



# TENNESSEE FIREARMS ASSOCIATION

Tennessee's ONLY No-Compromise Gun Organization

## Tennessee Firearms Association

### 2018 Annual Legislative Report

#### SB647/HB1083 **CRIMINAL LAW: Community corrections officers who hold a valid Tennessee handgun permit.**

*Sponsors:* Sen. Niceley, Frank , Rep. Sexton, Jerry

*Summary:* Authorizes community corrections officers with a valid handgun carry permit to carry a handgun at all times while engaged in the actual discharge of official duties, notwithstanding federal or state law to the contrary.

*Amendment Summary:* House amendment 2 (011821) limits this bill's applicability to community corrections officers employed in Claiborne County, Grainger County, Hancock County, Hawkins County, Jefferson County, and Union County and removes the reference to acting in the discharge of a written directive.

*Fiscal Note:* (Dated March 21, 2017) NOT SIGNIFICANT

*Senate Status:* 04/16/18 - Senate concurred in House amendment 2 (011821).

*House Status:* 04/11/18 - House passed with amendment 2 (011821).

*Executive Status:* 05/07/18 - Enacted as Public Chapter 0828 effective April 27, 2018.

*Status:*

*Public Chapter:* PC828.pdf

*Private Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 8 and Title 39, Chapter 17, Part 13, relative to the carrying of firearms.

*AG Opinion:*

*Cosponsors:* Rep. Lynn, Susan; Rep. Windle, John;

*Effective Date:* 04/27/18

#### SB834/HB958 **CRIMINAL LAW: Mental health patients - purchase of firearms.**

*Sponsors:* Sen. Haile, Ferrell , Rep. Farmer, Andrew

*Summary:* Requires the TBI to notify the department of mental health and substance abuse services if a person who has been adjudicated as a mental defective or judicially committed to a mental institution has attempted to purchase a firearm.

*Amendment Summary:* Senate amendment 1 (015675) revises this bill's reporting requirement to require the instant check unit of the TBI to contact the chief law enforcement officer of a jurisdiction where a person who has been adjudicated as a mental defective or judicially committed to a mental institution attempts to purchase a firearm; provided, that the unit confirms the person's record by means of a record indicating the person's name, birth date, social security number, and either the person's sex or race. The purpose of the notification is to allow local law enforcement to initiate a criminal investigation. Present law requires certain healthcare facilities and professionals to report to local law enforcement certain identifying information concerning patients who are involuntarily committed; who communicate a credible, actual threat of serious bodily harm or death against a reasonably identifiable victim or victims. Additionally, courts are required to report persons who have been judicially committed or adjudicated as a mental defective to the FBI-NICS Index and the department of safety. This amendment specifies that all such reports must include the patient's or defendant's: (1) Race and sex; and (2) Social security number, if available. This amendment changes this bill's effective date from upon becoming a law to July 1, 2018.

*Fiscal Note:* (Dated March 22, 2017) NOT SIGNIFICANT

*Senate Status:* 03/29/18 - Senate passed with amendment 1 (015675).

*House Status:* 04/12/18 - House passed.

*Executive Status:* 04/27/18 - Enacted as Public Chapter 0799 effective July 1, 2018.

*Status:*

*Public Chapter:* PC799.pdf

*Private Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 16; Title 33 and Section 38-6-109, relative to mental health patients.

*AG Opinion:*

*Cosponsors:* Rep. Camper, Karen; Sen. Crowe, Rusty; Sen. Dickerson, Steven; Sen. Harris, Lee; Sen. Jackson, Ed; Sen. Massey, Becky; Sen. Niceley, Frank; Sen. Norris, Mark; Sen. Stevens, John; Sen. Yarbro, Jeff;

*Effective Date:* 07/01/18

#### SB1500/HB1939 **CRIMINAL LAW: Carrying of firearms by county commissioners.**

*Sponsors:* Sen. Stevens, John , Rep. Ragan, John

*Summary:* Allows a county commissioner who has a valid handgun carry permit and is in the actual discharge of the commissioner's duties to carry in buildings in which judicial proceedings are taking place if county commission meetings are also held in the building.

*Amendment Summary:* House amendment 1 (015369) clarifies that the proposed legislation does not apply to members of the legislative bodies of metropolitan governments and does not authorize carrying a firearm into a room in which judicial proceedings are in progress.

*Fiscal Note:* (Dated January 30, 2018) NOT SIGNIFICANT

*Senate Status:* 04/18/18 - Senate passed.

