

# 2023

GUN OWNERS  
LOBBY DAY

NASHVILLE, TN







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# HB 1005 GRILLS SB1503 STEVENS

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113TH TENNESSEE GENERAL ASSEMBLY



MARCH 15, 2023  
GUN OWNERS LOBBY DAY  
SPONSORED BY TENNESSEE FIREARMS ASSOCIATION

HB 1005/SB 1503 simply attempts to return the original right to arms that was granted by God and recognized by the Founders of this State in 1796.

Those who wrote the Constitution were fresh from wresting that ability from tyrants who were about the business of taking them away by force of arms, and the result of the sacrifice of blood and treasure to achieve the contract that is our Constitution was a written promise to never allow government to disallow the People to have those tools necessary to protect themselves by ordaining and establishing the constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent State by the name of the State of Tennessee.

To make sure that the civilian population would forever be the supreme power in the state, it organized that written contract to include this analog, under the Declaration of Rights Article 11<sup>th</sup> Section 26<sup>th</sup>:  
“That the freemen of this State have a right to keep and to bear arms for their common defence.”

There was none of the monkey business that was added antebellum, post-civil war Jim Crow power given to the legislature in 1780 to rule over that right for some feigned ability to reduce crime. No law has ever been written that reduces crime, government simply punishes it once the committer is convicted. We have moved away from innocent until proven guilty to a situation where moneyed interest have bought legislators that punish law abiding citizens for the criminal actions of others by taking away enumerated rights from those who would do no harm to start with.

This bill seeks to remove the criminal aspect of a law abiding citizen to carry a firearm as granted by God and recognized by the Constitutions of the state and union, verified as preexisting to our Republic by the Heller, McDonald and Bruen SCOTUS decisions.

It seeks to return the right to arms to those whose citizenship and adult rights have been fully vested by virtue of age, 18 years being the prescribed number of years for service in the military, being able to marry without parental permission, to vote and sign contracts.

Lastly to return the right to long arms to the People. Tennessee received its vaunted nickname the Volunteers due to average citizens, with their own personal long guns stepping to be first in the line to fight for Liberty and Freedom in every pre-America and later struggles for Liberty. From Kings Mountain when Sevier, Shelby and Campbell, of their own volition as members of a militia marched to destroy Ferguson who had advised them that he would march over the mountains, hang their leaders and lay waste to their lands with sword and fire, to Jackson, Coffee, Carroll, Crockett and Houston, volunteers who faced England and the Red Sticks in 1814. Not soldiers, just part of the People whom our Constitution made sure could keep their arms in defense of home, self and state. These criminals, invaders and our own government (in the case of England) were the foes that Tennesseans overcame with their personal firearms and that right belong to every citizen.

## What HB 1005 does:

**Pro-Points:** Brings us in line with SCOTUS opinion in Bruen Case by

- Removing the language of current law making the carrying of firearms with “the intent to go armed” an offense.
- Permitting 18–20-year-old Tennesseans to exercise their right to carry a firearm.
- Exchanging the term “handgun” for “firearm” throughout the Tennessee code. (Therefore, allowing long arms to be included.)
- Expressly outlines that public and private places that choose to be a “Gun-Free Zone” accept liability for leaving citizens defenseless.

## Counter points to opposition

“Section 39-17-1307(h) is not deleted by the amendment, and that is the section that contains the prohibitions on carrying if you have been convicted of stalking, a certain number of DUI’s, adjudicated as mental defective, or otherwise prohibited under federal law. So that is still in the law.” ~ *Civil Justice subcommittee legislative attorney, Elizabeth Insogna*

42 states currently recognize long gun carry as a RIGHT, 4 require a permit, THREE states + DC ban long gun carry – NY, FL, DC, **TN**

Long guns - rifles, (including what anti-gun advocates/media term “assault rifles”) and shotguns combined were used in less than 4% of MURDERS in 2020 (Pew Research Report)

HOUSE BILL 1005

By Grills

AN ACT to amend Tennessee Code Annotated, Title 8;  
Title 10; Title 33; Title 36; Title 38; Title 39; Title  
40; Title 49; Title 50 and Title 70, relative to  
firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm" and by deleting the language "handguns" wherever it appears and substituting instead the language "firearms".

SECTION 2. Tennessee Code Annotated, Section 39-17-1351(r)(1), is amended by deleting the subdivision and substituting instead:

(1) A facially valid handgun permit, firearms permit, weapons permit, or license issued by another state shall be valid in this state according to its terms and shall be treated as if it is a firearm carry permit issued by this state.

SECTION 3. Tennessee Code Annotated, Section 39-17-1365, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 4. Tennessee Code Annotated, Section 39-17-1366, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm" and by deleting the language "handguns" wherever it appears and substituting instead the language "firearms".

SECTION 5. Tennessee Code Annotated, Section 10-7-504(a)(2)(A), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm

carry permit" and by deleting the language "handgun carry permits" and substituting instead the language "firearm carry permits".

SECTION 6. Tennessee Code Annotated, Section 10-7-504(o), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit" and by deleting the language "handgun permit holder" and substituting instead the language "firearm carry permit holder".

SECTION 7. Tennessee Code Annotated, Section 33-6-413(b), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 8. Tennessee Code Annotated, Section 36-3-626, is amended by deleting the language "firearm" wherever it appears and substituting instead the language "firearm".

SECTION 9. Tennessee Code Annotated, Section 38-3-122(c), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 10. Tennessee Code Annotated, Section 38-6-105, is amended by deleting the language "handgun permit" and substituting instead the language "firearm carry permit".

