

HOUSE BILL 1543

By Curcio

AN ACT to amend Chapter 274 of the Private Acts of 1924; as amended by Chapter 33 of the Private Acts of 1973; Chapter 145 of the Private Acts of 1977; Chapter 160 of the Private Acts of 2000 and Chapter 16 of the Private Acts of 2017; and any other acts amendatory thereto, relative to the municipal court of the City of Dickson.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 3.05 of Chapter 274 of the Private Acts of 1924, as amended by Chapter 33 of the Private Acts of 1973, Chapter 145 of the Private Acts of 1977, Chapter 160 of the Private Acts of 2000, Chapter 16 of the Private Acts of 2017, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Section 3.05. CITY COURT.

(a) A City Court is created to be administered and presided over by a City Judge. The City Judge may not concurrently hold any other office or employment with the City.

(b) The City Court possesses jurisdiction in and over cases for violation of the laws and ordinances of the City and arising under the laws and ordinances of the City. The City Court also possesses jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute if, and only if, the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00).

(c) The appointment, qualifications, term and salary of the City Judge shall be as fixed by ordinance of the legislative body of the City. The City Judge

shall comply with the continuing education requirements specified in Tennessee Code Annotated, Section 16-18-309.

(d) The City Judge is authorized to administer oaths.

(e) Contempt of the City Court shall be punishable by fine in the amount of fifty dollars (\$50.00), or such lesser amount as may be imposed in the City Judge's discretion.

(f) Any person dissatisfied with the judgment of a municipal court, in any case or cases heard and determined by the court acting pursuant to subsection (b), may, within ten (10) days thereafter, Sundays exclusive, appeal to the circuit court of the county, upon giving bond in the amount of two hundred fifty dollars (\$250) for the person's appearance and the faithful prosecution of the appeal.

(g) At all times there shall be a person elected, appointed or otherwise designated to serve as clerk of the City Court. The manner of the election, appointment or designation of the clerk of the City Court shall be as fixed by the legislative body of the City by ordinance. Immediately upon each such election, appointment or designation, the chief administrative officer of the City shall promptly certify the results of the election, appointment or designation to the administrative office of the courts and shall supply such additional information concerning the clerk as required by the administrative director. The clerk of the City Court shall maintain an accurate and detailed record and summary report of all financial transactions and affairs of the court. The record and report shall accurately reflect all disposed cases, assessments, collections, suspensions, waivers and transmittals of litigation taxes, court costs, forfeitures, fines, fees and any other receipts and disbursements. An audit of the financial records and transactions of the City Court shall be made each year as part of any audit performed pursuant to Tennessee Code Annotated, Section 6-56-101 or 6-56-105.

(h) If the City Judge is unable to preside over the City Court for any reason, then a special substitute City Judge shall be determined pursuant to an

ordinance of the legislative body of the City. In the absence of such an ordinance, then the City Judge may designate in writing, to be filed with the clerk of the City Court, the name of a special substitute judge to hold court in the City Judge's place and stead. The special substitute judge must meet the qualifications of the City Judge and the special substitute judge shall take the same oath and have the same authority as the regular City Judge to hold court for the occasion. Such appointment of a special substitute judge is effective for no more than thirty (30) days, after which a new appointment is required.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Dickson. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.