



TENNESSEE FIREARMS ASSOCIATION

Tennessee's ONLY No-Compromise Gun Organization

Tennessee Firearms Association

Bill Status Report - February 22, 2019

SB10/HB2 **CRIMINAL LAW: JaJuan Latham Act.**

Sponsors: Sen. Briggs, Richard , Rep. Staples, Rick
Summary: Enacts the "JaJuan Latham Act," which increases the penalty for any aggravated assault or homicide that occurs by a person discharging a firearm from within a motor vehicle and the victim is a minor at the time of the offense.

Amendment Summary:
Fiscal Note: (Dated February 4, 2019) Increase State Expenditures \$138,900 Incarceration*
Senate Status: 02/12/19 - Senate Judiciary Committee recommended. Sent to Senate Finance.
House Status: 02/20/19 - House Finance Subcommittee placed behind the budget.

Executive Status:
Committees: Senate Finance, Ways & Means Committee
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 1 and Title 39, Chapter 13, Part 2, relative to crimes involving minor victims.

AG Opinion:
Last Action Date: 02/20/19
Cosponsors: Rep. Lamberth, William; Rep. Ogles, Brandon;
Effective Date:
Position: Oppose
Priority:
Comment: Degree of penalty for a violent felony should not be location specific. Needless designation to increase penalty.

SB24/HB17 **CRIMINAL LAW: Use of force by a minor who is victim of a sexual offense.**

Sponsors: Sen. Gilmore, Brenda , Rep. Lamar, London
Summary: Gives the presumption that a minor who is the victim of a sexual offense and used force against the offender had a reasonable belief that the force is immediately necessary to avoid imminent death or serious bodily injury.

Amendment Summary:
Fiscal Note: (Dated October 22, 2018)
Senate Status: 01/19/19 - Referred to Senate Judiciary Committee.
House Status: 02/20/19 - House Criminal Justice Subcommittee deferred to summer study.

Executive Status:
Committees: Senate Judiciary Committee
House Criminal Justice Subcommittee

Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, relative to minors.

AG Opinion:
Last Action Date: 02/20/19
Cosponsors: Rep. Camper, Karen; Rep. Chism, Jesse; Rep. Coley, Jim; Rep. Cooper, Barbara; Rep. Deberry Jr., John; Rep. Dixie, Vincent; Rep. Freeman, Bob; Rep. Hakeem, Yusuf; Rep. Hardaway, G.A.; Rep. Hodges, Jason; Rep. Lafferty, Justin; Rep. Love Jr., Harold; Rep. Mitchell, Bo; Rep. Parkinson, Antonio; Rep. Potts, Jason; Sen. Robinson, Katrina; Rep. Shaw, Johnny; Rep. Staples, Rick; Rep. Stewart, Mike; Rep. Thompson, Dwayne; Rep. White, Mark;

Effective Date:
Position: Oppose
Priority:
Comment: Existing law on justifiable use of force is adequate to handle these scenarios.

SB35/HB135 CRIMINAL LAW: Offense of reckless endangerment by discharging a firearm into a parade or religious service.

Sponsors: Sen. Gilmore, Brenda , Rep. Love Jr., Harold
Summary: Creates a Class C felony offense of reckless endangerment when someone discharges a firearm into a parade, religious service, concert, athletic event, political event, educational event, or into any other group of 25 or more people who are lawfully assembled.

Amendment

Summary:

Fiscal Note:

Senate Status: 02/21/19 - Set for Senate Judiciary Committee 02/26/19.

House Status: 02/20/19 - Taken off notice in House Criminal Justice Subcommittee.

Executive

Status:

Committees: Senate Judiciary Committee
House Criminal Justice Subcommittee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 1, relative to reckless endangerment.

AG Opinion:

Last Action 02/21/19

Date:

Cosponsors:

Effective Date:

Position: Oppose

Priority:

Comment: Existing statutes and case law on reckless endangerment is adequate.

SB95/HB41 CRIMINAL LAW: Handgun carry permits for persons in military stationed out of state.

Sponsors: Sen. Watson, Bo , Rep. VanHuss, James

Summary: Requires the department of safety to issue a handgun carry permit containing zeros in place of an expiration date upon request by a permit holder or applicant who is in the armed forces and stationed outside the state.

Amendment

Summary: Senate amendment 1, House Judiciary Committee amendment 1 (002600) rewrites this bill to require that the following language is printed on the back of handgun carry permit cards: This permit is valid beyond the expiration date if the permit holder can provide documentation of the holder's active military status and duty station outside Tennessee. The provisions of this amendment will take effect on the earlier of: (1) 30 days after the date upon which the commissioner of safety provides written notification to the secretary of state and the executive secretary of the Tennessee code commission that the department of safety's "A-list" driver license program is capable of implementing this act; or (2) January 1, 2020.

