STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
425 FIFTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243-0488

April 17, 2000

Opinion No. 00-073

Municipal Courts

QUESTIONS

1. May concurrent general sessions jurisdiction be conferred on a municipal court by (1) public act, (2) private act, (3) charter provision or amendment, or (4) any other method?

2. When a municipal court properly exercises concurrent general sessions jurisdiction, to what extent is either the state or county required to provide staff, facilities, or services to the municipal court?

OPINIONS

1. The legislature may vest general sessions jurisdiction in municipal courts by either public or private act, including a private act adopting or amending a municipal charter.

2. This office finds no authority requiring the state or county to provide staff, facilities, or services to a municipal court on the basis of such court's exercise of general sessions jurisdiction.

ANALYSIS

1. Article VI, Section 1 of the Tennessee Constitution states,

> The judicial power of this State shall be vested in one Supreme Court and in such Circuit, Chancery and other inferior Courts as the Legislature shall from time to time, ordain and establish; in the Judges thereof, and in Justices of the Peace. The Legislature may also vest such jurisdiction in Corporation Courts as may be deemed necessary. . . .

Accordingly, it is entirely within the competency of the legislature to vest a municipal court with concurrent general sessions jurisdiction. The legislature may do so by either public or private act, including, except as to home rule municipalities, a private act adopting or amending a municipal charter. It should be noted, however, that the judges of municipal courts that are vested with general

sessions jurisdiction must be elected and qualified as prescribed in Article VI, Section 4 of the Tennessee Constitution.[1] *See State v. Chester Barrett*, 840 S.W.2d 895 (Tenn. 1992)("Nothing in the Constitution or this opinion prevents the legislature from vesting inferior court jurisdiction in the municipal courts of this state. However, if the legislature decides to vest inferior court jurisdiction in a municipal court, Article VI, § 4 requires that those judges be elected in compliance with that constitutional provision.").

2. A municipal court's exercise of concurrent general sessions jurisdiction does not alter the status of the court; it remains entirely a municipal institution rather than an institution of the state or county. Therefore, and finding no authority to the contrary, this office is of the opinion that neither the state nor county is required to provide staff, facilities, or services to a municipal court based on such court's exercise of general sessions jurisdiction.

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Requested by:

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[1]"The Judges of the Circuit and Chancery Courts, and of other inferior Courts, shall be elected by the qualified voters of the district or circuit to which they are to be assigned. Every Judge of such Courts shall be thirty years of age, and shall before his election, have been a resident of the State for five years and of the circuit or district one year. His term of service shall be eight years." Tenn. Const. art. VI, § 4.