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Chapter V - Court System

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Chapter V - Court System

General Sessions Court

Juvenile Jurisdiction

Private Acts of 1982 Chapter 240

SECTION 1. Effective September 1, 1982, the Court of General Sessions of Houston County shall exercise, in addition to the same jurisdiction as is conferred by law upon the courts of general sessions, exclusive juvenile jurisdiction. When exercising such jurisdiction, the general sessions judge shall have all jurisdiction, authority, powers and duties conferred or imposed by Tennessee Code Annotated, Title 37 or any other law relating to the disposition of juveniles.

SECTION 2. Effective September 1, 1982, any person or court exercising jurisdiction conferred upon the Court of General Sessions by the provisions of this act shall be divested of such jurisdiction. All matters within the jurisdiction of the General Sessions Court created by this act, except those matters which have been heard and taken under advisement, shall be transferred to such General Sessions Court at the close of business on the day preceding the day such court is created. On such date, all official books, records and other documents pertaining to a matter within the jurisdiction of the General Sessions Court shall be delivered to such court.

SECTION 3. At the August general election in 1982, and every eight (8) years thereafter, a person shall be elected as General Sessions judge for a term of eight years by the qualified voters of Houston County. Such person shall possess all of the qualifications required for judges of inferior courts and shall be licensed to practice law in this state. Such Judge shall have the same authority, powers and duties provided by law for judges of Courts of General Sessions.

SECTION 4. (a) The compensation of the judge of the Court of General Sessions of Houston County shall be in the same amount as provided by law and a supplement of four thousand seven hundred dollars (\$4,700) a year for compensation for service as the judge exercising juvenile jurisdiction. The compensation shall be payable in equal monthly installments from county funds appropriated for such purpose.

(b) Beginning September 1, 1982, the compensation supplement of such judge shall be the amount fixed in subsection (a) of this section adjusted to reflect the percentage of change in the consumer price index between that of the calendar year 1981 and the calendar year next preceding September 1 of the year for which the salaries are to be paid. The adjustments shall occur on September 1, 1983, and on September 1 of every year thereafter for the ensuing year commencing September 1. As used in this subsection "consumer price index" shall mean the consumer price index (all items--United States city average) as published by the United States Department of Labor, Bureau of Labor Statistics. Provided, however, the amount of adjustment authorized by this subsection shall not exceed seven percent (7%) for a given year. As amended by: Private Acts of 1982, Chapter 365

SECTION 5. This act shall not be construed to prohibit the judge of the Court of General Sessions of Houston County from the private practice of law except that the judge shall be prohibited from practicing law in any matter over which the Court of General Sessions of Houston County may exercise jurisdiction.

SECTION 6. The Circuit Court Clerk shall be the Clerk of the General Sessions Court as established by this act. Such clerk shall keep separate records, dockets, minutes books and rule dockets for all general sessions matters and all juvenile matters within the jurisdiction of the sessions court. The Circuit Court Clerk shall be empowered to designate one (1) or more employees as deputies from time to time to be deputy clerk for juvenile matters. The Circuit Court Clerk shall also be authorized to issue warrants, petitions, and other process and notices, as necessary.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Houston County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 8. 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 upon being approved as provided in Section 7.

Passed: March 11, 1982

Court System - Historical Notes

Board of Jury Commissioners - Jurors

The following acts once affected jurors or boards of jury commissioners in Houston County, but are no longer operative.

1. Private Acts of 1939, Chapter 433, established a grand jury system for Houston County. It was abolished by the Private Acts of 1941, Chapter 382.
2. Private Acts of 1953, Chapter 161, created a Board of Jury Commissioners in Houston County.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Houston County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Acts of 1903, Chapter 277, set the time for holding Chancery Court on the second Mondays in January and July.
2. Acts of 1905, Chapter 286, changed the time for holding Chancery Court to the first Mondays in June and December.
3. Private Acts of 1919, Chapter 455, set the time for holding Chancery Court to the third Mondays in April and October.
4. Private Acts of 1927, Chapter 729, set the salary of the Clerk and Master of the Chancery Court at \$500 per year and required that an annual statement be filed with the County Judge, listing all the fees paid into that office during the year. This was amended by Private Acts of 1947, Chapter 732, to raise the annual salary to \$850 per year.
5. Private Acts of 1941, Chapter 27, created the office of County Judge in Houston county and provided for his duties, compensation and tenure of office.

Circuit Court

1. The following acts were once applicable to the circuit court of Houston County but now have no effect, having been repealed, superseded, or having failed to win local approval.
2. Acts of 1870-71, Chapter 75, provided that the Criminal Court Judge of Montgomery County was to hold Circuit Court in Houston County.
3. Acts of 1877, Chapter 166, authorized the Judge of the Tenth Judicial Circuit to hold court in Houston County.
4. Acts of 1903, Chapter 29, set the time for holding Circuit Court in Houston County on the third Mondays in March, July and November. This was amended by Acts of 1909, Chapter 329, to change the time to the fourth Mondays in March, July and November.
5. Private Acts of 1947, Chapter 731, set the salary of the Circuit Court Clerk between \$900.00 and \$1,200.00 per year.
6. Public Acts of 1971, Chapter 56, created the office of Assistant District Attorney General for the Twenty-first Judicial Circuit.
7. Public Acts of 1971, Chapter 277, empowered the judge of the Twenty-first judicial circuit to employ and appoint a suitable and qualified person as secretary.
8. Public Acts of 1972, Chapter 781, created an additional office of full-time Assistant District Attorney General for the Twenty-first Judicial Circuit.
9. Public Acts of 1974, Chapter 527, created an additional Assistant District Attorney General to the District Attorney General for the Twenty-first Judicial Circuit of the State of Tennessee.
10. Public Acts of 1976, Chapter 519, created an additional office of full-time Assistant District Attorney General for the Twenty-first Judicial Circuit.
11. Public Acts of 1976, Chapter 655, created the office of an additional Circuit Judge for the Twenty-first Judicial Circuit. This act was amended by Public Acts of 1978, Chapter 800

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