



TENNESSEE FIREARMS ASSOCIATION

Tennessee's ONLY No-Compromise Gun Organization

Bill Status Report - February 5, 2021

SB15/HB7 HEALTH CARE: Powers of county mayor during a county-wide health emergency.

Sponsors: Sen. Bell, Mike , Rep. Zachary, Jason

Summary: Specifies that the county mayor has the authority to establish and implement health policies that affect the entire county during a county-wide health emergency. Directs the county health director, health officer, and board of health to provide advice to the mayor to develop the policies. Applies only in Shelby, Davidson, Knox, Hamilton, Sullivan, and Madison counties.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated December 1, 2020) NOT SIGNIFICANT

Intro Dates: S: 01/12/21, H: 01/12/21

Senate Status: 01/13/21 - Referred to Senate Health & Welfare Committee.

House Status: 01/13/21 - Held on House clerk's desk.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 5 and Title 68, Chapter 2, Part 6, relative to public health emergencies.

AG Opinion:

Cosponsors: Rep. Cepicky, Scott; Rep. Faison, Jeremy; Rep. Hall, Mark; Rep. Howell, Dan; Rep. Hurt, Chris; Rep. Moon, Jerome; Rep. Todd, Chris;

Effective Date:

Position:

Priority:

Comment:

SB19 CRIMINAL LAW: Assault against a first responder includes nurses.

Sponsors: Sen. Gilmore, Brenda ,

Summary: Adds nurses to the assault against a first responder who is discharging or attempting to discharge official duties statute.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated January 26, 2021) NOT SIGNIFICANT

Intro Dates: S: 01/12/21

Senate Status: 01/13/21 - Referred to Senate Judiciary Committee.

House Status:

Executive Status:

Public Chapter:

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

AG Opinion:

Cosponsors:

Effective Date:

Position:

Priority:

Comment:

SB189/HB50 CRIMINAL LAW: 2021 Defense Doctrine.

Sponsors: Sen. Bowling, Janice , Rep. Ogles, Brandon

Summary: Expands definition of duress to include grave sexual abuse. Broadly captioned.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated January 13, 2021) NOT SIGNIFICANT

Intro Dates: H: 01/12/21

Senate Status: 01/15/21 - Filed for Introduction

House Status: 01/27/21 - Referred to House Criminal Justice Subcommittee.

Executive Status:

Public Chapter:

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

AG Opinion:

Cosponsors:

Effective Date:

Position:

Priority:

Comment:

SB227/HB103 EDUCATION: Firearm safety instructions for students.

Sponsors: Sen. Hensley, Joey , Rep. Ogles, Brandon

Summary: Beginning with the 2022-2023 school year, requires each local education agency and public charter school to provide students with age-appropriate and grade-appropriate instruction on firearm safety.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated January 12, 2021) NOT SIGNIFICANT

Intro Dates: H: 01/12/21

Senate Status: 01/19/21 - Filed for Introduction

House Status: 01/27/21 - Referred to House Education Instruction Subcommittee.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to firearm safety instruction.

AG Opinion:

Cosponsors:

Effective Date:

Position: Support

Priority: 2 - Second-tier

Comment:

SB262 CRIMINAL LAW: Waives certain gun carry permit fees for retired military.

Sponsors: Sen. Niceley, Frank ,

Summary: Waives an enhanced handgun carry permit's application fee for retired members of the military who are residents of the state. Broadly captioned.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note:

Intro Dates:

Senate Status: 01/20/21 - Filed for Introduction

House Status:

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, relative to handgun carry permits.

AG Opinion:

Cosponsors:

Effective Date:

Position: Neutral

Priority:

Comment: While this is a popular topic for legislators, the fact is that bills like this do not waive any fees. Instead, these bills are shifting the costs of these programs and services to other applicants or taxpayers.

SB277/HB153 CRIMINAL LAW: Disposition of confiscated weapons.

