

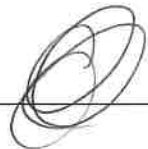
Research Plan: District Attorney Staffing

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Support:

Deputy Executive Director Approval: Initial: MMB Date: 5-28-2024

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Purpose

To study and detail district attorney staffing for concurrent jurisdiction municipal courts, including what roles municipalities and district attorney offices may play in funding and hiring staff for such courts.

Background

Senate Bill 2054 by Senator Jackson and House Bill 2205 by Representative Barrett in the 113th General Assembly would have established that district attorneys general would only prosecute municipal court cases when the municipality had provided a sufficient number of prosecutorial staff. The bill would then have granted the district attorneys general sole discretion to determine whether their staffing was adequate. The bill was referred to the Commission by the Senate Finance, Ways and Means Committee.

Municipal courts generally deal with violations of municipal ordinances, but some such courts hold what is called concurrent jurisdiction with the state's general sessions courts, meaning that they will sometimes also hear cases involving violations of state law. District attorneys prosecute cases related to state law in these courts. As a practical matter, this may mean that the district attorneys periodically travel between several municipal courts in their district. Alternatively, if a municipal court does not have concurrent jurisdiction, then plaintiffs and defendants will have to travel to the general sessions court.

Tennessee Code Annotated, Section 8-7-103, outlines the duties of district attorneys general, "including prosecuting cases in a municipal court where the municipality provides sufficient personnel to the district attorney general for that purpose." In a

recent case in West Tennessee, however, the district attorney general serving the cities of Milan and Trenton refused to prosecute municipal cases unless the cities increased funding for the District Attorney office's staffing. The cities sued the district attorney general and won, but the state attorney general has appealed.

The District Attorneys General Conference holds an annual committee to allocate funding for additional personnel, and that funding is provided by the General Assembly. According to stakeholders, some cities provide additional funding, personnel, or resources for district attorneys for the purpose of their municipal courts, but it is unclear how many do this. In the case mentioned above, however, the court found that while some cities may make such staffing arrangements, statute does not require it.

Define the Problem

Current law says that district attorneys general must prosecute cases in concurrent jurisdiction municipal courts where there is sufficient personnel. A recent court case, however, raised questions over what might count as sufficient, who has the authority to make that determination, and what the respective obligations of municipalities and district attorneys are in courts with concurrent jurisdiction.

Assemble Some Evidence

- Interview the bill sponsors.
- Interview other stakeholders to determine what is driving this issue. These include but are not limited to representatives of
 - Local governments
 - District attorneys general
 - Administrative Office of the Courts (AOC)
 - County Technical Advisory Service (CTAS)
 - Municipal Technical Advisory Service (MTAS)
 - Tennessee Municipal League (TML)
- Review past legislation meant to address this issue, including committee hearings on those bills and the fiscal notes.
- Review Tennessee's relevant statutes and regulations.
- Review relevant federal statutes and regulations.

- Review similar laws, regulations, and programs in other states.
- Review relevant literature.

Proposed Research Timeline



SENATE BILL 2054

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 7, relative to district attorneys.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-7-103, is amended by deleting subdivision (1) and substituting:

(1) Shall prosecute in the courts of the district all violations of the state criminal statutes and perform such prosecutorial functions, including prosecuting cases in a municipal court only where the municipality provides sufficient additional prosecutorial personnel of at least one (1) assistant district attorney general position initially funded at entry level compensation and thereafter compensated in accordance with § 8-7-226, or the continuing funding equivalent to the district attorney general for that purpose. The necessity and sufficiency of additional prosecutorial personnel to be provided by the municipality is determined by and in the sole and exclusive discretion of the district attorney general;

SECTION 2. Tennessee Code Annotated, Section 8-7-103, is amended by deleting subdivision (6) and substituting:

(6) Notwithstanding another law to the contrary, shall have absolute discretion in the performance of duties and responsibilities in the allocation of all investigatory, prosecutorial, administrative, staffing, and fiscal resources available to the district attorney general; and

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.