SECTION 11. Tennessee Code Annotated, Section 38-8-116, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 12. Tennessee Code Annotated, Section 39-16-702(b), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 13. Tennessee Code Annotated, Section 39-17-1309(e)(8)(B), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 14. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 15. Tennessee Code Annotated, Section 39-17-1321(c)(2), is amended by deleting the language "handgun permit" and substituting instead the language "firearm carry permit".

SECTION 16. Tennessee Code Annotated, Section 39-17-1350(g), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 17. Tennessee Code Annotated, Section 39-17-1352(e), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 18. Tennessee Code Annotated, Section 39-17-1359(g)(1), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 19. Tennessee Code Annotated, Section 40-32-101, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 20. Tennessee Code Annotated, Section 40-32-105(i)(5), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 21. Tennessee Code Annotated, Section 49-6-816, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".



SECTION 22. Tennessee Code Annotated, Section 49-7-161(b)(2), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 23. Tennessee Code Annotated, Section 49-50-803(b)(2), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 24. Tennessee Code Annotated, Section 50-3-201(d), is amended by deleting the language "handgun permits to carry a handgun" and substituting instead the language "firearm carry permits to carry a firearm".

SECTION 25. Tennessee Code Annotated, Section 50-1-312(a)(1), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 26. Tennessee Code Annotated, Section 70-2-104(g)(3)(B), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 27. Tennessee Code Annotated, Section 70-4-117(d), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 28. Tennessee Code Annotated, Section 70-5-101(c), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 29. Tennessee Code Annotated, Section 8-21-401(f)(1), is amended by deleting the language "handgun permits" and substituting instead the language "firearm carry permits".

SECTION 30. This act takes effect July 1, 2023, the public welfare requiring it.



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## DOES THE SUPREME COURT'S BRUEN DECISION APPLY TO TENNESSEE?

Posted on February 28, 2023 by JohnHarris • 0 Comments

Some might raise the question of whether the United States Supreme Court's opinion in [New York State Rifle and Pistol Association v. Bruen](#) has any impact on Tennessee? That is, does the holding in *Bruen* have any impact on Tennessee's laws, regulations, executive orders, local government actions and even the sworn oaths of elected and appointed officials?

The answer is already resolved by the constitution and the Courts and the answer is an unqualified yes.

The United States Supreme Court decided in [McDonald v. City of Chicago](#), 561 U.S. 742 (2010) and held that the Second Amendment, by virtue of the Fourteenth Amendment, applies fully to restrict state action to the same extent that it prohibits federal action. ("In *Heller*, we held that the Second Amendment protects the right to possess a handgun in the home for the purpose of self-defense. Unless considerations of *stare decisis* counsel otherwise, a provision of the Bill of Rights that protects a right that is fundamental from an American perspective applies equally to the Federal Government and the States. See *Duncan*, 391 U. S., at 149, and n. 14. We therefore hold that the Due Process Clause of the Fourteenth Amendment incorporates the Second Amendment right recognized in *Heller*. The judgment of the Court of Appeals is reversed, and the case is remanded for further proceedings.")

In 2022, the United States Supreme Court applied the Second and Fourteenth Amendments to declare unconstitutional New York State's handgun permitting law. [New York State Rifle and Pistol Association v. Bruen](#).

Following *Bruen*, *Heller* and *McDonald*, a Tennessee Court of Appeals declared unconstitutional a local government practice in Tennessee that restricted resident firearms possession in government housing. See, [Columbia Housing & Redevelopment Corp. v. Braden](#), M2021-00329-COA-R3-CV (Oct, 13, 2022.)

More recently, the Attorney General for the State of Tennessee submitted an [agreed order](#) in a federal civil action that challenged Tennessee's "scheme" of prohibiting most 18-20 year olds from being eligible for Tennessee's handgun permits and/or to be eligible to carry under the state's 2021 permitless carry law. In that Agreed Order the State Attorney General specifically referenced *Bruen* and agreed that the state's statutory "scheme" violated the Second Amendment, violated the Fourteenth Amendment and constituted a federal civil rights violation.

There is no credible basis for anyone, much less an elected or appointed official who has taken an oath to defend and protect the constitutionally protected rights of Tennesseans, to ignore or deny how *Bruen* applies to render unconstitutional various Tennessee statutes, rules, regulations, and other restrictions on the rights protected by the Second Amendment. Do not tolerate such stonewalling or misconduct by elected or appointed officials. Know the facts and be willing to stand up and defend your rights against their official oppression thereof.

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## TENNESSEE'S BAN ON 18-20 YEAR OLDS OBTAINING HANDGUN PERMITS DECLARED UNCONSTITUTIONAL

Posted on January 23, 2023 by JohnHarris • 0 Comments

On January 23, 2023, an agreed order was filed in the federal case styled *Beeler v. Long*, U.S. District E.D. TN 3:21-cv152 (opinion included below) in which the Tennessee Attorney General agreed with the Plaintiffs that Tennessee's ban on 18-20 year olds to get handgun permits was unconstitutional.

In 2021, Governor Bill Lee pushed an "administration bill" through the Tennessee Legislature in which an affirmative defense to carrying without a handgun permit was established pursuant to which most 18-20 year olds were ineligible to carry a handgun without a permit even though they can legally own and purchased (casual sales only) handguns under state and federal law. The legislation was [sponsored by Senator Jack Johnson in the Senate and by Representative William Lamberth](#) in the House.

Prior to its passage, Tennessee Firearms Association and its members were [demanding that the 2021 law cover anyone who could legally possess a handgun not just those 21 and up](#). Of course, Republican legislators disregarding the position of TFA concerning the age issue problems in the legislation as well as other concerns and passed the law with the unconstitutional provisions just as the Governor and bill sponsors wanted. Within a few weeks of that law being passed by the Republican super majority, this federal civil rights lawsuit was filed in East Tennessee.

