



# TENNESSEE FIREARMS ASSOCIATION

Tennessee's ONLY No-Compromise Gun Organization

## Tennessee Firearms Association

Bill Status Report - April 26, 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:* 04/25/19 - Senate Finance, Ways & Means Committee deferred to 04/29/19.  
*House Status:* 04/25/19 - Set for House Calendar & Rules Committee 04/29/19.

*Executive Status:*

*Committees:* Senate Finance, Ways & Means Committee  
 House Calendar & Rules 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:* 04/25/19

*Cosponsors:* Sen. Haile, Ferrell; Rep. Jernigan, Darren; Sen. Kyle, Sara; Rep. Lamberth, William; Rep. Ogles, Brandon; Sen. Pody, Mark;

*Effective Date:*

*Position:* Oppose

*Priority:*

*Comment:* Degree of penalty for a violent felony should not be location specific. Needless designation to increase penalty.

### 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:* 04/25/19 - Senate Finance, Ways & Means Committee deferred to 04/29/19.  
*House Status:* 04/25/19 - Set for House Finance, Ways & Means Subcommittee 04/29/19.

*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 Date:* 04/25/19

*Cosponsors:* Sen. Robinson, Katrina;

*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:* 04/25/19 - Set for House Calendar & Rules Committee 04/29/19.

*Executive Status:*

*Committees:* House Calendar & Rules Committee

*Public Chapter:*

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

*AG Opinion:*

*Last Action Date:* 04/25/19

*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:* 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 (004188) deletes and replaces all language after the enacting clause. Repeals the Motor Vehicle Habitual Offenders Act. Reduces failure to appear in court offenses for Class A misdemeanor violations. Revises the punishment for introduction of certain contraband in penal institutions. Requires a 30-day minimum confinement period for any person who is convicted of theft of a firearm. Enhances the penalty for fifth DUI offenses. Removes the statute of limitations of certain convictions for consideration of DUI convictions. House amendment 1 (005918) deletes a provision of this bill that would have made possession of a telecommunications device in a penal institution without the chief administrator's consent a criminal offense. This amendment does not remove the present law offense of knowingly and with unlawful intent taking, sending, or otherwise causing to be taken into any penal institution where prisoners are quartered or under custodial supervision, which this bill increases in classification from a Class E felony to a Class D felony. This amendment changes the effective date of this bill's provision that authorizes a person whose driver license has been revoked or restricted due solely to the person's status as a motor vehicle habitual offender prior to July 1, 2019, to petition a court for reinstatement of the person's driver license. Under this amendment, instead of taking effect July 1, 2019, such provision will take effect 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 bill or January 1, 2020, whichever is earlier. This amendment removes release eligibility for a person who commits DUI, on or after January 1, 2019, if the person has at least six prior DUI convictions. This amendment requires that any such person serve 100 percent of the sentence imposed by the court less sentence credits earned and retained, not to exceed a reduction in the sentence of more than 15 percent. House amendment 2 (008290) adds that the judges of chancery and circuit courts have statewide jurisdiction to issue search warrants in any district. Senate Finance, Ways & Means Committee amendment 1 (007440) deletes all language after the enacting clause. Repeals the Motor Vehicle Habitual Offenders Act. Reduces failure to appear in court offenses for Class A misdemeanor violations. Revises the punishment for introduction of certain contraband in penal institutions. Requires a 30-day minimum confinement period for any person who is convicted of theft of a firearm. Enhances the penalty for fifth DUI offenses. Removes the statute of limitations of certain convictions for consideration of DUI convictions. Requires individuals with seven or subsequent DUI convictions to serve 100 percent of the sentence imposed by the court less sentence credits not to exceed 15 percent. Authorizes the sheriff or chief administrative officer of a local jail or workhouse to use alternative facilities for the incarceration of an offender convicted of DUI. 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 Commissioner of the Department of Safety provides written notification to the Secretary of State and the Executive Secretary of the Tennessee Code Commission that the Department's "A-list" driver license program is capable of implementing the act or January 1, 2020, whichever is earlier.

