

STATE OF TENNESSEE

OFFICE OF THE
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Opinion No. 05-122

Holding Court Outside County Seat

QUESTIONS

1. Does the Tennessee Constitution, state statute, or case law prohibit a county from building a justice center outside the city limits of the county seat to hold general sessions, circuit, or criminal court sessions?
2. Would the response be different if the new justice center is not located within the county seat, but is within the county seat's urban growth boundaries?

OPINIONS

1. Chancery and circuit courts may continue to meet at the places specified in Tenn. Code Ann. §§ 16-2-106 through 16-2-402. In addition, an applicable private act may authorize a particular chancery, circuit, or general sessions court to meet outside the limits of the county seat. Absent such private act authority, however, neither a general sessions nor a circuit court may regularly hold its sessions outside the city limits of the county seat.
2. No.

ANALYSIS

1. Court Holding Session Outside the County Seat

This opinion concerns whether a county may legally build a justice center outside the city limits of the county seat to hold general sessions, circuit, or criminal court sessions. Article X, § 4, of the Tennessee Constitution provides in relevant part:

[W]here an old County is reduced for the purpose of forming a new one, the Seat of Justice in said old County shall not be removed without the concurrence of two-thirds of both branches of the Legislature, nor shall the Seat of Justice of any County be removed without the concurrence of two-thirds of the qualified voters of the County. But the foregoing provision requiring a two-thirds majority

of the voters of a County to remove its County seat shall not apply to the Counties of Obion and Cocke.

The terms “Seat of Justice” and “County Seat” are synonymous. *Lawson v. Ray*, 549 S.W.2d 373 (Tenn. 1977). This provision prevents a county seat from being moved from one town to another without a vote of its citizens. *Stuart v. Blair*, 67 Tenn. 141 (1874). Holding court in a justice center that is outside, but not far from, the city limits of the county seat would not necessarily violate this constitutional provision. A number of statutes, however, limit where these courts, which are all inferior courts within the meaning of Article VI, § 1, of the Tennessee Constitution, may be held. Under Tenn. Code Ann. § 5-7-105, the county courthouse must be erected within the limits of the county town. Tenn. Code Ann. § 16-1-105 provides:

If for any cause, in the opinion of the court deemed sufficient, it is impracticable or inconvenient for any court to hold its session at the courthouse, or place designated by law, it shall be lawful for the court to hold its session, or any part of its session, at any other room *within the limits of the county seat*, or at any other room open to the public within an institution of the department of correction or the department of children’s services if the court deems it necessary, and all its proceedings at such place, whether in civil or criminal cases, are as valid as if done at the courthouse.

(Emphasis added). This statute should be read in conjunction with Section 15 of 1984 Tenn. Pub. Acts Ch. 931. That act repealed Tenn. Code Ann. §§ 16-2-106 through 16-2-402, “except insofar as such sections divide existing circuit, criminal or chancery courts into parts or division.” This Office has concluded that this provision retained the different parts and divisions of the different chancery and circuit courts set out in these statutes. Op. Tenn. Att’y Gen. 05-072 (May 3, 2005). Chancery and circuit courts, therefore, continue to meet at the places specified in those statutes. In addition, an applicable private act may authorize a particular chancery, circuit, or general sessions court to meet outside the limits of the county seat. Absent such private act authority, however, neither a general sessions nor a circuit court may regularly hold its sessions outside the city limits of the county seat.

2. Meeting in Urban Growth Area

The second question is whether a county could build a justice center outside the limits of the county seat, but within the urban growth boundaries of the county seat. Urban growth boundaries are a component of a county growth plan developed under Tenn. Code Ann. §§ 6-58-101, *et seq.* The urban growth boundaries identify territory contiguous to the existing boundaries of a city into which, under various statutory criteria, a city is projected to grow. Tenn. Code Ann. § 6-58-106(a)(1). As discussed above, unless expressly authorized by Tenn. Code Ann. §§ 16-2-106 through 16-2-402 or a private act, neither a general sessions nor a circuit court may regularly hold

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its sessions outside the city limits of the county seat.

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