

2016 AOC Legislative Package Bills

SB1696/HB1829 - Terminates the state law library commission.

- Public Chapter 619
- Effective 3/22/16
- Sponsors – Sen. Mike Bell and Rep. Jeremy Faison
- Terminates the State Law Library Commission, with no subsequent wind-down period. Transfers administrative authority for control and supervision of existing state law libraries in Nashville, Knoxville, and Jackson to the AOC.
- Due to budget cuts, the Nashville and Jackson Law Libraries were closed to the public. The Knoxville Law Library remains open to the public but for limited hours each week.
- With the use of online resources by the judiciary and others, the need for law libraries decreased.
- In requesting that the Commission be sunset, the AOC is promoting government efficiency. The State Law Library Commission is simply no longer needed. There are no future plans to reopen the law libraries to the public or increase the number of law books that are updated and maintained.

SB1781/HB1734 - Supreme Court - application for interlocutory or extraordinary appeal.

- Public Chapter 755
- Effective 4/12/16
- Sponsors – Sen. John Stevens and Rep. Mike Carter
- Authorizes the Tennessee Supreme Court, upon its own motion, to assume jurisdiction over an undecided case in which an application for interlocutory or application of extraordinary appeal has been filed with an intermediate state appellate court.
- Before the new law, the Tennessee Supreme Court has the ability to, upon its own motion, assume jurisdiction (take to review) a case filed for appeal under TRAP 3 (appeals as of right after a final judgement is entered by the trial court).
- Also, prior to the new law, the statute in 16-3-201(d)(1) allowed the TSC to assume jurisdiction over TRAP 9 and 10s upon the motion of ANY PARTY – this remains in the statute.
- The new law allows the TSC the same jurisdictional ability (upon its own motion) for TRAP 9 (interlocutory appeals) and TRAP 10 (extraordinary appeals).
- TRAP 9 and 10s stop a case in the middle of the trial proceedings for resolution of the issue appealed from (often constitutional law rulings, i.e. separation of power arguments, etc.); once resolved (or appellate courts refuse to grant permission to appeal), the case returns to the trial court and continues for final disposition.
- This change is for judicial efficiency – the TSC already has the ability to “reach down” on its own motion and assume jurisdiction for review of an appeal filed under TRAP 3 (final dispositions); however, the same is not currently allowed for TRAP 9 and 10s, which are almost always of a time-sensitive nature and raise issues of constitutional importance.

SB1998/HB1857 - Charging of transaction fee for electronic filings and signings.

- Public Chapter 970
- Effective 4/27/16
- Sponsors – Sen. Bill Ketron and Rep. Dawn White
- This legislation amends the fee options for electronic filing of court documents in civil courts to allow for counties to implement electronic filing in civil trial courts.
- Allows for a subscription fee (providing a max amount of \$300 per year) OR a transaction fee (pay per item - \$5 per document with a max amount of \$50 per case) so that those who use the system all of the time may opt to pay the yearly fee for unlimited documents, but those who only file one case (such as self-represented litigants) may pay a small fee for filing that one document.
- As noted, the language imposes maximum amounts that can be charged in either the subscription fee or transaction fee option. Counties will have the flexibility to contract at any price under those ceiling amounts.
- E-filing remains permissive and is not being mandated on parties by this legislation. Parties may still paper-file their court documents.
- The new law is a step toward modernizing the TN court system by giving civil trial courts the ability to implement electronic filing. Davidson, Hamilton, and Rutherford Counties already have started the process to make electronic filing available in their civil trial courts.

SB2022/HB1791 - Supreme Court to set appellate court costs and fees.


- Public Chapter 721
- Effective 7/1/16
- Sponsors – Sen. Brian Kelsey and Rep. Jon Lundberg
- The new statutory language allows the Tennessee Supreme Court, either through Order or Rule, to set all filing costs, fees, charges, and surcharges for documents filed in the appellate courts.
- The appellate court clerk must inform the appropriate legislative committees (by filing a copy of the order or rule) of any changes the TSC makes in the fee structure.
- Allowing the TSC the ability to change the fee structure is essential for the implementation of e-filing in the appellate courts.
- Prior to the change, the statute only allowed for individual charges, all of which add up to create the total cost of filing a case at the appellate level and that total cost is billed to the party at the end of the process - e-filing cannot be implemented with that fee structure.
- The purpose of this legislation is to simplify and modernize the appellate court case filing process.
- On June 29, 2016, the TSC entered an order keeping the fee structure previously authorized in effect until the appellate court e-filing system is ready to be launched (which is currently in the development process). At that time, the TSC will issue a new order amending the fee structure.

SB2072/HB1903 - Sealing of rights in termination of parental rights case.