*House Status:* 04/02/18 - House passed with amendment 1 (015369).

*Executive Status:* 05/07/18 - Enacted as Public Chapter 0880 effective July 1, 2018.

*Public Chapter:* PC880.pdf

*Private Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to carrying weapons by certain public officials.

*AG Opinion:*

*Cosponsors:*

*Effective Date:* 07/01/18

**SB1587/HB1566 CRIMINAL LAW: Requirements for lifetime handgun carry permit for retired law enforcement officers.**

*Sponsors:* Sen. Bell, Mike , Rep. Howell, Dan

*Summary:* Removes the restriction that a law enforcement officer who retires in good standing must have been a state resident at the time of retirement to be eligible for the issuance of a lifetime handgun carry permit for \$100.

*Amendment Summary:* House amendment 1 (012890) deletes and rewrites all language after the enacting clause such that the only substantive change authorizes a designee of the chief law enforcement officer to certify that an officer has retired in good standing.

*Fiscal Note:* (Dated February 7, 2018) NOT SIGNIFICANT

*Senate Status:* 03/19/18 - Senate passed.

*House Status:* 02/26/18 - House passed with amendment 1 (012890).

*Executive Status:* 04/16/18 - Enacted as Public Chapter 0690 effective April 9, 2018.

*Public Chapter:* PC690.pdf

*Private Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to retired law enforcement officers.

*AG Opinion:*

*Cosponsors:* Rep. Boyd, Clark; Rep. Hardaway, G.A.; Rep. Sexton, Cameron; Rep. Sexton, Jerry; Rep. Sherrell, Paul;

*Effective Date:* 04/09/18

**SB1602/HB1543 CRIMINAL LAW: Requirements for bounty hunters.**

*Sponsors:* Sen. Yager, Ken , Rep. Lamberth, William

*Summary:* Adds additional requirements for bounty hunters through adding subjects to their general training, adding weapon training specific to any weapon other than a firearm, requiring additional firearm training, and requires bounty hunters to be accompanied by a law enforcement officer with a search or arrest warrant when making arrests on private property.

*Amendment Summary:* House amendment 1 (014409) revises various provisions of this bill and present law, as follows: (1) Requires that the pocket card have an identifying photo; (2) Removes this bill's provisions for training required in addition to that required under present law; (3) Removes this bill's prohibition on bounty hunters entering private property for the purpose of taking a person into custody without the express permission of the private property owner, unless the bounty hunter is accompanied by a law enforcement officer who is in possession of an arrest warrant for the person or a search warrant for the private property; (4) Revises the present law prohibition on a bounty hunter wearing, carrying, or displaying any uniform, badge, shield, card, or other item with any printing, insignia, or emblem that purports to indicate that such bounty hunter is an employee, officer, or agent of any local, state or federal government or any political subdivision of any local, state or federal government to also cover such items that "copies or resembles an item that indicates" that such bounty hunter is an employee, officer, or agent of any local, state, or federal government or any political subdivision of any local, state, or federal government; and (5) Specifies that the bounty hunter provisions of present law and this bill do not give a bounty hunter legal defense or privilege to violate any traffic laws or criminal statutes.

*Fiscal Note:* (Dated February 24, 2018) Increase State Expenditure \$43,100/One-Time \$57,700/Recurring

*Senate Status:* 04/11/18 - Senate passed.

*House Status:* 04/05/18 - House passed with amendment 1 (014409).

*Executive Status:* 05/01/18 - Enacted as Public Chapter 0826 effective July 1, 2018.

*Public Chapter:* PC826.pdf

*Private Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11, relative to bounty hunters.

*AG Opinion:*

*Cosponsors:* Rep. Johnson, Curtis; Rep. Pitts, Joe; Rep. Reedy, Jay;

*Effective Date:* 07/01/18

**SB1697/HB1512 CRIMINAL LAW: Retired uniformed law enforcement officer of the TBI - retention of service weapon.**

*Sponsors:* Sen. Lundberg, Jon , Rep. Hulsey, Bud

*Summary:* Permits uniformed law enforcement officers of the TBI who retire after at least 25 years of honorable service to receive a retired commission card and the officer's service firearm, as is currently the case with TBI agents who retire after 25 years.

*Amendment*

*Summary:*

*Fiscal Note:* (Dated January 25, 2018) Increase State Expenditures - \$200/TBI

*Senate Status:* 03/12/18 - Senate passed.

