



TENNESSEE FIREARMS ASSOCIATION

Tennessee's ONLY No-Compromise Gun Organization

Tennessee Firearms Association

Bill Status Report - April 5, 2019

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: Senate Judiciary Committee amendment 1, House Judiciary Committee amendment 1 (004918) declares exemption to the crime of reckless endangerment by discharging a firearm if done by a member of a law enforcement agency or any branch of the military acting in the course of a person's official duties, involves the firing of non-live ammunition as part of a funeral, or occurs in a location where participants have assumed the risk of the activity involving the discharge of a firearm, including group hunting activities.
Fiscal Note: (Dated February 19, 2019) Increase State Expenditures \$376,900 Incarceration*
Senate Status: 03/19/19 - Senate Judiciary Committee recommended with previously adopted amendment 1 (004918). Sent to Senate Finance.
House Status: 04/04/19 - Set for House Finance, Ways & Means Subcommittee 04/10/19.
Executive Status:
Committees: Senate Finance, Ways & Means Committee
 House Finance, Ways & Means 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: 04/04/19
Date:
Cosponsors: Sen. Robinson, Katrina;
Effective Date:
Position: Oppose
Priority:
Comment: Existing statutes and case law on reckless endangerment is adequate.

SB88/HB134 **CRIMINAL LAW: Expunction of certain criminal records.**

Sponsors: Sen. Akbari, Raumesh , Rep. Love Jr., Harold
Summary: Permits filing of petitions for record expunctions after three years for misdemeanors and five years for felonies.
Amendment Summary:
Fiscal Note: (Dated March 18, 2019) Increase State Revenue Exceeds \$2,400,000/One-Time/TBI Exceeds \$6,240,000/One-Time/District Attorneys Expunction Fund Increase Local Revenue Exceeds \$4,800,000/One-Time
Senate Status: 01/30/19 - Referred to Senate Judiciary Committee.
House Status: 04/03/19 - House Constitutional Protections & Sentencing Subcommittee deferred to first calendar of 2020.
Executive Status:
Committees: Senate Judiciary Committee
 House Constitutional Protections & Sentencing Subcommittee
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 32, Part 1, relative to the expunction of certain criminal records.
AG Opinion:
Last Action: 04/03/19
Date:
Cosponsors: Sen. Kyle, Sara;
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: Senate Judiciary Committee amendment 1 (004195) changes the effective date for sections 1, 2 and 3 to January 1, 2020. Senate Judiciary Committee amendment 2, House Judiciary amendment 1 (004188) removes "any telecommunication device" from being considered unlawful for any person to possess while present in any penal institution where prisoners are quartered or under custodial supervision without the express consent of the chief administrator of the institution. House Judiciary amendment 2 (005342) changes the effective date of the authorization of a person whose driver license was revoked or restricted as a result of the Motor Vehicle Habitual Offender Act to petition a court for reinstatement of the person's driver license to 30 days after the date upon which the Department of Safety Commissioner provides written notification to the Secretary of State and the Executive Secretary of the Tennessee Code Commission and the Department's "A-list" driver license program is capable of implementing the act or January 1, 2020, whichever is earlier. House Judiciary amendment 3 (005529) requires the sixth and subsequent DUI's be served at no less than 85% of the sentence.

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

Senate Status: 04/03/19 - Set for Senate Finance, Ways & Means Committee 04/09/19.

House Status: 03/26/19 - House Finance, Ways & Means Committee recommended. Sent to House Calendar & Rules.

Executive

Status:

Committees: Senate Finance, Ways & Means Committee
House Calendar & Rules Committee Regular

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 Date: 04/03/19

Cosponsors: Rep. Casada, Glen; Rep. Curcio, Michael; Rep. Dixie, Vincent; Rep. Farmer, Andrew; Rep. Gant, Ron; Rep. Griffey, Bruce; Rep. Littleton, Mary; Rep. White, Mark; Sen. Yager, Ken;

Effective Date:

Position: Oppose

Priority:

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

SB423/HB494 TAXES BUSINESS: Tax on ammunition.

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

Summary: Eliminates the special privilege tax on ammunition.

Amendment

Summary:

Fiscal Note: (Dated February 24, 2019) Decrease State Revenue - \$455,300/Wildlife Resources Fund Decrease State Expenditures - \$19,900/Wildlife Resources Fund

Senate Status: 04/02/19 - Senate Finance Revenue Subcommittee returned to full committee with a negative recommendation.

House Status: 03/06/19 - 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, Section 8- 8-201 and Title 70, Chapter 3, relative to the tax on ammunition.

