



TFA 2024 Legislation

Bill Status Report Week of April 15, 2024

SB395/HB342 TAXES SALES: Exemption - retail sale of gun safes and gun safety devices.



Sen. Kyle, Sara
Rep. Sparks, Mike

Summary: Permanently exempts from sales and use tax, the retail sale of gun safes and gun safety devices. Removes the temporary sales tax holiday.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated February 6, 2023) Decrease State Revenue Net Impact \$1,351,700/FY23-24 and Subsequent Years Decrease Local Revenue Net Impact \$550,200/FY23-24 and Subsequent Years

Intro Dates: S: 01/25/23, H: 01/21/23

Senate Status: 04/16/24 - Set for Senate Finance, Ways & Means Committee 04/16/24.

House Status: 04/18/23 - Taken off notice in House Finance, Ways & Means Subcommittee.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 6, relative to taxation of gun safes and gun safety devices.

AG Opinion:

Cosponsors: Sen. Campbell, Heidi;

Position: Support

Priority:

Comment:

SB521/HB760 CRIMINAL LAW: Waives lifetime enhanced handgun carry permit fees for retired veterans.



Sen. Niceley, Frank
Rep. Eldridge, Rick

Summary: Waives lifetime enhanced handgun carry permit fees for state residents who are retired veterans of the United States armed forces.

Amendment Summary: Senate Judiciary Committee amendment 1, House Civil Justice Committee amendment 1 (005128) changes the effective date to January 01, 2024.

Subcommittee:

Amendments:

Fiscal Note: (Dated March 4, 2023) Decrease State Revenue Up To \$109,700/FY23-24 and Subsequent Years/Handgun Division Other Fiscal Impact To the extent that the required modifications to the Department of Safety's A-List system can be accomplished within available resources provided under the current vendor contract, the modifications will not result in an increase in state expenditures. Otherwise, those modifications could result in an additional one-time increase in state expenditures of up to \$58,000 in FY23-24.

Intro Dates: S: 01/26/23, H: 02/01/23

Senate Status: 04/16/24 - Set for Senate Finance, Ways & Means Committee 04/16/24.

House Status: 04/18/23 - Taken off notice in House Finance, Ways & Means Subcommittee.

Executive Status:

Public Chapter:

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

AG Opinion:

Cosponsors:

<i>Position:</i>	Neutral
<i>Priority:</i>	
<i>Comment:</i>	This legislation is typical of those that pick "winners and losers" at taxpayer expense. TFA generally opposes legislation that creates treats one class of citizens different than others with respect to a fundamental, constitutionally protected civil right such as the Second Amendment

SB623/HB373 CRIMINAL LAW: Adds criminal offenses of aggravated assault with a firearm to nonprobated sentences.



Sen. Taylor, Brent
Rep. Gillespie, John

Summary: Adds the criminal offenses of aggravated assault resulting in serious bodily injury to another or the death of another and aggravated assault involving the actual discharge of a firearm to those offenses that are not eligible for probated sentence, if the offenses were committed intentionally or knowingly.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated February 9, 2023) Increase State Expenditures \$17,077,300 Incarceration

Intro Dates: S: 01/30/23, H: 01/30/23

Senate Status: 04/16/24 - Set for Senate Finance, Ways & Means Committee 04/16/24.

House Status: 04/18/23 - Taken off notice in House Finance, Ways & Means Subcommittee.

Executive Status:

Public Chapter:

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

AG Opinion:

Cosponsors: Sen. McNally, Randy; Sen. Rose, Paul; Rep. White, Mark;

Position:

Priority:

Comment:

SB1193/HB1030 CRIMINAL LAW: Administrative office of courts report on number of appeals files regarding repeat violent offender.



Sen. McNally, Randy
Rep. Sexton, Cameron

Summary: Requires the administrative office of the courts to report the number of appeals filed appealing the finding that a criminal defendant is a repeat violent offender by no later than February 1 of each year to the senate judiciary committee and the house criminal justice committee. Broadly captioned.

Amendment Summary: Senate Judiciary Committee amendment 1 (006091) creates an additional repeat violent offender sentencing system and requires the court to determine the appropriate sentencing framework to which an offender should be sentenced as a repeat violent offender. Expands the offenses under which a defendant who is convicted of a violent offense, which occurred on or after July 1, 2023, and the combination of the strikes allocated for the violent offense and the defendant's prior convictions equals three or more strikes. Requires a defendant to receive at least two strikes from offenses outlined as one strike offense and at least three total strikes prior to being sentenced to imprisonment for life. Outlines 46 offenses that result in an offender receiving 1 strike and 15 offenses that result in an offender receiving 0.5 strikes. Establishes that any other felony offense results in an offender receiving 0.25 strikes. Defines prior conviction as a defendant convicted of a violent offense that occurred on or after July 1, 2023, but before the violent offense for which the defendant is to be sentenced. Senate Finance, Ways & Means Committee amendment 1, House Criminal Justice Committee amendment 1 (007132) creates an additional repeat violent offender sentencing system and requires the court to determine the appropriate sentencing framework to which an offender should be sentenced as a repeat violent offender. Expands the offenses under which a defendant who is convicted of a violent offense, which occurred on or after July 1, 2023, and the combination of the strikes allocated for the violent offense and the defendant's prior convictions equals three or more strikes. Requires a defendant receive at least two strikes from offenses outlined as one strike offenses and at least three total strikes prior to being sentenced to imprisonment for life. Outlines 49 offenses that result in an offender receiving 1 strike and 15 offenses that result in an offender receiving 0.5 strikes. Establishes that any other felony offense and a misdemeanor conviction for the facilitation, criminal attempt, solicitation and conspiracy to commit any 1 strike offense, results in an offender receiving 0.25 strikes. Requires a court to deduct 0.5 strikes from the defendant's total number of strikes accumulated for 0.5 and 0.25 strike offenses for each three-year period of time a defendant has had no criminal convictions. Defines prior conviction as a defendant convicted of a violent offense that occurred on or after July 1, 2023, but before the violent offense for which the defendant is to be sentenced.

Subcommittee Amendments: Criminal_Justice_Sub_Amendments_03.14.2023.pdf

Fiscal Note: (Dated February 1, 2023) NOT SIGNIFICANT

Intro Dates: S: 02/02/23, H: 02/01/23

Senate Status: 04/16/24 - Set for Senate Finance, Ways & Means Committee 04/16/24.

House Status: 01/10/24 - Re-referred to House Criminal Justice Committee.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 38; Title 39; Title 40 and Title 41, relative to repeat offenders.

AG Opinion:

Cosponsors: Rep. Doggett, Clay; Sen. Lundberg, Jon;

Position:
Priority:
Comment:

SB1448/HB343 TAXES SALES: Sales tax holiday for retail sale of gun safes and gun safety devices.