Fiscal Note: (Dated January 29, 2019) Other Fiscal Impact To the extent redesign of the handgun carry permit card can be accomplished with one of two available allowances permitted by the current third party vendor contract, any impact would be not significant. Otherwise, redesign of the card will result in a one-time state expenditure estimated to exceed \$15,000.

Senate Status: 02/13/19 - Senate passed with amendment 1 (002600).

House Status: 02/21/19 - Set for House Finance, Ways & Means Subcommittee 02/27/19.

Executive

Status:

Committees: House Finance, Ways & Means Subcommittee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Section 39-17-1351, relative to military personnel.

AG Opinion:

Last Action 02/21/19

Date:

Cosponsors: Sen. Crowe, Rusty; Rep. Hodges, Jason; Rep. Johnson, Curtis; Rep. Lamberth, William; Rep. Littleton, Mary; Rep. Parkinson, Antonio; Rep. Sherrell, Paul; Rep. Todd, Chris;

Effective Date:

Position: Neutral

Priority:

Comment:

SB403/HB167 CRIMINAL LAW: Mandatory sentence for theft of a firearm.

Sponsors: Sen. Stevens, John , Rep. Lamberth, William

Summary: Requires a mandatory 30-day sentence for firearm theft, creates the Class D felony offense of bringing weapons, controlled substances or telecommunication devices into a penal institution, allows those with revoked or restricted driver license due solely to being habitual offender may petition the court that originally revoked their license to reinstate the person's driver license.

Amendment

Summary:

Fiscal Note: (Dated February 11, 2019) Increase State Expenditures Net Impact \$10,713,700* Increase Local Expenditures \$302,700**

Senate Status: 02/21/19 - Set for Senate Judiciary Committee 02/26/19.

House Status: 02/21/19 - Set for House Criminal Justice Subcommittee 02/27/19.

Executive

Status:

Committees: Senate Judiciary Committee
House Criminal Justice Subcommittee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39; Title 40 and Title 55, relative to criminal law.

AG Opinion:

Last Action 02/21/19

Date:

Cosponsors: Rep. Curcio, Michael; Rep. Farmer, Andrew; Rep. Gant, Ron; Rep. White, Mark;

Effective Date:

Position: Oppose

Priority:

Comment: This bill seems to cover diverse unrelated topics and is suspicious as perhaps a "head fake" bill.

SB424/HB408 ENVIRONMENT & NATURE: Expands definition of persons who may engage in the sport of hunting and fishing on farmlands without a license.

Sponsors: Sen. Hensley, Joey , Rep. Doggett, Clay

Summary: Allows parents of landowners and tenants of farmlands to hunt and fish on such land without a license.

Amendment

Summary:

Fiscal Note:

Senate Status: 02/21/19 - Set for Senate Energy, Agriculture & Natural Resources Committee 02/27/19.

House Status: 02/06/19 - Referred to House Agriculture & Natural Resources Subcommittee.

Executive

Status:

Committees: Senate Energy, Agriculture & Natural Resources Committee
House Agriculture & Natural Resources Subcommittee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 70, relative to persons who may engage in the sport of hunting and fishing on farmlands without a license.

AG Opinion:

Last Action 02/21/19

Date:

Cosponsors: Rep. Cepicky, Scott; Sen. Crowe, Rusty; Rep. Griffey, Bruce;

Effective Date:

Position: Neutral

Priority:

Comment:

SB446/HB187 CRIMINAL LAW: Second Amendment Civil Rights Act of 2019.

Sponsors: Sen. Bell, Mike , Rep. Reedy, Jay

Summary: Enacts the "Second Amendment Civil Rights Act of 2019," which prohibits a government entity from enacting or enforcing ordinances, rules, regulations, or policies that prohibit the ownership, construction, or operation of privately owned or operated gun or sport shooting ranges. Confers private rights of action upon a person to challenge government regulation of gun or sport shooting ranges.

Amendment

Summary:

Fiscal Note:

Senate Status: 02/21/19 - Set for Senate Judiciary Committee 02/26/19.

House Status: 02/21/19 - Set for House Constitutional Protections & Sentencing Subcommittee 02/27/19.

Executive

Status:

Committees: Senate Judiciary Committee
House Constitutional Protections & Sentencing Subcommittee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, relative to firearms, arms, ammunition, or firearms accessories.