Sponsors: Sen. Rose, Paul , Rep. Moody, Debra

Summary: Expands the type of equipment for which law enforcement agencies may exchange confiscated weapons to include any equipment suitable for use for legitimate law enforcement purposes.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated January 12, 2021) NOT SIGNIFICANT

Intro Dates: H: 01/13/21

Senate Status: 01/21/21 - Filed for Introduction

House Status: 02/01/21 - Referred to House Criminal Justice Subcommittee.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to disposition of confiscated weapons.

AG Opinion:

Cosponsors:

Effective Date:

Position:

Priority:

Comment:

SB286/HB543 CRIMINAL LAW: Renewing of handgun carry permits.

Sponsors: Sen. Niceley, Frank , Rep. Powers, Dennis

Summary: Authorizes county clerk to renew a handgun carry permit holder's permit as long as it is in their county of residence. Requires the department of safety to contract with county clerk offices for the provision of any service related to the renewal of handgun carry permits. Broadly captioned.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note:

Intro Dates:

Senate Status: 01/21/21 - Filed for Introduction

House Status: 02/04/21 - Filed for Introduction

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, relative to handgun carry permits.

AG Opinion:

Cosponsors:

Effective Date:

Position: Neutral

Priority:

Comment: This bill, as filed, does not seem to have any problem that it resolves. The Department of Safety now seems to allow renewals to be handled by online services. Accordingly, requiring county clerks to be involved may do nothing more than increase the administrative costs for only minor increase, if any, in services.

SB318/HB18 CRIMINAL LAW: Open or concealed carrying of a firearm with the intent to go armed.

Sponsors: Sen. Hensley, Joey , Rep. Griffey, Bruce
Summary: Creates exceptions to the offense of open or concealed carrying of a firearm with the intent to go armed for any person legally in possession and not prohibited from possessing a firearm. Converts existing defenses to be exceptions. Broadly captioned.

Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note:
Intro Dates: H: 01/12/21
Senate Status: 01/22/21 - Filed for Introduction
House Status: 01/13/21 - Referred to House Criminal Justice Committee.
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 10; Title 33; Title 38; Title 39; Title 40; Title 50 and Title 70, relative to the carrying of firearms.
AG Opinion:
Cosponsors: Rep. Campbell, Scotty; Rep. Doggett, Clay; Rep. Hall, Mark; Rep. Warner, Todd;
Effective Date:
Position: Support
Priority: 1 - Top-tier
Comment: This is a constitutional carry bill and is a refiled version of one pending in 2020.

SB393/HB481 CRIMINAL LAW: TBI report on money collected for handgun carry permit fees.

Sponsors: Sen. Johnson, Jack , Rep. Lamberth, William
Summary: Requires the Tennessee bureau of investigation's report to the general assembly on the amount of money collected for handgun carry permit fees in excess of the costs associated with conducting background checks to be submitted by January 15 of each year. Broadly captioned.

Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note: (Dated February 4, 2021) NOT SIGNIFICANT
Intro Dates:
Senate Status: 02/03/21 - Filed for Introduction
House Status: 02/03/21 - Filed for Introduction
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Section 10-7-504; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 49; Title 50; Title 55; Title 70 and Title 71, relative to firearms.
AG Opinion:
Cosponsors: Rep. Gant, Ron;
Effective Date:
Position: Support
Priority:
Comment: TFA would support this bill as filed provided that the same report is required to be posted on the state's website for public review.

SB404/HB412 PROFESSIONS & LICENSURE: Retired law enforcement officers - private protective services.

Sponsors: Sen. Haile, Ferrell , Rep. Jernigan, Darren
Summary: Permits a retired law enforcement officer who is authorized to carry a firearm in the same manner as an active law enforcement officer to provide private security services without completing the required firearms training. Broadly captioned.

Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note:
Intro Dates:
Senate Status: 02/04/21 - Filed for Introduction
House Status: 01/26/21 - Filed for Introduction
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 38 and Title 62, Chapter 35, relative to retired law enforcement officers.
AG Opinion:
Cosponsors:
Effective Date:
Position:
Priority:
Comment:

SB412 CRIMINAL LAW: Issuance of extreme risk protection orders.

Sponsors: Sen. Gilmore, Brenda ,
Summary: Allows a court to issue an extreme risk protection order upon a finding by clear and convincing evidence that a person poses a significant risk of harm to the person or others if allowed to possess or purchase a firearm. Authorizes a law enforcement officer or family or household member to petition for such an order. Specifies that a petitioner seeking an extreme risk protection order is not required to be represented by an attorney and the court shall not award attorney fees to any party in any proceeding under this part. Specifies other requirements for issuance of an extreme risk protection order (15 pp).

Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note:
Intro Dates:
Senate Status: 02/04/21 - Filed for Introduction
House Status:
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, relative to extreme risk protection orders.

AG Opinion:
Cosponsors:
Effective Date:
Position: Oppose
Priority: 1 - Top-tier
Comment: RED FLAG Law if enacted as filed. This bill must be defeated.

SJR1 JUDICIARY: Constitutional amendment - selection of attorney general and reporter.

Sponsors: Sen. Yager, Ken ,
Summary: Proposes 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:
Subcommittee
Amendments:
Fiscal Note: (Dated January 26, 2021) Increase Local Expenditures Up to \$10,000/FY22-23*
Intro Dates: S: 01/12/21
Senate Status: 01/13/21 - Referred to Senate Judiciary Committee.

House Status:
Executive Status:
Public Chapter:
Caption:
AG Opinion:
Cosponsors:
Effective Date:
Position: Oppose
Priority: 2 - Second-tier
Comment: TFA does not support the concept of an appointed attorney general even as proposed in this legislation. TFA supports and calls for the enactment of laws that allow the people of this state to elect an attorney general (or similar office) to ensure that the loyalty of such individual and office is first to the people of the state of Tennessee.

SJR10 JUDICIARY: Constitutional amendment - powers of governor during a disability.

Sponsors: Sen. Massey, Becky ,
Summary: Proposes an amendment to Article II and Article III of the Constitution of Tennessee, relative to provide for the exercise of the powers and duties of the governor during disability.

Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note: (Dated January 26, 2021) Increase Local Expenditures Up to \$10,000/FY22-23*
Intro Dates: S: 01/12/21
Senate Status: 02/04/21 - Set for Senate Judiciary Committee 02/09/21.

House Status:
Executive Status:
Public Chapter:
Caption:
AG Opinion:
Cosponsors:
Effective Date:
Position:
Priority:
Comment:

HB11 CRIMINAL LAW: Justifies use of deadly force against another to protect real or tangible property.

Sponsors: Rep. Reedy, Jay
Summary: Justifies the use of deadly force against another to protect real or tangible, movable property when a person believes that deadly force is necessary to prevent an act of arson, burglary, theft during hours of darkness, robbery, or aggravated robbery. Also justifies the use of deadly force against another to prevent someone from fleeing immediately after committing an act of arson, burglary, theft during hours of darkness, robbery, or aggravated robbery.

Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note:
Intro Dates: H: 01/12/21
Senate Status:
House Status: 01/13/21 - Referred to House Criminal Justice Committee.

Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 11, Part 6, relative to justifications excluding criminal responsibility.
AG Opinion:
Cosponsors: Rep. Griffey, Bruce; Rep. Warner, Todd;
Effective Date:
Position: Support
Priority: 1 - Top-tier
Comment: Tennessee law makes it a felony to use a firearm - even to simply brandish a firearm - to protect real property, terminate a trespass, to protect personal property, to protect a business property or inventory or even as an aid to making a citizens' arrest. This law would allow the use of force in certain circumstances that Tennesseans already believe that they can exercise.

HB25 CRIMINAL LAW: Allows stay of proceedings in certain cases of use of force.

