



# TENNESSEE FIREARMS ASSOCIATION

Tennessee's ONLY No-Compromise Gun Organization

## Tennessee Firearms Association

Bill Status Report - April 12, 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:* 04/11/19 - Set for House Finance, Ways & Means Subcommittee 04/17/19.

*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* 04/11/19

*Date:*

*Cosponsors:* Sen. Robinson, Katrina;

*Effective Date:*

*Position:* Oppose

*Priority:*

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

### 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:* 04/10/19 - Set for Senate Finance, Ways & Means Committee 04/16/19.

*House Status:* 04/11/19 - Set for House Floor on 04/17/19.

*Executive*

*Status:*

*Committees:* Senate Finance, Ways & Means Committee  
House Floor

*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* 04/11/19

*Date:*

*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.

### **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:* Senate Judiciary Committee amendment 1, House amendment 1 (004269) requires that if a local government enforces any regulation of a privately owned or operated sport shooting ranges, the restrictions cannot be greater than those imposed to any range located within the same unit of local government and owned or operated by a government entity. Allows for a party to challenge any regulation of a sport shooting range that violates this provision.

*Fiscal Note:* (Dated February 24, 2019) Increase Local Expenditures Exceeds \$10,000/One-Time/Permissive

*Senate Status:* 04/12/19 - Set for Senate Floor 04/15/19.

*House Status:* 03/25/19 - House passed with amendment 1 (004269).

*Executive*

*Status:*

*Committees:* Senate Floor

*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* 04/12/19

*Date:*

*Cosponsors:* Rep. Byrd, David; Sen. Gresham, Dolores; Sen. Jackson, Ed; Rep. Kumar, Sabi; 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.

### **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 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:* 04/12/19 - Set for Senate Message 04/15/19.

*House Status:* 04/08/19 - House passed with amendment 1 (005604).

*Executive*

*Status:*

*Committees:* Senate Message

*Public Chapter:*

*Caption:*

*AG Opinion:*

*Last Action* 04/12/19

*Date:*

*Cosponsors:* Rep. Hardaway, G.A.; Rep. Hazlewood, Patsy; Rep. Parkinson, Antonio; Rep. Staples, Rick; Rep. White, Mark;

*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:* 04/10/19 - 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 67, relative to purchases of gun safes.

*AG Opinion:*

*Last Action* 04/10/19

*Date:*

*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* Senate amendment 1 (004246) deletes and replaces all language after the enacting clause such that the substantive changes are:

*Summary:* (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: (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) specify that in order for a petitioner to be eligible for expunction of public records involving offenses related to a person's status as a victim of human trafficking, he or she must not have had public records expunged for such reason prior; (3) establish that such offenses for which the petitioner is requesting expunction are eligible for expunction under Tenn. Code. Ann. § 40-32-101(g); (4) 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 (5) establish, upon filing a petition, the petitioner is required to remit a \$180 fee to the court clerk.

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

*Senate Status:* 04/12/19 - Set for Senate Message 04/15/19.

*House Status:* 04/10/19 - House passed with amendment 1 (006798).

*Executive*

*Status:*

*Committees:* Senate Message

*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* 04/12/19

*Date:*

*Cosponsors:* Sen. Bowling, Janice; Sen. Briggs, Richard; Rep. Camper, Karen; Rep. Clemmons, John; Rep. Coley, Jim; Rep. Hakeem, Yusuf; Rep. Hardaway, G.A.; Rep. Hazlewood, Patsy; Rep. Helton, Esther; Rep. Hodges, Jason; Rep. Lafferty, Justin; Rep. Lamar, London; Rep. Littleton, Mary; Rep. Love Jr., Harold; Sen. Massey, Becky; Rep. Miller, Larry; Rep. Moody, Debra; Rep. Parkinson, Antonio; Rep. Potts, Jason; Rep. Powell, Jason; Sen. Robinson, Katrina; Rep. Sherrell, Paul; Rep. Smith, Robin; Rep. Staples, Rick; Sen. Stevens, John; Sen. White, Dawn; Rep. White, Mark;

*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. Haile, Ferrell , 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 Judiciary amendment 1 (007656) allows a records custodian to request relief from filing requests that constitute harassment. Allows a court upon finding that a person's records requests constitute harassment to give a government entity the ability to charge the requestor for future requests for the following one-year period. Requires each state and local government entity to provide basic government information on their website no later than January 1, 2020. Agendas must be available on the website at least 48 hours prior to meetings. Allows a governing body to publish a draft of meeting minutes on their website or otherwise is required to provide contact information for the public to request a copy of meeting minutes. Requires publishing public meeting documents 48 hours prior to non-emergency meetings. Requires basic government information be available at an accessible physical location where copies are readily available at no cost to persons requesting copies 48 hours prior to non-emergency meetings. Authorizes office of open records council to provide guidance to local government entities concerning compliance. Requires the advisory committee on open government provide a report and recommendations on basic government information provided to citizens on government websites to the general assembly by January 1, 2021.

*Fiscal Note:*

(Dated March 19, 2019) NOT SIGNIFICANT

*Senate Status:*

04/10/19 - Set for Senate Judiciary Committee 04/16/19.

