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General Sessions 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.

Sincerely,

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General Sessions Court

Private Acts of 1959 Chapter 77

SECTION 1. That there is hereby created and established a Court in and for all Counties having a population of not less than 31,575 and not more than 31,700 according to the Federal Census of 1950 or any subsequent Federal Census, which shall be designated as the General Sessions Court of said County. The Court shall be held in the Court House of each of said Counties and such other places in said Counties and times as the Judge of said Court shall designate by written rules of his Court and said Counties shall provide court rooms, dockets, a clerk's office, furnishings, and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the ordinary funds of said Counties.

SECTION 2. That should this Act apply to Roane County, the said Court shall be officially designated as the "General Sessions Court of Roane County", and the said Court is hereby vested with all of the jurisdiction and shall exercise the authority conferred by the General Assembly of the State of Tennessee upon the Justices of the Peace in civil and criminal cases and actions, and the Justices of the Peace in all Counties to which this Act applies are hereby divested of all such jurisdiction, power, and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly County Court, or in the performance of the rights of matrimony is in nowise affected by this Act; and the said Justices of the Peace shall retain the power and authority to issue warrants, both civil and criminal, and to subpoena witnesses, but said warrants shall be returnable for trial before the Judge of the General Sessions Court. But this Act shall in no wise affect the rights, powers and duties of any City Judge or Recorder in said County, except insofar as the City Judge or Recorder may exercise the said functions of an ordinary Justice of the Peace.

SECTION 3. That the General Sessions Court of Roane County shall have jurisdiction concurrent with the Circuit and Chancery Courts of the State of Tennessee to try and dispose of divorce cases and replevin actions, and said Court shall try and dispose of divorce cases and replevin actions in the same manner and with the same authority as is vested in the Circuit and Chancery Courts of the State of Tennessee, and the said General Sessions Court is hereby vested with original jurisdiction, said jurisdiction being concurrent with the Circuit and Criminal Courts of the State of Tennessee, to try and dispose of all cases relating to the abatement of certain public nuisances as set forth in Sections 23-301 to 23-316 inclusive of Tennessee Code Annotated.

Effective September 1, 1982, the General Sessions Court of Roane County shall be vested with jurisdiction to hear all juvenile cases, and to hear the probate and administration of wills and estates to the extent such jurisdiction was vested in the Office of the County Judge.

As amended by: Private Acts of 1982, Chapter 312

SECTION 4. That the Judge of said Court is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery and Circuit Judges of the State of Tennessee to grant fiats for writs of injunction, attachments and in other such actions where fiats are required.

SECTION 5. That before the commencement of any civil action, the plaintiff shall execute a cost bond with good security in the sum of Twenty Five (\$25.00) Dollars, or in lieu thereof, make a cash deposit with the Clerk of the General Session Court of not less than Five Dollars (\$5.00) and not more than Twenty Five (\$25.00) Dollars to secure the costs; but this Section does not prohibit any resident of the State of Tennessee taking the oath prescribed for poor persons to secure the costs.

SECTION 6. That the laws now regulating pleading and practice, stay of judgments, writs and processes in civil cases in the Courts of Justices of the Peace, shall apply to and govern said Court insofar as the jurisdiction of said Court as vested by Section 2 of this Act is concerned; and appeals from said Court shall be to the Circuit Court and shall be perfected in the same manner and within the same time as is now provided for appeals from Courts of Justices of the Peace.

SECTION 7. That the General Sessions Court shall be a Court of Record, and have a common seal and there shall be one civil docket and one criminal docket for the Court in which all cases to be tried under the jurisdiction conferred by Section 2 of this Act shall be entered immediately upon the issuance of the warrant; except that warrants issued by Justices of the Peace shall be entered immediately upon receipt by the Clerk of the General Sessions Court. Upon said docket shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, orders, judgments, executions, garnishments, lists of the fees of the Court, of the Sheriff and all other Officers for their respective services, fees of witnesses for attendance, credits for payments upon judgements and upon costs, and the Judge by whom the case was tried. There shall be a direct and cross index of each case in the civil docket and a direct index giving the

name of the defendant on the Criminal Docket, so as to provide ready access to the record of each case. The Officer to whom a warrant is given for service shall give a receipt for same, and no warrant, either criminal or civil, shall be taken from the office of the General Sessions Court until its issuance has been entered on said docket.