AG Opinion:

Last Action Date: 04/02/19

Cosponsors: Rep. Crawford, John; Rep. Eldridge, Rick; Rep. Gant, Ron; Rep. Griffey, Bruce; Rep. Hall, Mark; Rep. Hill, Matthew; Rep. Hill, Timothy; Rep. Holt, Andy; Rep. Lamberth, William; Rep. Sexton, Cameron; Rep. VanHuss, James; Sen. White, Dawn;

Effective Date:

Position:

Priority:

Comment:

SB472/HB677 CRIMINAL LAW: Reporting of person judicially committed for mental illness to determine eligibility to purchase firearm.

Sponsors: Sen. Haile, Ferrell , Rep. Garrett, Johnny

Summary: Requires clerks to report the race, sex, and social security number of a person judicially committed for mental illness to the FBI-NCIS index and department of safety to determine eligibility for person to purchase firearms. Requires such information to be confidential.

Amendment Summary: House Judiciary Committee amendment 1 (005604) adds clarifying language specifying that changes applied in the bill for the General Sessions Courts applies to the Chancery Courts as well.

Fiscal Note: (Dated February 19, 2019) NOT SIGNIFICANT
Senate Status: 03/11/19 - Senate passed.
House Status: 04/04/19 - Set for House Floor for 04/08/19.
Executive Status:
Committees: House Floor
Public Chapter:
Caption:
AG Opinion:
Last Action Date: 04/04/19
Cosponsors:
Effective Date:
Position:
Priority:
Comment:

SB506/HB560 CRIMINAL LAW: Permits expunction of certain misdemeanors.

Sponsors: Sen. Akbari, Raumesh , Rep. Camper, Karen
Summary: Permits the expunction of certain misdemeanor offenses not eligible under current law.
Amendment Summary:
Fiscal Note: (Dated March 9, 2019) Increase State Revenue Exceeds \$160,000/TBI Exceeds \$416,000/District Attorney Expunction Fund Increase Local Revenue Exceeds \$320,000
Senate Status: 02/07/19 - Referred to Senate Judiciary Committee.
House Status: 04/03/19 - Returned to House clerk's desk.
Executive Status:
Committees: Senate Judiciary Committee
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 40, relative to expunction.
AG Opinion:
Last Action Date: 04/03/19
Cosponsors:
Effective Date:
Position:
Priority:
Comment:

SB533/HB1141 TAXES SALES: Exemption of sales of gun safes from sales and use tax.

Sponsors: Sen. Roberts, Kerry , Rep. Doggett, Clay
Summary: Exemption of sales of gun safes from sales and use tax.
Amendment Summary:
Fiscal Note: (Dated February 8, 2019) Decrease State Revenue Net Impact \$321,300 Decrease Local Revenue Net Impact \$131,100
Senate Status: 03/19/19 - Senate Finance Revenue Subcommittee returned to full committee with a negative recommendation.
House Status: 04/04/19 - Set for House Finance, Ways & Means Subcommittee 04/10/19.
Executive Status:
Committees: Senate Finance, Ways & Means Committee
House Finance, Ways & Means Subcommittee
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 67, relative to purchases of gun safes.
AG Opinion:
Last Action Date: 04/04/19
Cosponsors: Sen. Bailey, Paul; Sen. Bell, Mike; Sen. Bowling, Janice; Sen. Briggs, Richard; Sen. Crowe, Rusty; Sen. Dickerson, Steven; Rep. Eldridge, Rick; Sen. Gilmore, Brenda; Sen. Gresham, Dolores; Sen. Hensley, Joey; Rep. Hodges, Jason; Sen. Jackson, Ed; Sen. Kurita, Rosalind; Sen. Kyle, Sara; Sen. Massey, Becky; Sen. Pody, Mark; Rep. Potts, Jason; Rep. VanHuss, James; Sen. White, Dawn;
Effective Date:
Position: Neutral
Priority:
Comment:

SB577/HB193 CRIMINAL LAW: Expunction of multiple convictions resulting from being a victim of human trafficking.

Sponsors: Sen. Gardenhire, Todd , Rep. Carter, Mike

Summary: Allows for a petitioner who has multiple, nonviolent convictions resulting from being a victim of human trafficking to be expunged by the court if deemed to be in the best interest of justice. If denied, there shall be no petition filed for at least two years.