In the federal civil rights case, the Plaintiffs asked the federal court "to declare unconstitutional and enjoin enforcement of Tenn. Code Ann §§ 39-17-1307(a)(1), (a)(2), (g)(1), 39-17-1351(b)-(c), and 1366(b)(3), and any related regulations, policies, procedures, practices, and customs that Defendant administers, implements, and/or enforces pursuant to Tenn. Code Ann §§ 39-17-1307(a)(1), (a)(2), (g)(1), 39-17-1351(b)-(c), and 1366(b)(3) in order to restrict individuals aged 18 years old to 20 years old from carrying handguns or obtaining permits to carry handguns on the basis of age alone...." Tennessee's prior attorney general had vigorously opposed the lawsuit.

In the fall of 2022, Jonathan Skrmetti, Tennessee's new Attorney General, took several actions which signaled perhaps a change of opinion regarding whether Governor Lee's hallmark legislation and the positions taken by the House and Senate sponsors were constitutional. In the Agreed Order, the parties agreed that "[t]he Challenged Scheme regulating the possession and carrying of handguns that restricts individuals aged 18 years old to 20 years old from carrying handguns or obtaining permits to carry handguns on the basis of age alone violates the Second and Fourteenth Amendments to the United States Constitution." A determination which the legislators had been advised years ago was the proper constitutional conclusion and which the prior Attorney General had refused to acknowledge.

The order permanently enjoins the state of Tennessee from discriminating against 18-20 year olds relative to handgun permits or "permitless carry" on the basis of age along.

While a major victory, there is much to be done. Tennessee still does not have REAL constitutional carry. Tennessee still has unconstitutional statutes, rules and regulations on things like "gun free zones", prohibitions on carrying longarms, etc. To help you demand that your rights be honored, Tennessee Firearms Association has invested in an advocacy tool that helps you to stay in contact with your legislators. Get started now by going to the [Call to Action page](#) on the TFA's website.

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Finally, TFA acknowledges Attorney General Jonathan Skrmetti and his team for recognizing the constitutional failures of Tennessee's gun laws in this regard and the amicable resolution of this matter. Perhaps, we can as Tennesseans look forward at least to an Attorney General that honors and protects our rights, as protected by the 2nd and 14th Amendments like our Governors and Legislators should have been doing.

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

<b>BLAKE BEELER, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
v.	)	<b>No. 3:21-cv-152</b>
	)	<b>Judge Katherine A. Crytzer</b>
<b>JEFF LONG,</b>	)	<b>Magistrate Judge Debra C. Poplin</b>
	)	
<b>Defendant.</b>	)	

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**AGREED ORDER**

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The Parties, having reached agreement, state the following background facts in support of this Agreed Order:

1. Prior to the filing of this action, the State of Tennessee, by and through Defendant, Jeff Long, in his official capacity as the Commissioner of the Tennessee Department of Safety and Homeland Security actively enforced, administered, or implemented laws, and—to the extent they exist—any related regulations, policies, procedures, practices, and customs, regulating the possession and carrying of handguns that restricted individuals aged 18 years old to twenty years old from carrying handguns or obtaining permits to carry handguns on the basis of age alone.

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← The inconvenient recent history of Tennessee's gun laws and the problem of incrementalism

Second Amendment excuses for federal civil rights violations? →

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## TFA AND GOA FILE AMICUS BRIEF OPPOSING TWRA'S WARRANTLESS SEARCH PRACTICES

Posted on February 16, 2023 by JohnHarris • 0 Comments

Tennessee Firearms Association and Gun Owners of America jointly filed a motion seeking permission to formally file an amicus brief (a "friend of the court" brief) with the Tennessee Court of Appeals in a case styled [Terry Rainwaters, et al., v. Tennessee Wildlife Resources Agency, et al., Appeal No: W2022-00514-COA-R3-CV](#). The proposed TFA/GOA brief is included below.

The core issue in this case is whether and to what extent the Tennessee Wildlife Resources Agency can enter a person's real property at any time without a warrant if it suspects that any hunting activities are taking or have taken place in the past. A state trial court previously ruled that the state statutes that TWRA relies upon for these clandestine invasions and surveillance (including placement of cameras) of private property are unconstitutional. ([April 2022 trial court opinion](#)).

The trial court ruled against the TWRA when the trial court concluded that the Legislature's actions by enacting Tennessee Code Annotated §§ 70-1-305(1) and (7), which are the provisions that TWRA was relying upon, are facially unconstitutional because these statutory provisions "authorize unreasonable warrantless searches in violation of Article I, Section 7 of the Tennessee Constitution."

In its appeal, TWRA argues to the Court of Appeals that "(1) Sections 70-1-305(1) and (7) are not facially unconstitutional; (2) the properties at issue are not constitutionally protected; and (3) any "search" by the TWRA officers was not unreasonable and therefore did not violate Tenn. Const. art. I, § 7."

TFA and GOA argue in the proposed amicus brief that not only are the statutes that TWRA relies upon unconstitutional under the state constitution, as the trial court found, but that the statutes, as applied by TWRA, but that the "actions and policies of the TWRA are dangerous, resulting in an unsupportable risk of injury or liability to private citizens on private lands as well as to TWRA agents who are unlawfully present on those same private lands."

This case and the TWRA's policies have existed now for several years. Obviously, the Tennessee Legislature could have stepped in and addressed the issue long before now by requiring TWRA to show to a judicial officer sufficient probable cause to believe that a crime is being or has recently been committed such that a search warrant can be issued. If it did so, the Legislature would need to include enough provisions in any such proposed law to ensure that those judicial officers are going to put a priority on defending and safeguarding the personal and property rights of citizens rather than merely "rubber stamping" what the state wants to do. So far, the Legislature has not acted although at least [one bill](#) to address this problem was filed in 2021 but it was killed in the House Criminal Justice Subcommittee without a recorded vote.

