



TENNESSEE FIREARMS ASSOCIATION

Tennessee's ONLY No-Compromise Gun Organization

Tennessee Firearms Association

Calendar Report - Week of April 8, 2019

Tue 4/9/19 8:30am - Senate Hearing Rm I, Senate Finance, Ways & Means Committee

The committee will have budget hearings by the TN Dept of Revenue and the TN Arts Commission. MEMBERS: CHAIR B. Watson (R); VICE CHAIR J. Stevens (R); 2ND VICE CHAIR J. Hensley (R); J. Yarbrow (D); K. Yager (R); B. Kelsey (R); J. Johnson (R); F. Haile (R); B. Gilmore (D); T. Gardenhire (R); R. Briggs (R)

10. **SB403** **CRIMINAL LAW: Mandatory sentence for theft of a firearm.** 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 House Judiciary amendment 2 (005342) changes the effective date of the authorization of a person whose driver license was revoked or restricted as a result of the Motor Vehicle Habitual Offender Act to petition a court for reinstatement of the person's driver license to 30 days after the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: Senate Finance, Ways & Means Committee ; House Calendar & Rules Committee Regular ;

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

Position: Oppose

Priority:

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

rows:

HB167 - W. Lamberth - 03/26/19 - House Finance, Ways & Means Committee recommended. Sent to House Calendar & Rules.

Tue 4/9/19 1:30pm - House Hearing Rm I, House Judiciary Committee

Final Calendar. The committee will meet to take up bills, and then recess until Wednesday April 10th to take up the remaining bills. MEMBERS: CHAIR M. Curcio (R); VICE CHAIR J. Garrett (R); A. Farmer (R); M. Littleton (R); B. Mitchell (D); B. Ogles (R); A. Parkinson (D); J. Potts (D); I. Rudder (R); B. Sanderson (R); P. Sherrell (R); J. Towns Jr. (D); J. VanHuss (R); W. Lamberth (R); C. Johnson (R); B. Hulsey (R); B. Beck (D); K. Camper (D); M. Carter (R); M. Daniel (R); C. Doggett (R); R. Eldridge (R); J. Faison (R); B. Griffey (R); D. Howell (R)

3. **HB801** **CRIMINAL LAW: Leaving a firearm or firearm ammunition unattended.** 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.
White M.
- 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:** Senate Judiciary Committee ; House Judiciary Committee ;
- 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
- Position:** Oppose
- Priority:**
- Comment:**
- rows:**
SB813 - R. Akbari - 02/11/19 - Referred to Senate Judiciary Committee.
11. **HB626** **MEDIA & PUBLISHING: Record requests that constitute harassment.** 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.
Lambert
W.
- 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:** Senate Judiciary Committee ; House Judiciary Committee ;
- 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
- Position:** Oppose
- Priority:**
- Comment:** Legislation seeks to start creating "stonewalling" procedures for citizens seeking to obtain copies of or access to "public" records.
- rows:**
SB590 - J. Hensley - 04/03/19 - Set for Senate Judiciary Committee 04/09/19.

25. **HB409** **CRIMINAL LAW: Civil or criminal immunity for person who uses force in self-defense.** 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: Senate Judiciary Committee ; House Judiciary Committee ;

Caption:

AG Opinion:

Last Action Date: 04/04/19

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.

rows:

SB1275 - M. Pody - 02/11/19 - Referred to Senate Judiciary Committee.

Tue 4/9/19 3:00pm - Senate Hearing Rm I, Senate Judiciary Committee

MEMBERS: CHAIR M. Bell (R); VICE CHAIR J. Lundberg (R); 2ND VICE CHAIR D. White (R); J. Bowling (R); T. Gardenhire (R); S. Kyle (D); K. Roberts (R); K. Robinson (D); J. Stevens (R)

4. **SB590** **MEDIA & PUBLISHING: Record requests that constitute harassment.** 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: Senate Judiciary Committee ; House Judiciary Committee ;

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

Position: Oppose

Priority:

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

rows:

HB626 - W. Lamberth - 04/04/19 - Set for House Judiciary Committee 04/09/19.

16. **SJR87** **CRIMINAL LAW: Gun Violence Awareness Day.** Commemorates July 28, 2019, as Gun Violence Awareness Day in Tennessee.
Gilmore
B. **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: Senate Judiciary Committee ;
Caption:
AG Opinion:
Last Action Date: 04/03/19
Position: Oppose
Priority:
Comment:
rows:
19. **SB778** **CRIMINAL LAW: Expunction of nonviolent misdemeanor charges.** 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.
Yarbro J. **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: Senate Judiciary Committee ;
Caption: AN ACT to amend Tennessee Code Annotated, Title 40, relative to misdemeanors.
AG Opinion:
Last Action Date: 04/03/19
Position:
Priority:
Comment:
rows:
HB266 - J. Shaw - 03/28/19 - House passed with amendment 1 (005255).

Wed 4/10/19 11:00am - House Hearing Rm III, House Finance, Ways & Means Subcommittee

MEMBERS: CHAIR A. Holt (R); J. Deberry Jr. (D); P. Hazlewood (R); G. Hicks (R); M. Hill (R); S. Lynn (R); B. Ogles (R); C. Sexton (R); J. Shaw (D)

1. **HB1116** **CRIMINAL LAW: Reckless endangerment with a deadly weapon.** 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.
Coley J. **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: Senate Judiciary Committee ; House Finance, Ways & Means Subcommittee ;
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
Position: Oppose
Priority:
Comment: Penalties increased only if its "road rage". This is an arbitrary classification.
rows:
SB603 - E. Jackson - 02/07/19 - Referred to Senate Judiciary Committee.

21. **HB1141** **TAXES SALES: Exemption of sales of gun safes from sales and use tax.** Exemption of sales of gun safes from sales and use tax.
Doggett
C.
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: Senate Finance, Ways & Means Committee ; House Finance, Ways & Means Subcommittee ;
Caption: AN ACT to amend Tennessee Code Annotated, Title 67, relative to purchases of gun safes.
AG Opinion:
Last Action Date: 04/04/19
Position: Neutral
Priority:
Comment:
rows:
SB533 - K. Roberts - 03/19/19 - Senate Finance Revenue Subcommittee returned to full committee with a negative recommendation.
34. **HB135** **CRIMINAL LAW: Offense of reckless endangerment by discharging a firearm into a parade or religious service.** 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.
Love Jr.
H.
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: Senate Finance, Ways & Means Committee ; House Finance, Ways & Means Subcommittee ;
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 1, relative to reckless endangerment.
AG Opinion:
Last Action Date: 04/04/19
Position: Oppose
Priority:
Comment: Existing statutes and case law on reckless endangerment is adequate.
rows:
SB35 - B. Gilmore - 03/19/19 - Senate Judiciary Committee recommended with previously adopted amendment 1 (004918). Sent to Senate Finance.