●●○○○○○○○○○○ Sen. Roberts, Kerry
●●○○○○○○○○○○ Rep. Sparks, Mike

Summary: Extends for an additional year, until June 30, 2024, the sales tax holiday for the retail sale of gun safes and gun safety devices.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated February 11, 2023) Decrease State Revenue Net Impact \$1,351,700/FY23-24 Increase State Expenditures \$577,700/FY23-24 Increase Local Revenue \$27,500/FY23-24

Intro Dates: H: 01/21/23

Senate Status: 04/16/24 - Set for Senate Finance, Ways & Means Committee 04/16/24.

House Status: 04/18/23 - Taken off notice in House Finance, Ways & Means Subcommittee.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 6, relative to gun safes and gun safety devices.

AG Opinion:

Cosponsors: Sen. Kyle, Sara;

<i>Position:</i> Support
<i>Priority:</i>
<i>Comment:</i>

SB1501/HB1016 EDUCATION: Annual report date on compliance with the Schools Against Violence in Education Act.



Sen. Stevens, John
Rep. Grills, Rusty

Summary: Changes the date, from February 1 to January 15, by which the commissioner must annually report to the governor and the general assembly on the implementation of and compliance with the Schools Against Violence in Education Act. Broadly captioned.

Amendment Summary: House amendment 1 (004972) rewrites this bill to make various changes to the present law relative to the offense of communicating a threat concerning a school employee. Under present law, a person commits the offense if: (1) The person communicates to another a threat to cause the death of or serious bodily injury to a school employee and the threat is directly related to the employee's scope of employment; (2) The threat involves the use of a firearm or other deadly weapon; (3) The person to whom the threat is made reasonably believes that the person making the threat intends to carry out the threat; and (4) The person making the threat intentionally engages in conduct that constitutes a substantial step in the commission of the threatened act and the threatened act and the substantial step, when taken together, are corroborative of the person's intent to commit the threatened act, and occur close enough in time to evidence an intent and ability to commit the threatened act. Present law establishes this offense as a Class B misdemeanor, punishable by a maximum term of imprisonment of 30 days. Present law defines a "school" as an elementary school, middle school, or high school; college or applied technology or postsecondary vocational or technical school; or two-year or four-year college or university. This amendment adds a student as a person protected under this law, providing that a person commits the offense of communicating a threat concerning a school student if the person communicates to another a threat to cause the death or serious bodily harm to a student on school property or at a school-related activity. This amendment defines "school property" as a school building or bus, school campus or grounds, recreational area, athletic field, or other property owned, used or operated by an LEA, private school board of trustees, or directors for the administration of any school. Senate amendment 2 (017821) changes the effective date to July 1, 2024.

Subcommittee Criminal_Justice_Sub_Amendments_03.21.2023.pdf

Amendments:

Fiscal Note: (Dated February 1, 2023) NOT SIGNIFICANT

Intro Dates: H: 02/01/23

Senate Status: 04/09/24 - Senate passed with amendment 2 (017821).

House Status: 04/15/24 - House concurred in Senate amendment 2 (017821).

Executive Status: 04/15/24 - Sent to the speakers for signatures.

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 37; Title 39 and Title 49, relative to school violence.

AG Opinion:

Cosponsors:

Position:
Priority:
Comment:

SB1716/HB1665 ENVIRONMENT & NATURE: No-cost hunting permits for veterans and military personnel.



Sen. Hensley, Joey
Rep. Warner, Todd

Summary: Requires that veterans and active military personnel be issued no-cost hunting permits and licenses that are required to participate in the waterfowl seasons during which only veterans and active military personnel may hunt.

Amendment Summary: Senate amendment 1, House Agriculture & Natural Resources Committee amendment 1 (013307) requires state permits or licenses that are required for a veteran or active military personnel to hunt waterfowl during seasons declared pursuant to the bill to be issued without charge to the veteran or active military personnel.

Subcommittee Amendments: Agriculture_&_Natural_Resources_Sub_Amendment_02.06.24.PDF

Fiscal Note: (Dated February 5, 2024) Increase State Expenditures - \$39,700/FY24-25 and Subsequent Years

Intro Dates: S: 01/11/24, H: 01/09/24

Senate Status: 03/14/24 - Senate passed with amendment 1 (013307).

House Status: 04/17/24 - Taken off notice in House Finance, Ways & Means Subcommittee.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 70, relative to waterfowl hunting by military service members.

AG Opinion:

Cosponsors: Rep. Keisling, Kelly;

Position:

Priority:

Comment:

SB1769/HB1640 **MENTAL HEALTH: Adjudication as a mental defective.**

Sen. Lundberg, Jon

Rep. Lamberth, William

Summary:

Expands the definition of "adjudication as a mental defective" to include a person who has been found incompetent to stand trial in a criminal proceeding and requires the clerk of court in such a proceeding to collect and report any such finding to the federal bureau of investigation-NICS Index and the department of safety. Establishes a rebuttable presumption that a person who has been charged with a criminal offense and found incompetent to stand trial poses a substantial likelihood of serious harm. Prohibits the purchase or possession of a firearm by a person who has been adjudicated as a mental defective. Broadly captioned.

*Amendment**Summary:*

House amendment 1 (013322) makes the following changes to the bill: (1) Names the bill "Jillian's Law"; (2) Permits a person who has been adjudicated as a mental defective or judicially committed to a mental institution under this bill to petition the appropriate court that entered the judicial commitment or adjudication order for relief from the firearm disabilities imposed by the adjudication or judicial commitment. However, the person may not petition the court until three years from the date of release from commitment or the date of the adjudication order, whichever is later; (3) Clarifies that there is a rebuttable presumption that a person meets the standards for judicial commitment if the person was charged with a felony or Class A misdemeanor and found by a court to be incompetent to stand trial for the offense due to an intellectual disability, and this presumption may only be rebutted by clear and convincing evidence that the person does not pose a substantial likelihood of serious harm; (4) Adds that a person judicially committed must remain committed until the competency of the person to stand trial is restored or, if competency is unable to be restored but the person no longer meets the standard set in present law, until the court with criminal jurisdiction over the charges approves a mandatory outpatient treatment plan that accounts for the safety of the community; (5) Clarifies that there is a rebuttable presumption that a person meets the standard for admission to treatment facility for emergency admission to a hospital or treatment resource if the person was charged with a felony or Class A misdemeanor and found by a court to be incompetent to stand trial for the offense due to mental illness, and the presumption established in this amendment may only be rebutted by clear and convincing evidence that the person does not pose an immediate substantial likelihood of serious harm; (6) Clarifies that the rebuttable presumption is for a person who meets the standard for judicial commitment if the person was charged with a felony or Class A misdemeanor and found by a court to be incompetent to stand trial for the offense due to mental illness and that this presumption may only be rebutted by clear and convincing evidence that the person does not pose a substantial likelihood of serious harm; (7) Adds that if a person is committed involuntarily by a criminal or juvenile court after being found incompetent to stand trial or if the criminal or juvenile court determines at the time of commitment that, due to the nature of the person's criminal conduct that created a serious risk of physical harm to other persons, the person must not be discharged from the commitment without proceedings under present law to review eligibility for discharge, then the hospital must proceed under present law to effect discharge from the commitment; and (8) Adds that an admission must remain in effect until the competency of the person to stand trial is restored or, if competency is unable to be restored, until the court with criminal jurisdiction over the charges approves a mandatory outpatient treatment plan that accounts for the safety of the community. House amendment 2 (015789) revises the bill to authorize a rebuttable presumption that a person meets the standard for emergency admission to a hospital or treatment resource if the person was charged with a felony or Class A misdemeanor and found by a court to be incompetent to stand trial for the offense due to mental illness, to only be rebutted by clear and convincing evidence that the person does not pose an imminent, instead of immediate, substantial likelihood of serious harm. House amendment 3 (017844) directs that if Senate Bill 2098 / House Bill 2089 becomes law, the Tennessee Code Commission is directed to incorporate the language from SECTIONS 10-12 into the newly created §§ 52-5-404, 52-5-411, and 52-5-501.

