same way and manner as is now provided by law for the selection of jurors in the said Divisions of the Criminal Court of Hamilton County.

**SECTION 9.** It shall be the duty of the Sheriff of the said County, or such Officers as the Judge of the Third Division of the Criminal Court may appoint, to attend the sessions of the said Court and preserve order. Such Officers shall receive the same compensation, to be paid in the same way, as that now paid to the Officers who attend the said Divisions of the Criminal Court of said County.

**SECTION 10.** The County of Hamilton shall provide suitable rooms, with necessary appurtenances and conveniences, for holding the said Third Division of the Criminal Court, and for the use of its Clerks, in the City of Chattanooga.

**SECTION 11.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 3, 1968.

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in

Tennessee Code Annotated.

## Clerk

### Private Acts of 1917 Chapter 780

**SECTION 1.** That there is hereby created the position of Clerk of the Criminal Court of Hamilton County. Such Clerk shall be elected as hereinafter provided and perform the duties, be under the obligations and receive the compensation as now provided by law for Clerks of the Circuit and Criminal Courts of the State.

**SECTION 2.** That the duties of the Clerk of the Criminal Court of Hamilton County shall be performed by the Circuit Court Clerk of Hamilton County until the first Monday of September, 1918. At the regular August election in 1918 and every four years thereafter there shall be elected by the qualified voters a Clerk of the Criminal Court of Hamilton County, whose term of office shall begin on the first Monday of September following such election.

**SECTION 3.** That it shall be the duty of the Circuit Court Clerk to deliver to the Criminal Court Clerk all the records and dockets of the Criminal Court of Hamilton County upon the qualification of the said Clerk of the Criminal Court.

**SECTION 4.** That all laws in conflict with this Act are repealed.

Passed: April 5, 1917.

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