STATE OF TENNESSEE
OFFICE OF THE
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Opinion No. 11-17

Authority of a City Court to Punish for Contempt of Court

QUESTION

Does a city court have the authority to punish an individual for contempt of court when the person fails to appear in court for an appointed court date?

OPINION

Yes. A city court has the authority to punish an individual for contempt of court for failing to appear for an appointed court date when such failure constitutes the willful disobedience of any lawful writ, process, order, rule, decree, or command of the court. However, such contempt would be punishable only by a fine of $50.00.

ANALYSIS

Tennessee law recognizes the authority of courts to order punishment for acts of contempt: "[f]or the effectual exercise of its powers, every court is vested with the power to punish for contempt, as provided for in this code." Tenn. Code Ann. § 16-1-103. "Contempt" has been defined as "any act which hinders, delays or obstructs the administration of justice." Winfree v. State, 175 Tenn. 427, 135 S.W.2d 454, 455 (1940). The phrase "every court," as employed in Tenn. Code Ann. § 16-1-103, encompasses city courts. See State ex rel. May v. Krichbaum, 152 Tenn. 416, 278 S.W. 54, 54 (1925).

Tenn. Code Ann. § 29-9-102 defines the scope of the contempt power. It includes the power to punish the contemnor for the willful disobedience of any lawful writ, process, order, rule, decree, or command of the courts; as well as unlawful interference with the process or proceedings of the court. Tenn. Code Ann. § 29-9-102(3). When a person is directed by a court to appear by any writ, process, order, rule, decree, or command and willfully fails to appear, the court may punish the action as contempt.

Therefore, it is the opinion of this Office that, under the provisions of Tenn. Code Ann. § 16-1-103 and § 29-9-102, a city court may use the contempt power to punish defendants for failure to appear in court when such failure constitutes the willful disobedience of any lawful writ, process, order, rule, decree, or command of the court.

Punishing an individual for the contumacious act of failure to appear would be in the nature of criminal contempt, since it would seek to punish the past bad act of failing to appear, as opposed to the compelling of doing something by the contemnor. Pursuant to Tenn. Code Ann. § 16-18-306, contempt of a municipal court is punishable only by fine in the amount of $50 or less.

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