



Municipal Court Costs

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

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 municipal 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 MTAS website material.

Sincerely,

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Municipal Court Costs

Reference Number: MTAS-1431

Court costs must be prescribed by charter or ordinance. One dollar of this amount must be forwarded by the clerk to the state treasurer to pay for training for city judges and city court clerks. T.C.A. § 16-18-304. [6]

Note:

[6] A state litigation tax of \$13.75 applies to each case in municipal courts. T.C.A. § 16-18-305. A municipality may levy an equivalent local litigation tax.

Court Costs: E-Citations

Reference Number: MTAS-1976

Electronic Citation Fee Authorized: Adopt Ordinance to Collect \$5.00 Fee for Five Years

Cities may adopt ordinances by majority vote of the legislative body to collect a \$5.00 fee for both written and electronic citations prepared by a law enforcement officer, according to TCA § 55-10-207. However, once a city adopts such a fee, the ability to collect it must sunset five years from the ordinance's adoption. MTAS has created an applicable sample ordinance [1] for your use.

Replicas of citation data included in an electronic citation must be sent by electronic transmission within three days of the issuance of the citation to a court with jurisdiction over the alleged offense. A \$5.00 fee is assessable as court costs and must be paid by the defendant for any offense cited in a traffic citation that results in a plea of guilty or no contest, or a judgment of guilty. The electronic citation must contain the same information as required under present law, and the person issued a citation will continue to be provided with a paper copy of the citation. [1] This fee shall be *in addition to* all other fees, taxes and charges, so cities should amend their current court cost code section to add this provision.

The \$5.00 fee received must be apportioned as follows:

- (1) \$1.00 of such fee will be retained by the court clerk; and
- (2) \$4.00 of such fee will be transmitted on a monthly basis by the court clerk to the law enforcement agency that prepared the traffic citation that resulted in a plea of guilty, or nolo contendere, or a guilty judgment.

The law enforcement portion shall be accounted for in a special revenue fund of said law enforcement agency and may be used only for the following purposes:

- (1) Electronic citation system and program related expenditures; and
- (2) Related expenditures by the local law enforcement agency for technology, equipment, repairs, replacement and training to maintain electronic citation programs.

However, the clerk's portion shall be used for computer hardware purchases, usual and necessary computer related expenses, or replacement, and may not revert to the general fund at the end of a budget year if unexpended.

[1] See also, citation requirements under T.C.A. §7-63-101 and § 55-10-207(i); *Guidi v. City of Memphis*, 263 S.W.2d 532 (A citation is sufficient if "the accused be given reasonable notice of the nature of the ordinance alleged to have been violated".); *City of La Vergne v. LeQuire*, 2016 WL 6124117; *City of Church Hill v. Elliott*, 2017 WL 2591371 (Tenn. Crim. App. June 15, 2017). AG Opinion on electronic citations, Tenn.Op.Atty.Gen.No. 16-26 (7/22/16), 2016 WL 4055458.

Sample Court Cost and Local Litigation Tax Ordinance

Reference Number: MTAS-2130

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH REASONABLE COURT COSTS AND LEVY A LOCAL LITIGATION TAX.

WHEREAS, Tennessee Code Annotated § 16-18-304 allows cities to set and collect reasonable municipal court costs and Tennessee Code Annotated § 67-4-601 allows cities to levy and collect local litigation taxes;

WHEREAS, the City of _____ has determined that it is the best interest of the City to set court costs and levy a local litigation tax;

NOW, therefore, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF _____, TENNESSEE, THAT:

Section 1.

In all cases heard and determined by him or her, the city judge shall impose court costs in the amount of \$ _____. One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks. In addition, the court shall levy a local litigation tax in the amount of thirteen dollars and seventy five cents (\$13.75) in all cases in which the state litigation tax is levied.

Section 2. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed 1st reading, _____, 2019.

Passed 2nd reading, _____, 2019.

Mayor

Recorder

Links:

[1] <http://www.mtas.tennessee.edu/reference/sample-ordinance-adding-e-citation-court-cost>

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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Municipal Technical Advisory Service
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