



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

July 22, 2024

Criminal Court

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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Criminal Court

Public Acts of 1972 Chapter 442

COMPILER'S NOTE: The effect of the Public Acts of 1984, Chapter 931, now T.C.A. § 16-2- 506, on this Act is unclear. This Act may have been superseded, but is included in this compilation since certain provisions may remain operative in Sumner County, which is now the eighteenth judicial district.

SECTION 1. A separate criminal court for the Ninth Judicial Circuit in Tennessee, with criminal jurisdiction only, is hereby created composed of the counties of Robertson and Sumner.

SECTION 2. Nothing in this act shall be construed to affect the Ninth Judicial Circuit for civil cases, it being the intent of this act to create a new criminal court jurisdiction only in the counties herein provided and not to interfere with the civil jurisdiction of the court in the Ninth Judicial Circuit, including the two (2) counties herein named, as now constituted by law.

SECTION 3. [Amended T.C.A. § 16-219 which was repealed by the Public Acts of 1984, Chapter 931.]

SECTION 4. [Amended T.C.A. § 16-220 which was repealed by the Public Acts of 1984, Chapter 931.]

SECTION 5. All criminal cases, excepting those which have heretofore been heard and taken under advisement, now pending in the counties of Robertson and Sumner, shall be transferred to the new criminal court and tried by the court herein created, and all bonds shall be taken and all process heretofore or hereafter issued shall be hereby made returnable to the courts at the times and places fixed for the holding of same in the foregoing provisions.

SECTION 6. The judge of the new criminal judicial circuit is hereby authorized to employ a secretary, at a salary authorized by the Executive Secretary of the Supreme Court, to be paid in equal monthly installments out of the Treasury of the State of Tennessee. The name of such person, together with his or her address, shall be certified by said judge to the Executive Secretary of the Supreme Court.

SECTION 7. The Governor shall immediately and upon the passage of this act, appoint a judge for this new criminal circuit, who shall be learned in the law, not less than thirty (30) years of age, and who shall hold such office until September 1, 1972, and until a successor is elected and qualified; and at the August election in 1972 there shall be elected by the qualified voters of Robertson and Sumner counties a judge of said criminal circuit who shall hold his office until September 1, 1974, and until his successor is elected and qualified, and at the August election 1974 and thereafter, every eight (8) years, a judge for said circuit shall be elected by the qualified voters. Such judge shall receive the same salary and emoluments, payable in like manner, and shall have the same powers as other criminal judges of this state, and may interchange with any of the circuit or criminal judges or chancellors of this state.

SECTION 8. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: February 9, 1972.

Public Defender

Public Acts of 1973 Chapter 168

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

SECTION 1. There is created the office of Public Defender in the counties of this state having a population of not less than 56,100, and not more than 56,125, according to the Federal Census of 1970, or any subsequent federal census.

SECTION 2. Immediately upon the passage of this Act in all counties of this state having a population of not less than 56,100 and not more than 56,125, according to the Federal Census of 1970, or any subsequent federal census, the Quarterly County Court, at its next regular meeting, shall elect a Public Defender who shall be a person licensed to practice law and who shall hold said office for a term of two (2) years, or until a general law shall provide for a Public Defender System in all counties of this state. The Public Defender shall be elected by a majority of the members of the Quarterly County Court. The Public Defender shall take office upon the approval of this Act by the Quarterly County Court as provided by law and his successor shall be elected in the same manner each two (2) years thereafter.

SECTION 3. The Public Defender shall be required to appear and defend, without expense, and to

represent generally, all persons who are without means to employ counsel, and who have been charged with the commission of a misdemeanor, or an offense in the General Sessions Court of said counties, for which a conviction of the same would, or might, result in said person, or persons, being punished by imprisonment in the County Workhouse. Said Public Defender shall further prosecute or appeal to a higher court, or courts, on behalf of such persons, who have been convicted as aforesaid, where, in his opinion, there is error in the conviction had, and such appeal will, or might reasonably be expected to result in the reversal or modification of the judgment or conviction. Said Public Defender shall further represent and defend those persons who have been found to be indigent and are before the General Sessions Court of said counties for preliminary hearings and charged with the commission of a felony. Said Public Defender shall advise and counsel such persons as to their rights concerning said preliminary hearing and inform them of the nature of said proceedings which might result in an indictment therefrom; however, in no event shall the Public Defender represent any such person other than in the General Sessions Court of such counties, other provisions having been established by law to provide for adequate representation for such persons charged with the commission of a felony.

SECTION 4. (a) The Public Defender shall receive a salary of FOUR THOUSAND EIGHT HUNDRED (\$4,800.00) DOLLARS per annum, payable in equal monthly installments, to be paid by the County in which he is elected, in the same manner as other county offices are paid; (b) the Quarterly County Court shall increase said compensation and expenses of said office in such amounts, and at such times, as it deems appropriate, by a majority vote of said Quarterly County Court; (c) He shall take and file the required oath of office, (d) every person who shall be appointed a Public Defender shall be a citizen and resident of the county in which he is appointed; (3) the Public Defender shall be allowed to continue his private practice of law, both civil and criminal; however, said Public Defender shall appear and be present at such times and places as shall be required to carry out his duties as defined herein.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of any county to which it may apply on or before December 1, 1973. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.

Passed: May 2, 1973.

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