AG Opinion:

Last Action 02/21/19

Date:

Cosponsors: Rep. Byrd, David; Rep. Todd, Chris;

Effective Date:

Position: Support

Priority:

Comment: The bill would prohibit local government officials from discriminating against individuals or groups who are involved with sporting, hunting, or 2nd Amendment related functions in the rental of public properties that are made available for public rentals.

SB594/HB712 CRIMINAL LAW: Definitions of firearm, antique firearm, and destructive device.

Sponsors: Sen. Roberts, Kerry , Rep. Faison, Jeremy
Summary: Updates the definitions of "firearm" and "antique firearm" to mirror definitions under federal law and defines a "destructive device."
Amendment
Summary:
Fiscal Note:
Senate Status: 02/21/19 - Set for Senate Judiciary Committee 02/26/19.
House Status: 02/11/19 - Referred to House Constitutional Protections & Sentencing Subcommittee.
Executive
Status:
Committees: Senate Judiciary Committee
House Constitutional Protections & Sentencing Subcommittee
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Section 39-11-106; Section 39-13-103 and Title 39, Chapter 17, Part 13, relative to firearms.
AG Opinion:
Last Action 02/21/19
Date:
Cosponsors:
Effective Date:
Position: Support
Priority:
Comment:

SB681/HB825 CRIMINAL LAW: Theft of property that includes firearm.

Sponsors: Sen. Gardenhire, Todd , Rep. Sherrell, Paul
Summary: Increases penalty for theft of firearms valued under \$2,500 to a Class D felony. Broadly captioned.
Amendment
Summary:
Fiscal Note:
Senate Status: 02/21/19 - Set for Senate Judiciary Committee 02/26/19.
House Status: 02/11/19 - Referred to House Criminal Justice Subcommittee.
Executive
Status:
Committees: Senate Judiciary Committee
House Criminal Justice Subcommittee
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 37; Title 39 and Title 40, Chapter 35, relative to criminal law.
AG Opinion:
Last Action 02/21/19
Date:
Cosponsors:
Effective Date:
Position:
Priority:
Comment:

SB705/HB1264 CRIMINAL LAW: Creates a concealed handgun carry permit.

Sponsors: Sen. Stevens, John , Rep. Holt, Andy
Summary: Creates a concealed handgun carry permit, which allows a person to carry a concealed handgun. Redesignates the existing handgun carry permit as an enhanced handgun carry permit.

Amendment House Constitutional Protections & Sentencing Subcommittee amendment 1 (004347) removes direct references to the NRA, removes participation in organized shooting competitions as handgun competence demonstration, requires the county sheriff to verify eligibility requirements for handgun license applicants, requires the TBI conduct nationwide background checks with applicant fingerprints forwarded from DOS, increases time handgun carry permits are valid to from five to eight years, requires the issuance of the permit into a laminated card with photo id, physical identifiers, permit number, and issuance and expiration date, establishes requirements for firearms training or safety courses, and changes the effective date to January 1, 2020. Orders a CCHP be issued on a wallet-sized laminated card the same approximate size as driver licenses with the holder's name, address, date of birth, physical description, permit number, issuance, expiration dates, and a color photograph. House Constitutional Protections & Sentencing Subcommittee amendment 2 (004503) deletes and replaces language of the legislation without making any substantive changes.

Fiscal Note:
Senate Status: 02/07/19 - Referred to Senate Judiciary Committee.
House Status: 02/21/19 - Set for House Judiciary Committee 02/27/19.
Executive
Status:

Committees: Senate Judiciary Committee
House Judiciary Committee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 10; Title 33; Title 38 and Title 39, relative to handgun carry permits.

AG Opinion:

Last Action Date: 02/21/19

Cosponsors: Sen. Bell, Mike; Rep. Casada, Glen; Rep. Curcio, Michael; Rep. Doggett, Clay; Rep. Lamberth, William; Rep. Littleton, Mary; Rep. Sexton, Cameron; Rep. VanHuss, James;

Effective Date:

Position: Amend

Priority:

Comment: The bill would, it appears, create a situation where there are two classes of handgun permits and distinctly different standards for each. One if the existing permit which is being redesignated as an "enhanced" permit. The other would be issued based on lower testing and fees and would be a concealed only permit. Also, there is a concern regarding how many states may terminate reciprocity based on the dual permitting proposal.

SB752/HB1247 EDUCATION: Employees carrying a concealed weapon on school property.