If you are a TFA or GOA member and would like to support efforts by these organizations, please make sure your memberships are up to date and consider supplemental donations. If you are not a TFA or GOA member, considering joining today.

If you think that the Legislature should have never passed unconstitutional laws and/or that it should have stopped this conduct by TWRA long ago, then make sure to [reach out to your legislators](#) today and speak with them about your concerns.

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**IN THE COURT OF APPEALS OF TENNESSEE  
WESTERN DIVISION AT JACKSON**

**TERRY RAINWATERS and  
HUNTER HOLLINGSWORTH,**

**Plaintiffs-Appellees,**

**v.**

**No. W2022-00514-  
COA-R3-CV**

**The TENNESSEE WILDLIFE  
RESOURCES AGENCY, BOBBY  
WILSON, Executive Director of the  
Tennessee Wildlife Resources Agency, in  
his individual capacity, ED CARTER,  
former Executive Director of the  
Tennessee Wildlife Resources Agency, in  
his individual capacity, and KEVIN  
HOOFMAN, an officer of the Tennessee  
Wildlife Resources Agency, in his  
individual capacity,**

**On Appeal From The  
Circuit Court of  
Benton County,  
Tennessee  
No. 20-CV-6**

**Defendants-Appellants.**

**BRIEF OF AMICUS CURIAE  
TENNESSEE FIREARMS ASSOCIATION**

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← ATF response to attorney inquiry about "80%" kits.

State of Tennessee sued in action seeking to declare the "Parks Statute" to be unconstitutional →

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## ATF RESPONSE TO ATTORNEY INQUIRY ABOUT "80%" KITS.

Posted on February 8, 2023 by JohnHarris • 0 Comments

John Harris, in addition to volunteering as TFA's executive director, is an attorney in Nashville, Tennessee, who regularly represents clients in matters involving the Bureau of Alcohol, Tobacco, Firearms and Explosives. On September 9, 2022 he wrote to the ATF to request clarification of the ATF's updated rule that went into effect on August 24, 2022, concerning its reclassification of "80%" kits and their status both for federal firearms licensees and those individuals who are not federally licensed dealers or manufacturers.

On February 8, 2023, approximately 5 months after the inquiry was made, a "firearms enforcement specialist" with the ATF responded in writing. The answers from the ATF on this issue may be of interest to many who have items that are or may be classified as 80% kits. This is the ATF's written response:

Mr. Harris,

Thank you for your inquiry to the Firearms Industry Programs Branch (FIPB). This is in response to your email, in which submitted several questions related to Final Rule 2021R-05F. For clarity of reading, I have copied your questions below and will attempt to address each question with a response to each directly below it.

1. *Prior to August 24, 2022, individuals or entities could possess and sell non-firearms (e.g., something that was an 80% lower for example) without an FFL. Would it be accurate that those individuals/entities who had these items prior to 8/24/22 and were not FFLs can continue to own them as unserialized PMFs but cannot sell or transfer them to third parties without compliance with the new regs?*

A. As you may be aware, "80% receiver" is an industry term which the ATF does not use to identify an item or determine if the item does or does not constitute a firearm. It would be accurate to say that a non-licensee, who is not prohibited from possessing firearms pursuant to section 922(g), would be allowed to retain an item or a "kit" which, although not considered a firearm prior to implementation of Final Rule 2021R-05F, now would meet the definition of being a firearm under 27 CFR 478.12. Any subsequent sale or distribution of items meeting the definition of "frame" or "receiver" under 27 CFR 478.12 to an FFL would require the FFL to mark the frames or receivers in accordance with the new rule. The FFL would also need to be in compliance with all applicable state and local laws and/or ordinances. The new rule does not impose any requirements, under Federal law, on transfer between non-licensee owners of PMFs, but places certain requirements on FFLs.

2. *Prior to August 24, 2022, individuals or entities who held FFLs could own/possess non-firearms (which are now redefined after 8/24/22 as firearms) without those items being listed in the inventory, A&D or other records. If the individual or entity reclassified them as "personal inventory" rather than FFL inventory prior to 8/24/22 (CFR 478.92.a.4.vi) it appears that they would not be FFL inventory and not subject to the marking requirements unless sold to a third party or placed into FFL inventory. Are there any*

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*FAQs or regs specifically on this issue?*

A. As you noted, the marking of privately made firearms acquired by a licensee before August 24, 2022 is addressed in 27 CFR 478.92(a)(4)(vi), which states "[l]icensees shall identify in the manner prescribed by this section, or cause another person to identify, each privately made firearm received or otherwise acquired (including from a personal collection) by the licensee before August 24, 2022 within sixty (60) days from that date, or prior to the date of final disposition (including to a personal collection), whichever is sooner." The regulation therefore specifically addresses privately made firearm "received or otherwise acquired" by a licensee prior to August 24, 2022, and makes no exemption based on status as "inventory" or "personal collection." Pursuant to the facts you presented, these privately made firearms were indeed "received or otherwise acquired" by the FFL prior to August 24 and are currently possessed by the FFL even if the FFL purportedly "reclassified" these as part of a personal collection. Hence, any such privately made firearm possessed by an FFL as inventory or as part of a personal collection is subject to the 60-day marking requirement in section 478.92(a)(4)(vi).

3. *It appears from the wording of amended s §478.125(i) and 478.125a that an FFL could have PMFs in a personal inventory without a complying with the marking requirement that would apply if the PMF was transferred to or from FFL inventory on or after 8/24/22.*

*Part of the question here is what steps, if any, would have been required prior to 8/24/22 to determine if the items previously considered non-firearms are personal inventory rather than FFL inventory (e.g., such as tagging them if at the FFL licensed premise or moving them off of the licensed premises?)*

A. Please see ATF's response to question 2, which states an FFL is required by regulation to mark any privately made firearm in its possession "received or otherwise acquired" by that licensee prior to August 24, 2022.

