

CHAPTER NO. 113

HOUSE BILL NO. 572

By Representatives Fowlkes, Maddox

Substituted for: Senate Bill No. 785

By Senators Person

AN ACT to amend Tennessee Code Annotated, Title 6 and Title 16, Chapter 17, Part 1, relative to the creation of municipal courts.

WHEREAS, there has been a proliferation of municipal courts with concurrent general sessions court jurisdiction created in the State of Tennessee; and

WHEREAS, this has had an adverse effect on the various courts of general sessions in the State; and

WHEREAS, the creation of such additional courts creates a burden on taxpayers of the several counties by increasing costs of the judicial system; and

WHEREAS, recognizing these problems, the state of Tennessee Judicial Council has created a study committee to study the issue of municipal courts generally and make recommendations back to the Judicial Council; and

WHEREAS, it is advisable that the situation regarding the proliferation of municipal courts with concurrent general sessions court jurisdiction not worsen while this issue is being examined; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) Notwithstanding any other provision of the law to the contrary, the general assembly shall not, by general law, private act or amendment to a municipal charter, allow or provide for the creation of a municipal court with concurrent general sessions court jurisdiction until such time as the Tennessee judicial council, having heard the report of the committee it created to examine the issue of the proliferation of municipal courts in Tennessee, has made a recommendation to the general assembly and the general assembly has had until the adjournment of the first session of the 103rd General Assembly to consider the issue. During the second session of the 103rd General Assembly, and thereafter, any legislation on the subject of municipal courts with concurrent general sessions court jurisdiction may be considered and enacted.

(b) Further, there is a moratorium for the same time period on the creation of a municipal court with concurrent general sessions court jurisdiction by any municipality currently authorized to create such court and that has not done so prior to January 1, 2003.

(c) The judicial council must report by February 1st, 2004 to the General Assembly.

SECTION 2. Tennessee Code Annotated, Section 16-17-101, is amended by adding the following as a new, appropriately designated subsection:

(c) Notwithstanding the provisions of this section or any other provision of the law to the contrary, no municipality shall create a municipal court with concurrent general sessions court jurisdiction from the effective date of this act until such time as the Tennessee judicial council, having heard the report of the committee it created to examine the issue of the proliferation of municipal courts in Tennessee, has made a recommendation to the general assembly and the general assembly has had until the adjournment of the first session of the 103rd General Assembly to consider the issue and determine whether any legislative changes are necessary. During the second session of the 103rd General Assembly, and thereafter, any legislation on the subject of municipal courts with concurrent general sessions court jurisdiction may be considered and enacted.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 28, 2003


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 12th day of May 2003


PHIL BREDESEN, GOVERNOR