Sponsors: Sen. Hensley, Joey , Rep. Byrd, David

Summary: Deletes requirement that Wayne County and Pickett County be defined as distressed rural counties for purposes of being considered eligible counties to select employees to carry concealed handguns on school property.

Amendment Summary:

Fiscal Note:

Senate Status: 02/07/19 - Referred to Senate Judiciary Committee.

House Status: 02/20/19 - Referred to House Education K-12 Subcommittee.

Executive Status:

Committees: Senate Judiciary Committee
House Education K-12 Subcommittee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Section 49-6-816, relative to employees carrying a concealed weapon on school property.

AG Opinion:

Last Action Date: 02/20/19

Date:

Cosponsors:

Effective Date:

Position:

Priority:

Comment:

SB778/HB266 CRIMINAL LAW: Expunction of nonviolent misdemeanor charges.

Sponsors: Sen. Yarbrow, Jeff , Rep. Shaw, Johnny

Summary: Requires a court to automatically dismiss a misdemeanor charge if prosecution of the charge is not commenced within three years of the offense and the defendant is not charged with any subsequent misdemeanor or felony offense during the three-year period. Also requires the automatic expunction of a nonviolent misdemeanor charge or conviction if the defendant is not charged with any subsequent misdemeanor or felony offense within three years following the original charge.

Amendment Summary:

Fiscal Note:

Senate Status: 02/07/19 - Referred to Senate Judiciary Committee.

House Status: 02/20/19 - House Constitutional Protections & Sentencing Subcommittee deferred to 03/06/19.

Executive Status:

Committees: Senate Judiciary Committee
House Constitutional Protections & Sentencing Subcommittee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 40, relative to misdemeanors.

AG Opinion:

Last Action Date: 02/20/19

Date:

Cosponsors: Rep. Jernigan, Darren;

Effective Date:

Position:

Priority:

Comment:

SB907/HB731 CRIMINAL LAW: Renewal of handgun carry permits.

Sponsors: Sen. Southerland, Steve , Rep. Hall, Mark
Summary: Authorizes the safety department to contract with a local government agency for the renewal of handgun carry permits. Authorizes an agency contracting with the department charge an additional fee of \$4 for each renewal application.

Amendment Summary:
Fiscal Note: (Dated February 14, 2019) Increase State Expenditures \$15,000/One-Time/Department of Safety Decrease State Expenditures Exceeds \$30,300/Recurring/ Department of Safety Increase Local Revenue Exceeds \$60,900/Recurring/Permissive Increase Local Expenditures Exceeds \$30,300/Recurring/Permissive

Senate Status: 02/21/19 - Set for Senate Consent 2 02/25/19.
House Status: 02/21/19 - Set for House Constitutional Protections & Sentencing Subcommittee 02/27/19.

Executive Status:
Committees: Senate Consent 2
House Constitutional Protections & Sentencing Subcommittee

Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Section 39-17-1351, relative to the renewal of handgun carry permits.
AG Opinion:
Last Action Date: 02/21/19
Cosponsors: Rep. Byrd, David; Rep. Doggett, Clay; Rep. Griffey, Bruce; Rep. Howell, Dan;
Effective Date:
Position:
Priority:
Comment:

SB1275/HB409 CRIMINAL LAW: Civil or criminal immunity for person who uses force in self-defense.

Sponsors: Sen. Pody, Mark , Rep. Griffey, Bruce
Summary: Confers criminal and civil immunity upon a person who uses or threatens to use force in self-defense, defense of another, or defense from a person committing a criminal offense, unless the person against whom the force is used is a law enforcement officer acting in the performance of the officer's official duties and has identified himself or herself as a law enforcement officer.

Amendment Summary:
Fiscal Note:
Senate Status: 02/11/19 - Referred to Senate Judiciary Committee.
House Status: 02/21/19 - Set for House Constitutional Protections & Sentencing Subcommittee 02/27/19.

Executive Status:
Committees: Senate Judiciary Committee
House Constitutional Protections & Sentencing Subcommittee

Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 11, Part 6 and Title 39, Chapter 17, Part 13, relative to civil and criminal immunity.
AG Opinion:
Last Action Date: 02/21/19
Cosponsors: Rep. Byrd, David; Rep. Doggett, Clay; Rep. Haston, Kirk; Rep. Reedy, Jay; Rep. Todd, Chris;
Effective Date:
Position: Support
Priority: 1 - Top-tier
Comment: TFA strongly supports this legislation as written. It is designed to modify current state law to require that law enforcement and district attorneys evaluate whether the matter involves a justifiable civilian self-defense incident prior to bringing criminal charges.