That in all cases tried and determined by the General Sessions Court and in which said Court has jurisdiction concurrent with the Circuit and Chancery Courts, the pleading and practice of such cases shall be the same as is provided by law for the pleading and practice of such cases in the Circuit and Chancery Courts; and the General Sessions Court shall keep a separate docket and Minute Book for all cases tried by said Court in which it has jurisdiction concurrent with the Circuit and Chancery Courts, and the Minutes of said Court shall be kept in the same manner as is required by law for Clerks and Masters of the Chancery Court to keep their Minute Books, and the Minutes of said Court shall be read in open Court and signed by the Judge as provided by law for Courts of Record.

Upon approval of this act as provided in Section 2, the Clerk of the General Sessions Court of Roane County shall also serve as the Clerk of the Juvenile Court of Roane County and the county clerk shall cease to be clerk of such juvenile court. In those cases of juvenile jurisdiction conferred on the General Sessions Court by this act, separate docket and minute books shall be kept by the Clerk of the General Sessions Court. Upon approval of this act as provided in Section 2, the county clerk shall immediately transfer all records, files and other documents in such county clerk's possession relating to the Juvenile Court of Roane County to the Clerk of the General Sessions Court of Roane County.

As amended by: Private Acts of 1994, Chapter 154

In those cases of probate or administration of estates jurisdiction conferred on the General Sessions Court by this act, separate docket and minute books shall be kept by Clerk and Master of the Chancery Court of Roane County who shall serve as clerk to the Judge of the General Sessions Court in these matters only.

SECTION 8. That the General Sessions Court shall be in session daily, except Saturdays, Sundays and legal holidays, and each Saturday night from and after 8 o'clock P.M. until 11 o'clock P.M. for the examination and hearing of persons charged with any criminal offense, and taking and fixing of bail for the appearance of the accused, or ordering their discharge or commitment of jail, as required by law.

That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposal of cases. All process shall be returnable to the First Monday following the fifth day after service of process thereof, except on special order of the Court; and each Monday shall be a Rule Day so as to carry out the provisions of Section 3 of this Act.

SECTION 9. That the General Sessions Court, except as hereinbefore provided, 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 offenses 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, provided that the General Sessions Judge shall not levy a fine in excess of \$50.00. 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, where such appeal shall be tried by a Judge of such Court without a jury and without indictment or presentment.

SECTION 10. That it shall be the mandatory duty of the Judge of the General Sessions Court, when a defendant is brought before said Court upon assignment or trial, to advise such defendant of his constitutional rights, 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 on trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 9 of this Act. Said waiver shall be written on 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 11. 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 Criminal Docket of the General Sessions Court has been made by the Clerk or Judge of said Court, showing the names of the person or person accused, the prosecutor, the Officer to whom delivered, and his signature upon said Docket showing receipt of such process; except that Criminal Warrants issued by Justices of the Peace shall be entered immediately upon receipt by the Clerk of the General Sessions Court; all of such warrants, information, dockets, and other records of the General Sessions Court shall be

available to the District Attorney General for any legal purpose.

SECTION 12. That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for assignment or trial in said General Sessions Court shall be taken by the Clerk or the Judge of said Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as is now provided by law.

SECTION 13. That an appeal from any case in which the jurisdiction of the General Sessions Court is concurrent with the Chancery, Circuit, and Criminal Courts, said appeal shall be to the same Appellate Court, and shall be perfected in the same manner and according to the same procedure as a similar case would be appealed from the Circuit, Chancery, and Criminal Courts.

SECTION 14. That in all cases tried under the jurisdiction conferred by Section 2, and Section 3 of this Act, the costs and fees of the General Sessions Court shall be the same as those provided by law for Justices of the Peace, except that in divorce cases the costs and fees shall be the same as for Circuit and Chancery Courts.

