

## TITLE 3

### MUNICIPAL COURT<sup>1</sup>

#### CHAPTER

1. CITY COURT.
2. COURT ADMINISTRATION.
3. SUMMONSES AND CITATIONS.
4. COURT COSTS.

#### CHAPTER 1

#### CITY COURT

#### SECTION

- 3-101. City judge to open and hold city court.
- 3-102. City judge's powers.
- 3-103. City judge to suspend sentence and/or judgment.
- 3-104. Duties and powers of city judge.

**3-101. City judge to open and hold city court.** The city judge of the corporation shall open and hold court to be known as the city court for the trial of all persons arrested by the City of Lawrenceburg law enforcement department for the violation of any ordinance of the corporation. Such court shall be convened as necessary until all cases submitted for the investigation of the court shall be tried or otherwise disposed of. (1999 Code, § 3-101, modified)

**3-102. City judge's powers.** The city judge shall have and exercise all powers set out in Article XI of the Charter of the City of Lawrenceburg for the proper administration of justice in the city court. Said court shall be conducted in strict conformity with the rules and regulations as set forth in Article XI of the charter prescribing the conduct of the city judge's court. (1999 Code, § 3-102, modified)

**3-103. City judge to suspend sentence and/or judgement.** (1) The City Judge of the City of Lawrenceburg, Tennessee, be and is hereby authorized and empowered to suspend sentence, and/or judgment and to suspend execution of judgements against defendants who plead guilty to misdemeanors; and to make such suspension in whole or in part, or suspend the amount of fine upon payment of cost - all this in his discretion.

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<sup>1</sup>Charter reference

City court: art. XI.

(2) The city judge shall, in cases hereinbefore mentioned, pronounce judgment against the defendant or defendants, which judgment shall be entered upon minutes of the city judge's court; and if the city judge elects to suspend such sentence and/or judgment, the fact of such suspension shall likewise be noted upon the minutes of his court.

(3) The city judge may suspend such sentence and/or judgment immediately upon rendering it, or suspend any part of the fine and cost after the defendant has served part of his time in the county jail.

(4) If at any time within 12 months after such suspension it shall come to the city judge's knowledge that such defendant or defendants whose sentence or judgment has been suspended, have violated any or been guilty of the breach of either or any of the ordinances of the City of Lawrenceburg, he shall have the power in his discretion to issue an order or warrant against such defendant or defendants and have them brought before him for trial on the charge of violating any such ordinance; and if after a hearing on such charge, or on any charge made by a city law enforcement officer, the city judge finds such defendant guilty, the city judge shall have the right, in his discretion, to revoke such suspension and so enter same on his minutes or city judge's docket, and collect such fine and cost as was originally rendered against such defendant, take security in the regular way, and in default of payment or security, commit such defendant to the county jail, in as full and complete a manner as he could have done before such suspension. (1999 Code, § 3-103, modified)

**3-104. Duties and powers of city judge.**<sup>1</sup> The city judge shall try all persons charged with violation of the ordinances of the city. He shall have the power to levy fines, penalties and forfeitures, not exceeding the maximum set by state law, for each offense and to impose such costs as the Board of Mayor and Council may by ordinance provide, to issue all necessary process, to administer oaths, and to punish for contempt. (1999 Code, § 3-104, modified, and amended by Ord. #1091, March 2012)

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<sup>1</sup>Charter references

Compensation: art. XI, § A.

Duties and powers: art. XI, § B.

Qualifications, etc.: art. XI, § A.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket and other court rules.

3-202. Disturbance of proceedings.

**3-201. Maintenance of docket and other court rules.**<sup>1</sup> The city judge or his designee shall keep a docket. The Board of Mayor and Council may, by ordinance, require such other records, fix the time for holding court, and provide such other rules and regulations for the proper functioning of the court as deemed necessary. (1999 Code, § 3-201, modified, and amended by Ord. #1091, March 2012)

**3-202. Disturbance of proceedings.** Any person who shall intentionally create a disturbance during the session of the city court by any loud noise, indecorous or blasphemous language or other disorderly conduct shall be guilty of a misdemeanor and subject to a fine that does not exceed the state authorized amount for municipalities (maximum set by state law), which shall be imposed by the city judge and from which there shall be no appeal, provided, however, the party so offending may give security for the fine as in other cases. In appropriate cases, incarceration may be ordered. (1999 Code, § 3-202, modified)

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<sup>1</sup>Charter references

Docket, etc.: art. XI, § D.

Jurisdiction: art. XI, § A.

## CHAPTER 3

### SUMMONSES AND CITATIONS

#### SECTION

3-301. Issuance of summonses.

3-302. Violations and penalty.

3-303. Use of citations in lieu of continued custody of an arrested person.

**3-301. Issuance of summonses.** It shall be unlawful for any person receiving a summons or citation to appear in the Lawrenceburg city court, not to appear to answer that summons or citation. (1999 Code, § 3-401, modified)

**3-302. Violations and penalty.** Any person or persons violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than the maximum set by state law together with costs for each offense. Incarceration may also be ordered. (1999 Code, § 3-402, modified)

**3-303. Use of citations in lieu of continued custody of an arrested person.** (1) As used in this section, unless the context otherwise requires:

(a) "Citation" means a written order issued by a peace officer requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. Such order shall require the signature of the person to whom it is issued;

(b) "Magistrate" means any state judicial officer, including the judge of a municipal court, having original trial jurisdiction over misdemeanors or felonies; and

(c) "Peace officer" means an officer, employee or agent of government who has a duty imposed by law to:

(i) Maintain public order;

(ii) Make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; and

(iii) Investigate the commission or suspected commission of offenses.

(2)(a) A peace officer who has arrested a person for the commission of a misdemeanor committed in his presence, or who has taken custody of a person arrested by a private person for the commission of a misdemeanor, shall issue a citation to such arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate. If the peace officer is serving an arrest warrant or capias issued by a magistrate for the commission of a misdemeanor, it is in the discretion of the issuing magistrate whether the person is to be arrested and taken into custody or arrested and issued a citation in accordance

with this section in lieu of continued custody. Each such warrant or capias shall specify the action to be taken by the serving peace officer who shall act accordingly.

- (b) If a person is arrested for:
  - (i) The offense of theft which formerly constituted shoplifting, in violation of § 39-14-103;
  - (ii) Issuance of bad checks, in violation of § 39-14-122;
  - (iii) Use of a revoked or suspended driver's license in violation of § 55-50-504, § 55-50-601 or § 55-50-602;
  - (iv) Assault or battery as those offenses are defined by common law, if the officer believes there is a reasonable likelihood that persons would be endangered by the arrested person if a citation were issued in lieu of continued physical custody of the defendant; or
  - (v) Prostitution, in violation of § 39-13-513, if the arresting party has knowledge of past conduct of the defendant in prostitution or has reasonable cause to believe that the defendant will attempt to engage in prostitution activities within a reasonable period of time if not arrested;

a peace officer may issue a citation to such arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate.

- (3) No citation shall be issued under the provisions of this section if:
  - (a) The person arrested requires medical examination or medical care, or if he is unable to care for his own safety;
  - (b) There is a reasonable likelihood that the offense would continue or resume, or that persons or property would be endangered by the arrested person;
  - (c) The person arrested cannot or will not offer satisfactory evidence of identification, including the providing of a field-administered fingerprint or thumbprint which a peace officer may require to be affixed to any citation;
  - (d) The prosecution of the offense for which the person was arrested, or of another offense, would thereby be jeopardized;
  - (e) A reasonable likelihood exists that the arrested person will fail to appear in court;
  - (f) The person demands to be taken immediately before a magistrate or refuses to sign the citation;
  - (g) The person arrested is so intoxicated that he could be a danger to himself or to others; and
  - (h) There are one (1) or more outstanding arrest warrants for the person.
- (4) In issuing a citation, the officer shall:

(a) Prepare a written order which shall include the name and address of the cited person, the offense charged and the time and place of appearance;

(b) Have the offender sign the original and duplicate copy of the citation. He shall deliver one (1) copy to the offender and retain the other; and

(c) Release the cited person from custody.

(5) By accepting the citation, the defendant agrees to appear at the arresting law enforcement agency prior to trial to be booked and processed. Failure to so appear is a Class C misdemeanor.

(6) If the person cited fails to appear in court on the date and time specified or fails to appear for booking and processing prior to his court date, the court shall issue a bench warrant for such person's arrest.

(7) Whenever a citation has been prepared, delivered and filed with a court as provided herein, a duplicate copy of the citation constitutes a complaint to which the defendant shall answer. The duplicate copy shall be sworn to by the issuing officer before any person authorized by law to administer oaths.