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

*Senate Status:* 04/25/19 - Set for Senate Floor 04/30/19.  
*House Status:* 04/17/19 - House passed with amendment 1 (005918) and amendment 2 (008290).  
*Executive Status:*  
*Committees:* Senate 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 Date:* 04/25/19  
*Cosponsors:* Rep. Casada, Glen; Rep. Coley, Jim; Rep. Curcio, Michael; Rep. Dixie, Vincent; Rep. Farmer, Andrew; Rep. Gant, Ron; Rep. Griffey, Bruce; Rep. Hardaway, G.A.; Rep. Haston, Kirk; Rep. Helton, Esther; Rep. Littleton, Mary; Rep. Moon, Jerome; Rep. Ogles, Brandon; Rep. Sherrell, Paul; Rep. White, Mark; Sen. White, Dawn; Rep. Whitson, Sam ; 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:* 04/25/19 - Senate Finance, Ways & Means Committee deferred to 04/29/19.  
*House Status:* 04/25/19 - Set for House Calendar & Rules Committee 04/29/19.  
*Executive Status:*  
*Committees:* Senate Finance, Ways & Means Committee  
House Calendar & Rules 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:* 04/25/19  
*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:*

**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:* (Dated February 24, 2019) State Revenue Net Impact Not Significant/Wildlife Resources Fund Increase State Expenditures \$295,000/General Fund Other Fiscal Impact A potential recurring decrease in federal funding allocated to the Wildlife Resources Fund up to \$60,200.  
*Senate Status:* 04/25/19 - Senate Finance, Ways & Means Committee deferred to 04/29/19.  
*House Status:* 04/25/19 - Set for House Finance, Ways & Means Subcommittee 04/29/19.  
*Executive Status:*  
*Committees:* Senate Finance, Ways & Means Committee  
House Finance, Ways & Means Subcommittee  
*Public Chapter:*  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 70, relative to persons who may engage in the sport of hunting and fishing on farmlands without a license.  
*AG Opinion:*  
*Last Action Date:* 04/25/19  
*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:* 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:* 04/15/19 - Senate passed.

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

*Executive Status:* 04/23/19 - Sent to governor.

*Committees:*

*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 Date:* 04/23/19

*Cosponsors:* Rep. Byrd, David; Sen. Gresham, Dolores; Sen. Jackson, Ed; Rep. Kumar, Sabi; Sen. Stevens, John; 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:* 04/17/19 - Senate concurred in House amendment 1 (005604).

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

*Executive Status:* 04/23/19 - Sent to governor.

*Committees:*

*Public Chapter:*

*Caption:*

*AG Opinion:*

*Last Action Date:* 04/23/19

*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:* 04/25/19 - Senate Finance, Ways & Means Committee deferred to 04/29/19.

*House Status:* 04/25/19 - Set for House Finance, Ways & Means Subcommittee 04/29/19.

*Executive Status:*

*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* 04/25/19

*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; Rep. Griffey, Bruce; Rep. Hall, Mark; Sen. Hensley, Joey; Rep. Hill, Timothy; Rep. Hodges, Jason; Sen. Jackson, Ed; Sen. Kurita, Rosalind; Sen. Kyle, Sara; Rep. Lamberth, William; Sen. Massey, Becky; Sen. Pody, Mark; Rep. Potts, Jason; Rep. Ragan, John; Rep. Rudd, Tim ; Rep. Rudder, Iris; 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 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:* 04/15/19 - Senate concurred in House amendment 1 (006798).

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

*Executive* 04/25/19 - Signed by governor.

*Status:*

*Committees:*

*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* 04/25/19

*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; Rep. White, Mark; 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

**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 amendment 1 (005330) removes this bill's provision that would exclude from the definition of "antique firearm" any weapon

*Summary:* that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition. This amendment also removes this bill's provision that would include in the definition of "destructive device" any type of weapon other than a shotgun or a shotgun shell that is generally recognized as particularly suitable for sporting purposes and which has any barrel with a bore of more than 0.5 inches in diameter. This amendment specifies that "destructive device" will not include any antique or rifle that the owner intends to use solely for sporting purposes.

*Fiscal Note:* (Dated February 22, 2019) NOT SIGNIFICANT

*Senate Status:* 04/22/19 - Senate concurred in House amendment 1 (005285).

*House Status:* 04/18/19 - House passed with amendment 1 (005330).

*Executive*

*Status:*

*Committees:*

*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:* 04/22/19

*Date:*

*Cosponsors:* Rep. Kumar, Sabi; Rep. Lamberth, William; Rep. Terry, Bryan;

*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:* 04/16/19 - Senate Judiciary Committee deferred to first calendar of 2020.

*House Status:* 04/25/19 - Set for House Finance, Ways & Means Subcommittee 04/29/19.

*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:* 04/25/19

*Date:*

*Cosponsors:* Rep. Hardaway, G.A.;

*Effective Date:*

*Position:* Oppose

*Priority:*

*Comment:* Penalties increased only if its "road rage". This is an arbitrary classification.