*House Status:* 04/02/18 - House passed.

*Executive* 04/19/18 - Enacted as Public Chapter 0727 effective April 18, 2018.

*Status:*

*Public Chapter:* PC727.pdf

*Private Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 6, relative to retired uniformed law enforcement officers of the Tennessee bureau of investigation.

*AG Opinion:*

*Cosponsors:*

*Effective Date:* 04/18/18

**SB1910/HB1851 CRIMINAL LAW: Discharging of firearm in self-defense.**

*Sponsors:* Sen. Niceley, Frank , Rep. Towns Jr., Joe

*Summary:* Prevents a municipality from imposing fines and issuing citations to any individual that discharges a firearm acting in defense of self and property or to prevent a criminal offense from occurring.

*Amendment*

*Summary:*

*Fiscal Note:* (Dated February 10, 2018) NOT SIGNIFICANT

*Senate Status:* 03/12/18 - Senate passed.

*House Status:* 03/12/18 - House passed.

*Executive* 04/02/18 - Enacted as Public Chapter 0599 effective March 23, 2018.

*Status:*

*Public Chapter:* PC599.pdf

*Private Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Section 39-17-1322, relative to defenses involving firearms.

*AG Opinion:*

*Cosponsors:* Sen. Bowling, Janice; Rep. Cooper, Barbara; Rep. Eldridge, Jimmy; Sen. Gresham, Dolores; Rep. Hardaway, G.A.; Sen. Lundberg, Jon; Rep. Moody, Debra; Sen. Stevens, John; Rep. Terry, Bryan;

*Effective Date:* 03/23/18

**SB2059/HB2129 CRIMINAL LAW: Report on amount of money collected from gun dealers to perform background checks.**

*Sponsors:* Sen. Green, Mark , Rep. VanHuss, James

*Summary:* Changes the deadline from February 1 to January 15 of each year the date that which the Tennessee bureau of investigation is required to provide an annual report to various house and senate committees.

Senate amendment 2 (017376) rewrites this bill to enact the "School Safety Act of 2018", which will authorize, but not require, LEAs to adopt policies that allow off-duty law enforcement officers to serve as armed school security officers. This amendment also changes present law in order to specify that possession of firearms by off-duty law enforcement officers who serve as armed school security officers pursuant to this amendment will not be a criminal offense. LEAs that adopt a policy authorizing off-duty law enforcement officers to serve as armed school security officers must enter into a memorandum of understanding (MOU) with each law enforcement agency that employs the law enforcement officers selected by the chief law enforcement officer of the law enforcement agency to serve as armed school security officers. The full text of this amendment specifies 10 provisions that must be included in a MOU. An MOU may prescribe whether an armed school security officer is required to be uniformed on school premises or other means for proper identification of the officer. If an MOU would permit law enforcement officers to serve as armed school security officers at a school that is located within the jurisdictional boundaries of another law enforcement agency that is not the law enforcement officers' employing agency, then the MOU will not take effect until approved by the chief law enforcement officer of the law enforcement agency with law enforcement jurisdiction for the school. Present law generally establishes the police authority of municipalities at one mile from the lawful corporate limits thereof; provided, that the jurisdiction of a municipality must not be extended beyond the limits of the county in which any part of the municipality is situated, or so as to come within one mile of any other municipality. This amendment creates an exception to present law whereby a law enforcement officer who is serving as an armed school security officer for a school located outside of the jurisdictional boundaries of the officer's employing agency will, while acting within the scope of the officer's employment as an armed school security officer, have the jurisdiction and authority to enforce all laws of this state and of the county or municipality in which the school at which the officer is serving as an armed school security officer is located. This amendment requires the chief law enforcement officer of each law enforcement agency in this state to prepare and distribute a list of its law enforcement officers who the chief law enforcement officer deems qualified and who are interested in serving as armed school security officers pursuant to this amendment to each LEA located within the law enforcement agency's jurisdictional boundaries with which an MOU has been entered into. This amendment authorizes chief law enforcement officers to prohibit a law enforcement officer employed by another law enforcement agency from serving as an armed school security officer at a school located within the chief law enforcement officer's jurisdiction for reasons the chief law enforcement officer deems sufficient, including, but not limited to, if the law enforcement officer has received a disciplinary action within the last five years that resulted in, at a minimum, a written reprimand. The chief law enforcement officer must notify any such officer the chief prohibits from serving as an armed school security officer by sending a written notice of the prohibition to the law enforcement officer and the law enforcement officer's employing agency. If an LEA adopts a policy authorizing the use of armed school security officers, funding for the armed school security officers may come from a law enforcement agency or from the LEA, including, but not limited to, local, state, or federal funds received by the LEA, for which purpose such funds may be lawfully expended. This amendment specifies that neither the provisions of this amendment nor present law concerning local tax levy under the Tennessee Education Finance Act of 1977 shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for an armed school security officer. This amendment further specifies that the provision of armed school security officers by local law enforcement agencies must be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds under the Tennessee Education Finance Act of 1977. This amendment provides that the use of armed school security officers be supplemental to school resource officers and school safety measures adopted by an LEA and not supplant school resource officers or other school security measures. An LEA must not replace a school resource officer or other school security measure with an armed school security officer. A law enforcement agency must not terminate an MOU based solely upon an LEA's adoption of a policy authorizing the use of armed school security officers. After the 2020-2021 school year, this amendment requires the chief law enforcement officer of each law enforcement agency with law enforcement jurisdiction for a school that has utilized armed school security officers pursuant to this amendment to submit a report to the governor, the chair of the education administration and planning committee of the house of representatives, the chair of the education committee of the senate, and the commissioner of education on or before September 1, 2021, that details any school security deficiencies and provides recommendations for security improvements for the schools. This amendment authorizes the state board of education to promulgate rules to effectuate the purposes of this amendment. This amendment takes effect upon becoming a law.