The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens 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 for the Courts of Justices of the Peace. All costs, fees, and mileage of witnesses, the fees, commissions, and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other Officers, for services to said Court, and the fines, and forfeitures adjudged by said Court shall be handled, accounted for, and disbursed as required by law.

In those cases of juvenile, probate or administration of estates jurisdiction conferred on the General Sessions Court by this act, the costs and fees shall be as set from time to time by the general law.

As amended by: Private Acts of 1982, Chapter 312

SECTION 15. Beginning September 1, 1998, the court shall be divided into Part I and Part II, and there shall be two judges for the Court. Each judge shall have all the qualifications as prescribed by law for the Circuit Court Judges, shall take the oath prescribed for Circuit Court Judges, and shall have all the jurisdiction conferred upon the Judge of the General Sessions Court of Roane County, whether by general law or private act, specifically including but not limited to, jurisdiction to hear all juvenile cases and to hear the probate and administration of wills and estates conferred under Private Acts of 1982, Chapters 312, 323, and 380, as amended. The present judge of the court shall become the Judge of Part I of the court for the remainder of his current term in office. At the August, 1998 General Election, a Judge of Part I and a Judge of Part II of the court shall each be popularly elected to an individual initial eight (8) year term, and to eight (8) year terms thereafter, and shall take office on September 1 following the election. The Judge of Part I shall be the Senior Judge from September 1, 1998 until August 31, 2000, the Judge of Part II shall be the Senior Judge from September 1, 2000 until August 31, 2001, and thereafter the designation of Senior Judge shall alternate annually between the judges of the court. The Senior Judge shall be vested with the authority to assign for trial and disposition all matters, suits and cases which may be filed with the court.

As amended by: Private Acts of 1998, Chapter 135

SECTION 16. The compensation of the Judge of the General Sessions Court shall be forty thousand (\$40,000.00) dollars per annum, payable in monthly installments out of the general fund of the county of which he presides, and said compensation shall be in lieu of fees; provided however, that in the event that the State of Tennessee shall pay any type of remuneration (sic) directly to the General Sessions Judge of Roane County, Tennessee, for the General Sessions Court assuming the juvenile jurisdiction heretofore exercised by the County Judge, that any such amount so paid directly to the Roane County General Sessions Judge shall be deducted from the aforesaid annual salary of forty thousand dollars (\$40,000.00), and Roane County shall be liable for the difference between the amount paid directly to the General Sessions Judge by the State of Tennessee and the forty thousand dollars (\$40,000.00) salary as set out aforesaid.

As amended by: Private Acts of 1965, Chapter 134
Private Acts of 1974, Chapter 200
Private Acts of 1982, Chapter 312

SECTION 17. That should this Act apply to Roane County, the Judge of the General Sessions Court shall be elected by the qualified voters of said County at the general election on the first Thursday of August, 1960, to serve for a term of six (6) years beginning September 1, 1960, or until his successor is elected and qualified. His successor shall be elected at the general election on the first Thursday of August, 1966, for a term of eight years and thereafter the election shall be every eight years at the time when the regular State Judges are elected, and each term shall be for eight years. The Governor of the State of Tennessee shall fill any vacancy which might result from the death, resignation, or incapacity of the Judge of the General Sessions Court by appointment as is now provided by law for filling vacancies created by

the death, resignation, or incapacity of a Circuit Judge.

SECTION 18. That if the Judge of said Court fails to attend, cannot preside in a pending case, or for any reason fails to hold Court, then a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion. The Clerk of said Court shall preside at said election and shall keep in his office a permanent record of the election of such special Judges. Such special Judges shall not be entitled to compensation for their services.

