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Opinion No. 07-48

Juvenile Court Jurisdiction over Violations of City Ordinances by Children

QUESTIONS

1. Are there any city traffic ordinance offenses over which the juvenile court would exercise exclusive original jurisdiction pursuant to Tenn. Code Ann. § 37-1-103(a)(1)?

2. What authority does the juvenile court have to hear non-traffic city ordinance violations committed by children?

OPINIONS

1. Yes. A juvenile court would exercise exclusive original jurisdiction pursuant to Tenn. Code Ann. § 37-1-103(a)(1) over all cases in which a child has violated a city traffic ordinance.

2. Although the juvenile court lacks jurisdiction to hear violations of non-traffic city ordinances committed by children because they are not "delinquent" acts as defined by Tenn. Code Ann. § 37-1-102(b)(9), to the extent that a violation of a non-traffic city ordinance constitutes the act of an "unruly child" as defined by Tenn. Code Ann. § 37-1-102(b)(23), the juvenile court would have exclusive original jurisdiction to hear such cases.

ANALYSIS

1.

In general, subject matter jurisdiction concerns the authority of a particular court to hear a particular controversy. *Meighan v. United States Sprint Comm. Co.*, 924 S.W.2d 632, 639 (Tenn. 1996) (citation omitted). A court's subject matter jurisdiction "relates to the nature of the cause of action and the relief sought and is conferred by the sovereign authority which organizes the court." *Landers v. Jones*, 872 S.W.2d 674, 675 (Tenn. 1994) (citing *Cooper v. Reynolds*, 77 U.S. 308 (1870); *Turpin v. Conner Bros. Excavating Co., Inc.*, 761 S.W.2d 296, 297 (Tenn. 1988)). Accordingly, subject matter jurisdiction does not depend upon the conduct or agreement of the

parties. *Shelby County v. City of Memphis*, 365 S.W.2d 291, 292 (Tenn. 1963). If a court lacks subject matter jurisdiction, it cannot enter valid and enforceable orders. *Brown v. Brown*, 281 S.W.2d 492, 497 (Tenn. 1955).

It is well-established that juvenile courts are courts of limited jurisdiction. *Stambaugh v. Price*, 532 S.W.2d 929, 932 (Tenn. 1976). The Juvenile Court's subject matter jurisdiction is defined by statute. *Id.* As a tribunal created by statute, a Juvenile Court has "jurisdiction over matters relating to the care, control and custody of infants, but can exercise such jurisdiction and powers only as have been conferred on [it] by the statute creating [it]." *Hyatt v. Bomar*, 358 S.W.2d 295, 296 (Tenn. 1962) (quotation marks omitted). All juvenile courts in Tennessee "have all of the jurisdiction, authority, rights, powers and duties prescribed by the provisions of" Part 1, Chapter 1 of Title 37 of the Code. Tenn. Code Ann. § 37-1-101(c).

Sections 37-1-103 and 37-1-104 govern the subject matter jurisdiction of the juvenile court. As relevant here, the juvenile court has exclusive original jurisdiction in cases in which a child has committed a "juvenile traffic offense":

> (1) Proceedings in which a child is alleged to . . . have committed a juvenile traffic offense as defined in § 37-1-146[.]

Tenn. Code Ann. § 37-1-103(a)(1).

Section 37-1-146, while not defining the term "juvenile traffic offense," provides for the disposition of *all cases* of violations of "traffic laws or ordinances" committed by children under the juvenile court's jurisdiction:

> (a) *All cases of alleged traffic violations by children coming within the provisions of this part shall be heard and disposed of upon a traffic ticket or citation signed by a law enforcement officer that describes in general terms the nature of the violation.* Such cases may be disposed of nonjudicially under the supervision of the judge; in any case, however, the child or the child's parents may request and shall be granted a hearing before the judge.
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> (b) If the court finds that the child violated a traffic law or ordinance, the court may decree the child to be a traffic violator, and, in addition to any disposition provided for in this part for the disposition of a delinquent or unruly child, the judge may make one (1) or any combination of the following decisions:
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> > (1) Suspend and hold the child's driver license for a specified or indefinite time;
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> > (2) Limit the child's driving privileges as an order of the court;

> (3) Order the child to attend traffic school, if available, or to receive driving instructions; or
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> (4) Impose a fine of not more than fifty dollars ($50.00).
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> (c) In any case or class of cases the judge of any juvenile court may waive jurisdiction of traffic violators who are sixteen (16) years of age or older, and such cases shall be heard by the court or courts having jurisdiction of adult traffic violations, or the child may pay the stipulated fine to a traffic bureau.

Tenn. Code Ann. § 37-1-146 (emphasis added).