Amendment Summary: Senate amendment 1 (004246) deletes and replaces all language after the enacting clause such that the substantive changes are: (1) to specify that in order to file a petition, at least one of the human trafficking convictions to be expunged is required to be a prostitution conviction; (2) establish that such offenses for which the petitioner is requesting expunction are eligible for expunction, (3) establish that the offense to be expunged is required to occur on or after the date on which the petitioner became a victim of human trafficking, and (4) establish, upon filing a petition, the petitioner is required to remit a \$180 fee to the court clerk. House Judiciary Committee amendment 1 (006798) deletes and replaces all language after the enacting clause such that the substantive changes are to specify that in order to file a petition, at least one of the human trafficking convictions to be expunged is required to be a prostitution conviction, establish that such offenses for which the petitioner is requesting expunction are eligible for expunction, establish that the offense to be expunged is required to occur on or after the date on which the petitioner became a victim of human trafficking, establish, upon filing a petition, the petitioner is required to remit a \$180 fee to the court clerk and add that in order to be eligible for expunction the petitioner must not had public records previously expunged.

Fiscal Note: (Dated March 15, 2019) NOT SIGNIFICANT

Senate Status: 03/25/19 - Senate passed with amendment 1 (004246).

House Status: 04/04/19 - Set for House Floor for 04/10/19.

Executive Status:

Committees: House Floor

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, Chapter 32, relative to expunction for certain offenses.

AG Opinion:

Last Action Date: 04/04/19

Cosponsors: Sen. Bowling, Janice; Sen. Briggs, Richard; Rep. Hakeem, Yusuf; Rep. Hazlewood, Patsy; Rep. Helton, Esther; Rep. Lafferty, Justin; Sen. Massey, Becky; Sen. Robinson, Katrina; Rep. Smith, Robin; Sen. Stevens, John; Sen. White, Dawn;

Effective Date:

Position: Amend

Priority:

Comment: Amend to allow expungment of multiple convictions for any non-violent crime not just those related to sex trafficking

SB590/HB626 MEDIA & PUBLISHING: Record requests that constitute harassment.

Sponsors: Sen. Hensley, Joey , Rep. Lamberth, William

Summary: If a person makes a request to view or copy a public record that constitutes harassment, authorizes the records custodian charged with fulfilling the request to petition a court of competent jurisdiction for an order to enjoin the person from making records requests and recover fees and costs.

Amendment Summary: House Civil Justice Subcommittee amendment 1 (006325) rewrites the bill. A court may, upon finding a request constitutes harassment, issue an order allowing the government entity to change the requestor for future records for a period of one year. Requires the government entity to provide a written report to the office of open records no later than three months after the petition is made. Adds a request to copy a public record as grounds for petitioning a harassment claim. Changes the definition of "harassment" to include 12 or more public records requests in a one-year period, rather than three. Adds a definition of "legitimate purpose" as including, but not limited to, gathering information for the purpose of publication, investigating, or using the information for commercial purpose.

Fiscal Note: (Dated March 19, 2019) NOT SIGNIFICANT

Senate Status: 04/03/19 - Set for Senate Judiciary Committee 04/09/19.

House Status: 04/04/19 - Set for House Judiciary Committee 04/09/19.

Executive Status:

Committees: Senate Judiciary Committee
House Judiciary Committee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5 and Title 29, relative to public records requests.

AG Opinion:

Last Action Date: 04/04/19

Cosponsors: Rep. Garrett, Johnny ; Rep. White, Mark;

Effective Date:

Position: Oppose

Priority:

Comment: Legislation seeks to start creating "stonewalling" procedures for citizens seeking to obtain copies of or access to "public" records.

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: House Judiciary Committee amendment 1 (005330) rewrites the bill to make technical and stylistic changes to the order of the language without substantively changing the legislation.
Fiscal Note: (Dated February 22, 2019) NOT SIGNIFICANT
Senate Status: 03/04/19 - Senate passed.
House Status: 04/03/19 - House Judiciary Committee recommended with amendment 1 (005330), which rewrites the bill to make technical and stylistic changes to the order of the language without substantively changing the legislation. Sent to House Calendar & Rules.

Executive Status:
Committees: House Calendar & Rules Committee
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 Date: 04/03/19
Cosponsors: Rep. Lamberth, William;
Effective Date:
Position: Support
Priority:
Comment:

SB603/HB1116 CRIMINAL LAW: Reckless endangerment with a deadly weapon.

Sponsors: Sen. Jackson, Ed , Rep. Coley, Jim
Summary: Increases the penalty for the offense of reckless endangerment with a deadly weapon to a Class D felony if the offense occurred during a road rage incident.