Subcommittee

CriminalSubAmendmentPacket01.30.24.pdf

Amendments:

Finance_Sub_Amendments_03.27.2024.pdf

01.30.24CrimSubAdoptedAmendments.pdf

Fiscal Note:

(Dated February 6, 2024) Based on additional information provided by the Department of Intellectual and Developmental Disabilities, the fiscal note, issued on February 6, 2024, is being corrected as follows: (CORRECTED) Increase State Expenditures - Net Impact - \$2,117,100/FY24-25 and Subsequent Years HB 1640 - SB 1769 (CORRECTED)Other Fiscal Impact - If the number of new admissions to involuntary commitment under the Department of Intellectual and Developmental Disabilities exceeds the department's current capacity, there will be a significant increase in expenditures for additional staff and supplies to accommodate such increase in services.

Intro Dates:

S: 01/24/24, H: 01/09/24

Senate Status:

04/15/24 - Senate passed.

House Status:

04/15/24 - House passed with amendment 1 (013322), amendment 2 (015789), and amendment 3 (017849). House amendment 1 (013322) makes the following changes to the bill: (1) Names the bill "Jillian's Law"; (2) Permits a person who has been adjudicated as a mental defective or judicially committed to a mental institution under this bill to petition the appropriate court that entered the judicial commitment or adjudication order for relief from the firearm disabilities imposed by the adjudication or judicial commitment. However, the person may not petition the court until three years from the date of release from commitment or the date of the adjudication order, whichever is later; (3) Clarifies that there is a rebuttable presumption that a person meets the standards for judicial commitment if the person was charged with a felony or Class A misdemeanor and found by a court to be incompetent to stand trial for the offense due to an intellectual disability, and this presumption may only be rebutted by clear and convincing evidence that the person does not pose a substantial likelihood of serious harm; (4) Adds that a person judicially committed must remain committed until the competency of the person to stand trial is restored or, if competency is unable to be restored but the person no longer meets the standard set in present law, until the court with criminal jurisdiction over the charges approves a mandatory outpatient treatment plan that accounts for the safety of the community; (5) Clarifies that there is a rebuttable presumption that a person meets the standard for admission to treatment facility for emergency admission to a hospital or treatment resource if the person was charged with a felony or Class A misdemeanor and found by a court to be incompetent to stand trial for the offense due to mental illness, and the presumption established in this amendment may only be rebutted by clear and convincing evidence that the person does not pose an immediate substantial likelihood of serious harm; (6) Clarifies that the rebuttable presumption is for a person who meets the standard for judicial commitment if the person was charged with a felony or Class A misdemeanor and found by a court to be incompetent to stand trial for the offense due to mental illness and that this presumption may only be rebutted by clear and convincing evidence that the person does not pose a substantial likelihood of serious harm; (7) Adds that if a person is committed involuntarily by a criminal or juvenile court after being found incompetent to stand trial or if the criminal or juvenile court determines at the time of commitment that, due to the nature of the person's criminal conduct that created a serious risk of physical harm to other persons, the person must not be discharged from the commitment without proceedings under present law to review eligibility for discharge, then the hospital must proceed under present law to effect discharge from the commitment; and (8) Adds that an admission must remain in effect until the competency of the person to stand trial is restored or, if competency is unable to be restored, until the court with criminal jurisdiction over the charges approves a mandatory outpatient treatment plan that accounts for the safety of the community. House amendment 2 (015789) revises the bill to authorize a rebuttable presumption that a person meets the standard for emergency admission to a hospital or treatment resource if the person was charged with a felony or Class A misdemeanor and found by a court to be incompetent to stand trial for the offense due to mental illness, to only be rebutted by clear and convincing evidence that the person does not pose an imminent, instead of immediate, substantial likelihood of serious harm. House amendment 3 (017844) directs that if Senate Bill 2098 / House Bill 2089 becomes law, the Tennessee Code Commission is directed to incorporate the language from SECTIONS 10-12 into the newly created §§ 52-5-404, 52-5-411, and 52-5-501.

Executive Status:

04/15/24 - Sent to the speakers for signatures.

Public Chapter:

Caption:

AN ACT to amend Tennessee Code Annotated, Title 16; Title 33; Title 37; Title 39 and Title 40, relative to mental health.

AG Opinion:

Cosponsors:

Rep. Bricken, Rush; Rep. Gillespie, John; Rep. Howell, Dan; Rep. Russell, Lowell; Rep. Sherrell, Paul; Rep. Williams, Ryan;

Position:

Oppose

Priority:

Comment:

This bill was amended by the House Sponsor so that the amendment entirely rewrites the bill. It continues to present a concern that the proposed legislation appears to be likely unconstitutional under the United States Supreme Court's decision in New York State Rifle and Pistol Association v. Bruen, No. 20-843. The legislation fails the TFA's "Bruen Basis" test in particularly with respect to individuals who fall within the scope of the legislation but who are neither convicted of a crime nor are they involuntarily detained in a mental health or other state facility. For the "Bruen Basis" test, please see TFA's website at <https://tennesseefirearms.com/2023/12/gun-owners-need-to-be-prepared-to-demand-that-legislators-demonstrate-a-bruen-basis-for-their-legislative-proposals/>

SB2020/HB1695 CRIMINAL LAW: Autopsy reports of minors who were victims of violent crimes.



Sen. Reeves, Shane

Rep. Alexander, Rebecca

Summary: States that reports of county medical examiners and autopsy reports of victims of violent crime who are minors are not public documents. Authorizes the release of these records if the parent or legal guardian consents to the release. Broadly captioned.

