

HOUSE BILL 1889

By DeBerry

AN ACT to amend Tennessee Code Annotated, Section 36-1-102 and Section 37-1-107, relative to magistrates.

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

SECTION 1. Tennessee Code Annotated Section 37-1-107, is amended by deleting the existing subsections (b)-(g) in their entireties and substituting instead the following:

(b) The judge may direct that any case or class of cases over which the juvenile court has jurisdiction shall be heard in the first instance by the magistrate. These cases shall be conducted in the same manner as cases heard by the judge. In the conduct of the proceedings, the magistrate shall have the powers of a judge and shall have the same authority as the judge to issue any and all process.

(c) Upon the conclusion of the hearing, the magistrate shall file an order. The magistrate shall also inform each party of the right to a hearing before the juvenile court judge, of the time limits within which a request for a hearing must be perfected, and of the manner in which to perfect the request.

(d) Any party may, within ten (10) days after entry of the magistrate's order, file a request with the court for a hearing by the judge of the juvenile court. The judge shall allow a hearing if a request for hearing is filed. No later than ten (10) days after the entry of the magistrate's order, the judge may, on the judge's own initiative, order a hearing of any matter heard before a magistrate. There shall be no hearing in any delinquent or unruly case in which the petition is dismissed by the magistrate after a hearing on the merits. Unless the judge orders otherwise, the order of the magistrate shall be the order of the court pending the hearing.

(e) If no hearing before the judge is requested, or if the right to the hearing is expressly waived by all parties within the specified time period, the magistrate's order becomes the order of the court. A party may appeal the order pursuant to § 37-1-159.

(f) Any hearing by a magistrate on any preliminary matter shall be final and not reviewable by the judge of the juvenile court, except on the court's own initiative. The setting of bond in detention hearings and any matter that is a final adjudication of a child shall not be construed to be preliminary matters under this section and are reviewable by the judge of the juvenile court upon request or upon the court's own initiative, except as provided in this section.

(g) All parties to the hearing before the magistrate shall be parties to a de novo hearing before the judge.

SECTION 2. Tennessee Code Annotated Section 36-1-102(16)(C), is amended by deleting the subdivision in its entirety and substituting instead the following:

(C) A juvenile court magistrate, appointed by the juvenile judge pursuant to title 37, shall have authority to take a surrender of a child and to take a revocation of such surrender;

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it.