Amendment Summary:
Fiscal Note: (Dated March 9, 2019) Increase State Expenditures \$27,300 Incarceration*
Senate Status: 02/07/19 - Referred to Senate Judiciary Committee.
House Status: 04/04/19 - Set for House Finance, Ways & Means Subcommittee 04/10/19.

Executive Status:
Committees: Senate Judiciary Committee
House Finance, Ways & Means Subcommittee
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13 and Title 55, Chapter 10, Part 2, relative to reckless endangerment.
AG Opinion:
Last Action Date: 04/04/19
Cosponsors: Rep. Hardaway, G.A.;
Effective Date:
Position: Oppose
Priority:
Comment: Penalties increased only if its "road rage". This is an arbitrary classification.

SB686/HB883 CRIMINAL LAW: Sealing criminal history records.

Sponsors: Sen. Akbari, Raumesh , Rep. Dixie, Vincent
Summary: Allows certain felony offenders to petition to have the offender's criminal history records sealed after completion of all requirements of sentencing and at least five years without being convicted of a new offense. Broadly captioned.

Amendment Summary:
Fiscal Note: (Dated March 31, 2019) Increase Local Revenue Exceeds \$125,000 Increase Local Expenditures Exceeds \$125,000*
Senate Status: 02/07/19 - Referred to Senate Judiciary Committee.
House Status: 04/03/19 - House Criminal Justice Subcommittee deferred to first calendar of 2020.

Executive Status:
Committees: Senate Judiciary Committee
House Criminal Justice Subcommittee
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to criminal history records.
AG Opinion:
Last Action Date: 04/03/19
Cosponsors: Rep. Chism, Jesse;

Effective Date:

Position:

Priority:

Comment:

SB742/HB1417 CRIMINAL LAW: Increases the penalty for aggravated assault and reckless endangerment.

Sponsors: Sen. Kyle, Sara , Rep. Towns Jr., Joe

Summary: Increases penalty for aggravated assault and reckless endangerment committed from within a motor vehicle. Requires the court revoke a defendant's license for up to one year following any period of confinement. Requires that a motor vehicle used in a second or subsequent offense be seized and forfeited.

Amendment

Summary:

Fiscal Note: (Dated March 5, 2019) Increase State Expenditures \$187,600 Incarceration*

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

House Status: 04/03/19 - Returned to House clerk's desk.

Executive

Status:

Committees: Senate Judiciary Committee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13 and Title 40, relative to criminal offenses.

AG Opinion:

Last Action 04/03/19

Date:

Cosponsors:

Effective Date:

Position:

Priority:

Comment:

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

Sponsors: Sen. Yarbro, 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: House amendment 1 (005255) deletes all language after the enacting clause and requires a judge notify a person, at the time of sentencing, convicted of a misdemeanor eligible for expunction of their eligibility and the time period after which the person can petition for expunction.

Fiscal Note: (Dated February 19, 2019) Increase State Expenditures \$4,500/General Fund/One-Time Decrease State Revenue \$806,400/Recurring/TBI \$2,073,600/Recurring/District Attorney Expunction Fund Increase Local Expenditures Exceeds \$20,000/One-Time* Exceeds \$100,000/Recurring*

Senate Status: 04/03/19 - Set for Senate Judiciary Committee 04/09/19.

House Status: 03/28/19 - House passed with amendment 1 (005255).

Executive

Status:

Committees: Senate Judiciary Committee

Public Chapter:

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

AG Opinion:

Last Action 04/03/19

Date:

Cosponsors: Rep. Clemmons, John; Rep. Hardaway, G.A.; Rep. Jernigan, Darren; Rep. Love Jr., Harold; Rep. Powell, Jason;

Effective Date:

Position:

Priority:

Comment:

SB797/HB941 CRIMINAL LAW: Expunction fees.

Sponsors: Sen. Johnson, Jack , Rep. Lamberth, William

Summary: Removes \$180 fee for petitioning the court for expunctions of certain criminal offenses. Removes \$350 fee applications for expunctions following the completion of a diversion program. Part of Administration Package.

Amendment Summary: House Judiciary Committee amendment 1, Senate amendment 1 (005117) adds sections to the bill that delete references to the removed expunction fees.

Fiscal Note: (Dated March 2, 2019) Decrease State Revenue \$144,000/District Attorneys Expunction Fund \$1,401,000/TBI

Senate Status: 03/28/19 - Senate passed with amendment (005117).

House Status: 04/04/19 - Set for House Floor for 04/10/19.

Executive

Status:

Committees: House Floor

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 32 and Title 40, Chapter 35, relative to expunction fees.

