

<title effective until 9/1/10>

## **ARTICLE IV. JUDICIAL BRANCH, LAW ENFORCEMENT AND CORRECTIONS**

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### **ARTICLE IV. JUDICIAL BRANCH**

#### **Section 4.01. Judiciary.**

A. The judiciary of Shelby County government shall be vested in the existing courts of Shelby County or any other courts established by law. Judges of the various courts of Shelby County shall expressly continue as elective officers with all the powers and duties conferred or implied by law upon such office of judge of the various courts.

B. However, the board of county commissioners may, by ordinance, create such additional divisions of general sessions court which it deems necessary. Such additional divisions may be given the exclusive jurisdiction over county ordinance violations, and such other jurisdiction as provided by the laws of the State of Tennessee.

#### **Section 4.02. Vacancy.**

If a vacancy occurs in any judicial office of the general sessions, probate, juvenile courts or any other county judicial office established by law in Shelby County, then that vacancy shall be filled by a vote of the board of county commissioners as prescribed in this charter, and the person so selected shall serve until his successor is elected and qualified as prescribed by law.

#### **Section 4.03. Abolishing divisions or altering compensation prohibited.**

Nothing herein shall grant to the board of county commissioners the power to abolish a division of any general sessions, probate or juvenile court or any other county judicial office of Shelby County during the term of office of a judge of that court, nor shall there be the power to alter the compensation of any judge of any court of Shelby County during that term of office. The board of county commissioners shall not abolish any division or alter the compensation of any judge for a subsequent term of any court of Shelby County after the first day of January of the year in which an election shall be held or in the year in which a vacancy shall be filled.

#### **Section 4.04. Rules of court and evidence.**

Nothing herein contained shall confer upon the board of county commissioners the power to make rules of court, rules of evidence, or otherwise affect the rules of civil or criminal procedure of the courts of Shelby County. The power to make rules of court or rules of evidence shall be expressly reserved to the respective courts of Shelby County, and/or to the supreme court of the State of Tennessee, and the Tennessee legislature as applicable and provided by law.

**Section 4.05. Judicial notice of charter and ordinances.**

A Code or other volume or volumes containing this charter and ordinances of Shelby County published by authority of the board of county commissioners shall be prima facie evidence in all courts of the authenticity of such ordinances. All courts of Shelby County shall take judicial notice of county ordinances.

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**Section 4.06. Sheriff.**

The sheriff shall be the chief law enforcement officer of the county and is charged with the enforcement of ordinances of the County of Shelby. The sheriff shall be elected by the qualified voters of Shelby County according to law and all duties, conferred or implied by law, shall expressly continue as they existed prior to the enactment of this charter.

**State law references:** Duties, T.C.A. § 8-8-201.

NOTES:

1. Repealed pursuant to voter referendum of 11-4-08, effective 9-1-10 (Ord. No. 364, 8-27-08).