



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2023-155, **Version:** 1

A resolution encouraging the Tennessee General Assembly pursue an amendment to the Tennessee Constitution to permit an increase of fines for ordinance violations.

WHEREAS, in the original Tennessee Constitution of 1796, a provision was enacted limiting fines in non-jury trials to \$50; and

WHEREAS, that provision, also called the "\$50 Fine Clause", which is found in Article VI, Section 14 of the current Tennessee Constitution, states "No fine shall be laid on any citizen of this State that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers"; and

WHEREAS, in 2001, the Tennessee Supreme Court ruled that this provision limits fines that are levied for punitive purposes to \$50, which includes fines for violations of ordinances; and

WHEREAS, in 1796, a potential fine of \$50 was a meaningful sanction with a considerable deterrent effect; and

WHEREAS, today, a potential fine of \$50 rarely serves a meaningful deterrent, leaving local governments with little ability to deter illegal activity that threatens the health and safety of the public; and

WHEREAS, the 1796 Tennessee Constitution also contained then-appropriate provisions that have since become antiquated, including a \$750 limit on the Governor's salary, a \$600 limit on judges' salaries, and a \$1.75 limit on daily compensation for legislators for each day of session; and

WHEREAS, the Tennessee Constitution has been amended since 1796 and these outdated provisions have been removed, but the \$50 Fine Clause has remained; and

WHEREAS, in 2002, the repeal of the \$50 Fine Clause was put to the voters. While 53% of those voting on the question voted in favor of the repeal, an amendment must receive a majority of the total votes in the concurring gubernatorial election to be adopted; however, this threshold for total votes was not met; and

WHEREAS, the Tennessee General Assembly should propose an amendment to Article VI, Section 14 of the Tennessee Constitution in this upcoming legislative session to amend the \$50 Fine Clause to allow for an increase of fines for ordinance violations; and

WHEREAS, a renewed effort is needed to amend the \$50 Fine Clause to allow for meaningful enforcement of public health and safety ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Metropolitan County Council hereby goes on record as encouraging the Tennessee General Assembly pursue an amendment to Article VI, Section 14 of the Tennessee Constitution in the upcoming legislative session to permit an increase of fines for ordinance violations.

Section 2. This resolution shall take effect from and after its adoption, the welfare of The Metropolitan

Government of Nashville and Davidson County requiring it.