**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:* House Judiciary Committee amendment 1 (005248) changes to a Class E felony and makes technical changes. House Finance Subcommittee amendment 1 (006613) deletes and replaces the amended language such that the only substantive change is to specify that the theft of firearms valued at \$2,500 or more, rather than over than \$2,500, are required to be graded pursuant to Tenn. Code Ann. § 39-14-105(a)(3)-(6).

*Fiscal Note:* (Dated February 24, 2019) Increase State Expenditures \$11,619,200 Incarceration\* Decrease Local Expenditures \$288,000

*Senate Status:* 04/25/19 - Senate Finance, Ways & Means Committee deferred to 04/29/19.

*House Status:* 04/25/19 - Set for House Finance, Ways & Means Subcommittee 04/29/19.

*Executive*

*Status:*

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

*Public Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 37; Title 39 and Title 40, Chapter 35, relative to criminal law.

*AG Opinion:*

*Last Action Date:* 04/25/19

*Date:*

*Cosponsors:* Rep. Curcio, Michael;

*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 Summary:* House Judiciary Committee amendment 1 (004571) 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. Deletes and replaces language of the legislation without making any substantive changes. Senate Judiciary Committee amendment 1 (005998) deletes and rewrites all language after the enacting clause such that the only substantive changes are as follows: (1) requires a CCHP applicant to provide DOS with two sets of fingerprints, (2) requires an application and processing fee of \$65 to DOS, (3) requires DOS to forward the fingerprints to the Tennessee Bureau of Investigation (TBI) who shall conduct searches and record checks on the application and relay the results to DOS, (4) requires DOS to send a copy of the application to the sheriff of the county in which the applicant resides, (5) changes the period in which a CCHP is valid from 5 years to 8 years, (6) requires 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 and expiration dates, and a color photograph, and (7) changes the effective date from upon becoming law to January 1, 2020. House Finance Committee amendment 1 (005134) deletes and rewrites all language after the enacting clause such that the only substantive changes are as follows: (1) requires a CCHP applicant to provide DOS with two sets of fingerprints, (2) requires an application and processing fee of \$65 to DOS, (3) requires DOS to forward the fingerprints to the Tennessee Bureau of Investigation (TBI) who shall conduct searches and record checks on the application and relay the results to DOS, (4) requires DOS to send a copy of the application to the sheriff of the county in which the applicant resides, (5) changes the period in which a CCHP is valid from five years to eight years, (6) requires a CCHP be issued on a wallet-sized laminated card of the same approximate size as driver licenses with the holder's name, address, date of birth, physical description, permit number, issuance and expiration dates, and a color photograph, and (7) changes the effective date from upon becoming law to January 1, 2020.

*Fiscal Note:* (Dated February 20, 2019) Decrease State Revenue Exceeds \$667,100/Recurring/Handgun Permit Division Exceeds \$245,000/Recurring/Tennessee Bureau of Investigation Increase State Expenditures Exceeds \$220,000/One-Time/Handgun Permit Division Decrease State Expenditures Exceeds \$28,900/Recurring/Handgun Permit Division Exceeds \$112,300/Recurring/Tennessee Bureau of Investigation Decrease Local Revenue Exceeds \$79,600/Recurring

*Senate Status:* 04/25/19 - Senate Finance, Ways & Means Committee deferred to 04/29/19.

*House Status:* 04/25/19 - Set for House Calendar & Rules Committee 04/29/19.

*Executive Status:*

*Committees:* Senate Finance, Ways & Means Committee  
House Calendar & Rules 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:* 04/25/19

*Cosponsors:* Sen. Bell, Mike; Rep. Carter, Mike; Rep. Casada, Glen; Rep. Curcio, Michael; Rep. Doggett, Clay; Rep. Gant, Ron; Rep. Haston, Kirk; Rep. Kumar, Sabi; Rep. Lamberth, William; Rep. Littleton, Mary; Rep. Moon, Jerome; Rep. Sexton, Cameron; Rep. VanHuss, James; Rep. Weaver, Terri;

*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.

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

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

*Executive* 04/25/19 - Sent to governor.  
*Status:*  
*Committees:*  
*Public Chapter:*  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 40, relative to misdemeanors.  
*AG Opinion:*  
*Last Action* 04/25/19  
*Date:*  
*Cosponsors:* Sen. Akbari, Raumesh; Rep. Clemmons, John; Sen. Dickerson, Steven; Sen. Gilmore, Brenda; 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* 04/25/19 - Signed by governor.  
*Status:*  
*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* 04/25/19  
*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:* 04/23/19 - Taken off notice in 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* 04/23/19  
*Date:*  
*Cosponsors:* Rep. Hardaway, G.A.; Sen. Kyle, Sara;  
*Effective Date:*  
*Position:* Oppose  
*Priority:*  
*Comment:*

**SB1301/HB1176 CRIMINAL LAW: Notification regarding off duty law enforcement officer possessing firearm on school grounds.**

*Sponsors:* Sen. Pody, Mark , Rep. Weaver, Terri  
*Summary:* Removes requirement that an off-duty law enforcement officer notify principal or other administrative staff if present on school grounds during regular school hours and in possession of a firearm.