4. *How do the personal inventory / FFL inventory determinations work if the PMF is possessed by a home-based FFL?*

A. Home-based FFLs are subject to the same requirements as other FFLs. Please see ATF's response to question 2, which states an FFL is required by regulation to mark any privately made firearm in its possession "received or otherwise acquired" by that licensee prior to August 24, 2022.

We trust the foregoing has been responsive to your inquiry.

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## SECOND AMENDMENT EXCUSES FOR FEDERAL CIVIL RIGHTS VIOLATIONS?

Posted on January 25, 2023 by JohnHarris • 0 Comments

On January 23, 2023, the State of Tennessee, under the leadership of Attorney General Jonathan Skrmetti, entered into an [agreed order](#) which concluded that laws enacted by the Tennessee Legislature, under a Republican super-majority, constitute an unconstitutional “scheme” that had the effect of denying 18-20 year olds the opportunity to get a handgun permit or carry under the 2021 permitless carry law.

According to the Agreed Order “The Challenged Scheme regulating the possession and carrying of handguns that restricts individuals aged 18 years old to 20 years old from carrying handguns or obtaining permits to carry handguns on the basis of age alone violates the Second and Fourteenth Amendments to the United States Constitution.”

Even worse, the Agreed Order concludes that the legislation, supported by a Republican governor and carried by Republican legislative leadership constituted a [federal civil rights violation](#). One consequence is that the state agreed to pay the legal fees of the plaintiffs for violating their civil rights.

But, there is another perhaps more systemic and critical problem. Federal law is clear that it is a federal crime when a person who is acting under “under color of any law” violates another person’s civil rights “willfully” See, 18 U.S.C. § 242. Keep in mind that Tennessee Firearms Association members have been telling these same legislators for many years that the laws that they were passing and failed to repeal were violations of the 2nd Amendment. There is now a question of whether the “color of law” actions of some legislators and governors were willful violations of the civil rights of people in Tennessee.

Another lesson to be learned from these events is that even if the Tennessee Legislature and its Governor continue to ignore the Second Amendment and play games with “incrementalism” excuses, it is clear that Tennesseans have and perhaps must increasingly turn to the courts to challenge the unconstitutional laws that the Legislature has either enacted in the last decade or refused to remove. But that is another topic for another day.

Tennessee House members are presently required to have all of their proposed legislation for 2023 filed by January 30. That means that we should have some indication in just a few days indicating how seriously the Tennessee legislators are going to take the Second Amendment and its mandate. Now, this is not as if the constitutional provision has suddenly changed. In fact, it has not changed at all since 1791. Further, it is not as if it is complicated – it is only 1 sentence.

There is no debate that a number of Tennessee legislators who have been loyal to the Second Amendment have been offering legislation to adopt real constitutional carry, to allow 18-20 year olds to exercise their constitutional rights, to allow Tennesseans to have choices for self-defense that include “firearms” and not just handguns and that seek to eliminate unconstitutional gun free zones. We applaud those legislators.

But, at the same time, there are not enough legislators who either understand or truly embrace the mandate from the Second Amendment prohibiting government infringements. That fact is evidenced

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because when efforts were made by some legislators to enact true 2nd Amendment legislation in the past, the leadership did not get behind it and the majority of other legislators clearly did not support it. Instead, you would [often hear Republican legislators talking](#) about “incrementalism” and “moving the ball down the field”. You would hear, for example, House Leader William Lamberth [admitting](#) in committee hearings that the permitless carry legislation in 2021 falls short of the Second Amendment but asserting that it is the “biggest bite of freedom we can get at one time”. Why? Which legislators were limiting the size of freedom? Which legislators were knowingly disregarding the Second Amendment?

The legislative archives provide some answers. Those archives contain videos of members and bill sponsors speaking in subcommittees, committees and on the floor. Those videos are damning proof that some of them knew that the legislation that they are sponsoring and/or voting for falls short of what the Second Amendment requires but yet that is the furthest limit that they were willing to “allow” Tennesseans to exercise with respect to their constitutionally protected rights. These legislators knowingly infringed and continue to infringe your rights by using terms like “reasonable” and “public safety”. But it is not just legislators, the civil rights violations include actions and testimony from representatives from Bill Lee’s administration, perhaps including the spokespersons from TBI and the Department of Safety. The civil rights violations might also arise from the positions taken by uniformed law enforcement officials – including some sheriffs and chiefs of police – who almost always testify against any legislation to repeal the infringements by state or local government laws or regulations on the rights protected by the Second Amendment.

Over the next few months, you will likely see new legislation and efforts made by some legislators to remove these unconstitutional infringements so that we do not have to get more courts to do so by court mandate. But, you will see the same old tired and unconstitutional excuses. Those opposing your constitutionally protected rights and bowing to the “gods” in the various law enforcement and agencies under Governor Lee’s control will likely continue to tell us that they are taking the Second Amendment “seriously”, that they are working with leadership and/or the Governor to address the issues, that they are being diligent. As you hear those excuses, be aware how similar they sound to the excuses that Karine Jean-Pierre constantly throws out to defend the unconstitutional and sometimes criminal actions of Joe Biden and his administration.

Tennesseans need to pay close attention to those legislators who have been and who continue to step up and zealously fight to remove all infringements on your rights as protected by the Second Amendment.

Tennesseans also need to take careful note of those governors, legislators, administration officials and law enforcement officials who are using the terms “reasonable”, “incremental”, “moving the ball down the field”, “biggest bite of freedom”, etc., when they speak about legislation that has the clear result of failing to remove the unconstitutional infringements on the rights that the Second Amendment prohibits from infringement – period.