AG Opinion:

Last Action 04/04/19

Date:

Cosponsors: Sen. Akbari, Raumesh; Rep. Camper, Karen; Rep. Carter, Mike; Rep. Curcio, Michael; Sen. Dickerson, Steven; Rep. Doggett, Clay; Rep. Faison, Jeremy; Rep. Gant, Ron; Rep. Garrett, Johnny ; Sen. Gilmore, Brenda; Rep. Hazlewood, Patsy; Sen. Jackson, Ed; Rep. Kumar, Sabi; Rep. Littleton, Mary; Sen. Massey, Becky; Rep. Mitchell, Bo; Rep. Ogles, Brandon; Rep. Parkinson, Antonio; Sen. Pody, Mark; Sen. Robinson, Katrina; Sen. Rose, Paul; Rep. Sanderson, Bill; Rep. Sherrell, Paul; Rep. Towns Jr., Joe; Sen. Yarbro, Jeff;

Effective Date:

Position:

Priority:

Comment:

SB813/HB801 CRIMINAL LAW: Leaving a firearm or firearm ammunition unattended.

Sponsors: Sen. Akbari, Raumesh , Rep. White, Mark

Summary: Creates a Class A misdemeanor offense of leaving a firearm or firearm ammunition unattended with a minor in a motor vehicle or boat, if the firearm is not securely locked away.

Amendment
Summary: House Constitutional Protections & Sentencing Subcommittee amendment 1 (007099) rewrites the bill to (1) create a Class A misdemeanor for leaving a firearm in a motor vehicle or coat that is unattended or with a person under the age of 18, unless the firearm is kept from ordinary observation or kept within the trunk, glovebox, or container securely affixed, and (2) establish that such an offense is punishable only by a fine of not less than \$500, which shall be credited to the General Fund.

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

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

House Status: 04/04/19 - Set for House Judiciary Committee 04/09/19.

Executive

Status:

Committees: Senate Judiciary Committee

House Judiciary Committee

Public Chapter:

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

AG Opinion:

Last Action 04/04/19

Date:

Cosponsors: Rep. Hardaway, G.A.; Sen. Kyle, Sara;

Effective Date:

Position: Oppose

Priority:

Comment:

SB827/HB1348 CRIMINAL LAW: Person seeking expunction of multiple offenses.

Sponsors: Sen. Akbari, Raumesh , Rep. Miller, Larry

Summary: Declares that a person seeking expunction must petition the court where the petitioner was most recently convicted to be expunged. Requires the clerk to serve the petition on the district attorney general for that judicial district and any other judicial district in which the person was convicted of an offense sought to be expunged.

Amendment

Summary:

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

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

House Status: 04/03/19 - House Constitutional Protections & Sentencing Subcommittee deferred to first calendar of 2020.

Executive

Status:

Committees: House Constitutional Protections & Sentencing Subcommittee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 32, relative to expunction of criminal records.

AG Opinion:

Last Action 04/03/19

Date:

Cosponsors: Sen. Gilmore, Brenda; Sen. Yarbro, Jeff;

Effective Date:

Position:

Priority:

Comment:

SB865/HB1447 CRIMINAL LAW: Revokes handgun carry permit for domestic violence.

Sponsors: Sen. Bowling, Janice , Rep. Moody, Debra
Summary: Requires a handgun carry permit holder to surrender their permit to the court if convicted of a misdemeanor crime of domestic assault. Orders that within 48 hours of the conviction, the permit should be forwarded and revoked by the department of safety.

Amendment

Summary:

Fiscal Note: (Dated March 8, 2019) NOT SIGNIFICANT

Senate Status: 04/02/19 - Failed in Senate Judiciary Committee.

House Status: 02/13/19 - 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 and Title 40, relative to domestic violence.

AG Opinion:

Last Action 04/02/19

Date:

Cosponsors: Rep. Freeman, Bob;

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: 03/04/19 - Senate passed.

House Status: 04/01/19 - House passed.

Executive 04/01/19 - Sent to the speakers for signatures.

Status:

Committees:

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 04/01/19

Date:

Cosponsors: Rep. Byrd, David; Rep. Doggett, Clay; Rep. Griffey, Bruce; Rep. Howell, Dan; Rep. Lamberth, William; Rep. Sherrell, Paul; Sen. Stevens, John;

Effective Date:

Position:

Priority:

Comment:

SB1010/HB1427 CRIMINAL LAW: Sale or transfer of certain firearms completed through licensed gun dealer.