*Amendment*

*Summary:*  
*Fiscal Note:* (Dated March 13, 2019) NOT SIGNIFICANT  
*Senate Status:* 04/23/19 - Taken off notice in Senate Judiciary Committee.  
*House Status:* 03/27/19 - Returned to House clerk's desk.

*Executive*

*Status:*  
*Committees:* Senate Judiciary Committee  
*Public Chapter:*  
*Caption:* AN ACT to amend Tennessee Code Annotated, Section 39-17-1309 and Section 39-17-1350, relative to law enforcement officers.

*AG Opinion:*  
*Last Action* 04/23/19

*Date:*  
*Cosponsors:*  
*Effective Date:*  
*Position:*  
*Priority:*  
*Comment:*

**SB1326/HB1320 CRIMINAL LAW: School notification of certain adjudicated delinquent offenses.**

*Sponsors:* Sen. Bowling, Janice , Rep. Eldridge, Rick  
*Summary:* Adds that all offenses listed are situations where the court must notify the child's school if there is delinquent adjudication. Establishes the parents, guardians, or legal custodians, including the department of children's services acting in any capacity must provide notification if a student has committed certain offenses in this state or another state.

*Amendment*

*Summary:*  
*Fiscal Note:* (Dated March 13, 2019) NOT SIGNIFICANT  
*Senate Status:* 04/08/19 - Senate passed.  
*House Status:* 04/22/19 - House passed.  
*Executive* 04/22/19 - Sent to the speakers for signatures.

*Status:*

*Committees:*  
*Public Chapter:*  
*Caption:* AN ACT to amend Tennessee Code Annotated, Section 37-1-131(a)(2)(B) and Section 49-6-3051(b), relative to school notification of certain adjudicated delinquent offenses.

*AG Opinion:*  
*Last Action* 04/22/19

*Date:*  
*Cosponsors:* Rep. Littleton, Mary;  
*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:* 04/25/19 - Set for House Finance, Ways & Means Subcommittee 04/29/19.

*Executive*

*Status:*

*Committees:* House Finance, Ways & Means Subcommittee

*Public Chapter:*

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

*AG Opinion:*

*Last Action* 04/25/19

*Date:*

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

*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:* 04/25/19 - Senate Finance, Ways & Means Committee deferred to 04/29/19.

*House Status:* 04/25/19 - Set for House Finance, Ways & Means Subcommittee 04/29/19.

*Executive*

*Status:*

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

*Public Chapter:*

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 70, relative to hunting and fishing licenses for honorably discharged veterans.

*AG Opinion:*

*Last Action* 04/25/19

*Date:*

*Cosponsors:* Rep. Carter, Mike; Rep. Doggett, Clay; Rep. Freeman, Bob;

*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:* Senate Judiciary Committee amendment 1, House amendment 2 (007680) rewrites this bill to create a Class A misdemeanor offense for the transfer of a firearm to a person knowing that the person: (1) 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 (2) Is receiving inpatient mental health or substance abuse treatment at a hospital or treatment resource.

*Fiscal Note:* (Dated March 1, 2019) Increase State Expenditures Exceeds \$100,000/One-Time

*Senate Status:* 04/25/19 - Set for Senate Floor 04/30/19.

*House Status:* 04/15/19 - House passed with amendment 2 (007680).

*Executive*

*Status:*

*Committees:* Senate 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* 04/25/19

*Date:*

*Cosponsors:* Rep. Casada, Glen; Rep. Curcio, Michael; Rep. Daniel, Martin; Rep. Freeman, Bob; Rep. Griffey, Bruce; Rep. Hardaway, G.A.; Rep. Hazlewood, Patsy; Rep. Helton, Esther; Rep. Kumar, Sabi; Rep. Littleton, Mary; Rep. Sherrell, Paul; Rep. Tillis, Rick; Rep. White, Mark;

*Effective Date:*

*Position:*

*Priority:*

*Comment:*

Originally, TFA felt the bill needed work. The House has totally rewritten the bill to do something quite different than what the original bill did. This is just another example of the legislature running "caption" bills for the purpose of obscuring its real intent rather than transparency. Those responsible for this bait and switch manner of public stewardship should be asked to change their ways and adopt a more forthcoming and transparent means of representing the public.