*House Status:*

04/09/19 - House Judiciary Committee deferred to the first calendar of 2020 after adopting amendment 1 (007656).

*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*

04/10/19

*Date:*

*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*

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:*

04/11/19 - Set for House Floor on 04/18/19.

*Executive*

*Status:*

*Committees:*

House Floor

*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*

04/11/19

*Date:*

*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:*

04/10/19 - Set for Senate Judiciary Committee 04/16/19.

*House Status:*

04/10/19 - House Finance Subcommittee placed behind the budget.

*Executive*

*Status:*

*Committees:*

Senate Judiciary Committee

*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* 04/10/19  
*Date:*  
*Cosponsors:* Rep. Hardaway, G.A.;  
*Effective Date:*  
*Position:* Oppose  
*Priority:*  
*Comment:* Penalties increased only if its "road rage". This is an arbitrary classification.

**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:* Senate Judiciary Committee amendment 1, 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:* 04/09/19 - Senate Judiciary Committee recommended with amendment 1 (005255). Sent to Senate Calendar Committee.  
*House Status:* 03/28/19 - House passed with amendment 1 (005255).  
*Executive Status:*  
*Committees:* Senate Calendar Committee  
*Public Chapter:*  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 40, relative to misdemeanors.  
*AG Opinion:*  
*Last Action* 04/09/19  
*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:* 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:* 04/10/19 - House passed.  
*Executive Status:* 04/10/19 - Sent to the speakers for signatures.  
*Committees:*  
*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* 04/10/19  
*Date:*  
*Cosponsors:* Sen. Akbari, Raumesh; Rep. Bricken, Rush; Rep. Byrd, David; Rep. Camper, Karen; Rep. Carter, Mike; Rep. Cepicky, Scott; Rep. Chism, Jesse; Rep. Clemmons, John; Rep. Cochran, Mark; Rep. Coley, Jim; Rep. Cooper, Barbara; Rep. Curcio, Michael; Rep. Daniel, Martin; Rep. Deberry Jr., John; Sen. Dickerson, Steven; Rep. Dixie, Vincent; Rep. Doggett, Clay; Rep. Faison, Jeremy; Rep. Gant, Ron; Rep. Garrett, Johnny ; Sen. Gilmore, Brenda; Rep. Hakeem, Yusuf; Rep. Hardaway, G.A.; Rep. Haston, Kirk; Rep. Hazlewood, Patsy; Rep. Helton, Esther; Rep. Hodges, Jason; Rep. Holt, Andy; Rep. Hurt, Chris; Sen. Jackson, Ed; Rep. Kumar, Sabi; Rep. Lamar, London; Rep. Leatherwood, Tom; Rep. Littleton, Mary; Rep. Love Jr., Harold; Sen. Massey, Becky; Rep. Miller, Larry; Rep. Mitchell, Bo; Rep. Ogles, Brandon; Rep. Parkinson, Antonio; Sen. Pody, Mark; Rep. Potts, Jason; Rep. Powell, Jason; Sen. Robinson, Katrina; Sen. Rose, Paul; Rep. Sanderson, Bill; Rep. Sexton, Jerry; Rep. Shaw, Johnny; Rep. Sherrell, Paul; Rep. Sparks, Mike; Rep. Staples, Rick; Rep. Stewart, Mike; Rep. Terry, Bryan; Rep. Thompson , Dwayne; Rep. Tillis, Rick; Rep. Todd, Chris; Rep. Towns Jr., Joe; Rep. Vaughan, Kevin; Rep. Weaver, Terri; Rep. White, Mark; Sen. Yarbrow, Jeff; Rep. Zachary, Jason;  
*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:* 04/09/19 - Taken off notice in House Judiciary Committee.

*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 Date:* 04/09/19

*Date:*

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

*Effective Date:*

*Position:* Oppose

*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 Status:* 04/11/19 - Signed by governor.

*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 Date:* 04/11/19

*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:*

**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:* 04/10/19 - Taken off notice in House Judiciary Committee.  
*Executive  
Status:*  
*Committees:* Senate Judiciary Committee  
 House Judiciary Committee

*Public Chapter:*

*Caption:*

*AG Opinion:*

*Last Action* 04/10/19

*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.

### 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:* 03/14/19 - Senate passed.

*House Status:* 03/07/19 - House passed.

*Executive* 04/08/19 - Enacted as Public Chapter 0092 effective March 28, 2019.

*Status:*

*Committees:*

*Public Chapter:* PC92.pdf

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

*AG Opinion:*

*Last Action* 04/08/19

*Date:*

*Cosponsors:* Rep. Byrd, David; Rep. Calfee, Kent; Rep. Crawford, John; Rep. Haston, Kirk; Sen. Jackson, Ed; Rep. Keisling, Kelly; Rep. Kumar, Sabi; Rep. Leatherwood, Tom; Rep. Love Jr., Harold; Rep. Moon, Jerome; Rep. Ogles, Brandon; Rep. Reedy, Jay; Rep. Sherrell, Paul; Rep. Terry, Bryan; Rep. Thompson , Dwayne; Rep. Vaughan, Kevin; Rep. White, Mark;

*Effective Date:* 02/28/19

*Position:* Neutral

*Priority:*

*Comment:*

### SB1399/HB1380 **EDUCATION: Annual report on receipts and disbursements of public school funds.**

*Sponsors:* Sen. Bell, Mike , Rep. Williams, Ryan  
*Summary:* Requires the annual report on receipts and disbursements of public school funds be submitted to the governor by September 1 each year. Broadly captioned.

