

HOUSE BILL 3989

By Tidwell

AN ACT to amend Chapter 669 of the Private Acts of 1951; as amended by Chapter 386 of the Private Acts of 1953; Chapter 138 of the Private Acts of 1959, Chapter 207 of the Private Acts of 1984; and any other acts amendatory thereto, relative to the municipal court of the city of McEwen.

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

SECTION 1. Section 12, relative to the creation of the municipal court, of Chapter 669 of the Private Acts of 1951, as amended by Chapter 386 of the Private Acts of 1953, Chapter 138 of the Private Acts of 1959, Chapter 207 of the Private Acts of 1984, and any other acts amendatory thereto, is further amended to read as follows:

Section 12.

(a) There is created a municipal court for the City of McEwen, Tennessee, to be known as the "Municipal Court of the City of McEwen, Tennessee." Such court shall be presided over by a City Judge who shall be elected as provided in this Section 12.

(b) The Municipal Court shall have power and jurisdiction:

(1) To hear, determine and punish violations of the penal ordinances of the municipality and on conviction thereof to impose fines not to exceed fifty dollars (\$50.00) for each such violation and to assess uniform costs and litigation taxes from time to time established by the Board of Mayor and Alderman and by general law.

(2) To hear, determine and punish violations of the criminal laws of the State of Tennessee for offenses occurring within the corporate limits of the municipality concurrent with the power and jurisdiction of the Court of General Sessions of Humphreys County, Tennessee.

(3) To issue all writs, orders, *pracepie*, and other process commensurate with and in aid of its jurisdiction and in the case of violations of the municipal ordinances to issue the same in the name of the municipality and in the case of violations of the criminal laws to issue the same in the name of the State.

(4) To punish contumacious conduct in its presence and to punish those who otherwise willfully disobey its writs and orders as provided in the general laws for contempt of court.

(c) The City Judge shall hold sessions of the Municipal Court on such days and times necessary to promptly dispatch all business that comes before the Municipal Court. All sessions of the Municipal Court shall be held in the City Hall in McEwen, Tennessee, unless facilities therefor are from time to time otherwise provided by the Board of Mayor and Aldermen.

(d) The City Judge shall perform all clerical functions of the Municipal Court and is authorized to designate any other officer or employee of the City to assist in administration of such clerical duties. The City Judge shall keep and maintain dockets of all cases coming before the Municipal Court and shall enter thereon all cases and final dispositions thereof. All reports and remittances of fines, costs and litigation taxes required by law shall issue in the name of and on certification of the City Judge. The City Judge shall promptly transmit to the Clerk of the Circuit Court sitting at Waverly the original papers on all cases lawfully bound over for action by the Grand Jury or in those cases from which its judgments and orders are appealed.

(e) Appeals from final judgments and orders of the Municipal Court shall lie *de novo* to the Circuit Court sitting at Waverly as provided by the general laws for appeals from final judgments and orders of the General Sessions Court of Humphreys County, Tennessee.

(f) The City Judge shall be not less than thirty (30) years of age at time of election and shall be elected for a term of eight (8) years by the registered voters residing within the municipal corporation. Such elections shall be held at the time County General Elections are held for the election of State and county judges. The City

Judge shall be licensed to practice law in the State of Tennessee and shall reside in Humphreys County, Tennessee at the time of election and continuously during incumbency. When the office of City Judge becomes vacant the Board of Mayor and Aldermen shall elect a qualified person to fill the position of City Judge to serve until the same is filled by the voters at the next biennial County General Election occurring after such vacancy exists.

(g) Compensation of the City Judge shall be determined by and paid in monthly installments from annual appropriations by the Board of Mayor and Aldermen; provided, however, such compensation shall not be increased or diminished during the term of the City Judge.

(h) Subject to appropriations made therefor by the Board of Mayor and Aldermen the City Judge may appoint one (1) or more judicial commissioners who shall be not less than twenty five (25) years of age and resident of Humphreys County, Tennessee, who shall be empowered to issue arrest warrants and criminal summonses upon finding of probable cause returnable to the Municipal Court; to set appearance bonds and recognizance for appearance by those charged before the Municipal Court; and to issue orders of *mittimus* committing those charged to the County Jail who shall be unable to make bond or to otherwise secure their appearances.

SECTION 2. This act shall have no effect unless approved by two- thirds (2/3) vote of the Board of Mayor and Alderman of the City. The approval or disapproval shall be proclaimed by the Mayor and certified to the Secretary of State.

SECTION 3. For the purpose of adoption of this act it shall take effect immediately from and after its passage, the public welfare requiring it. For all other purposes it shall become effective when approved as provided in Section 2.