- Public Chapter 659
- Effective Date 7/1/16
- Sponsors – Sen. Doug Overbey and Rep. John Mark Windle
- Requires all pleadings and records in termination of parental rights cases filed in the chancery and circuit courts to be placed under seal and not subject to public disclosure, in the same manner as those filed in juvenile court, unless otherwise provided by court order.
- The new law keeps the information of minor children confidential, closing a previous loophole in the law and bringing consistency to all TPR cases.

CIP Bills that Relate to the Rules of Juvenile Procedure Overhaul


SB2571 / HB1812 Changes to the procedure for appeals from juvenile court.

Sponsors	Sen. Mark S. Norris / Rep. William G. Lamberth
Description	Makes several revisions to the procedure for appeals from juvenile court, including stating the requirements for an interlocutory appeal of order granting or denying a motion to suppress the use of evidence in a transfer hearing. Requires the juvenile court, in determining whether to grant permission for an interlocutory appeal, to consider the likelihood of irreparable injury to the state if the evidence is excluded or to the defendant if the evidence is admitted. Specifies that the criminal court or the circuit court shall have jurisdiction over the interlocutory appeal.
Amendment	Senate amendment 1 (012770) deletes Section 3 of the bill which provided for interlocutory appeals in juvenile transfer matters, but only from an order granting or denying a motion to suppress the use of evidence in a transfer hearing.
Executive Status	03/28/2016 - Enacted as Public Chapter 0637 effective July 1, 2016.
Public Chapter	 PC637
Effective Date	07/01/2016


SB2572 / HB1889 Provisions regarding juvenile cases heard by magistrates.

Sponsors	Sen. Mark S. Norris / Rep. John J. Deberry Jr.
Description	Revises provisions regarding juvenile court magistrates to require them to file an order upon the conclusion of a hearing and to inform each party of the right to a hearing, the time limits within which to request a hearing, and guidelines for such a request. Extends the time period in which a party may request a hearing from five to ten days. Imposes a ten-day limit on the juvenile judge's authority to order a hearing after entry of the magistrate's order. Removes the requirement for an order of confirmation of a magistrate's order recommending termination of parental rights.
Amendment	Senate Amendment 1 (012274) amends the language in Section 1(d) to reflect that any party may request a de novo hearing, and amends the language in Section 2(c) by adding the word "court" before the word "judge."
Executive Status	04/25/2016 - Enacted as Public Chapter 0716 effective July 1, 2016.
Public Chapter	 PC716
Effective Date	07/01/2016


SB2573 / HB1890 Juvenile court procedure - summons in proceeding.

Sponsors	Sen. Mark S. Norris / Rep. John J. Deberry Jr.
Description	After a petition is filed in juvenile court, present law requires the court to fix a time for a hearing on the petition and direct the issuance of a summons to the legal parents, guardian or other custodian, guardian ad litem, and any other persons as appear to the court to be proper or necessary parties to the proceeding, requiring them to appear before the court at the time fixed to answer the allegations of the petition. The summons must also be directed to the child if the child is 14 years of age or more or is alleged to be a delinquent or unruly child. The summons must also be directed to any persons, other than the legal father, alleged to be the biological father of the child and whose parental rights have not been terminated, if the child is alleged to be a dependent and neglected or abused child. This bill instead requires the clerk to schedule the hearing and issue summons to the parties. This bill deletes present law requirements concerning the timing of service depending on whether the party sought to be served is within the state or without the state, and whether the party can be found. This bill retains the present law provision that authorizes service by publication if a party cannot be found, or a party's post office address cannot be ascertained, after reasonable effort.
Amendment	Senate Amendment 1 (012275) removes the language "post office" in Section 5(a) and replaces it with "postal."
Executive Status	04/25/2016 - Enacted as Public Chapter 0717 effective July 1, 2016.
Public Chapter	 PC717
Effective Date	07/01/2016

SB2574 / HB2495 Pretrial or judicial diversion of juveniles.

Sponsors	Sen. Mark S. Norris / Rep. Raumesh Akbari
Description	Adds "contributing to the dependency of a minor" to the juvenile court's jurisdiction with the general sessions court. Also amends juvenile court procedural requirements; grants statutory authority for pretrial or judicial diversion of juveniles.
Executive Status	03/21/2016 - Enacted as Public Chapter 0600 effective July 1, 2016.
Public Chapter	 PC600
Effective Date	07/01/2016

SB2575 / HB2494 Revises various provisions regarding juvenile court proceedings.

Sponsors	Sen. Mark S. Norris / Rep. Raumesh Akbari
Description	Revises various provisions regarding juvenile court proceedings, including adding requirements to a juvenile court petition and adding commencement of a proceeding by filing a citation.
Amendment	House Amendment 1 (012061) amends the statute to make proper reference to the updated statute numbers. Adds that commencement of proceedings in juvenile court may occur by issuance of a citation as authorized by law.
Executive Status	03/21/2016 - Enacted as Public Chapter 0598 effective July 1, 2016.
Public Chapter	 PC598
Effective Date	07/01/2016