

Court Costs

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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Court Costs

Reference Number:
MTAS-317

The Municipal Court Reform Act of 2004 provides the authority for municipalities to set court costs. Court costs are to be set by municipal ordinance. T.C.A. § 16-18-304(a).^[1]

The law does not specify an amount, leaving the amount to the discretion of the city. However, the city should ensure that there is a rational basis for the court cost.

Court costs are designed to offset the cost of maintaining the court. Even when a violator pays before court and does not appear for a court hearing, there still are costs associated with maintaining the court. It is suggested that the city charge uniform court costs for all charges, regardless of whether the defendant appears in court or pays before court. Otherwise, clerks should be prepared to defend any amounts that are greater by proving that the statutory amounts are insufficient to pay for reasonable costs of operation.

[1] One dollar (\$1.00) of the court costs shall be forwarded by the municipal court clerk to the state treasurer for deposit and shall be credited to the account for the administrative office of the courts (AOC) for the sole purpose of defraying the administrative director's expenses in providing training and continuing education courses for municipal court judges and municipal court clerks.

Sample Ordinance for Adding E-Citation Court Cost

Reference Number:
MTAS-1977

(FOR USE BY CITIES THAT HAVE THE STANDARD MTAS MUNICIPAL CODE TITLE 3, CHAPTER 2 COURT ADMINISTRATION)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 3 OF THE MUNICIPAL CODE OF THE CITY/TOWN OF _____ TO ADOPT ELECTRONIC CITATION REGULATIONS AND FEES.

WHEREAS, Tennessee Code Annotated, Section 55-10-207 was amended by Public Chapter 750 (2014), authorizing electronic citations to be filed in court, along with a fee to recover costs associated with both written and electronic citations;

NOW, THEREFORE,

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

**Section 1. The Municipal Code of the City/Town of _____ be amended by adding this new subsection to 3-20__ as follows:

3-20__ . Imposition of fines, penalties, and costs. () Electronic citation regulations and fees.

(a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Section 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction.

[** For cities with no court costs section in title 3, replace Section 1 with the following language:]

Section 1. The Municipal Code of the City/Town of _____ be amended by adding this new section to title 3, chapter __:

3-20__ . Electronic citation regulations and fees.

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

Section 3. Sunset provision. This Ordinance and its fee requirement shall terminate five (5) years from the date of adoption of this Ordinance and the city's Code shall be so annotated.

Passed 1st reading, _____, 20__.

Passed 2nd reading, _____, 20__.

Mayor

Recorder

Ref: <http://state.tn.us/sos/acts/108/pub/pc0750.pdf> [1]

Links:

[1] <http://state.tn.us/sos/acts/108/pub/pc0750.pdf>

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