Amendment Summary: House amendment 1 (013524) makes the following changes to the bill: (1) Provides that reports of county medical examiners and autopsy reports of minors whose manner of death is listed as a homicide are not public documents; (2) Allows for the report of a county medical examiner or autopsy report of a minor whose death is listed as a homicide to be released if another state or federal law requires such release; and (3) Deletes the definition of a "violent crime." House amendment 7 (018220) makes the following changes: (1) Authorizes the report of a county medical examiner or autopsy report of a minor whose manner of death is listed as a homicide to also be inspected, instead of just released, if (i) the minor's parent or legal guardian is not a suspect in the circumstances of the minor's death, and the parent or legal guardian consents to the release; (ii) a court orders the release of the report upon a showing of good cause; or (iii) another state or federal law requires such release; and (2) Allows for the report of a county medical examiner or autopsy report of a minor whose death is listed as a homicide to be released or inspected, as applicable, if the reports are only available for in-person inspection and no photographs, photocopies, or electronic images are taken of the reports. Senate State & Local Government Committee amendment 1 (015628) establishes reports of the county medical examiners, toxicological reports, and autopsy reports as public records with the exception of medical records of deceased persons, law enforcement investigative reports, and images of deceased persons. Specifies that a person shall not make or knowingly receive any image of autopsy reports of minors whose manner of death is listed as a homicide with an exception for the minor's parents or legal guardian that is not a suspect in the minor's death, a court order for the release with good cause, and another state or federal law requires such release.

Subcommittee Public_Service_02.06.24.pdf

Amendments:

Fiscal Note: (Dated January 17, 2024) NOT SIGNIFICANT

Intro Dates: S: 01/29/24, H: 01/09/24

Senate Status: 04/18/24 - Senate passed.

House Status: 04/11/24 - House moved to reconsider its actions, adopted House amendment 7 (018220), and repassed the bill.

Executive Status: 04/18/24 - Sent to the speakers for signatures.

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7; Title 38; Title 39 and Title 40, relative to minor victims of violent crime.

AG Opinion:

Cosponsors: Rep. Hicks, Tim; Rep. Lamberth, William; Rep. McCalmon, Jake;

Position:
Priority:
Comment:

SB2025/HB1899 EDUCATION: Authorization of retired law enforcement officers to be hired as school resource officers.

●●○○○○○○○○○○ Sen. Reeves, Shane
●●●●●●●●○○○○ Rep. Rudd, Tim

Summary: Authorizes LEAs and public charter schools to employ retired law enforcement officers who are retired from a federal, state, or local law enforcement agency and honorably discharged veterans of the United States armed forces to serve as school resource officers on school premises. Broadly captioned.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated February 3, 2024) Other Fiscal Impact To the extent that a school chooses to employ a retired law enforcement officer or an honorably discharged veteran as an SRO, there will be a permissive increase in local expenditures of approximately \$73,200 per SRO beginning FY24-25. However, a precise recurring increase in local expenditures cannot be reasonably determined.

Intro Dates: S: 01/29/24, H: 01/24/24

Senate Status: 01/31/24 - Referred to Senate Education Committee.

House Status: 04/16/24 - House passed.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 8; Title 37; Title 38; Title 49 and Title 62, relative to school safety.

AG Opinion:

Cosponsors:

Position:

Priority:

Comment: Appears to be caption bill. As written, it suggests that other individuals may not be preferable should they desire to serve as school resource officers.

SB2062/HB1881 CRIMINAL LAW: Penalty for assault against a law enforcement officer.

●●●●○●○●○●○●○●○ Sen. White, Dawn
●●●●○●○●○●○●○●○ Rep. Capley, Kip

Summary: Establishes a penalty for assault against a law enforcement officer that is a Class E felony and mandates a \$10,000 fine and a minimum of 60 days incarceration. Broadly captioned.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated February 21, 2024) Increase State Expenditures \$2,360,600 Incarceration Decrease Local Expenditures \$352,100/FY24-25 and Subsequent Years

Intro Dates: S: 01/29/24, H: 01/24/24

Senate Status: 04/16/24 - Set for Senate Finance, Ways & Means Committee 04/16/24.

House Status: 04/18/24 - House reset to 04/22/24.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to assault against certain persons.

AG Opinion:

Cosponsors: Rep. Barrett, Jody; Rep. Garrett, Johnny ; Rep. Lamberth, William; Rep. Leatherwood, Tom; Rep. Littleton, Mary; Rep. McCalmon, Jake; Rep. Sexton, Cameron;

<p><i>Position:</i></p> <p><i>Priority:</i></p> <p><i>Comment:</i></p>
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SB2342/HB2538 CRIMINAL LAW: Creation of a criminal offense for threatening to commit an act of mass violence.

●●●●○○○○○○○○ Sen. Haile, Ferrell
●●○○○○○○○○○○ Rep. Cochran, Mark

Summary: Creates the criminal offense of recklessly, by any means of communication, threatening to commit an act of mass violence and the threat causes a reasonable expectation or reasonable fear of the commission of an act of mass violence.

Amendment Summary: Senate Judiciary Committee amendment 1 (014483) creates a Class E felony offense for recklessly, by any means of communication, threatening to commit an act of mass violence and the threat causes a reasonable expectation or reasonable fear of the commission of an act of mass violence. The classification is enhanced to a Class D felony if: (1) the violation involves threatening to commit an act of mass violence on the property of a school, a house of worship, or a federal, state, or local government, or at a live performance or event; (2) the defendant has one or more prior convictions for such offense or a Class A misdemeanor threat of mass violence on a school property; or (3) the defendant has taken a substantial step towards carrying out an act of mass violence. Requires the court to make every effort to determine whether the defendant is a threat to the public using all available resources, prior to making a bail determination. Authorizes the court to consider evidence or testimony from law enforcement officers, the District Attorney General, a psychologist with forensic experience or training, the Department of Safety, or any other appropriate person in making such a determination. Requires, as a condition of bail or other pretrial release, a court to order a defendant charged with threatening to commit an act of mass violence to undergo a mental health assessment to determine if emergency involuntary admission to a treatment facility is needed. Authorizes a court to also order a defendant to undergo a mental health evaluation to determine whether the defendant is competent to stand trial or the defendant's mental capacity at the time of the commission of the offense. Authorizes a sentencing court to order a person convicted of threatening to commit an act of mass violence to pay restitution. Prohibits a defendant charged with threatening an act of mass violence from being released on bail unless authorized by a judge. House Criminal Justice Committee amendment 1 (015760) creates a Class E felony offense for knowingly, by any means of communication, threatening to commit an act of mass violence and the threat causes a reasonable expectation or reasonable fear of the commission of an act of mass violence. The classification is enhanced to a Class D felony if: (1) the violation involves threatening to commit an act of mass violence on the property of a school, a house of worship, or a federal, state, or local government, or at a live performance or event; (2) the defendant has one or more prior convictions for such offense or a Class A misdemeanor threat of mass violence on a school property; or (3) the defendant has taken a substantial step towards carrying out an act of mass violence. Requires the court to make every effort to determine whether the defendant is a threat to the public using all available resources, prior to making a bail determination. Authorizes the court to consider evidence or testimony from law enforcement officers, the District Attorney General, a psychologist with forensic experience or training, the Department of Safety, or any other appropriate person in making such a determination. Requires, as a condition of bail or other pretrial release, a court to order a defendant charged with threatening to commit an act of mass violence to undergo a mental health assessment to determine if emergency involuntary admission to a treatment facility is needed. Authorizes a court to also order a defendant to undergo a mental health evaluation to determine whether the defendant is competent to stand trial or the defendant's mental capacity at the time of the commission of the offense. Authorizes a sentencing court to order a person convicted of threatening to commit an act of mass violence to pay restitution. Prohibits a defendant charged with threatening an act of mass violence from being released on bail unless authorized by a judge.