*Fiscal Note:* (Dated February 6, 2018) NOT SIGNIFICANT  
*Senate Status:* 04/24/18 - Senate passed with amendment 2 (017376).  
*House Status:* 04/25/18 - House passed.  
*Executive Status:* 05/22/18 - Enacted as Public Chapter 1008 effective May 21, 2018.  
*Public Chapter:* PC1008.pdf  
*Private Chapter:*  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3; Title 16; Title 36, Chapter 3, Part 6; Title 38; Title 39; Title 40; Title 49; Section 50-3-201; Section 58-1-112; Section 70-4-123 and Section 70-5-101, relative to firearms.  
*AG Opinion:*  
*Cosponsors:* Sen. Green, Mark;  
*Effective Date:* 05/21/18

**SB2261/HB2271 JUDICIARY: Juvenile Justice Reform Act of 2018.**

*Sponsors:* Sen. Norris, Mark , Rep. Hawk, David

*Summary:*

Enacts the "Juvenile Justice Reform Act of 2018." Expands duties of probation officer in regard to juveniles to include receiving and examining complaints and charges of delinquency or unruly conduct and conducting a preliminary hearing. Specifies that an informal adjustment conducted by a designated court officer in regard to the delinquency of a juvenile shall not extend beyond three months from the day commenced unless it is extended by the court for an additional period not to exceed six months. Specifies that financial obligations shall not be assessed or collected against a child as part of an informal adjustment. Defines "financial obligations" to mean fines, fees, costs, surcharges, child support or other monetary liabilities assessed, but it does not include restitution. Removes setting of bail in regard to alternatives that will reduce the risk of flight or of serious physical harm to the child or to others. Prohibits detention from being mandated for categories of offenses or predefined circumstances. Specifies that detention shall be based on an individualized examination of a child's case and its particular circumstances. Requires all delinquent and unruly cases in which a child is in detention or has been placed out of the home by court order to be heard within 30 days of the date the child was placed outside the home. Permits the 30 day time limit to be waived by a knowing and voluntary written waiver by the child. Prohibits a child under 12 from being detained in any secure facility for more than 24 hours, excluding nonjudicial days, unless certain requirements are met. Allows a law enforcement officer who has taken a child into custody for the commission of an offense that would be considered a misdemeanor if committed by an adult to issue a citation in lieu of continued custody of the child. Specifies requirements for such citation. Authorizes each municipal or metropolitan police department or sheriff's department to create and administer its own juvenile diversion program to address citable juvenile offenses without court involvement. Makes other revisions to statutes regarding the adjudication of juveniles as delinquent. (39 pp.) This bill is part of the governor's Administration Package.

