

Failure to Appear in Court for Other Violations

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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Failure to appear in court may be treated as contempt of court. Under Tennessee law, a municipal court has the power, as do other courts, to punish for contempt of court. The Municipal Court Reform Act provides that contempt of court is punishable by a fine in an amount not exceeding \$50. T.C.A. § 16-18-306.

As stated earlier, municipal courts are civil in nature, and municipal court cases are somewhat like lawsuits. When a defendant fails to appear in court, whether or not the judge finds the defendant guilty of contempt, a judgment is entered against the defendant by default. The defendant may still appeal the default judgment to circuit court within 10 days by posting a bond in the amount of \$250. T.C.A. § 16-18-307. After 10 days, the defendant has no right to challenge the original charge. By failing to appear, he or she has essentially lost the case.

Cities may adopt ordinances making failure to appear a separate ordinance violation. If a city has such an ordinance, a new citation, which may be served personally or by certified mail, may be issued when the defendant fails to appear. The defendant is entitled to a hearing on the failure to appear charge before the \$50 fine is assessed. In those situations, the defendant has a separate citation pending in the court to which court costs and litigation taxes may attach.

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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