Sponsors: Sen. Gilmore, Brenda , Rep. Stewart, Mike

Summary: Requires all firearm sales or transfers in this state including to be subject to a criminal history record check unless specifically exempted by state or federal law. Specifies that the criminal history record check requirement applies to all sales or transfers made by a licensed gun dealer as well as sales and transfers at a gun show, online, or between persons who are not licensed gun dealers. Requires, when neither the seller nor purchaser of a firearm is a licensed gun dealer that the transaction be completed through a licensed gun dealer, and that the dealer perform the background check. Requires the licensed gun dealer, if the results of the criminal history record check indicate that the purchaser or transferee is ineligible to possess a firearm, to return the firearm to the seller or transferor. Allows the licensed gun dealer to charge a fee that reflects the fair market value of the administrative costs and efforts incurred by the licensed gun dealer for facilitating the sale or transfer of the firearm.

Amendment

Summary:

Fiscal Note: (Dated March 20, 2019) Increase State Revenue Exceeds \$10,000/TBI Increase State Expenditures Exceeds \$10,000/TBI

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

House Status: 04/03/19 - Returned to House clerk's desk.

Executive

Status:

Committees: Senate Judiciary Committee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13 and Title 67, Chapter 6, relative to the sale or transfer of certain firearms.

AG Opinion:

Last Action 04/03/19

Date:

Cosponsors: Rep. Clemmons, John;

Effective Date:

Position: Oppose

Priority:

Comment:

SB1011/HB1428 CRIMINAL LAW: Illegal transfer of a firearm to a prohibited possessor.

Sponsors: Sen. Gilmore, Brenda , Rep. Stewart, Mike

Summary: Creates a Class A misdemeanor offense for illegal transfer of a firearm to a prohibited possessor, in knowing that the transfer was illegal under law. Declares that if a person was prohibited from purchasing a firearm due to age restriction, it is not an offense if the transfer of firearm took place for time the firearm was used for purpose of instruction, hunting, or sport shooting.

Amendment

Summary:

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

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

House Status: 04/03/19 - Returned to House clerk's desk.

Executive

Status:

Committees: Senate Judiciary Committee

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 37 and Title 39, Chapter 17, Part 13, relative to the transfer of firearms.

AG Opinion:

Last Action 04/03/19

Date:

Cosponsors: Rep. Clemmons, John;

Effective Date:

Position: Oppose

Priority:

Comment: This issue is already covered under several state laws.

SB1178/HB1446 CRIMINAL LAW: Extreme risk protection orders.

Sponsors: Sen. Dickerson, Steven , Rep. Deberry Jr., John

Summary: Allows an eligible petitioner to file a petition with no filing fee for an extreme risk protection order in any court with jurisdiction over domestic relations matters or in general sessions court. Requires for an extreme risk protection to contain allegations, a sworn affidavit, information on firearm possession, and whether the respondent is currently subject to an order of protection. Specifies court proceeding to follow filing an extreme risk protection order and directs the court to set a hearing on the petition no later than 15 days from the date the petition was filed. After the court issues the order, it will prohibit the respondent from purchasing or possessing a firearm for a period of one year and any violation of the extreme risk protection order is subject to a Class A misdemeanor.

Amendment

Summary:

Fiscal Note: (Dated March 24, 2019) Increase State Expenditures \$10,400/One-Time \$84,300/Recurring Increase Local Expenditures Exceeds \$1,000/Recurring*

Senate Status: 04/02/19 - Taken off notice in Senate Judiciary Committee.

House Status: 02/13/19 - 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 33; Title 38; Title 39 and Title 40, relative to weapons.

AG Opinion:

Last Action 04/02/19

Date:

Cosponsors: Rep. Camper, Karen; Rep. Jernigan, Darren; Sen. Kyle, Sara;

Effective Date:

Position: Oppose

Priority: 1 - Top-tier

Comment: the GOP "Red Flag" law

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: House Constitutional Protections & Sentencing Subcommittee amendment 1 (005075) modifies the circumstances under which civil immunity will not apply to a use of force. Under this bill, civil immunity will not apply if the person against whom force was used is a law enforcement officer who was acting in the performance of the officer's official duties and identified himself or herself as a law enforcement officer; or the person using force knew or reasonably should have known that the person was a law enforcement officer, and modifies the circumstances under which civil immunity applies in cases of justified use or threat to use force, the suit must be dismissed without prejudice for failure to state a claim unless the person against whom the claim has been made has been convicted of a crime involving the unlawful use of force that resulted from the same events as the civil action. This bill specifies that a suit may be brought against a person convicted of a crime involving the unlawful use of force and arising from the same incident as the civil action within one year of the conviction for the use of unlawful force resulting from the same events. Sent to full committee.