*Amendment**Summary:*

House amendment 1 (015595) revises various provisions of this bill, as follows: (1) This amendment adds, in various provisions regarding detention and custody, the fact that there may be a likelihood of injury or death to the child as a reason for detaining or keeping custody of the child. This amendment also adds a reason for detaining a child that there is probable cause to believe the child has committed a violation of the conditions of probation, aftercare, diversion, or pretrial release or similar supervision; provided, that the child may be placed in detention for no more than 72 hours, unless the court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety; (2) This amendment retains provisions for imposing bail or bond; removes this bill's provision that no child alleged unruly or adjudicated unruly will be detained for a violation of a valid court order; and removes this bill's prohibition on financial obligations being assessed or collected against a child participating in pretrial diversions; (3) In regard to the provision for detaining a child wanted in another jurisdiction for an offense that, if committed by an adult, would be a felony in that jurisdiction, this amendment revises the provision to instead provide for detaining a child wanted in another jurisdiction for a delinquent offense; (4) In regard to the provisions governing petitions filed by school personnel and such personnel have sought to resolve the problem through available educational approaches (as described above in the bill summary), this amendment adds that the petition must also show that court intervention is needed in the judgment of the petitioner and clarifies that the school personnel must seek to engage parents/guardians/custodians in resolving the behavior prior to filing a petition; (5) In regard to this bill's limits on an attachment in cases involving a violation of conditions or limitations of probation, home placement supervision, or diversion to situations (as described in the bills summary under Summons and Attachment), this amendment adds the child's failure to appear for a court proceeding as a reason that an attachment may issue; (6) This amendment adds completion of substance abuse and mental health treatment services as an allowable condition of probation under the judicial diversion provisions. This amendment also specifies that probation under pretrial diversion may include temporary transfer of legal custody or permanent guardianship to a relative or other individual with a relationship with the child in accordance with provisions added by this amendment and set out in more detail in the text of the amendment. This amendment also adds these treatment and custody options to the general disposition/probation provisions; (7) This amendment revises this bill's provision limiting extension of pretrial diversion to situations where the court finds and issues a written order that states that the treatment and rehabilitation of the child require that the child complete an evidence-based program addressing a treatment need, and, for delinquent offenses, that treatment need must be identified by a validated risk and needs assessment. This amendment instead provides that an extension may be granted if it is in the best interest of the child (8) This bill provides that if the supervising authority finds that the child has violated the terms or conditions of judicial diversion, the supervising authority may file a petition alleging a violation of the terms or conditions of judicial diversion with the court only if the supervising authority makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance. This amendment specifies the such a filing is discretionary generally but mandatory if the supervising authority makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance. Under this bill, if a petition is filed alleging that the child has committed a new delinquent offense or habitual and unlawful absence from school these provisions will not apply, and a petition alleging a violation may be filed in the discretion of the supervising authority; this amendment deletes this provision from this bill. All of the changes/provisions are also applicable under the general disposition/probation provisions; (9) In regard to the extension of probation (as discussed above in the bill summary), this amendment provides that the initial six-month period may be extended by an additional periods not to exceed six months. This amendment also adds as reasons justifying the court placing a child in the custody of the department or otherwise removing the child from the child's home, including the home of a parent, guardian, or other legal custodian for any length of time, for a violation of the conditions or limitations of probation to include that the child is detained in a secure facility; or the court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department; (10) This amendment revises the disposition/commitment provisions described above in the bill summary to specify that a child will be eligible for commitment only if: the offense (not just an offense against a person) would be considered a felony if committed by an adult; the current offense would be considered a misdemeanor if committed by an adult and the child has previously been adjudicated delinquent for two or more offense arising from separate incidents that would constitute either a felony or misdemeanor if committed by an adult, including such adjudications in other jurisdictions; or the court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department; (11) This amendment makes similar, conforming changes as those described above for detention/commitment and probation/probation violations in regard to a child found to be unruly. This amendment also specifies the procedure for placing a child on trial home placement supervision; (12) This amendment revises the transfer provisions to provide for the transfer of a child less than 14 years of age at the time of the offense if charged with first or second degree murder or attempt to commit either offense and to add

