



Presentation by
Aaron J. Conklin
November 1, 2014

Municipal Court Jurisdiction and Powers

Municipal Court Jurisdiction

- Tenn. Code Ann. §16-18-302
 - Violation of municipal ordinances
 - Arising under municipal ordinances
 - Mirrors language of state criminal statute, IF AND ONLY IF, said statute is punishable as a Class C Misdemeanor and max penalty under ordinance is a civil fine of not more than \$50
 - Handicap parking
 - Move Over law

Municipal Court Jurisdiction (continued)

- For municipalities over 150,000
 - Chattanooga, Knoxville, Memphis, Nashville
 - Only others close – Clarksville (132,000), Murfreesboro (109,000)
- Additional state criminal statutes, A and B Misdemeanors
 - Underage purchase, consumption or possession of alcoholic beverages (A Misd.)
 - Reckless driving (B Misd.)

Municipal Court Jurisdiction (continued)

- Cities over 150,000 continued
 - Driving without a valid license (B Misd. via TCA § 55-50-603)
 - TCA § 55-50-301 (driving w/o valid license)
 - TCA § 55-50-351 (driving w/o license on person)
- Concurrent GS jurisdiction – exercise if had it prior to May 2003 or if conferred via procedure
- Juvenile Court waiver
- *City of Knoxville v. Brown* - red light camera

Municipal Court Jurisdiction (continued)

- What power isn't found in statute
 - Power to impose a fine more than \$50
 - Waiver is possible, but not likely
 - Power to incarcerate for ordinance violations
 - Power to order community service
 - Some courts have done this for some time
 - No authority granted by statute or case law to order
 - If ordering, discontinue

Contempt Powers

- Tenn. Code Ann. § 16-18-306 - Contempt of court - \$50.00 – NO INCARCERATION

Concurrent GS Jurisdiction

- Tenn. Code Ann. § 16-18-311
 - Process makes it nearly impossibility to obtain
 - City council must vote to seek jurisdiction
 - City notifies county by petition which must include a plan for provision of services and compliance with laws concerning GS operations
 - Feasibility study committee comprised of both city and county representatives
 - Committee determines need and impact and reports findings: GS needed in county, or city or not needed

Concurrent GS Jurisdiction (continued)

- If need is determined, report to appropriate legislative committees and file legislation
- Must be approved by Senate Judiciary and House Civil Justice Committees (normal part of the legislative process for public acts)
- GS courts in general are often created by private act. See AG Opinion concerning compliance with legislative process

Substitute judge

- Tenn. Code Ann. §16-18-312 -Interchange
 - Where a municipal court judge must be absent or has a conflict:
 - Another municipal judge may sit by interchange
 - A general sessions judge may sit by interchange
 - Enter an order designating interchange by case for a conflict, or by docket when absent
- NOTE – no other designated procedure for substitute judge

QUESTIONS?

Aaron J. Conklin

ajconklin.law@gmail.com

615-768-9113