Fiscal Note: (Dated February 25, 2019) NOT SIGNIFICANT

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

House Status: 04/04/19 - Set for House Judiciary Committee 04/09/19.

Executive

Status:

Committees: Senate Judiciary Committee
House Judiciary Committee

Public Chapter:

Caption:

AG Opinion:

Last Action Date: 04/04/19

Date:

Cosponsors: Rep. Byrd, David; Rep. Doggett, Clay; Rep. Haston, Kirk; Sen. Jackson, Ed; Rep. Reedy, Jay; Sen. Roberts, Kerry; Rep. Smith, Robin; 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.

SB1312/HB1476 CRIMINAL LAW: Leaving firearm or ammunition in motor vehicle or boat without it being in locked cabinet.

Sponsors: Sen. Kyle, Sara , Rep. Hardaway, G.A.

Summary: Prohibits leaving a firearm, loaded firearm, or firearm ammunition in a motor vehicle or boat that is unattended or with a person under 18 years of age if the firearm is not locked away or securely contained. Any violation is a Class A misdemeanor which is punishable by a fine of not less than \$500. Requires the fine paid to the clerk of the court the imposing sentence who will then transfer it to the state treasurer for deposit the general fund. Orders 50 percent of the funds be deposited in the domestic violence community education fund and the other 50 percent deposited in the criminal injuries compensation fund.

Amendment

Summary:

Fiscal Note: (Dated March 11, 2019) NOT SIGNIFICANT

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

House Status: 04/03/19 - Failed in 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 Date: 04/03/19

Date:

Cosponsors:

Effective Date:

Position: Oppose

Priority:

Comment:

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: Senate Judiciary Committee amendment 1, House amendment 1 (004880) deletes and replaces all language after the enacting clause. Requires the AOC to develop a domestic violence firearm notification form and to post such form on the AOC website. Requires a defendant entering a guilty plea to a domestic violence charge to sign a domestic violence firearm notification form prior to the court accepting a guilty plea.

Fiscal Note: (Dated February 20, 2019) NOT SIGNIFICANT

Senate Status: 03/26/19 - Senate Judiciary Committee recommended with amendment 1 (004880). Sent to Senate Calendar Committee.

House Status: 04/01/19 - House passed with amendment 1 (004880), which deletes and replaces all language after the enacting clause. Requires the AOC to develop a domestic violence firearm notification form and to post such form on the AOC website. Requires a defendant entering a guilty plea to a domestic violence charge to sign a domestic violence firearm notification form prior to the court accepting a guilty plea.

Executive Status:

Committees: Senate Calendar Committee

Public Chapter:

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

AG Opinion:

Last Action Date: 04/01/19

Cosponsors: Rep. Coley, Jim; Rep. Hardaway, G.A.; Rep. White, Mark;

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: (Dated February 24, 2019) Decrease State Revenue Exceeds \$15,700/Handgun Permit Division

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

House Status: 03/13/19 - House Finance Subcommittee placed behind the budget.

Executive Status:

Committees:

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 Date: 04/04/19

Date:

Cosponsors: Sen. Gresham, Dolores; Sen. Haile, Ferrell; Sen. Jackson, Ed;

Effective Date:

Position:

Priority:

Comment:

SB1385/HB367 ENVIRONMENT & NATURE: Permanent fishing and hunting license for honorably discharged veterans.

Sponsors: Sen. Bell, Mike , Rep. Hall, Mark

Summary: Creates a permanent combination hunting and fishing license for each resident of Tennessee who is an honorably discharged veteran on the United States armed forces for a one-time \$10 fee.

Amendment Summary: House Agriculture & Natural Resources Committee, Senate Energy, Agriculture and Natural Resources Committee amendment 1 (006261) authorizes the Tennessee Wildlife Resource Agency to issue a sportsman package at a 50 percent discount and a general fishing package for an annual \$10 fee to any Tennessee resident who are honorably discharged veterans, pursuant to the receipt of a DD form 214 or a NGB Form 22, or from a reserve component as defined.