aggravated burglary, especially aggravated burglary, and carjacking to the other offenses that make a child 14 years of age or older at the time of the offense subject to transfer; and (13) This amendment requires that appropriate school and law enforcement personnel be consulted in preparing the report on juvenile justice data collection. House amendment 2 (016046) revises the provisions governing disposition of a child found to be delinquent who subsequently is found to have violated a condition or limitation of probation. The bill, as amended, provides that the court may not order the child to the custody of the department or otherwise remove the child from the child's home in such situations, unless certain conditions are met. This amendment removes the reference to otherwise removing the child from the child's home and removes the condition that the "child is detained" from the various conditions that must be present to order the child to the custody of the department in such situations. This amendment makes similar changes in the general probation violation provisions as well. In regard to this bill's provision whereby one condition that makes an unruly child eligible for commitment to the department is that the child has been previous adjudicated delinquent for two or more certain offenses, this amendment removes the specification that the child have been adjudicated "delinquent". This amendment that if the court finds that it is in the best interest of the child and the public that any unruly child be removed from the home of a parent, guardian, or other legal custodian, the placement of the child will be with the person, agency, or facility that presents the least drastic or restrictive alternative. Prior to committing an unruly child to the custody of the department of children's services, the court must refer such child to the department's juvenile-family crisis intervention program. The court may commit the child to the department after such juvenile-family crisis intervention program certifies to the court that there is no other less drastic measure than court intervention. This amendment revises the transfer provisions to limit the transfer provisions for the specified crimes for a child 14 years of age or older, to no older than 17 years of age. For children 17 years of age at the time of the offense, the child may be transferred on order of the court regardless of the offense. This amendment deletes from this bill the following provisions: (1) The provision that would have amended present law regarding the detention of children alleged to be unruly for violation of court order; (2) The provision that would have amended present law regarding the detention of a child in a secure facility or secure portion of facility; (3) The provision adding that in regard to detention generally that detention may not be mandated for categories of offenses or predefined circumstances and instead must be based on an individualized examination of a child's case and its particular circumstances and adding other new provisions regarding detention as described above in the bill summary; and (4) The provision requiring the department to notify the committing court if the department places a child in detention for more than 30 days pending placement. House amendment 6 (017378) revises the transfer provisions in regard to robbery to specify that it will apply if the child was 16 years of age or more at the alleged conduct and charged with robbery or attempt to commit robbery. Senate amendment 3 (017709) adds a change to present law concerning the period of detention for children alleged to be unruly. Present law prohibits the detention of children alleged to be unruly for more than 24 hours, excluding nonjudicial days, unless there has been a detention hearing and a judicial determination that there is probable cause to believe the child has violated a valid court order, and in no event shall such a child be detained for more than 72 hours exclusive of nonjudicial days prior to an adjudicatory hearing. This amendment changes present law to instead provide that, in order to assure that valid court orders are used only in extremely rare circumstances and for no more than 24 hours, children alleged to be unruly must not be detained for more than 24 hours, excluding nonjudicial days, including for violation of a valid court order.

*Fiscal Note:* (Dated March 5, 2018) Decrease State Revenue \$50,300/FY18-19 and Subsequent Years Increase State Expenditures \$4,500,000/FY18-19 Decrease State Expenditures Net Impact \$209,000/FY19-20 \$2,014,400/FY20-21 \$2,377,900/FY21-22 \$4,323,500/FY22-23 \$2,258,100/FY23-24 and Subsequent Years Decrease Federal Expenditures \$9,548,900/FY19-20 \$13,215,600/FY20-21 \$13,582,500/FY21-22 \$13,574,700/FY22-23 \$13,522,300/FY23-24 and Subsequent Years Decrease Local Revenue \$2,600/FY18-19 and Subsequent Years/Permissive Other Fiscal Impact The proposed legislation will result in additional impacts on the local courts and law enforcement agencies. Due to multiple unknown factors, any related fiscal impacts on the state and local governments cannot be quantified with reasonable certainty. 2 HB 2271 - SB 2261

*Senate Status:* 04/25/18 - Senate reconsidered its actions, withdrew Senate amendment 3, and repassed the bill .

*House Status:* 04/25/18 - House non-concurred in Senate amendment 3.

*Executive Status:* 05/23/18 - Enacted as Public Chapter 1052 effective May 21, 2018 (21 pgs).

*Status:*

*Public Chapter:* PC1052.pdf

*Private Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 37 and Title 39, Chapter 17, Part 15, relative to juvenile justice.

*AG Opinion:*

*Cosponsors:* Sen. Kelsey, Brian; Rep. Zachary, Jason;

*Effective Date:* 05/21/18, 07/01/19, 07/01/18

## **SB2316/HB2464 CRIMINAL LAW: Handgun carry permit for national guard members and military reserve.**

*Sponsors:* Sen. Southerland, Steve , Rep. Goins, Tilman

*Summary:* Authorizes a veteran of the United States armed forces and current national guard and military reserve forces who are 18 years of age to obtain a conceal and carry permit. Restores citizenship rights upon the possession or purchase of a firearm, in the pursuit of obtaining a conceal carry permit.