*Amendment  
Summary:*

House Education K-12 Subcommittee amendment 1 (005892) rewrites the bill to authorize LEA employees (but not students) with a valid concealed carry permit to carry a concealed handgun at the public K-12 school at which the employee is employed. The employee must provide written notification to the law enforcement agencies which have jurisdiction of the area that the school is located in. This information shall be shared with the LEA official who is responsible for school security, but it shall not be open for public inspection and the LEA shall not make the information public. Law enforcement agencies may develop and implement policy for keeping this information confidential and a voluntary course on firearm safety. Unless carrying a firearm is part of the employee's job description, the decision to carry is a personal choice of the employee. The employee who carries is not acting in the scope of employment, entitled to workers' compensation benefits for accidents or injuries involving the gun, immune from personal liability for use or carrying of a weapon, or permitted to carry openly. Employees are not permitted to carry in stadiums, gymnasium or auditoriums during school-sponsored events, in meetings regarding disciplinary matters or tenure, or in any location where state or federal law bans concealed carry. LEAs are granted immunity from claims for monetary damages related to employees who elect to carry a concealed weapon on school property.

*Fiscal Note:* (Dated February 13, 2019) NOT SIGNIFICANT  
*Senate Status:* 04/10/19 - Taken off notice in Senate Education Committee.  
*House Status:* 04/10/19 - Taken off notice in House Education Committee.

*Executive  
Status:*

*Committees:* Senate Education Committee  
 House Education Committee

*Public Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 39 and Title 49, relative to schools.

*AG Opinion:*

*Last Action* 04/10/19

*Date:*

*Cosponsors:* Rep. Cepicky, Scott; Rep. Weaver, Terri;

*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 amendment 3 (006845) rewrites this bill to create a defense to the present law offense of carrying a firearm onto posted property. Under present law, it is a Class B misdemeanor offense, punishable by fine only of \$500, for a person to possess a weapon in a building or on property that is properly posted as "no firearms allowed" or "concealed firearms by permit only". This amendment adds that it is a defense to a prosecution for such an offense if a person: (1) Is a permit holder in possession of a firearm; (2) Has never been convicted of the offense of carrying a firearm onto posted property; (3) Entered a private building or private property that was open to the public and not a private residence with the reasonable belief that the person was entitled to possess a firearm in the building or on the property because the required sign was obscured or otherwise not plainly visible; and (4) Immediately left the building or property of the person's own volition without law enforcement being summoned or receiving notice from an employee or representative of the individual, corporation, or business entity. House amendment 4 (007401) rewrites this bill to create an exception instead of a defense to the offense of carrying a firearm onto posted property. This amendment specifies that the offense is not committed if a handgun carry permit holder who possesses a handgun: (1) Enters a place of business that: (A) Is not located within a private residence; (B) Is generally open to the public at large; (C) Is properly posted; and (D) A reasonable person would believe that it is lawful to possess a firearm in the business or on the premises of the business or there are special circumstances present at the time that would cause the person to subjectively believe that entry into the business or on the premises of the business with a firearm was lawful; and (2) Immediately leaves the business or the premises of the business upon being told or otherwise becoming aware that the business or premises is properly posted. This exception will not apply to an employee who is prohibited from possessing firearms on the employer's premises during work hours as a condition of employment and who possesses a firearm in violation of that prohibition.

*Fiscal Note:* (Dated February 6, 2019) NOT SIGNIFICANT  
*Senate Status:* 03/18/19 - Re-referred to Senate Calendar Committee.  
*House Status:* 04/08/19 - House passed with amendment 3 (006845) and amendment 4 (007401).

*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 04/08/19  
Date:  
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 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.  
Summary: (Dated March 1, 2019) Increase State Expenditures Exceeds \$100,000/One-Time  
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: 04/12/19 - Set for House Floor 04/15/19.  
Executive Status:  
Committees: Senate Judiciary Committee  
House Floor  
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 04/12/19  
Date:  
Cosponsors: Rep. Casada, Glen; Rep. Curcio, Michael; Rep. Freeman, Bob; Rep. Griffey, Bruce; Rep. Littleton, Mary; 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: 04/11/19 - House heard on second reading.  
Executive Status:  
Committees:  
Public Chapter:  
Caption:  
AG Opinion:  
Last Action 04/11/19  
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: 04/09/19 - Failed in Senate Judiciary Committee.

*House Status:*

*Executive*

*Status:*

*Committees:* Senate Judiciary Committee

*Public Chapter:*

*Caption:*

*AG Opinion:*

*Last Action* 04/09/19

*Date:*

*Cosponsors:*

*Effective Date:*

*Position:* Oppose

*Priority:*

*Comment:*