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February 22, 2001

Opinion No. 01-025

Jurisdiction of General Sessions Criminal Court Over Drug Court Hearings

QUESTION

May General Sessions Criminal Court Judges preside over preliminary hearings normally heard by the Drug Court?

OPINION

General Sessions Criminal Court Judges may preside over preliminary hearings normally heard by the Drug Court, if they adopt a rule providing for the transfer of cases from the Drug Court to the other divisions of the General Sessions Court.

ANALYSIS

The statutory language of 1999 Public Acts, Chapter 365 and 1982 Public Acts, Chapter 772 is unambiguous. Legislative intent must be derived from a statute's face when the statutory language is unambiguous. *Westland West Community Ass'n v. Knox County*, 948 S.W.2d 281, 283 (Tenn. 1997) (citations omitted). Hence, courts are limited to the "natural and ordinary" meaning of a statute unless an ambiguity necessitates resorting elsewhere to ascertain legislative intent. *Austin v. Memphis Publ. Co.*, 655 S.W.2d 146, 149 (Tenn. 1983).

In looking to the plain language of 1999 Public Acts, Chapter 365, the act states that "[t]hose defendants charged with felony drug offenses shall have their General Sessions Court appearances in the designated drug court." The language in this section does not authorize other divisions to hear drug court cases. However, the plain language of 1982 Public Acts, Chapter 772 states that General Sessions Judges "may by rule provide for the transfer of cases from one division to another."

The plain language of 1999 Public Acts, Chapter 365 indicates that the Drug Court is a subdivision of the General Sessions Criminal Court. Accordingly, 1982 Public Acts, Chapter 772 applies to the Drug Court in question. As a Criminal Court falling under the scope of 1982 Public Acts, Chapter 772, other General Sessions Criminal Judges are authorized to preside over Drug Court hearings, if by rule the General

Sessions Judges have provided for the transfer of cases from the Drug Court to other divisions of the General Sessions Court.

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