*Amendment Summary:* House amendment 1 (013221) edits definition of "crime of violence" to include sex trafficking and child abuse. Designates the possession of a firearm by somebody convicted for attempted felony as a class B felony. Authorizes a veteran of the United States armed forces and current national guard and military reserve forces who are 18 years of age to obtain a conceal and carry permit. Restores citizenship rights upon the possession or purchase of a firearm, in the pursuit of obtaining a conceal carry permit.

*Fiscal Note:* (Dated February 11, 2018) Increase State Revenue Exceeds \$5,300/TBI Exceeds \$15,200/Handgun Permit Division Decrease State Expenditures \$165,900 Incarceration Increase Local Revenue Exceeds \$1,500/Sheriffs

*Senate Status:* 04/19/18 - Senate passed.

*House Status:* 03/26/18 - House passed with amendment 1 (013221).

*Executive Status:* 05/07/18 - Enacted as Public Chapter 0903 effective July 1, 2018.

*Status:*

*Public Chapter:* PC903.pdf

*Private Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to firearms.

*AG Opinion:*

*Cosponsors:* Rep. Faison, Jeremy;

*Effective Date:* 07/01/18

**SB2369/HB2370 CRIMINAL LAW: Concealed carry of handguns by permit holders on certain property allowed.**

*Sponsors:* Sen. Crowe, Rusty , Rep. VanHuss, James

*Summary:* Current law generally authorizes an individual, corporation, business entity, government entity or agent thereof to prohibit the possession of weapons by any person who is at a meeting conducted by, or on property owned, operated, or managed or under the control of the individual, corporation, business entity, or government entity by posting signage to provide notice that firearms are prohibited on the premises. This bill creates a second option whereby an individual, corporation, business entity, government entity or agent thereof to restrict the possession of weapons on their premises to the carrying of concealed firearms by handgun carry permit holders. The full text of this bill describes a unique sign that must be posted to restrict the possession of weapons. Specifies that an individual, corporation, business entity, or government entity that, as of January 1, 2018, used signs to provide notice of a prohibition against possession of firearms on the premises will have until January 1, 2019, to replace existing signs with signs that meet the requirements of this bill. However, this bill does not appear to change the signage requirement for a prohibition against all firearms and the new sign to restrict weapons possession to permit holders with a concealed firearm appears to be optional.

*Amendment Summary:* House amendment 1 (013862) clarifies that if concealed firearms are permitted, the signage will indicate concealed firearms "by permit" only. Senate amendment 1 (015863) makes the same change as House amendment 1 and removes the requirement that the sign restricting the possession of a weapon to concealed firearms authorized by permit only contain an image of an eyeball.

*Fiscal Note:* (Dated February 11, 2018) NOT SIGNIFICANT

*Senate Status:* 04/05/18 - Senate passed with amendment 1 (015863).

*House Status:* 04/09/18 - House concurred in Senate amendment 1 (015863).

*Executive Status:* 04/30/18 - Enacted as Public Chapter 0823 effective April 24, 2018.

*Status:*

*Public Chapter:* PC823.pdf

*Private Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Section 39-17-1359, relative to firearms.

*AG Opinion:*

*Cosponsors:* Rep. Crawford , John ; Rep. Holsclaw, Jr., John; Rep. Kumar, Sabi; Rep. Lynn, Susan; Rep. Sexton, Cameron; Rep. Terry, Bryan;

*Effective Date:* 04/24/18

**SB2418/HB1038 CRIMINAL LAW: Exemption for firing range and classroom hours requirements for a handgun carry permit.**

*Sponsors:* Sen. Yager, Ken , Rep. Windle, John

*Summary:* Exempts an applicant from being required to comply with the firing range and classroom hours requirements if the applicant submits proof to the department that within five (5) years from the date the application for a handgun carry permit is filed the applicant has including, but not limited to, successfully completed the Tennessee department of correction firearms qualification.

*Amendment Summary:* House amendment 1 (015902) changes the effective date to January 1, 2019.

*Fiscal Note:* (Dated March 29, 2017) NOT SIGNIFICANT

*Senate Status:* 04/18/18 - Senate passed.

*House Status:* 04/12/18 - House passed with amendment 1 (015902).

*Executive Status:* 05/07/18 - Enacted as Public Chapter 0865 effective January 1, 2019.

*Status:*

*Public Chapter:* PC865.pdf

*Private Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Section 39-17-1351, relative to the qualifications for a handgun carry permit.

