



April 02, 2025

Private Acts of 1996 Chapter 192

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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Private Acts of 1996 Chapter 192

COMPILER'S NOTE: Sections 1 and 2 are amendments to the Private Acts of 1941, Chapter 6, which have been incorporated into the 1941 Act, included in this publication. Section 3 is also an amendment to the 1941 Act, but does not specifically state where the amendment is to be made within the original act ; therefore, Section 3 and the remainder of the Private Acts of 1996, Chapter 192, are published in full herein.

SECTION 3. (a) To assist the general sessions court, the county legislative body may appoint one (1) or more judicial commissioners. The duties of a judicial commissioner shall include, but not be limited to the following:

- (1) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in Tennessee Code Annotated, Title 40, Chapters 5 and 6;
- (2) Issuance of mittimus following compliance with the procedures prescribed by Tennessee Code Annotated, § 40-5-103;
- (3) Appointing attorneys for indigent defendants in accordance with applicable law and guidelines established by the presiding General Sessions Judge of the County; and
- (4) Setting and approving bonds and the release on recognizance of defendants in accordance with Tennessee Code Annotated, Title 40, Chapter 11.

(b) The term of office for a Judicial Commissioner shall be established by the County Legislative Body, but such term shall not exceed four (4) years. A member of the County Legislative Body is not eligible for appointment as a Judicial Commissioner.

(c) A Judicial Commissioner shall be compensated from the general fund of the county in an amount to be determined by the County Legislative Body. Fees established and authorized by § 8-21-401 shall be paid to the county general fund upon the services detailed therein being performed by a Judicial Commissioner.

SECTION 4. 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 5. This act shall have no effect unless it is approved by a majority of the number of qualified voters of Hamilton County voting in an election on the question of whether or not the act should be approved. The ballots used in the regular August election to be held on August 1, 1996, shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the County Election Commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, as provided in Section 3, it shall be effective upon becoming a law, the public welfare requiring it. Provided, however, the ratification procedure established by this act shall not be utilized if the Hamilton County Legislative Body has approved by a two-thirds (2/3) vote by June 1, 1996, the provisions of either Private Chapter ____ (Senate Bill 3262 House Bill 3271) or Private Chapter ____ (Senate Bill 3252 House Bill 3272). For all other purposes, the provisions of the act shall be effective only upon being approved as provided in Section 3.

Passed: April 25, 1996.

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