The question posed is one of statutory interpretation, requiring us to determine whether any city ordinance traffic violations exist over which the juvenile court would exercise exclusive original jurisdiction. In construing statutes, we must "ascertain and give effect to the legislative intent without unduly restricting or expanding a statute's coverage beyond its intended scope." *Wilson v. Johnson County*, 879 S.W.2d 807, 809 (Tenn. 1994). If the statute is unambiguous, legislative intent is determined from the statute's plain and ordinary meaning of the language used. *Freeman v. Marco Transp. Co.*, 27 S.W.3d 909, 911 (Tenn. 2000). Statutes that are related to the same subject matter are supposed to be read in *pari materia*. *In re C.K.G.*, 173 S.W.3d 714, 722 (Tenn. 2005). We must "construe the statute so that no part will be inoperative, superfluous, void or insignificant." *State v. Northcutt*, 568 S.W.2d 636, 637-38 (Tenn. 1978). We are also mindful that the General Assembly is presumed to know of its prior enactments and of the state of the law at the time it passes legislation. *Wilson v. Johnson County*, 879 S.W.2d 807, 810 (Tenn. 1994).

Applying the above principles of statutory interpretation, we conclude that under Tenn. Code Ann. §§ 37-1-103(a)(1) and 37-1-146 the juvenile court would have exclusive original jurisdiction of *all* cases in which a child[1] has violated any city traffic ordinance. Because we find that the relevant statutory language in § 37-1-146(a) is unambiguous,[2] we determine legislative intent from

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[1]A child is defined as a person under 18 years of age. *See* Tenn. Code Ann. § 37-1-102(b)(4)(A).

[2]Although certain language in §§ 37-1-103(a)(1) and 37-1-146 is ambiguous because it may convey "more than one meaning," *Bryant v. HCA Health Servs. of N. Tenn., Inc.*, 15 S.W.3d 804 (Tenn. 2000), the ambiguity is not relevant to the question posed. In any event, given the apparent confusion surrounding the application of these statutory provisions, we make the following remarks to insure clarity. The ambiguity, as the opinion request correctly states, occurs because § 37-1-103(a)(1) ostensibly creates a separate class of violations of the State's traffic laws ("juvenile traffic offense as defined in § 37-1-146"), and, contrary to the explicit statement in this provision, the term is never defined in § 37-1-146. Moreover, § 37-1-146 exacerbates the ambiguity by employing additional undefined terms such as "traffic violations," Tenn. Code Ann. § 37-1-146(a), and "traffic law or ordinance." *Id.* at § 37-1-146(b). When a statute is ambiguous we must look to the entire statutory scheme to determine legislative intent. *Kite v. Kite*, 22 S.W.3d 803, 805 (Tenn. 1997); *Owens v. State*, 908 S.W.2d 923, 926 (Tenn. 1995). After reviewing "'the language of the statute, its subject matter, the object and reach of the statute, the wrong or evil which it seeks to remedy or prevent, and the purpose sought to be accomplished in its enactment,'" *State v. Gilliland*, 22 S.W.3d 266, 275 (Tenn. 2000) (quoting

the plain meaning of the statute's language. *Freeman*, 27 S.W.3d at 911. The plain language of § 37-1-146(a) states that "*[a]ll* cases of alleged traffic violations by children coming within the provisions of this part shall be heard and disposed of upon a traffic ticket or citation signed by a law enforcement officer that describes in general terms the nature of the violation." It is clear, therefore, that the General Assembly intended for the juvenile court to exercise exclusive original jurisdiction of *all* "traffic violations" committed by children coming within the provisions of Title 37, Part 1 of the Tennessee Code. The General Assembly's grant of *exclusive* jurisdiction to the juvenile court in these cases means that no other court may hear them.[3] *See Tenn. Dept. of Human Servs. v. Gouvitsa*, 735 S.W.2d 452, 455 (Tenn. Ct. App. 1987).

2.

The second question deals with the juvenile court's authority to hear non-traffic city ordinance violations committed by children. Section 37-1-103(a)(1) vests exclusive original jurisdiction in the juvenile court over proceedings in which a child is alleged to be delinquent or unruly. Tenn. Code Ann. § 37-1-103(a)(1). Under Tennessee law, a "delinquent act"

> . . . means an act designated a crime under the law, including local ordinances of this state, or of another state if the act occurred in that state, or under federal law, and the crime is not a status offense under subdivision (b)(23)(A)(iii) and the crime is not a traffic offense as defined in the traffic code of the state other than failing to stop when involved in an accident pursuant to § 55-10-101, driving while under the influence of an intoxicant or drug, vehicular homicide or any other traffic offense classified as a felony[.]

Id. at § 37-1-102(b)(9).