*AG Opinion:*

*Cosponsors:*

*Effective Date:* 01/01/19

**SB2505/HB2032 CRIMINAL LAW: Offenses eligible for expunction.**

*Sponsors:* Sen. Ketron, Bill , Rep. Coley, Jim

*Summary:* Allows a court to expunge the records of a person convicted of prostitution or aggravated prostitution if the conviction occurred as a result of the person being a victim of human trafficking.

*Amendment Summary:* House amendment 1 (016269) removes the provision of this bill that would apply to adult convictions and changes the provision of this bill concerning expunction of juvenile records. Under this amendment, the court may order all or any portion of a juvenile's court files and juvenile records expunged if: (1) The juvenile is tried and adjudicated delinquent or unruly by a juvenile court for conduct that would constitute the offense of prostitution or aggravated prostitution if committed by an adult; (2) The court finds that that the conduct upon which the adjudication is based was found to have occurred as a result of the person being a victim of human trafficking; and (3) The juvenile has filed a motion for expunction of all court files and juvenile records.

*Fiscal Note:* (Dated February 17, 2018) Increase State Revenue \$200/TBI \$400/District Attorneys

*Senate Status:* 04/25/18 - Senate concurred in House amendment 1 (016269).  
*House Status:* 04/25/18 - House passed with amendment 1 (016269).  
*Executive* 05/22/18 - Enacted as Public Chapter 1018 effective July 1, 2018.  
*Status:*  
*Public Chapter:* PC1018.pdf  
*Private Chapter:*  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 37 and Title 40, Chapter 32, relative to offenses eligible for expunction.  
*AG Opinion:*  
*Cosponsors:* Rep. Camper, Karen; Rep. Dunn, Bill; Rep. Hardaway, G.A.; Rep. Littleton, Mary; Rep. Moody, Debra; Rep. Powers, Dennis; Rep. Turner, Johnnie;  
*Effective Date:* 07/01/18

**SB2609/HB2550 EDUCATION: Elective firearm education course for high school students.**

*Sponsors:* Sen. Gresham, Dolores , Rep. White, Dawn  
*Summary:* Requires the state board of education to develop academic standards for a comprehensive firearm education course to be offered as an elective in high school. Instructs students on the history, mathematics, and science related to firearms and firearm safety education as recommended by law enforcement agencies and firearms associations. Prohibits the use or presence of live ammunition during instruction.  
*Amendment*  
*Summary:* House amendment 2 (016633) rewrites the bill. Deletes and replaces all language after the enacting clause such that the only substantive change is to authorize local education agencies (LEAs) to adopt a gun safety class or program. Prohibits the use or presence of live ammunition.  
*Fiscal Note:* (Dated March 16, 2018) Increase State Expenditures -- \$20,500/One-Time  
*Senate Status:* 04/19/18 - Senate passed.  
*House Status:* 04/17/18 - House passed with amendment 2 (016633).  
*Executive* 05/07/18 - Enacted as Public Chapter 0906 effective May 3, 2018.  
*Status:*  
*Public Chapter:* PC906.pdf  
*Private Chapter:*  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to firearms education.  
*AG Opinion:*  
*Cosponsors:* Sen. Bailey, Paul; Sen. Bell, Mike; Sen. Bowling, Janice;  
*Effective Date:* 05/03/18

**SB2626/HB1862 CRIMINAL LAW: Reduces expunction fee for defendant due to completion of pretrial diversion program.**

*Sponsors:* Sen. Norris, Mark , Rep. Akbari, Raumesh  
*Summary:* Reduces the fee from \$350 to \$180 to expunge records for a defendant that were dismissed as a result from successful completion of a diversion program.  
*Amendment*  
*Summary:*  
*Fiscal Note:* (Dated February 9, 2018) Decrease State Revenue \$144,200/TBI  
*Senate Status:* 04/17/18 - Senate passed.  
*House Status:* 04/02/18 - House passed.  
*Executive* 05/07/18 - Enacted as Public Chapter 0876 effective July 1, 2018.  
*Status:*  
*Public Chapter:* PC876.pdf  
*Private Chapter:*  
*Caption:* AN ACT to amend Tennessee Code Annotated, Section 40-32-101, relative to expunction of records.  
*AG Opinion:*  
*Cosponsors:* Rep. Camper, Karen; Rep. Cooper, Barbara; Rep. Lamberth, William;  
*Effective Date:* 07/01/18