Subcommittee: CriminalSubAmendmentPacket03.12.24.pdf
Amendments: 03.12.24CrimSubAdoptedAmendments.pdf
Fiscal Note: (Dated February 25, 2024) Increase State Expenditures \$859,000 Incarceration \$6,305,100/FY24-25/General Fund \$2,101,300/FY25-26 and Subsequent Years/ General Fund SB 2342 - HB 2538
Intro Dates: S: 01/31/24, H: 01/31/24
Senate Status: 04/16/24 - Set for Senate Finance, Ways & Means Committee 04/16/24.
House Status: 04/17/24 - Taken off notice in House Finance, Ways & Means Subcommittee.
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 3 and Title 40, Chapter 11, relative to mass violence.
AG Opinion:
Cosponsors: Sen. Hensley, Joey; Sen. McNally, Randy;

Position:
Priority:
Comment:

SB2502/HB2082 CRIMINAL LAW: TBI report on money collected for background checks associated with firearm sales.

●●●●○○○○○○○○ Sen. Hensley, Joey
●●●●○○○○○○○○ Rep. Fritts, Monty

Summary: Requires the TBI to submit a report on the amount of money collected for background checks associated with firearm sales in excess of the costs associated with conducting the background checks to the criminal justice committee of the house of representatives and the judiciary committee of the senate by March 1, rather than February 1, of each year. Broadly captioned.

Amendment Summary: Senate Judiciary Committee amendment 1 (014746) deletes the offense of carrying, with the intent to go armed, a firearm or a club. Deletes the offense for a juvenile to knowingly possess a handgun. Creates an offense, punishable as a delinquent act, for a juvenile to carry, with the intent to go armed, a firearm. Revises the many defenses to prosecution for a juvenile to possess a handgun so that they apply to the new offense of a juvenile carrying, with the intent to go armed, a firearm. Lowers the age requirement to obtain an enhanced, lifetime enhanced, or concealed handgun carry permit from 21 years of age to 18 years of age. House Civil Justice Committee amendment 1 (018215) deletes the offense of carrying, with the intent to go armed, a firearm or a club. Deletes the offense for a juvenile to knowingly possess a handgun. Creates an offense, punishable as a delinquent act, for a juvenile to carry, with the intent to go armed, a firearm. Revises the many defenses to prosecution for a juvenile to possess a handgun so that they apply to the new offense of a juvenile carrying, with the intent to go armed, a firearm. Lowers the age requirement to obtain an enhanced, lifetime enhanced, or concealed handgun carry permit from 21 years of age to 18 years of age. Removes defenses to unlawful carrying or possession of a weapon. Senate Finance, Ways & Means Committee amendment 1 (018335) removes the offense for carrying, with the intent to go armed, a firearm or a club and the subsequent section on defenses for a violation of this offense. Clarifies that violation of the offense of possession of a deadly weapon other than a firearm with the intent to employ it during the commission of, attempt to commit, or escape from a dangerous offense or violation of the offense of possession of any deadly weapon with the intent to employ it during the commission of, attempt to commit, or escape from any offense not defined as a dangerous offense constitutes a Class E felony. Requires an applicant to be at least 18 years of age from issuance of an enhanced handgun carry permit from the department of safety. Decreases the age requirement for a lifetime enhanced handgun carry permit from 21 years of age to 18 years of age.

Subcommittee Amendments: Civil_Justice_Sub_Amendments_04.02.2024.pdf

Fiscal Note: (Dated January 27, 2024) NOT SIGNIFICANT

Intro Dates: S: 02/01/24

Senate Status: 04/16/24 - Senate Finance, Ways & Means Committee recommended with amendment 1 (018335). Re-referred to Senate Judiciary Committee.

House Status: 04/17/24 - Set for House Criminal Justice Committee 04/23/24.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, relative to weapons.

AG Opinion:

Cosponsors:

<i>Position:</i>	
<i>Priority:</i>	
<i>Comment:</i>	

SB2626/HB2702 CRIMINAL LAW: Offenses involving theft or use of a firearm - child transferred to sheriff of the county.

●●●●○○○○○○○ Sen. Jackson, Ed
●●○○○○○○○○○ Rep. Littleton, Mary

Summary: Requires the juvenile court to transfer a child to the sheriff of the county to be held according to law and dealt with as an adult in the criminal court if the child is charged with an offense involving theft of a firearm or a felony offense involving the use of a firearm and the child was 14 or older at the time of the alleged conduct. Broadly captioned.

Amendment Summary: Senate Judiciary Committee amendment 1 (01433) authorizes a juvenile court to transfer a child to be held and tried as an adult if the child was at least 14 but less than 17 years of age at the time of the alleged conduct and charged with: an offense that would be a felony if committed by an adult and involving the use of a firearm; theft of a firearm; robbery involving the theft of a firearm; burglary involving the theft of a firearm; or an attempt to commit such offenses. Senate Judiciary Committee amendment 2 (016700) details the confinement procedure of the child. House Criminal Justice Committee amendment 1 (018187) authorizes a juvenile court to transfer a child to be held and tried as an adult if the child was at least 14 but less than 17 years of age at the time of the alleged conduct and charged with an offense that would be a felony if committed by an adult and involving the use of a firearm or an attempt to commit such offense. Requires the sheriff to affirm to the court that the adult detention facility has the ability to keep juveniles out of sight and sound of the adult population, and that the population of the adult detention facility does not currently exceed capacity.