In turn, an "unruly child" "means a child in need of treatment and rehabilitation who:"

> (i) Habitually and without justification is truant from school while subject to compulsory school attendance under § 49-6-3007; or
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> (ii) Habitually is disobedient of the reasonable and lawful commands of the child's parent(s), guardian or other legal custodian to the degree that such child's health and safety are endangered; or

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State v. Lewis, 958 S.W.2d 736, 739 (Tenn. 1997)), we conclude that the General Assembly intended the terms "traffic offense" and "traffic violation" to mean any violation of traffic-related city ordinances or any traffic laws set forth in Title 55, Chapters 8 through 10 of the Tennessee Code.

[3]We note that the juvenile court may waive jurisdiction of cases involving traffic violations of children who are 16 years of age or older. Tenn. Code Ann. § 37-1-146(c).

> (iii) Commits an offense that is applicable only to a child; or
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> (iv) Is away from the home, residence or any other residential placement of the child's parent(s), guardian or other legal custodian without their consent. Such child shall be known and defined as a "runaway[.]"

Id. at § 37-1-102(b)(23)(A).

Applying the principles of statutory interpretation discussed above, we conclude that although the juvenile court lacks jurisdiction to hear violations of non-traffic city ordinances committed by children because they are not "delinquent" acts as defined by Tenn. Code Ann. § 37-1-102(b)(9), to the extent that a violation of a non-traffic city ordinance constitutes the act of an "unruly child" as defined by Tenn. Code Ann. § 37-1-102(b)(23), the juvenile court would have exclusive original jurisdiction to hear such cases. We also conclude that the provisions at issue here are unambiguous and, accordingly, we derive legislative intent from the plain meaning of the statutes' language.

Violations of non-traffic city ordinances committed by children are not "delinquent acts" under Tenn. Code Ann. § 37-1-102(b)(9) because a violation of a city ordinance is not, by definition, a crime. *Cf. State v. Jackson*, 60 S.W.3d 738, 743 (Tenn. 2001) (noting that because "no part of the Criminal Code classifies a probation violation as a criminal offense, it cannot be considered a "delinquent act.'"). Under § 37-1-102(b)(9), to be "delinquent" the act must be "a crime under the law," but the crime cannot be "a status offense under subdivision (b)(23)(A)(iii)," or "a traffic offense as defined in the traffic code of the state." Section 37-1-102(b)(9) also includes as delinquent acts any "criminal" city ordinances of Tennessee or of another state and any criminal provision of federal law. The plain meaning of "crime under the law," in our view, refers to the offenses of the Criminal Code found in Title 39, Chapter 11. *See, e.g.*, Tenn. Code Ann. §§ 39-11-101 & 39-11-102; *Jackson*, 60 S.W.3d at 743. While § 37-1-102(b)(9) excludes traffic offenses from the definition of a "delinquent act," the provision *excepts* from the exclusion the following traffic violations, which are therefore delinquent acts: failing to stop when involved in an accident, Tenn. Code Ann. § 55-10-101; driving while under the influence of an intoxicant or drug, *id.* at § 55-10-401; vehicular homicide, *id.* at § 39-13-213; or any other traffic offense classified as a felony. Our reading of § 37-1-102(b)(9) reveals, therefore, that only the following acts are "delinquent": a crime under any State law; a "crime" under local law; a crime under federal law; and the four previously mentioned traffic offenses.

Although § 37-1-102(b)(9) explicitly includes as delinquent acts violations of any "criminal" city ordinances, the Supreme Court has held that violations of city ordinances are "civil in nature," akin to "an action for debt." *City of Chattanooga v. Myers*, 787 S.W.2d 921, 922 (Tenn. 1990) (quoting *Metropolitan Government of Nashville & Davidson County v. Allen*, 529 S.W.2d 699, 707 (Tenn. 1975)). "They are not criminal prosecutions, but are merely penal actions having as their object the vindication of domestic regulations." *Id.* Given this precedent, we conclude that a child who violates a city ordinance of any kind cannot be adjudicated as a delinquent and, therefore, the

juvenile court would lack subject matter jurisdiction over such a case. If the child violates a city traffic ordinance, however, the child may be adjudicated by the juvenile court as a "traffic violator." Tenn. Code Ann. § 37-1-146(b).

We also conclude that, to the extent that a violation of a non-traffic city ordinance constitutes the act of an "unruly child" as defined by Tenn. Code Ann. § 37-1-102(b)(23), the juvenile court has exclusive original jurisdiction. Thus, insofar as a non-traffic city ordinance could be applied only to a child, *id.* at § 37-1-102(b)(23)(A)(iii), the juvenile court would have jurisdiction to adjudicate the child as unruly.

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