STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL

February 8, 2017

Opinion No. 17-08

Authority of the General Assembly to Reduce the Jurisdiction of the Dickson City Court

Question 1

Does the General Assembly have the authority to limit or reduce the jurisdiction of the Dickson City Court by eliminating its concurrent jurisdiction with the General Sessions Court of Dickson County in criminal cases?

Opinion 1

Yes.

Question 2

If the General Assembly has the authority to limit or reduce the jurisdiction of the Dickson City Court by eliminating its concurrent jurisdiction with the General Sessions Court of Dickson County in criminal cases, does it have authority to do so during the term of office of the duly elected City Judge?

Opinion 2

Yes.

ANALYSIS

The Tennessee Constitution vests the judicial power of Tennessee in one Supreme Court "and in such Circuit, Chancery and other inferior Courts as the Legislature shall from time to time, ordain and establish." Tenn. Const. art VI, § 1. The Tennessee Constitution also authorizes the Legislature to change the jurisdiction of such "other Inferior Courts." Tenn. Const. art VI, § 8.

Thus, "[i]t is well-settled that the Legislature has the power not only to create inferior Courts under the constitutional provision but to diminish or to enlarge or to transfer their jurisdiction in the interest of efficiency and economy, art. 6, section 1." Duncan v. Rhea County, 287 S.W.2d 26, 28 (1955). "Article VI of the Tennessee Constitution gives the Tennessee Legislature the exclusive authority to establish and change the jurisdiction of the inferior courts in Tennessee." Ely v. Deroyal Indus., 2005 Tenn. Crim. App. LEXIS 414, *17 (Tenn. Crim. App. Apr. 29, 2005) (citing Moore v. Love, 107 S.W.2d 982, 986 (Tenn. 1937); Gouge v. McInturff, 90 S.W.2d 753 (1935); and Spurgeon v. Worley, 90 S.W.2d 948, 949 (1936) ("The broad power conferred by article 6, section 1, upon the Legislature to establish courts necessarily conveys power

to define their jurisdiction and to transfer jurisdiction from existing courts . . . to the newly created court" and "[i]t has been common practice in the legislative history of the state to transfer jurisdiction from existing courts to special courts established to meet changed conditions produced by concentration of population and of business.")). The Tennessee Constitution gives the General Assembly the authority to allocate judicial powers and jurisdiction with regard to inferior courts. *Rains v. Rains*, 428 S.W.2d 650, 655 (Tenn. Ct. App. 1968). The Legislature has discretion to create new courts, to transfer to one court jurisdiction formerly exercised by another court, to determine how many and what kind of courts are required for the administration of justice, and to fix the limit of their jurisdiction. *Gouge v. McInturff*, 90 SW.2d 753 (Tenn. 1935) (article VI, section 1, of the Constitution confers on the Legislature the power to establish inferior courts and to prescribe and define the jurisdiction of those courts); *State ex rel. Ward v. Murrell*, 90 S.W.2d 945 (Tenn. 1935).

In particular, article VI, § 8 of the Tennessee Constitution reserves to the Legislature power to alter the jurisdiction of the courts that the Legislature establishes and as a matter of course to enlarge or diminish that jurisdiction. *Hodge v. State*, 188 S.W. 203 (Tenn. 1916). The jurisdiction of the inferior courts may be increased or diminished by statute. *Ramsey v. Temple*, 71 Tenn. 252 (1879). The General Assembly is permitted to alter the jurisdiction of inferior courts. *Moore v. Love*, 107 S.W.2d 982 (Tenn. 1936).

"Inferior courts" are courts that are inferior to the Tennessee Supreme Court. *Hodge v. State*, 188 S.W. 203 (Tenn. 1916). A city (municipal) court and a county court that are established by the Legislature are "inferior courts" within the scope of article VI, § 1. *See Ely v. Deroyal Indus.*, 2005 Tenn. Lexis 383 at *17(Tenn. 2005); *Duncan v. Rhea County*, 287 S.W.2d 26, 28 (Tenn. 1955); *see also* Tenn. Code Ann. § 16-17-101 and §§ 16-17-301 through 302.

When the court over which a judge presides is abolished by a valid legislative enactment, his office is abolished and extinguished and his salary ceases. Unless a court is protected by the constitution, the Legislature may redistribute the business of that court or abolish it, which operates to vacate the office of the judge who presided over it. *Duncan v. Rhea County*, 287 S.W.2d 26, 28 (Tenn. 1955).

Accordingly, assuming the Dickson City Court is a court established by the General Assembly, the General Assembly has the authority to reduce the jurisdiction of the Dickson City Court by eliminating its concurrent jurisdiction with the General Sessions Court of Dickson County in criminal cases. The General Assembly has the discretion to do so during the term of office of the duly elected Dickson City Judge.

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