

Court Cost

State Court Clerk Conference

Montgomery Bell State Park

September 2024

- Lisa McClendon, Application Support Manager & Court Clerk Liaison
- Amanda Hughes, Retired Application Support Manager & Court Clerk Liaison

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Court Cost General

- Court costs are the expenses of handling a case in court. From filing fees, service fees and various other fees passed by the legislature.
- Fees / Taxes are passed to collect monies for certain projects for the state or county.
- Civil costs are paid up front by the filer. The prevailing party in a lawsuit is usually awarded court costs.
- Criminal / Traffic costs are assessed at the end of case and if not paid at disposition, shall be placed on a payment plan criminal (40-24-105(b)) & traffic (55-50-502(j)(2)). If the payment plan is not followed, this will result in suspension of Driver's License.
- There are a limited number of costs/taxes that can be charge on a juvenile case. In Delinquent and Unruly cases, the juvenile may only be assessed Restitution. Any other cost associated with the case may only be assessed to a parent, guardian or other responsible party.

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Court Cost – Standard vs Optional

Some fees within the statute are standard for all courts; whereas others are optional for counties to pass. These are based on court type, case type and filing types.

Standard Fees & Taxes

Standard Clerk Fees in 8-21-401

Standard Officer Cost in 8-21-409

Other standard fees are across many statutes within the TCA codes. As noted below:

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Standard Fees & Taxes (continued)

- Blood Alcohol Test §55-10-413(f)(1) - Standard amount of \$250 but limited to certain case types and only assessed if test given.
- Booking Fee §40-7-122 - Standard Fee, however, can be adopted at various amounts up to \$10.00/case
- CIC Tax §40-24-107(a)(1)(A) – Crimes against Persons - \$50.00 (specific case types)
- CIC Tax §40-24-107 – Crimes against Property - \$26.50
- County Expense Fee §40-24-107 – Charged on certain crimes \$5.00
- County Litigation Taxes §67-1-602 – various amounts, however, cannot exceed State Litigation Tax. These can also be broken up for various earmarked projects in the county such as Library Tax, etc.

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Standard Fees & Taxes (continued)

- District Attorney Fee (TCADA Fee) §40-3-204 - \$75.00 charged on all Title 39 Chapter 14 parts 1 and 6.
- District Attorney Fee (Worthless Check) §40-3-204 varies by amount of check ranging from \$5.00- \$75.00
- Drug Court Treatment Fund §16-22-109 – \$75.00 on specific charges. Broken into a county drug portion \$70.00 + \$5.00 state portion. This amount increases if your county has a Veteran's Court to \$130.00, with county getting \$70.00 drug portion + \$50.00 veteran portion and increases state portion to \$10.00. If no drug court exist in your county the monies turned over to the county shall be sent by the Trustee to the state each year.

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Standard Fees & Taxes (continued)

- Drug Test Fee §39-17-420(h) - \$250.00 on specific charges. Assessed regardless if test is given upon Conviction/Pre Trial or Judicial Diversion
- Electronic Monitoring Fee §39-13-102(e)(4) and §39-13-111(c)(7) - \$10.00 on specific charges
- Ignition Interlock Fee §55-10-413(a)(1) and 69-9-219(c)(1)(9) - \$40.00 only applies to specific charges, charged even if device is not ordered. No clerk commission. An additional one time use fee of \$12.00 shall also be charged IF first time for Ignition Interlock
- Jail Fee §8-26-105 – Standard Fee, however, can be adopted at various amounts

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Standard Fees & Taxes (continued)

- Moving Violation § 67-4-604(g) - \$1.00 charged on all Title 55 Chapter 8 offenses.
- Reckless Fine § 55-10-205(d)(2) - \$50.00 on specific charges. In addition to any other fine.
- Restitution §40-35-304 – Amount set by judge. Restitution assessed on/after 1-1-2022 should be paid in full before any other tax or cost §40-24-105(a)
- Sex Offender Fine § 40-24-108 - \$200.00 on specific charges. In addition to any other fine.
- Sex Offender Surcharge § 39-13-708 up to \$3,000.00 on specific charges. Judge assesses.

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Standard Fees & Taxes (continued)

- State Litigation Taxes – Standard amounts however different amounts for different court types. §67-4-602
 - Criminal (General Sessions & Circuit - \$29.50 per convicted charge or by order
 - Chancery & Circuit Civil - \$23.75 per case
 - General Sessions Civil – \$17.75 per case
 - Juvenile is not allowed to charge Litigation Taxes 67-4-604(b)(1)
- TBI (Breath) § 38-6-103(d)(1)(A)(ii) - \$17.50 - Some counties operate a local BAC instead of state
- TBI (Drug) §38-6-103(d)(1)(A)(i) - \$20.00 on specific charges related to Drug Charges

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Standard Fees & Taxes (continued)

- TBIF (Drag Racing) §68-55-306 - \$25.00 on specific charges related to Drag Racing
- TBIF (Reckless) §68-55-302 - \$30.00 on specific charges related to Reckless Driving
- TBIF (DUI/Revoked/Suspended) §68-55-303 - \$15.00 on specific charges related to DUI/Revoked/Suspended charges
- TBIF (Leaving Scene – Injury/Death) §68-55-305 - \$15.00 on specific charges related to Leaving the Scene of an Accident with Injury and /or Death
- TBIF (Speeding) § 68-55-301 - \$5.00 charged on all speeding violations greater than 9 miles over speed limit
- Victim Notification Fund Tax § 67-4-602 - \$3.00 per convicted charge or by order

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Optional Fees and Taxes

There are many optional fees and taxes that **must be adopted by the County Legislative Body**. Even if adopted, some have standard amounts and some legislation allows the county to adopt the fee at various rates.

- Archives Fee §10-7-408 – Up to \$5.00 per case
- Courthouse Security Tax §67-4-601(b)(6) – Up to \$25.00 per case
- Courthouse Jail Renovation §67-4-601(b)(1) – Up to \$10.00 per case
- General Sessions Judicial Commissioners Education § 67-4-602(k) - \$2.00 – Only charged in counties with Judicial Commissioners/Magistrates
- General Sessions § 16-15-5006 - Local Judge Tax – Amount varies greatly across the state from \$6.00 to ~ \$80.00. Set by county legislative body to assist in paying GS Judge salary. Cannot be assessed in Juvenile.

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Optional Fees and Taxes (continued)

- Jail Building Tax §67-4-601(b)(5) – Up to \$25.00 per case
- Juvenile Facility Construction §8-21-402 \$75.00 (specific to certain population class)
- Public Defender Fee §40-14-210 – \$12.50 - County Legislative Body must pass in most counties, however, it shall be charged in Knox and Shelby Counties
- Victim Assistance § 40-24-109 - split \$3.00 Clerk Fee and \$42.00 paid to Trustee or Designated assistance agency
- Victim Offender Mediation Tax §16-20-106 – Needs to be passed by county legislative body and is solely for General Sessions and Juvenile Courts. Various sections of the TCA allows for specific populations to pass.

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Questions???

CONTACT INFORMATION



Lisa McClendon
Application Support Manager/Court Clerk Liaison
TN Administrative Office of the Courts
511 Union St., Suite 600, Nashville, TN 37219
Phone 615.741.2687 ext. 2025
Web <https://tncourts.gov/>
Email lisa.mccleendon@tncourts.gov
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