SB1341/HB1295 CRIMINAL LAW: Firearms dispossession forms for domestic violence defendants.

Sponsors: Sen. Massey, Becky , Rep. Farmer, Andrew
Summary: Requires the domestic violence state coordinating council in consultation with the administrative office of the courts to develop an affidavit of firearms dispossession form that must be signed following a conviction for a domestic violence offense. Orders the administrative office of the courts to post the form on its website where it can be copied by defendants or provided to them by the court or court clerk for signature upon conviction.

Amendment Summary:
Fiscal Note:
Senate Status: 02/21/19 - Set for Senate Judiciary Committee 02/26/19.
House Status: 02/21/19 - Set for House Constitutional Protections & Sentencing Subcommittee 02/27/19.

Executive

Status:

Committees: Senate Judiciary Committee
House Constitutional Protections & Sentencing Subcommittee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Section 39-13-111, relative to domestic violence offenders.

AG Opinion:

Last Action 02/21/19

Date:

Cosponsors:

Effective Date:

Position:

Priority:

Comment:

SB1347/HB1460 CRIMINAL LAW: Fees for lifetime handgun permits for former law enforcement officers.

Sponsors: Sen. Pody, Mark , Rep. Sherrell, Paul

Summary: Waives the fee for obtaining a lifetime handgun carry permit for former law enforcement officers, POST certified or had equivalent training, who served at least 10 years and left the law enforcement agency while in good standing.

Amendment

Summary:

Fiscal Note:

Senate Status: 02/11/19 - Referred to Senate Judiciary Committee.

House Status: 02/21/19 - Set for House Constitutional Protections & Sentencing Subcommittee 02/27/19.

Executive

Status:

Committees: Senate Judiciary Committee
House Constitutional Protections & Sentencing Subcommittee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Section 39-17-1351, relative to lifetime handgun permits for former law enforcement officers.

AG Opinion:

Last Action 02/21/19

Date:

Cosponsors:

Effective Date:

Position:

Priority:

Comment:

SB1374/HB109 CRIMINAL LAW: Carrying of firearms by correctional officers.

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

Summary: Permits correctional officers and certain other people employed by the department of correction to carry a handgun if they have completed their probationary period and training rather than when they are vested.

Amendment

Summary:

Fiscal Note: (Dated February 9, 2019) NOT SIGNIFICANT

Senate Status: 02/11/19 - Referred to Senate Judiciary Committee.

House Status: 02/20/19 - House Judiciary Committee recommended. Sent to House Calendar & Rules.

Executive

Status:

Committees: Senate Judiciary Committee
House Calendar & Rules Committee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Section 39-17-1350, relative to certain law enforcement officers carrying firearms.

AG Opinion:

Last Action 02/20/19

Date:

Cosponsors:

Effective Date:

Position: Neutral

Priority:

Comment:

SB1401/HB545 CRIMINAL LAW: Temporary handgun carry permit for person granted an order of protection.

Sponsors: Sen. Bell, Mike , Rep. Boyd, Clark

Summary: Increases the amount of calendar days a person who petitions the court and is granted an order of protection has to apply for a temporary handgun carry permit from the department of safety from 21 calendar days to 30 calendar days after that order of protection is granted.

Amendment

Summary:

Fiscal Note: (Dated February 6, 2019) NOT SIGNIFICANT

Senate Status: 02/11/19 - Referred to Senate Judiciary Committee.

House Status: 02/19/19 - Referred to House Constitutional Protections & Sentencing Subcommittee.

Executive

Status:

Committees: Senate Judiciary Committee

House Constitutional Protections & Sentencing Subcommittee

Public Chapter:

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

AG Opinion:

Last Action 02/19/19

Date:

Cosponsors:

Effective Date:

Position:

Priority:

Comment:

SJR1 JUDICIARY: Constitutional amendment - selection of attorney general.

Sponsors: Sen. Yager, Ken ,

Summary: Proposes an amendment to Article VI, Section 5 of the state constitution to provide for the selection of the attorney general and reporter for the state with nomination by the supreme court and confirmation by the general assembly.

Amendment

Summary:

Fiscal Note: (Dated January 31, 2019) Increase State Expenditures \$10,000/One-Time

Senate Status: 02/21/19 - Senate adopted on third reading.

House Status:

Executive

Status:

Committees:

Public Chapter:

Caption:

AG Opinion:

Last Action 02/21/19

Date:

Cosponsors: Sen. Bowling, Janice;

Effective Date:

Position: Neutral

Priority:

Comment: The effort should be towards amending the constitution for an elected attorney general who would be accountable directly to the voters.