



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

July 03, 2024

Division III

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,

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Division III

Private Acts of 2014 Chapter 40

COMPILER'S NOTE: Although the caption of Private Acts of 2014, Chapter 40, stated that this act amended Private Acts of 1949, Chapter 481 (reproduced above), which created the Court of General Sessions of Sumner County, there was no amendatory language in the act itself and it is reproduced herein as a separate act.

SECTION 1. Effective September 1, 2014, there is created and established an additional Division of the Court of General Sessions of Sumner County, which shall be designated "Division III, Court of General Sessions of Sumner County", and there is created the position of General Sessions Judge to serve as Judge of Division III.

SECTION 2. The Judge for Division III of the Sumner County General Sessions Court shall have all the qualifications and shall be paid the same compensation as prescribed for judges in Divisions I and II.

SECTION 3. Upon the position of Judge for Division III being approved and created as provided in Section 11, the Sumner County Board of County Commissioners shall appoint, on or after September 1, 2014, but no later than September 1, 2015, a person to serve as the Judge of Division III until the next regular biennial election in August.

SECTION 4. At the next regular biennial election in August, a person shall be elected by the qualified voters of Sumner County to serve as Judge for Division III. The Judge of Division III shall take office on September 1, following the election and shall serve for the remainder of the unexpired term. Thereafter, the Judge of Division III shall be elected for a full eight (8) year term.

SECTION 5. In case of a vacancy, for any cause, in the office of the Judge of Division III, the Sumner County Board of Commissioners shall appoint a person qualified to fill such vacancy; and such person so appointed by the county commission shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

SECTION 6. The jurisdiction of Division III of the General Sessions Court of Sumner County, shall be coextensive with, and the same as, the jurisdiction of Divisions I and II of such court. Such jurisdiction shall consist of all civil and criminal jurisdiction prescribed by general law for judges of general sessions and as set forth in Chapter 481 of the Private Acts of 1949, as amended by Chapter 236 of the Private Acts of 1982.

SECTION 7. The person acting as clerk for Division I and Division II of the Sumner County General Sessions Court shall also act as clerk for Division III created by this act.

SECTION 8. Chapter 236 of the Private Acts of 1982, and all acts amendatory thereto, is amended by deleting Section 16 in its entirety and substituting instead the following: Each July 1, the judges of the Sumner County General Sessions Court shall select among themselves a presiding judge. The presiding judge shall be authorized and empowered to set the Courts' dockets, hire personnel associated with the Court, and shall be in charge of the general administration of the Court. The presiding judge of the Sumner County General Sessions Courts shall, from time to time, be authorized and empowered to adopt rules of practice and procedure for the Court. Provided, that they are not inconsistent with:

- (a) The substantive and procedural laws and rules of the state of Tennessee relative to the matters of the jurisdiction of the Court; or
- (b) Such rules as may be, from time to time, promulgated by any superior court having supervisory jurisdiction over the Court herein created. The judges of the Sumner County General Sessions Court shall be empowered, from time to time, to interchange with each other and hold court in any Division.

SECTION 9. Sumner County shall provide all funding necessary for the establishment and operation of Division III of the Sumner County General Sessions Court created by this act, including a courtroom and office space for the court and one (1) person to serve as secretary to the Division III Judge. Sumner County shall also fund one (1) additional assistant district attorney position and one (1) additional assistant public defender position and if necessary, a prorata cost for additional office space for such assistants.

SECTION 10. The Sumner County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the Court herein created; and, to the extent necessary, the Judges of the various Divisions, the Clerks, and such other

personnel as may, from time to time, be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. Initially, Sumner County, upon creation of this Court, and thereafter from time to time, as may be necessary, shall appropriate the required space to provide a courtroom in Gallatin, Tennessee, the necessary furnishings, supplies, and equipment for the proper operation and maintenance of the Court. These expenses shall be paid out of the County General Funds. The regular place for holding the Court shall be in the courtroom provided in Gallatin, Tennessee.

SECTION 11. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sumner County by September 1, 2014. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Sumner County and certified by that officer to the Secretary of State.

SECTION 12. 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.

Passed: March 27, 2014.

Source URL: <https://www.ctas.tennessee.edu/private-acts/division-iii-0>