Sponsors: Rep. Todd, Chris
Summary: Allows a person who uses justifiable force against another to request a stay of proceedings until the criminal investigation concludes. Allows for an immunity hearing. Broadly captioned.

Amendment
Summary:
Subcommittee
Amendments:

Fiscal Note: (Dated December 15, 2020) NOT SIGNIFICANT
Intro Dates: H: 01/12/21
Senate Status:
House Status: 01/27/21 - Referred to House Civil Justice Subcommittee.
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, relative to justification of force.
AG Opinion:
Cosponsors:
Effective Date:
Position: Support
Priority: 1 - Top-tier
Comment: If has an existing civil immunity statute but it needs important improvements. This bill brings substantial improvements that existing statute. This is a bill that was refiled from 2020.

HB26 CRIMINAL LAW: Changes qualifications for disqualifying use of force in self-defense.

Sponsors: Rep. Todd, Chris
Summary: Changes the parameters of disqualifying actions from "unlawful activity" to "conduct that would constitute a felony or Class A misdemeanor" in justifying use of force in self-defense.
Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note: (Dated December 10, 2020) NOT SIGNIFICANT
Intro Dates: H: 01/12/21
Senate Status:
House Status: 01/13/21 - Referred to House Criminal Justice Committee.
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Section 39-11-611, relative to self-defense.
AG Opinion:
Cosponsors:
Effective Date:
Position: Support
Priority:
Comment: TFA supports this bill but would like to see it amended to eliminate inclusion of any misdemeanor matters or nonviolent felonies.

HB43 CRIMINAL LAW: Prohibits law enforcement surveillance on private property.

Sponsors: Rep. Faison, Jeremy
Summary: Prohibits law enforcement from entering private property to engage in surveillance or set up surveillance equipment unless the officer has obtained a search warrant or a judicially recognized exception to the warrant requirement exists. Broadly captioned.
Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note: (Dated January 11, 2021) NOT SIGNIFICANT
Intro Dates: H: 01/12/21
Senate Status:
House Status: 01/13/21 - Referred to House Criminal Justice Committee.
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to surveillance of private property.
AG Opinion:
Cosponsors:
Effective Date:
Position: Support
Priority: 2 - Second-tier
Comment:

HB79 GOVERNMENT REGULATION: UAPA - payment of expenses incurred during proceedings related to contested cases.

Sponsors: Rep. Lamberth, William
Summary: Requires a party issued a notice of violation by an agency to prevail on the merits of all allegations in the notice at the contested case hearing in order to recover reasonable costs from the agency. Requires a hearing officer or administrative law judge to set forth in writing facts upon which certain determinations are based. Requires parties seeking judicial review of certain agency decisions to cover reasonable costs of the review, including costs for the time, travel, and lodging of the office of the attorney general, court reporter and transcript costs, and court costs.
Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note: (Dated January 7, 2021) NOT SIGNIFICANT
Intro Dates: H: 01/12/21
Senate Status:
House Status: 01/13/21 - Referred to House Government Operations Committee.
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Section 4- 5-325 and Section 63-1-144, relative to payment of expenses incurred during proceedings related to contested cases.
AG Opinion:
Cosponsors: Rep. Gant, Ron;
Effective Date:
Position: Oppose
Priority:
Comment: TFA opposes legislation which would shift costs to the citizens involved in administrative hearings involving government agencies. Such legislation can be the "camel's nose under the tent" and lead to fee shifting in administrative matters involving permit holders, FFL's and even gun ranges.

HB97 CRIMINAL LAW: Use of deadly force.

Sponsors: Rep. Reedy, Jay
Summary: Under certain circumstances, justifies the use of deadly force against another to prevent or terminate the other from committing or attempting to commit certain property offenses. Specifies that the display or brandishing of a weapon does not constitute deadly force.

Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note:
Intro Dates: H: 01/12/21
Senate Status:
House Status: 01/27/21 - Referred to House Criminal Justice Subcommittee.
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 11, Part 6, relative to justifications excluding criminal responsibility.
AG Opinion:
Cosponsors:
Effective Date:
Position: Support
Priority: 1 - Top-tier
Comment: Tennessee law makes it a felony to use a firearm - even to simply brandish a firearm - to protect real property, terminate a trespass, to protect personal property, to protect a business property or inventory or even as an aid to making a citizens' arrest. This law would allow the use of force in certain circumstances that Tennesseans already believe that they can exercise.

HB159 CRIMINAL LAW: Personal Privacy Protection Act.

Sponsors: Rep. Williams, Ryan
Summary: Prohibits public agencies from requiring an individual, 501(c)s, or contractors with the agency to provide personal information. Establishes protections for personal information confidential and not an open record. Creates a civil cause of action and criminal offense for violations. Broadly captioned.

Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note: (Dated January 13, 2021) NOT SIGNIFICANT
Intro Dates: H: 01/14/21
Senate Status:
House Status: 01/14/21 - Introduced in the House
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 2; Title 3; Title 4; Title 5; Title 6; Title 7; Title 10; Title 12; Title 39; Title 40 and Title 41, relative to privacy.
AG Opinion:
Cosponsors:
Effective Date:
Position: Neutral
Priority:
Comment:

HB373 ENVIRONMENT & NATURE: Installation of monitoring devices on privately owned property.

Sponsors: Rep. Casada, Glen
Summary: Prohibits wildlife resources officers from entering private property to install monitoring device without a search warrant, order for electronic surveillance, or written permission of the landowner or lessee of the property.

Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note:
Intro Dates:
Senate Status:
House Status: 01/21/21 - Filed for Introduction
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 70, relative to evidence.
AG Opinion:
Cosponsors:
Effective Date:
Position: Support
Priority:
Comment: TFA's supports bill as written.

HB446 CRIMINAL LAW: Tennessee Firearm Protection Act.

Sponsors: Rep. Warner, Todd
Summary: Prohibits the expenditure of state or local funds to implement, regulate, or enforce any federal law or executive order regulating the sale of firearms, ammunition, or firearm accessories if the expenditure of funds would violate a state law or the state constitution. Also prohibits the allocation of state or local personnel or property to implement, regulate, or enforce any federal law or executive order regulating the sale or possession of firearms, ammunition, or firearm accessories if the expenditure would violate state law or the state constitution.

Amendment
Summary:
Subcommittee
Amendments:
Fiscal Note: (Dated February 2, 2021) NOT SIGNIFICANT
Intro Dates:
Senate Status:
House Status: 02/01/21 - Filed for Introduction
Executive Status:
Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 38 and Title 39, relative to firearm laws.
AG Opinion:
Cosponsors:
Effective Date:
Position: Support
Priority:
Comment: TFA supports legislation in general that strengthens 2nd and 10th Amendment issues to prohibit state funds or resources to be used to enforce ANY federal law, regulation or executive order.

HB477 CRIMINAL LAW: Off duty law enforcement officers carrying firearms into certain locations

Sponsors: Rep. White, Mark
Summary: Clarifies that a law enforcement officer is not prohibited from carrying a firearm into certain locations regardless of whether the officer is on or off duty. Clarifies that the exemption to the ban on weapons in parks and other similar places for a law enforcement officer applies regardless of whether the officer is on duty. Requires signage in such places to state, "All law enforcement officers are exempt."

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated February 4, 2021) NOT SIGNIFICANT

Intro Dates:

Senate Status:

House Status: 02/03/21 - Filed for Introduction

Executive Status:

Public Chapter:

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

AG Opinion:

Cosponsors:

Effective Date:

Position: Amend

Priority:
Comment: The TN Supreme Court has held that off duty officers are not special classes of citizens but are simply citizens when not engaged in the official discharge of duties. TFA would prefer to see this bill amended to make clear that those citizens who have the "enhanced permits" are at a minimum given the same scope to carry that other citizens - who happen to be law enforcement officers when "on the job" - have.