Subcommittee Amendments: CriminalSubAmendmentPacket03.12.24.pdf
CriminalSubAmendmentPacketRegCal03.19.24.pdf
04.03.24CrimSubAdoptedAmendments.pdf

Fiscal Note: (Dated March 10, 2024) Increase State Expenditures \$2,268,700 Incarceration Decrease State Expenditures \$7,489,800/FY24-25 and Subsequent Years Decrease Federal Expenditures \$832,200/FY24-25 and Subsequent Years

Intro Dates: S: 02/01/24, H: 02/01/24
Senate Status: 04/16/24 - Set for Senate Finance, Ways & Means Committee 04/16/24.
House Status: 04/17/24 - Taken off notice in House Finance, Ways & Means Subcommittee.

Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 37, relative to certain offenses committed by juveniles.
AG Opinion:
Cosponsors: Rep. Capley, Kip; Rep. Grills, Rusty; Rep. Rudder, Iris;

<i>Position:</i> <i>Priority:</i> <i>Comment:</i>

SB2734/HB2901 MENTAL HEALTH: Prerequisites for emergency detention and admission to a treatment facility.



Sen. Jackson, Ed
Rep. Kumar, Sabi

Summary: Changes prerequisites for emergency detention and admission to a treatment facility from "immediate" substantial likelihood of serious harm to "imminent" substantial likelihood of serious harm. Broadly captioned.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated February 15, 2024) NOT SIGNIFICANT

Intro Dates: S: 02/01/24, H: 02/01/24

Senate Status: 04/03/24 - Signed by Senate speaker.

House Status: 04/02/24 - Signed by House speaker.

Executive Status: 04/16/24 - Signed by governor.

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 16; Title 33; Title 41 and Title 68, relative to mental health services.

AG Opinion:

Cosponsors:

Position: Neutral

Priority:

Comment: This legislation opens up an area of the law in a manner that could be readily amended to create a Red Flag law. For that reason, this legislation should be carefully monitored for possible adverse amendments.

SB2763/HB2035 CRIMINAL LAW: Extreme risk protection orders.



Sen. Bowling, Janice
Rep. Barrett, Jody

Summary: Preempts the entire field of legislation regarding extreme risk protection orders to the exclusion of all county, city, town, municipality, or metropolitan government laws, ordinances, resolutions, enactments, or regulations. Declares a federal statute, rule, executive order, or federal judicial order that has the effect of enforcing an extreme risk protection order to be null and void. Creates a Class A misdemeanor offense of attempting to enforce a federally implemented extreme risk protection order. Broadly captioned.

Amendment Summary: Senate amendment 1, House Civil Justice Committee amendment 1 (017797) makes the following changes: (1) Removes the provision establishing that a federal statute, rule, or executive order or a federal judicial order that has the effect of enforcing an extreme risk protection order or ex parte extreme risk protection order against a resident of this state is null, void, unenforceable, and of no effect in this state; and (2) Removes the provision establishing that an individual, including a law enforcement officer, who attempts to enforce a federally implemented extreme risk protection order against a resident of this state commits a Class A misdemeanor.

Subcommittee Amendments: Civil_Justice_Sub_Amendments_04.02.2024.pdf

Fiscal Note: (Dated February 18, 2024) NOT SIGNIFICANT

Intro Dates: H: 01/24/24

Senate Status: 04/11/24 - Senate passed with amendment 1 (017797).

House Status: 04/17/24 - Set for House Criminal Justice Committee 04/23/24.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 36; Title 38 and Title 39, relative to extreme risk protection orders.

AG Opinion:

Cosponsors: Rep. Bricken, Rush; Rep. Butler, Ed; Rep. Capley, Kip; Rep. Cochran, Mark; Rep. Crawford, John; Rep. Darby, Tandy; Rep. Doggett, Clay; Rep. Faison, Jeremy; Rep. Fritts, Monty; Rep. Grills, Rusty; Rep. Hill, Timothy; Rep. Keisling, Kelly; Rep. Martin, Brock; Rep. McCalmon, Jake; Rep. Moon, Jerome; Rep. Richey, Bryan; Rep. Rudd, Tim ; Rep. Todd, Chris; Rep. Vital, Greg; Rep. Zachary, Jason;

Position:
Priority:
Comment:

SB2770/HB1872 CRIMINAL LAW: Enhancement of criminal penalties upon conviction of violent crimes by illegal aliens.

●●●●●●○○○ Sen. Bowling, Janice
●●○○○○○○○○○ Rep. Fritts, Monty

Summary: Allows for a court to enhance the statutory penalty up to imprisonment for life without the possibility of parole when an illegal alien commits a violent crime, an illegal alien is using or displaying a deadly weapon when convicted, or there is a conviction for a violent crime which occurred on the property of a school. Also requires that any arrest and conviction that the enhancement factors would apply to is reported to the Tennessee bureau of investigation's human trafficking advisory council. Broadly captioned.

Amendment Summary: Senate amendment 1, House Criminal Justice Committee amendment 1 (016123) makes the following changes: (1) Revises the provision in the bill that defines a "school" to mean a public or private elementary school, middle school, high school, college of applied technology, postsecondary vocational or technical school, or two-year or four-year college or university by removing college of applied technology, postsecondary vocational or technical school, and two-year or four-year college or university from the definition; (2) Revises the provision in authorizing a court to enhance the statutory penalty up to imprisonment for life without the possibility of parole for a conviction if the conviction is for the commission of a violent crime and the offense occurred on the property of a school by, instead, authorizing a court to enhance the statutory penalty up to imprisonment for life without the possibility of parole for a conviction if the conviction is for the commission of a violent crime committed by an adult and the offense occurred on the property of a school while students or other children were present; (3) Revises the provision in the bill that requires an arrest and subsequent conviction to which the enhancement factors would apply under (1) or (2) in the bill summary to be reported to the Tennessee bureau of investigation's human trafficking advisory council to determine the correlations between arrests, convictions, and incidents of human trafficking in this state by, instead, requiring such arrest and subsequent convictions to be reported to the department of safety; (4) Revises the present law providing that when making a determination on whether any person charged with a bailable offense may be ordered released pending trial on the person's personal recognizance or upon the execution of an unsecured appearance bond a magistrate may consider, among other things, any other factors indicating the defendant's ties to the community or bearing on the defendant's risk of willful failure to appear by clarifying that such factors include, but are not limited to, whether the defendant is lawfully present in this state; and (5) Revises the present law requiring the magistrate to consider any other factors indicating the defendant's ties to the community or bearing on the risk of the defendant's willful failure to appear when determining the amount of bail necessary to reasonably assure the appearance of the defendant while at the same time protecting the safety of the public by clarifying that such factors include, but are not limited to, whether the defendant is lawfully present in this state.