Watch for those Tennessee legislators and others acting under “color of law” who borrow Karine Jean-Pierre’s book of excuses rather than Justice Thomas’ clarity of the 2nd Amendment’s mandate because it is those individuals who need to be reformed, replaced and potentially investigated as soon as possible.



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## STATE OF TENNESSEE SUED IN ACTION SEEKING TO DECLARE THE "PARKS STATUTE" TO BE UNCONSTITUTIONAL

Posted on February 16, 2023 by JohnHarris • 0 Comments

On February 16, 2023, a lawsuit was filed by Stephen L. Hughes, Duncan O'Mara, Elaine Kehel, Gun Owners of America, Inc., and Gun Owners Foundation against Bill Lee, in his official capacity as the governor of the state of Tennessee. See, Stephen L. Hughes, et al., v. Bill Lee, Chancery Court for the 28th Judicial District, Gibson County, No: 24475. (A copy of the complaint is included below). The plaintiffs seek a determination by a state court that Tennessee's "parks statute" (Tennessee Code Annotated § 39-17-1311) and Tennessee's state-wide "gun free zone statute" (Tennessee Code Annotated § 39-17-1307) are unconstitutional under the Tennessee Constitution.

In addition to the complaint, plaintiffs filed motion for a preliminary injunction. In that motion, the Plaintiffs ask the court to enter a preliminary and permanent injunction against the State of Tennessee that would prohibit it from further enforcing either the parks statute or the state's general state-wide gun free zone statute. The lawsuit is based on similar lawsuits that have been filed in other state and federal courts following the United States Supreme Court's June 2022 ruling in [New York State Rifle and Pistol Association v. Bruen](#).

Tennessee Firearms Association has tried for many years to convince the Tennessee Legislature that it should repeal the gun free zone statute relative to public parks, greenways and other public recreational areas. Rather than doing so, the Legislature has made minor adjustments to the statute which has caused it to operate as a criminal trap for individuals who merely want to be prepared to defend themselves.

Under current law, all firearms are prohibited in all public parks, greenways, campgrounds and other public recreational areas and civic centers. There is a limited exception for permit holders that only applied to handguns which exception was added around 2009 but it did not apply to all local parks. The issue of local parks was addressed in an amendment in 2015, but then changed again in 2017 to allow parks to prohibit firearms even by permit holders under certain circumstances. Then, when the 2021 permitless carry law was enacted it did not allow those carrying without a permit the ability to carry in public parks and left them exposed to criminal prosecution. Further, the Legislature placed and has maintained a "felony trap" in the parks statute such that if the park were to be "used" by a school, the park would be reclassified as a school ground and firearms possession could be charged as a felony.

The second statute addressed in this lawsuit is Tennessee Code Annotated § 39-17-1307(a) which makes it a crime to "carry with intent to go armed" a firearm on any public or private property (including a person's own residence). The statute effectively creates a state-wide gun free zone. While there are several affirmative defenses to this statute, such as the person was in their own home or that the person had a permit, the burden was on the individual to prove that her activities met all the requirements of the statutory defense. Further, because the crime was "carrying with intent to go armed", any person observed carrying a firearm was subject to a law enforcement stop, detention, questioning and potential charges unless they could convince the officer that a valid defense applied at which point the decision to charge or arrest would be in the officer's discretion.

You can support efforts like this by joining TFA and/or GOA maintaining your memberships. If you are a

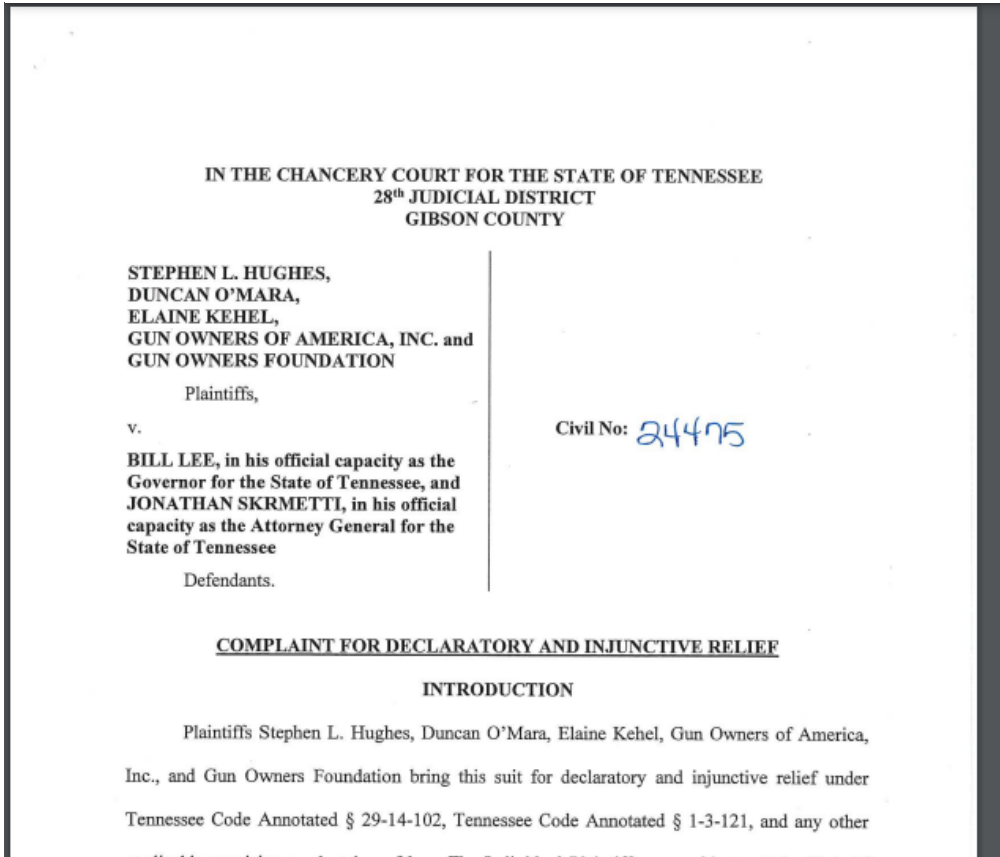
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member, you can also make supplemental donations that help fund and offset this kind of litigation which is sometimes necessary when elected officials either fail to act or, worse, act in knowing disregard of constitutional restrictions.