SECTION 19. That should this Act apply to Roane County, the Clerk of the Circuit Court of said County shall act as the Clerk of the General Sessions Court, and when acting as Clerk of said Court, shall be designated as the "Clerk of the General Sessions Court of Roane County." Upon proper petition to the Chancery or Circuit Court of such County, he shall be allowed such additional deputy or deputies as may be necessary efficiently to conduct the business of the office, and likewise upon petition to either of said Courts the Chancellor or Circuit Judge may fix the compensation to be paid said deputy or deputies performing duties required by the General Sessions Court of said County. Such deputy or deputies shall possess all the powers herein conferred upon the Clerk. The Clerk, or his deputy or deputies for said Court shall be paid the sum of ten (10¢) cents a mile for the same travel required by the duties of this office as is hereinbefore provided for the judge of said Court, upon filing (sic) in the Clerk's Office by the claimant of a sworn itemized statement once each month showing the travel and amount involved. The Clerk is allowed to pay the compensation and travel allowances of his deputy or deputies out of the fees, commissions and emoluments of said General Sessions Court collected by him. The surplus, after paying the compensation and travel allowances of his deputy or deputies, and after paying costs, fees, and other sums as may be fixed by law or by this Court for parties, officers, witnesses etc., shall be paid into the general funds of the County. The Clerk of said Court shall have concurrent authority with the Judge of said Court to issue warrants and other processes and writs, except those which the law requires shall be issued only by or upon the fiat of a judicial officer.

Provided, however, in those cases of probate, or administration of estates, jurisdiction conferred on the General Sessions Court by this act, the Clerk and Master of Chancery Court of Roane County shall serve as Clerk to the Judge of the General Sessions Court. The Clerk and Master shall serve as clerk only as to these matters.

Provided, however, in those cases of juvenile jurisdiction conferred by this act, the County Clerk shall serve as Clerk to the Judge of the General Sessions Court. In all other matters over which the Judge of General Sessions Court has jurisdiction, the Clerk of the Circuit Court shall continue to serve as Clerk of the General Sessions Court of Roane County.

As amended by: Private Acts of 1973, Chapter 37
Private Acts of 1982, Chapter 312

SECTION 20. That the Sheriff of any County to which this Act applies, shall assign a Deputy Sheriff to attend the sessions of said Court to preserve order and to wait on and serve said Court. The Sheriff shall receive no additional compensation for his services or those of the Deputies so assigned, however, such Deputy Sheriff so assigned shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of Deputy Sheriffs of said County.

The Clerk of said Court shall certify to the County Judge of said County the names of the Deputy Sheriffs so assigned to said Court. The County Judge shall issue warrants drawn upon the Trustee for their compensation as provided herein.

The Sheriff of said County, or any Deputy Sheriff or Constable thereof shall serve legal processes, writs, and papers issued by the General Sessions Court with the same authority as provided by law in other inferior courts.

SECTION 21. That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to the Justices of the Peace or former Justices of the Peace of any County to which this Act might apply, shall be delivered to the General Sessions Court as the successor of the said Justice of the Peace. Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be delivered to the Clerk of the General Sessions Court.

SECTION 22. That the General Sessions Court shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace and any County to which this Act applies as if such cases had originated in the General Sessions Court.

SECTION 23. That this Act shall in no wise impair the right, title, or interest of any Justice of the Peace to any unpaid fees, or funds in which he had a right or interest in any proceeding, judgement, or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 24. That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within fifteen (15) days after the approval of this Act by the Governor, it shall be the duty of the County Board of Election Commissioners of the county (to which this Act applies) to call an election (for the county) to be held not less than twenty (20) nor more than forty (40) days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon "General Sessions Court for Roane County" and the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the County Board of Election Commissioners upon the first Monday occurring five (5) or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections shall apply to an election held hereunder. The expenses of said election shall be paid for out of the general funds of the County wherein said election is held.

SECTION 25. That the Legislature expressly declares that each section, subsection, paragraph, and clause of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 26. That all laws and parts of law in conflict with this Act are hereby repealed.

SECTION 27. That this Act shall take effect on September 1, 1960, at the time designated for said Judge's term of office to begin, but to be effective also in such manner as to provide for the referendum and the election of said Judge prior thereto as hereinbefore stated, the public welfare requiring it.

Passed: February 23, 1959.

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