Subcommittee Amendments: CriminalSubAmendmentPacket03.12.24.pdf

CriminalSubAmendmentPacket03.05.24.pdf

03.12.24CrimSubAdoptedAmendments.pdf

(Dated February 24, 2024) NOT SIGNIFICANT

Fiscal Note: H: 01/24/24

Senate Status: 04/18/24 - Senate passed with amendment 1 (016123), which makes the following changes: (1) Revises the provision in the bill that defines a "school" to mean a public or private elementary school, middle school, high school, college of applied technology, postsecondary vocational or technical school, or two-year or four-year college or university by removing college of applied technology, postsecondary vocational or technical school, and two-year or four-year college or university from the definition; (2) Revises the provision in authorizing a court to enhance the statutory penalty up to imprisonment for life without the possibility of parole for a conviction if the conviction is for the commission of a violent crime and the offense occurred on the property of a school by, instead, authorizing a court to enhance the statutory penalty up to imprisonment for life without the possibility of parole for a conviction if the conviction is for the commission of a violent crime committed by an adult and the offense occurred on the property of a school while students or other children were present; (3) Revises the provision in the bill that requires an arrest and subsequent conviction to which the enhancement factors would apply under (1) or (2) in the bill summary to be reported to the Tennessee bureau of investigation's human trafficking advisory council to determine the correlations between arrests, convictions, and incidents of human trafficking in this state by, instead, requiring such arrest and subsequent convictions to be reported to the department of safety; (4) Revises the present law providing that when making a determination on whether any person charged with a bailable offense may be ordered released pending trial on the person's personal recognizance or upon the execution of an unsecured appearance bond a magistrate may consider, among other things, any other factors indicating the defendant's ties to the community or bearing on the defendant's risk of willful failure to appear by clarifying that such factors include, but are not limited to, whether the defendant is lawfully present in this state; and (5) Revises the present law requiring the magistrate to consider any other factors indicating the defendant's ties to the community or bearing on the risk of the defendant's willful failure to appear when determining the amount of bail necessary to reasonably assure the appearance of the defendant while at the same time protecting the safety of the public by clarifying that such factors include, but are not limited to, whether the defendant is lawfully present in this state.

House Status: 04/17/24 - Taken off notice in House Finance, Ways & Means Subcommittee.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 16; Title 33; Title 39; Title 40 and Title 49, relative to criminal offenses.

AG Opinion:

Cosponsors:

Position:

Priority:

Comment:

SB2797/HB2809 CRIMINAL LAW: Carrying of a firearm by a retired law enforcement officer.



Sen. Rose, Paul
Rep. Hulsey, Bud

Summary: Expands the definition of law enforcement officer as it relates to carrying firearms to include retired law enforcement officers. Broadly captioned.

Amendment Summary: House Civil Justice Committee amendment 1 (014209) expands the definition of a law enforcement officer for the purposes of lawful carrying of a firearm to include a retired law enforcement officer who is carrying pursuant to other state laws. Deletes an exception to the authorities granted to law enforcement officers regarding the officers' lawful carrying of firearms. Deletes a provision that stipulated that, within certain counties, the broad authorities granted to law enforcement officers to lawfully carry firearms apply only to the officers who are officers for those counties or for municipalities located therein.

Subcommittee: Civil_Justice_Sub_Amendments_04.02.2024.pdf

Amendments:

Fiscal Note: (Dated February 24, 2024) NOT SIGNIFICANT

Intro Dates: H: 02/01/24

Senate Status: 04/18/24 - Senate passed.

House Status: 04/18/24 - House reset to 04/22/24.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 38 and Title 39, relative to firearms.

AG Opinion:

Cosponsors:

Position:

Priority:

Comment:

SB2871/HB1954 CRIMINAL LAW: Increases penalty for illegally transferring a firearm to a minor.

Sen. Akbari, Raumesh
Rep. Parkinson, Antonio

Summary: Increases the penalty for illegally transferring a firearm to a minor from a Class A misdemeanor to a Class D felony and requires that an adult who is convicted be punished as criminally responsible for any resulting crime. Creates the Class D felony offense of inducing or coercing a minor to commit theft of a firearm, robbery, burglary, or aggravated burglary involving theft of a firearm.

Amendment Summary: House Criminal Justice Committee amendment 1 (013908) creates a Class D felony offense for knowingly inducing or coercing a minor to commit one of the following offenses: (1) theft of a firearm; (2) robbery involving theft of a firearm; (3) aggravated robbery involving theft of a firearm; (4) especially aggravated robbery involving theft of a firearm; (5) burglary involving theft of a firearm; (6) aggravated burglary involving theft of a firearm; or (7) especially aggravated burglary involving theft of a firearm. Enhances the penalty, from a Class A misdemeanor to a Class D felony, for a person who commits the offense of intentionally, knowingly, or recklessly selling, loaning or making a gift of a firearm to a minor. Effective October 1, 2024.

Subcommittee Amendments: CriminalSubAmendmentPacket03.05.24.pdf

CriminalSubAmendmentPacket02.20.24.pdf

CriminalSubAmendmentPacket02.27.24.pdf

03.05.24CrimSubAdoptedAmendments.pdf

Fiscal Note: (Dated February 8, 2024) Increase State Expenditures \$1,613,600 Incarceration Decrease Local Expenditures \$100/FY24-25 and Subsequent Years Other Fiscal Impact There will be additional increases in state expenditures related to an increase in admissions for adults who are criminally responsible for offenses minors commit with unlawfully sold, loaned, or gifted firearms. The extent and timing of any such impacts cannot be reasonably determined.

Intro Dates: S: 02/01/24, H: 01/24/24

Senate Status: 04/02/24 - Failed in Senate Judiciary Committee.

House Status: 04/17/24 - Taken off notice in House Finance, Ways & Means Subcommittee.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, relative to firearms offenses involving minors.

AG Opinion:

Cosponsors:

Position: Oppose

Priority:

Comment: This proposal would likely fail constitutional challenge under the Supreme Court's Bruen decision.

SB2911/HB1600 CRIMINAL LAW: Juvenile offenders - prohibits purchase or possession of a firearm.



Sen. Bailey, Paul
Rep. Williams, Ryan

Summary: Prohibits the purchase or possession of a firearm by a person under 25 years of age if the person was previously adjudicated delinquent for an act that, if committed by an adult, would have constituted one or more certain offenses. Allows TBI access to juvenile court records for the limited purpose of performing a background check prior to the purchase or transfer of a firearm to determine whether a person has been adjudicated as a mental defective or committed to a mental health institution at 16 years of age or older, as required by federal law, or is prohibited from purchasing a firearm because of an adjudication as delinquent.