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Bill Number	Composite Abstract	Action Date	Position	Status
HB0190 by Richey (SB1179 by Swann)	As introduced, adds a requirement that notice of the prohibition or restriction on the possession of weapons by an individual or entity must be posted no more than three feet from each entrance; requires the notice sign to measure at least 22 inches wide and 22 inches high, have a red background and white letters, and be mounted within a certain distance from the ground.	02/22/2023	D	
HB0795 by Capley (SB0823 by Hensley)	As introduced, limits the prohibition on a person intentionally, knowingly, or recklessly carrying a weapon on or about the person while inside any building in which judicial proceedings are in progress, by restricting the prohibition to just the rooms in which judicial proceedings are in progress.	02/22/2023	A	Off Notice
HB0395 by Capley (SB0494 by Stevens)	As introduced, allows persons who are not otherwise prohibited by law from possessing a handgun to carry a handgun while hunting under certain circumstances, rather than only persons with a handgun carry permit.	02/22/2023	A	
HB0723 by Hulsey (SB0515 by Lundberg)	As introduced, expands employees allowed to carry a handgun on property owned, operated, or controlled by a public institution of higher education to include retired law enforcement officers who retired in good standing with 20 years of service and are employed on a part-time basis by a public institution of higher education.	02/22/2023	C	
HB0746 by Barrett (SB1037 by Stevens)	As introduced, removes the authorization for an individual, corporation, business entity, or local, state, or federal government entity to prohibit the possession of weapons by a person who is at a meeting conducted by or on property owned, operated, or managed or under the control of the individual, corporation, business entity, or government entity; removes the criminal offense of possession of a weapon in a building or on property that is properly posted.	02/08/2023	A	
HB0380 by Beck (SB0017 by Lamar)	As introduced, requires certain departments to create programs to reduce gun violence in communities, including a youth employment program, violence intervention program, and a gun safety program; requires the department of health to submit an annual report to the legislature and counties and municipalities on the public health impacts of gun violence in communities.	02/08/2023	F	
HB0120 by Richey (SB0406 by Hensley)	As introduced, expands the exception to the offense of unlawful carrying of a firearm with the intent to go armed from handguns to firearms if a person meets the age requirements, lawfully possesses the firearm, and is in a place where the person is lawfully present.	02/08/2023	A	
HB0037 by Warner (SB0659 by Lowe)	As introduced, removes, as exclusions from the Tennessee Firearms Freedom Act, a firearm that cannot be carried and used by one person, a firearm that discharges two or more projectiles with one activation of the trigger or other firing device, a firearm that has a bore diameter greater than one and one-half inches and that uses smokeless powder as a propellant, and ammunition with a projectile that explodes after leaving the firearm; creates the criminal offense of disenfranchising another of the person's constitutional rights in violation of the Tennessee Firearms Freedom Act; prohibits an employee or elected or appointed official of a state or local government entity from enforcing a federal law in violation of the Tennessee Firearms Freedom Act.	02/08/2023	B	



Bill Number	Composite Abstract	Action Date	Position	Status
HB0977 by Warner (SB0827 by Hensley)	As introduced, allows law enforcement officers to carry a firearm when under the influence of alcohol or controlled substances and certain other circumstances; deletes the prohibition on carrying firearms and other weapons on higher education campuses and in parks; prohibits the carrying of weapons in K-12 schools except by certain persons, including any person permitted to carry a firearm under federal law.	02/07/2023	F	Off Notice
HB0970 by Thompson (SB0958 by Lamar)	As introduced, specifies that classes that qualify as training for issuance of an enhanced handgun carry permit or concealed handgun carry permit must include training on the use of gun locks.	02/07/2023	F	
SB1343 by Lamar (HB1466 by Towns)	As introduced, redefines "minor" to mean a person less than 21 years of age for the purpose of determining the legal age to purchase or own a firearm, unless the person is a military service member or honorably discharged or retired veteran at which point the person may be 18 years of age or older to purchase or own a firearm; makes it a Class A misdemeanor for a minor to purchase or own a firearm or for a person to sell, loan, or gift a firearm to a person younger than 21 years of age if the person is not a military service member or veteran.	02/06/2023	F	
SB1503 by Stevens (HB1005 by Grills)	As introduced, renames enhanced and concealed handgun carry permits as enhanced and concealed firearm carry permits and authorizes a permit holder to carry any firearms, rather than handguns, that the permit holder legally owns or possesses; expands the circumstances in which a permit holder may carry a firearm.	02/06/2023	A	Active
SB1488 by Roberts (HB1161 by Todd)	As introduced, declares that a person or entity posting signage prohibiting the possession of firearms on the person's or entity's property is not immune from civil liability with respect to a claim based on the person's or entity's adoption of a policy prohibiting weapons.	02/06/2023	A	
SB1498 by Niceley (HB1158 by Todd)	As introduced, lowers the age requirement to obtain an enhanced or concealed handgun carry permit or lawfully carry a handgun in public from 21 to 18 years of age; states that the statutory authorization to transport or store a firearm or firearm ammunition in a motor vehicle under certain circumstances does not apply to a person under 21 years of age in a parking area that is owned, operated, or while in use by any school, unless the person is at least 18 years of age and meets certain military qualifications.	02/06/2023	B	
SB1504 by Bailey (HB1512 by McCalmon)	As introduced, changes from February 1 to February 15 the date by which the Tennessee bureau of investigation must report excess money collected pursuant to background check fees charged to gun dealers.	02/06/2023	F	
SB1029 by Yarbro (HB1233 by Hemmer)	As introduced, creates the offense of storing a firearm or firearm ammunition in a motor vehicle or boat while the person is not in the motor vehicle or boat unless the firearm or firearm ammunition is kept from ordinary observation and locked within the trunk, utility or glove box, or a locked container securely affixed to the motor vehicle or boat; requires the owner of a firearm to report the loss or theft of the firearm to law enforcement within 24 hours of the discovery of the loss or theft.	02/06/2023	F	
HB0768 by Holsclaw (SB0522 by Niceley)	As introduced, extends from 60 days to 90 days, the time within which a handgun carry permit holder must notify the department of safety in writing of a change in the permit holder's principal place of residence.	02/02/2023	B	