Fiscal Note: (Dated March 2, 2019) State Revenue Net Impact Not Significant/Wildlife Resources Fund Increase State Expenditures \$2,247,900/FY19-20/General Fund \$3,024,900/FY20-21 and Subsequent Years/ General Fund

Senate Status: 04/03/19 - Senate Energy, Agriculture & Natural Resources Committee recommended with amendment 1 (006261), which authorizes the Tennessee Wildlife Resource Agency to issue a sportsman package at a 50 percent discount and a general fishing package for an annual \$10 fee to any Tennessee resident who are honorably discharged veterans, pursuant to the receipt of a DD form 214 or a NGB Form 22, or from a reserve component as defined. Sent to Senate Finance.

House Status: 04/03/19 - 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 70, relative to hunting and fishing licenses for honorably discharged veterans.
AG Opinion:
Last Action Date: 04/03/19
Cosponsors: Rep. Carter, Mike; Rep. Doggett, Clay; Rep. Freeman, Bob;
Effective Date:
Position:
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: Senate Judiciary Committee amendment 1 (005233) deletes all language after the enacting clause. Specifies that a person is not in violation of the offense of possessing a weapon in a private building or on a private property that is properly posted to prohibit weapons, if that person: is a handgun carry permit holder; enters the building or property with the reasonable belief that the person is entitled to possess a fire arm in that building or on that property; and immediately leaves upon becoming aware of the posting. House Judiciary Committee amendment 1 (006082) specifies that a person is not in violation of the offense of possessing a weapon in a private building or on a private property that is properly posted to prohibit weapons, if that person is a handgun carry permit holder, enters a place of business that is not located within a private residence, is generally open to the public at large, and is properly posted, enters the building or property with the reasonable belief that the person is entitled to possess a firearm in that building or on that property and immediately leaves upon becoming aware of the posting. Specifies that the above exceptions do not apply to an employee who is prohibited from possessing firearms on the employer's premises during work hours as a condition of employment.
Fiscal Note: (Dated February 6, 2019) NOT SIGNIFICANT
Senate Status: 03/18/19 - Re-referred to Senate Calendar Committee.
House Status: 04/04/19 - House deferred to 04/08/19.
Executive Status:
Committees: Senate Calendar Committee
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to firearms.
AG Opinion:
Last Action Date: 04/04/19
Cosponsors:
Effective Date:
Position:
Priority:
Comment:

SB1402/HB754 CRIMINAL LAW: Firearm prohibitions for persons suffering from mental illness.

Sponsors: Sen. Bell, Mike , Rep. Smith, Robin
Summary: Prohibits certain persons voluntarily admitted to a mental health treatment facility from possessing a firearm.
Amendment Summary: House Judiciary Committee amendment 1 (006249) rewrites the bill to establish that it is an offense to transfer a firearm to a person knowing that the person has been judicially committed to a mental institution or adjudicated as a mental defective unless the person's right to possess firearms has been restored, or is receiving inpatient treatment at a hospital or treatment resource.
Fiscal Note: (Dated March 1, 2019) Increase State Expenditures Exceeds \$100,000/One-Time
Senate Status: 02/11/19 - Referred to Senate Judiciary Committee.
House Status: 04/04/19 - Referred to House Judiciary Committee.
Executive Status:
Committees: Senate Judiciary Committee
House Judiciary Committee
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 16; Title 33 and Title 39, Chapter 17, relative to firearm prohibitions for persons suffering from mental illness and emotional disturbances.
AG Opinion:
Last Action Date: 04/04/19
Date:

Cosponsors: Rep. Casada, Glen; Rep. Curcio, Michael; Rep. Freeman, Bob; Rep. Griffey, Bruce; Rep. Sherrell, Paul;

Effective Date:

Position:

Priority:

Comment: TFA has not taken a position on this bill at this time. The bill, as written, appears to need attention to address situations where individuals have been wrongly detained and it needs provisions to deal with how someone can, if ever, get relief from this state level disability on firearms.

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: 04/04/19 - Set for House Floor for 04/10/19.

Executive

Status:

Committees: House Floor

Public Chapter:

Caption:

AG Opinion:

Last Action 04/04/19

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.

SJR87 CRIMINAL LAW: Gun Violence Awareness Day.

Sponsors: Sen. Gilmore, Brenda ,

Summary: Commemorates July 28, 2019, as Gun Violence Awareness Day in Tennessee.

Amendment

Summary:

Fiscal Note: (Dated April 4, 2019) NOT SIGNIFICANT

Senate Status: 04/03/19 - Set for Senate Judiciary Committee 04/09/19.

House Status:

Executive

Status:

Committees: Senate Judiciary Committee

Public Chapter:

Caption:

AG Opinion:

Last Action 04/03/19

Date:

Cosponsors:

Effective Date:

Position: Oppose

Priority:

Comment: