



What Courts May Issue Warrants?

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://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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The statute provides alternative sources for the issuance of an administrative inspection warrant:

(3) "Issuing officer," means:

(A) Any official authorized by law to issue search warrants;

(B) Any court of record in the county of residence of the agency making application for an administrative inspection warrant; or

(C) Any municipal court having jurisdiction over the agency making application for an administrative inspection warrant; provided that the judge of the court is licensed to practice law in the state of Tennessee. T.C.A. § 68-120-117(a)(3).

The building official may apply for an administrative inspection warrant in a state court that has jurisdiction, or in the municipal court operated by the city. The municipal court may only be used if the judge is also a licensed attorney. If a state court is used, circuit or chancery court would probably be the best option. General sessions judges have the power to issue administrative inspection warrants, but most general sessions judges are far more familiar with criminal search warrants and may be inclined to apply the stricter burden of proof required in criminal cases.

It is important to note that the building official may apply for an administrative inspection warrant without involving the city attorney. It is certainly best to consult with the city attorney to be sure the evidence is in place and is appropriately documented before making application for an inspection warrant, but legal representation is not required by the law.

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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