

STATE OF TENNESSEE
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May 23, 2007

Opinion No. 07-78

Jurisdiction to Impose Fines

QUESTION

Whether the penalties included in proposed Amendment 1 to Senate Bill No. 794 exceed the jurisdiction of the appropriate court.

OPINION

No. While subsection (c) of the amendment provides for fines of two hundred and fifty and five hundred dollars, the fines raise no jurisdictional concerns. The fines may be imposed directly by either a circuit or general sessions court so long as the defendant waives his or her constitutional right to have a jury impose fines over fifty dollars.

ANALYSIS

Proposed Amendment 1 to Senate Bill No. 794 concerns the penalties to be imposed when an accident involving death or serious bodily injury results from the failure to yield the right of way. The question presented focuses on the effect, if any, the penalties set forth in the amendment will have on the jurisdiction of the relevant courts. Subsection (c) states,

(1) A violation of subsection (a) is a Class B misdemeanor punishable by a fine of two hundred and fifty dollars (\$250) if the accident results in serious bodily injury of another.

(2) A violation of subsection (a) is a Class A misdemeanor punishable by a fine of five hundred dollars (\$500) if the accident results in the death of another.

Subsection (d) provides for consecutive sentencing if more than one conviction arises out of the same conduct. Subsection (f) states that the court may revoke the license of a person convicted under the section for up to six months or one year if the accident results in serious bodily injury or death, respectively. It appears that only subsection (c) raises any jurisdictional questions.

The jurisdiction of general sessions courts is set forth in Tenn. Code Ann. § 40-1-109, which states:

In addition to the jurisdiction in criminal cases as conferred in §§ 16-15- 401 and

16-15-501, the court of general sessions is vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before the court by warrant or information where the person charged with the misdemeanor enters a plea of guilty in writing or requests a trial upon the merits and expressly waives an indictment, presentment, grand jury investigation and jury trial. The waiver shall be in writing as provided in Rule 5 of the Tennessee Rules of Criminal Procedure. In such cases, the trial shall proceed before the court without the intervention of a jury, and the court shall enter judgment, and, as an incident thereto, may inflict punishment within the limits provided by law for the particular offense as the court may determine proper under the peculiar circumstances of the case.

Because subsection (c) of the amendment provides that a violation of subsection (a) is either a Class A or B misdemeanor, depending upon whether the accident involved death or serious bodily injury, a general sessions court would have jurisdiction to render judgment in a case involving a violation of subsection (a) as long as the defendant waived his right to a jury trial. *See Town of Nolensville v. King*, 151 S.W.3d 427, 432 (Tenn. 2004). Furthermore, because circuit courts have “exclusive original jurisdiction of all crimes and misdemeanors, either at common law or by statute,” a case involving a violation of subsection (a) of the amendment could likewise be heard by a circuit court. Tenn. Code Ann. § 16-10-102.

Having determined that both general sessions courts and circuit courts have jurisdiction to render judgment under the proposed amendment, the remaining issue is whether the courts have the authority to impose the penalties set forth in the statute, specifically the fines of two hundred and fifty and five hundred dollars set forth in subsection (c). Article VI, Section 14 of the Tennessee Constitution prohibits imposition of fines exceeding \$50 unless it is assessed by a jury. However, “[t]he defendant may waive the right to have a jury fix the fine and agree that the court fix it, in which case the court may lawfully fix the fine at any amount which the jury could have.” Tenn. Code Ann. § 40-35-301(b). *See also Town of Nolensville v. King*, 151 S.W.3d at 432; *State v. Durso*, 645 S.W.2d 753, 759 (Tenn. 1983). Therefore, so long as the defendant executes a waiver of the right to have a jury assess a fine of over fifty dollars, a court will have jurisdiction to impose the penalties prescribed in subsection (c) of the amendment.

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