(8) Nothing herein shall be construed to affect a peace officer's authority to conduct a lawful search even though the citation is issued after arrest.

(9) Any person who intentionally, knowingly or willfully fails to appear in court on the date and time specified on the citation or who knowingly gives a false or assumed name or address is guilty of a Class C misdemeanor, regardless of the disposition of the charge for which he was originally arrested. Proof that the defendant failed to appear when required constitutes prima facie evidence that the failure to appear is willful.

(10) Whenever an officer makes a physical arrest for a misdemeanor and the officer determines that a citation cannot be issued because of one (1) of the eight (8) reasons enumerated in subsection (3), the officer shall note the reason for not issuing a citation on the arrest ticket. An officer who, on the basis of facts reasonably known or reasonably believed to exist, determines that a citation cannot be issued because of one (1) of the eight (8) reasons enumerated in subsection (3) shall not be subject to civil or criminal liability for false arrest, false imprisonment or unlawful detention.

(11)(a) Each citation issued pursuant to this section shall have printed on it in large, conspicuous block letters the following:

**NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE UP TO SIX (6) MONTHS AND/OR A FINE NOT TO EXCEED THE MAXIMUM SET BY STATE LAW.**

(b) Each person receiving a citation under this section shall sign this citation indicating the knowledge of the notice listed in subdivision (11)(a). The signature of each person creates a presumption of knowledge of the notice and a presumption of intent to violate this section if the person should not appear as required by the citation.

(c) Whenever there are changes in the citation form notice required by this subsection, a law enforcement agency may exhaust its existing supply of citation forms before implementing the new citation forms.

(12) The provisions of this section shall govern all aspects of the issuance of citations in lieu of the continued custody of an arrested person, notwithstanding any provision of Rule 3.5 of the Rules of Criminal Procedure to the contrary.

(13) In cases in which:

(a) The public will not be endangered by the continued freedom of the suspected misdemeanant;

(b) The law enforcement officer has reasonable proof of the identity of the suspected misdemeanant; and

(c) There is no reason to believe the suspected misdemeanant will not appear as required by law;

the general assembly finds that the issuance of a citation in lieu of arrest of the suspected misdemeanant will result in cost savings and increased public safety by allowing the use of jail space for dangerous individuals and/or felons and by keeping officers on patrol. Accordingly, the general assembly encourages all law enforcement agencies to so utilize misdemeanor citations and to encourage their personnel to use such citations when reasonable and according to law. (1999 Code, § 3-403, modified)

## CHAPTER 4

### COURT COSTS

#### SECTION

3-401. Bill of costs.

3-402. Establishment of equipment, education, and D.A.R.E. fund.

**3-401. Bill of costs.** That the court costs of all warrants and citations in Lawrenceburg City Court after effective date of this ordinance shall be as follows:

Tax	\$ 1.50
Affidavit and warrant	\$ 5.00
Arrest	\$ 15.50
Issuing subpoena (each \$1.50)	
Serving subpoena (\$2.50)	
Appearance bond	\$ 2.50
Mittimus (each \$1.00)	
Bill of costs	\$ 4.50
Continuance (each \$1.00)	
Judgment	\$ 3.75
Jail fees _____ days at \$ _____	
Rearrest order (\$1.00)	
Rearrest (\$10.00)	
Fine (in addition to costs up to \$50.00)	\$ 2.00
Contempt fine	
Moving violations speeding	\$ 20.00
Court cost and litigation tax	\$ 31.75
Administrative charge	\$ 9.00
Computer charge	\$ 74.50
Education and equipment fund	\$ 10.00
Seat belt violation (goes into education fund)	\$ 5.00

(1999 Code, § 3-501, as amended by Ord. #969, Sept. 2003, and Ord. #986, Jan. 2005, and replaced by Ord. #1036, June 2008, Ord. #1114, June 2013, Ord. #1301, Jan. 2021 *Ch5\_04-27-23*, and Ord. #1311, May 2021 *Ch5\_04-27-23*)

**3-402. Establishment of equipment, education, and D.A.R.E. fund.**

Ten dollars (\$10.00) of the court cost shall go into the equipment and education fund and shall be used for equipment purchases for law enforcement purposes, and education expenses for the Lawrenceburg Police Department. Allowable education expenses would include expenses approved by the chief of police for use in the law enforcement field. (1999 Code, § 3-502, modified, as replaced by Ord. #1311, May 2021 *Ch5\_04-27-23*)