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Private Acts of 1941 Chapter 264

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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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Private Acts of 1941 Chapter 264

SECTION 1. That the Court of General Sessions for Trousdale County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information 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 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 Criminal Court of Trousdale County, where such appeal shall be tried by a 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 or trial, to advise such defendant of his constitutional right 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, and the right to a trial by jury. Upon the defendant agreeing in writing 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 courts may proceed to hear and determine said case as is provided in Section 1 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows: The defendant _____ pleads _____ guilty to the offense of _____ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives trial by a jury of his peers.

SECTION 3. That the Clerk of the Criminal and/or Circuit Court of Trousdale County shall act as clerk of said Court of General Sessions in all criminal cases and when acting in such capacity shall be designated "Clerk of Court of General Sessions of Trousdale County." Said Clerk is hereby authorized to perform the duties of the respective parts of said Court of General Sessions in Criminal cases.

As amended by: Private Acts of 1943, Chapter 230

SECTION 4. That in all trials provided by this Act and finally determined in the Court of General Sessions Court, the costs and fees incident to such trial shall be the same as those provided by law for Justices of the Peace and shall be assessed, taxed and certified as now provided by law.

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 for attendance and mileage of witnesses shall be the same in said Court as those provided by law of the Courts of Justice of the Peace.

Said Costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Warden, and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

As amended by: Private Acts of 1943, Chapter 230

SECTION 5. That in all cases where defendants should be bound over to the Grand Jury of Trousdale County by the Judge of the City of Hartsville such defendant shall be forthwith brought before the Court of General Sessions upon any State's Warrant outstanding, or any State's Warrant or information filed against them, and there arraigned as if such cases originate in the Court of General Sessions as is provided for in Section 1 and 2 of this Act.

SECTION 6. That no warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the Misdemeanor Docket has been made by the Clerk showing the names of the person or persons accused, the prosecutor, the officer to whom to be delivered and his signature upon said docket showing receipt of such process. All of such warrants, information, dockets and other records of said Court of General Sessions shall be available to the District Attorney- General for any legal purpose.

SECTION 7. That all bail bonds, recognizance bonds and appearance bonds of persons charged with misdemeanors for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk of the Criminal and/or Circuit Court.

SECTION 8. 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 unconstitutional and invalid parts elided therefrom.

SECTION 9. That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

SECTION 10. That this Act shall take effect thirty days after its passage, the public welfare requiring it.
Passed: February 7, 1941.

COMPILER'S NOTE: See Gregory v. Trousdale County, 193 Tenn. 57, 242 S.W.2d 80 (1951), and the rehearing of that same case in 194 Tenn. 670, 254 S.W.2d 753 (1953).

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