



TENNESSEE FIREARMS ASSOCIATION

Tennessee's ONLY No-Compromise Gun Organization

Tennessee Firearms Association

Calendar Report - Week of April 15, 2019

Mon 4/15/19 4:30pm - Senate Chamber, Senate Floor

22. **SB446** **CRIMINAL LAW: Second Amendment Civil Rights Act of 2019.** 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.
- Bell M.
- 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:** Senate Floor ;
- 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:** 04/12/19
- 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.
- rows:**
HB187 - J. Reedy - 03/25/19 - House passed with amendment 1 (004269).

Mon 4/15/19 4:30pm - Senate Chamber, Senate Message

2. **SB472** **CRIMINAL LAW: Reporting of person judicially committed for mental illness to determine eligibility to purchase firearm.** 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.
- Haile F.
- 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:** Senate Message ;
- Caption:**
- AG Opinion:**
- Last Action Date:** 04/12/19
- Position:**
- Priority:**
- Comment:**
- rows:**
HB677 - J. Garrett - 04/08/19 - House passed with amendment 1 (005604).

4. **SB577** **CRIMINAL LAW: Expunction of multiple convictions resulting from being a victim of human trafficking.** Allows for a petitioner who has multiple, nonviolent convictions resulting from being a victim of human trafficking to be expunged by the court if deemed to be in the best interest of justice. If denied, there shall be no petition filed for at least two years.

Amendment Summary: Senate amendment 1 (004246) deletes and replaces all language after the enacting clause such that the substantive changes are: (1) to specify that in order to file a petition, at least one of the human trafficking convictions to be expunged is required to be a prostitution conviction; (2) establish that such offenses for which the petitioner is requesting expunction are eligible for expunction, (3) establish that the offense to be expunged is required to occur on or after the date on which the petitioner became a victim of human trafficking, and (4) establish, upon filing a petition, the petitioner is required to remit a \$180 fee to the court clerk. House Judiciary Committee amendment 1 (006798) deletes and replaces all language after the enacting clause such that the substantive changes are: (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: Senate Message ;

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

AG Opinion:

Last Action Date: 04/12/19

Position: Amend

Priority:

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

rows:

HB193 - M. Carter - 04/10/19 - House passed with amendment 1 (006798).

Mon 4/15/19 5:00pm - House Chamber, House Floor

28. **HB754** **CRIMINAL LAW: Firearm prohibitions for persons suffering from mental illness.** Prohibits certain persons voluntarily admitted to a mental health treatment facility from possessing a firearm.

Amendment Summary: House Judiciary Committee amendment 1 (006249) rewrites the bill to establish that it is an offense to transfer a firearm to a person knowing that the person has been judicially committed to a mental institution or adjudicated as a mental defective unless the person's right to possess firearms has been restored, or is receiving inpatient treatment at a hospital or treatment resource.

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

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

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

Executive Status: Senate Judiciary Committee ; House Floor ;

Caption: AN ACT to amend Tennessee Code Annotated, Title 16; Title 33 and Title 39, Chapter 17, relative to firearm prohibitions for persons suffering from mental illness and emotional disturbances.

AG Opinion:

Last Action Date: 04/12/19

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.

rows:

SB1402 - M. Bell - 02/11/19 - Referred to Senate Judiciary Committee.

Tue 4/16/19 8:30am - Senate Hearing Rm I, Senate Finance, Ways & Means Committee

The committee will hear the 2019-2020 Administration amendment by Commissioner Stuart McWhorter with the Dept of Finance & Administration. MEMBERS: CHAIR B. Watson (R); VICE CHAIR J. Stevens (R); 2ND VICE CHAIR J. Hensley (R); J. Yarbro (D); K. Yager (R); B. Kelsey (R); J. Johnson (R); F. Haile (R); B. Gilmore (D); T. Gardenhire (R); R. Briggs (R)

12. **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.

Stevens J.

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: Senate Finance, Ways & Means Committee ; House Floor ;

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

AG Opinion:

Last Action Date: 04/11/19

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

Tue 4/16/19 1:00pm - 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)

1. **SB603** **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.

Jackson E.

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: Senate Judiciary Committee ;

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: 04/10/19

Position: Oppose

Priority:

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

rows:

HB1116 - J. Coley - 04/10/19 - House Finance Subcommittee placed behind the budget.

9. **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.

Haile F.

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: 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: 04/10/19

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

Wed 4/17/19 11:00am - House Hearing Rm I, House Finance, Ways & Means Subcommittee

The subcommittee will meet immediately following the House Education Committee. 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)

23. **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: 04/11/19 - Set for House Finance, Ways & Means Subcommittee 04/17/19.

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: 04/11/19

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.