Amendment Summary: Senate Judiciary Committee amendment 1, House Criminal Justice Subcommittee amendment 1 (015098) prohibits the purchase or possession of a firearm until the age of 25 for any juvenile who, at the age of 14 years or older, was adjudicated delinquent for conduct that, if committed by an adult, would constitute one of the following offenses: (1) aggravated assault; (2) aggravated assault against a first responder or nurse; (3) criminal homicide; (4) robbery; (5) aggravated robbery; (6) especially aggravated robbery; (7) carjacking; (8) burglary; (9) aggravated burglary; (10) especially aggravated burglary; (11) aggravated cruelty to animals; (12) a threat of mass violence, or; (13) any other criminal offense that involves the use or display of a firearm. Establishes that a person under 25 years of age who was adjudicated as such on or after July 1, 2024, is ineligible to obtain an enhanced or concealed handgun carry permit. Requires the Department of Safety (DOS) to suspend or revoke a handgun permit issued to an adult under 25 years of age upon a showing by its records or other sufficient evidence that the permit holder was adjudicated as such on or after July 1, 2024. Requires, as soon as practicable, but not later than three business days after final disposition of the delinquency proceedings, the juvenile court clerk to electronically submit to the instant check unit of the Tennessee Bureau of Investigation (TBI) of final disposition of the proceedings against a juvenile adjudicated delinquent for such an act. Creates a Class A misdemeanor offense for a person under 25 years of age who was adjudicated delinquent for such an act on or after July 1, 2024, to possess a firearm. Prohibits a federally licensed gun dealer from selling a firearm to such a person until the person is 25 years of age. Opens the files and records of a juvenile court proceeding to inspection by the TBI for the limited purpose of performing a background check prior to the transfer of a firearm in accordance with current law. Prohibits the expunction of court files and juvenile records related to an individual's delinquency adjudication while that individual is under a prohibition of firearm purchase or possession in accordance with this legislation. Enhances the requirements that must be met by clear and convincing evidence to authorize a court to order the expunction of records related to an adjudication of a juvenile as delinquent or unruly. House Criminal Justice Committee amendment 2 (018173) rewrites the bill and makes changes focusing on juvenile delinquency and firearm possession regulations. Effective July 1, 2024, juveniles aged fourteen or older, adjudicated delinquent for serious offenses such as aggravated assault, cruelty to animals, and threats of mass violence, face a firearm possession ban until the age of twenty-five. Mandates notification of these consequences before accepting guilty pleas, outlines a reinstatement process for firearm rights, and imposes criminal penalties for violations. Firearm sales are restricted to those under twenty-five who haven't had their rights reinstated. Authorizes The Tennessee Bureau of Investigation to do background checks, and an appeal process allows for review of court determinations on firearm possession restrictions. House Finance Committee amendment 1 (018313) requires the clerk of the juvenile court to electronically submit to the instant check unit of the Tennessee Bureau of Investigation the final disposition of delinquency proceedings against a juvenile adjudicated delinquent for an act described in subdivision (a)(2) as soon as practicable but not later than three business days after final disposition of the delinquency proceedings. The Tennessee Bureau of Investigation shall transmit the final disposition to the department of safety for the department's use in determining eligibility under TCA 39-17-1351, 39-17-1352, and 39-17-1366.

Subcommittee: CriminalSubAmendmentPacket02.13.24.pdf
Amendments: CriminalSubAmendmentPacketRegCal03.19.24.pdf
Fiscal Note: (Dated February 10, 2024) Increase Local Expenditures - \$9,700/FY25-26* Exceeds \$9,700/FY26-27 and Subsequent Years* HB 1600 SB 2911
Intro Dates: S: 02/01/24, H: 01/09/24
Senate Status: 04/02/24 - Senate Judiciary Committee recommended with amendment 1 (015098). Sent to Senate Calendar Committee.
House Status: 04/18/24 - House reset to 04/22/24.
Executive Status:
Public Chapter:
Caption: AN ACT to amend Tennessee Code Annotated, Title 18; Title 37 and Title 39, relative to juvenile offenders.
AG Opinion:
Cosponsors:

Position:	Oppose
Priority:	
Comment:	This proposed legislation appears to be likely unconstitutional under the United States Supreme Court's decision in New York State Rifle and Pistol Association v. Bruen, No. 20-843. The legislation fails the TFA's "Bruen Basis" test. For the "Bruen Basis" test, please see TFA's website at https://tennesseefirearms.com/2023/12/gun-owners-need-to-be-prepared-to-demand-that-legislators-demonstrate-a-bruen-basis-for-their-legislative-proposals/

SB2931/HB2487 EDUCATION: Threats of mass violence made by a student.

 Sen. Powers, Bill
Rep. Hurt, Chris

Summary: Conditions the expulsion of a student for committing the zero-tolerance offense of threatening mass violence on school property or at a school-related activity to threats of mass violence determined to be valid based on the results of a threat assessment. Requires directors of schools and heads of public charter schools to report threats of mass violence on school property or at a school-related activity made by a student that are determined, based on the results of a threat assessment, to be valid. Broadly captioned.

Amendment

Summary:

Subcommittee

Amendments:

Fiscal Note: (Dated March 10, 2024) NOT SIGNIFICANT

Intro Dates: S: 02/01/24, H: 01/31/24

Senate Status: 03/25/24 - Senate passed.

House Status: 04/16/24 - House passed.

Executive Status: 04/16/24 - Sent to the speakers for signatures.

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 39 and Title 49, Chapter 6, relative to threats of mass violence made by a student.

AG Opinion:

Cosponsors:

Position:

Priority:

Comment:

SB2955/HB1590 TAXES SALES: Sales tax proceeds on firearms to mental health care.

●●○○○○○○○○○○ Sen. Akbari, Raumesh
●●○○○○○○○○○○ Rep. Pearson, Justin

Summary: Allocates sales tax proceeds collected on firearms, ammunition, and firearm accessories to mental health care in Tennessee schools' account for local education agencies to obtain school counselors, school therapists, and after-school programs that promote being involved in positive extracurricular activities.

Amendment Summary: House Finance Subcommittee amendment 1 (013822) changes effective date to July 1, 2024.

Subcommittee Amendments: Finance_Sub_Amendments_03.13.2024.pdf

Fiscal Note: (Dated March 10, 2024) Increase State Revenue \$17,297,200/FY24-25 and Subsequent Years/ Mental Health Care in Tennessee Schools Account Decrease State Revenue \$12,284,300/FY24-25 and Subsequent Years/General Fund Increase State Expenditures \$307,300/FY24-25/General Fund \$17,297,200/FY24-25 and Subsequent Years/ Mental Health Care in Tennessee Schools Account Increase Local Revenue Net Impact \$12,284,300/FY24-25 and Subsequent Years

Intro Dates: H: 01/09/24

Senate Status: 02/15/24 - Referred to Senate Delayed Bills Committee.

House Status: 04/17/24 - Taken off notice in House Finance, Ways & Means Subcommittee.

Executive Status:

Public Chapter:

Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 49 and Title 67, relative to sales tax proceeds collected on firearms.

AG Opinion:

Cosponsors:

<i>Position:</i>
<i>Priority:</i>
<i>Comment:</i>