Bill Number	Composite Abstract	Action Date	Position	Status
<a href="#">SB0021</a>	As introduced, authorizes the department of safety to create a voucher program for the purpose of offsetting the cost of persons taking a handgun safety course for the first time; requires the department to report the number of courses taken using vouchers to the senate judiciary committee and house criminal justice committee.	01/19/2023		W
HB1307 by Kumar (SB0360 by Massey)	As introduced, authorizes the department of safety to create a voucher program for the purpose of offsetting the cost of persons taking a handgun safety course for the first time; requires the department to report the number of courses taken using vouchers to the senate judiciary committee and house criminal justice committee.	02/22/2023		
HB0041 by Reedy SB1429 by Roberts	As introduced, expands, from only local boards of education in distressed rural counties to all local boards of education, the governing bodies for LEAs that are authorized to adopt a policy allowing their director of schools to authorize and select employees who may carry a concealed handgun on school grounds. - Amends TCA Title 39, Chapter 17, Part 13 and Title 49, Chapter 6.	02/08/2023		
HB0191 by Barrett SB0488 by Stevens	As introduced, exempts enhanced handgun carry permit holders from the prohibition against carrying a weapon on property that has been posted to prohibit possession of weapons on the premises; removes criminal penalty of Class B misdemeanor punishable only by \$500 fine for carrying a weapon on posted property. - Amends TCA Section 39-17-1359.	Withdrawn		
HB0237 by Miller SB0010 by Lamar	As introduced, requires a person to obtain an enhanced or concealed handgun permit to carry a handgun in certain counties - Amends TCA Title 39, Chapter 17, Part 13.			
HB0343 by Sparks SB1448 by Roberts	As introduced, extends for an additional year, until June 30, 2024, the sales tax holiday for the retail sale of gun safes and gun safety devices. - Amends TCA Title 67, Chapter 6			
HB0578 by Bricken SB1121 by Bowling	As introduced, eliminates the application and processing fee for an enhanced handgun carry permit - Amends TCA Title 39, Chapter 17, Part 13.			
HB0760 by Eldridge SB0521 by Nicely	As introduced, waives lifetime enhanced handgun carry permit fees for state residents who are retired veterans of the United States armed forces - Amends TCA Section 39-17-1351			
HB1044 by Bricken SB1322 by Bailey	As introduced, requires the department of safety to issue permits with the designation "Enhanced Handgun Carry Permit" on the front of the permit; requires the department to issue replacement permits for any permit that contains the designation "Handgun Carry Permit" upon renewal or upon the permit holder's request - Amends TCA Title 38, Chapter 17, Part 13			
HB1189 by Fritts SB0822 by Hensley	As introduced, limits the circumstances under which a qualified civil liability action may be brought against certain manufacturers, dealers, and sellers of firearms and related products - Amends TCA Title 8, Chapter 6; Title 29; Title 39 and Title 47			
HB1236 by Jones SB1526 by Kyle	As introduced, enacts the "Demilitarization of Police Act" - Amends TCA Title 38, Chapter 8			

Bill Number	Composite Abstract	Action Date	Position	Status
HB1308 by Kumar SB0360 by Massey	As introduced, creates a process for a person to file a voluntary waiver of firearm rights for the purpose of prohibiting the person from purchasing or possessing a firearm; provides for a revocation of the voluntary waiver of firearm rights; creates the offense of selling or transferring a firearm to a person knowing that the person has executed a voluntary waiver of firearm rights that has not been revoked - Amends TCA Section 10-7-504 and 39-17-13		F	
HB1439 by Mitchell SB 1021 by Campbell	As introduced, creates the Class A misdemeanor of knowingly giving, selling, lending, delivering, or otherwise transferring a firearm to a person when the transferor knows or reasonably should know that the person receiving the firearm is prohibited from purchasing or possessing a firearm under state or federal law - Amends TCA Title 39, Chapter 17, Part 13		F	
HRJ0038 by Reedy	Proposes an amendment to Article I, Section 26 of the Constitution of Tennessee to remove the provision that authorizes the legislature to regulate the wearing of arms with a view to prevent crime and to clarify that citizens have a right to keep and bear arms for their defense, and not just for the common defense.		A	
HRJ0080 by Todd	Urges the Attorney General and Reporter to evaluate any newly passed federal statute, regulation, or executive order that may affect the rights of Tennesseans to bear arms, and, if such statute, regulation, or executive order infringes on that right, to bring suit on behalf of the state of Tennessee to challenge any such infringement.		A	