



Tennessee Firearms Association

Calendar Report Week of April 15, 2024

Tue 4/16/24 2:00pm - House Hearing Rm III, House Criminal Justice Committee

MEMBERS W/ EMAILS: Email All; CHAIR B. Hulseley (R); VICE CHAIR J. Gillespie (R); M. Carringer (R); E. Davis (R); C. Doggett (R); A. Farmer (R); M. Fritts (R); R. Glynn (D); G. Hardaway (D); D. Howell (R); G. Johnson (D); W. Lamberth (R); D. Moody (R); L. Russell (R); J. Towns Jr. (D)
 STAFF: Grace Bonecutter; Ryan Baird, Research Analyst PHONE: 615-741-2886

2. **HB2035 CRIMINAL LAW: Extreme risk protection orders.** 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

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

House Status: 04/10/24 - Set for House Criminal Justice Committee 04/16/24.

Executive Status: House Criminal Justice Committee ;

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:

rows:

SB2763 - J. Bowling - 04/11/24 - Senate passed with amendment 1 (017797), which 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.

5. **HB2082 CRIMINAL LAW: TBI report on money collected for background checks associated with firearm sales.** 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, House Civil Justice 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 Amendment 2 (017852) removes defenses to unlawful carrying or possession of a weapon.

Subcommittee Amendments: Civil_Justice_Sub_Amendments_04.02.2024.pdf

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

Senate Status: 04/02/24 - Senate Judiciary Committee recommended with amendment 1 (014746). Sent to Senate Finance.

House Status: 04/10/24 - Set for House Criminal Justice Committee 04/16/24.

Executive Status: Senate Finance, Ways & Means Committee ; House Criminal Justice Committee ;

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

AG Opinion:

Cosponsors:

Position:

Priority:



Comment:

rows:

SB2502 - J. Hensley - 04/02/24 - Senate Judiciary Committee recommended with amendment 1 (014746). Sent to Senate Finance.

Tue 4/16/24 2:00pm - House Hearing Rm I, House Finance, Ways & Means Subcommittee

MEMBERS W/ EMAILS: Email All; CHAIR G. Hicks (R); C. Baum (R); K. Camper (D); M. Cochran (R); J. Faison (R); J. Garrett (R); D. Hawk (R); P. Hazlewood (R); T. Hicks (R); H. Love Jr. (D); J. Moon (R); J. Shaw (D); S. Whitson (R); R. Williams (R) STAFF: Kimberly White, Executive Assistant; Mirna Tunjic, Research Analyst; Dakota Gordon, Research Analyst PHONE: 615-741-7480

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

Senate Status: 03/26/24 - Senate Judiciary Committee recommended with amendment 1 (014339) and amendment 2 (016700). Sent to Senate Finance.

House Status: 04/10/24 - Set for House Finance, Ways & Means Subcommittee 04/16/24.

Executive Status: Senate Finance, Ways & Means Committee ; House Finance, Ways & Means Subcommittee ;

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;



Position:

Priority:

Comment:

rows:

SB2626 - E. Jackson - 03/26/24 - Senate Judiciary Committee recommended with amendment 1 (014339) and amendment 2 (016700). Sent to Senate Finance.

- 9. **HB1881 CRIMINAL LAW: Penalty for assault against a law enforcement officer.** 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

Senate Status: 04/02/24 - Senate Judiciary Committee recommended. Sent to Senate Finance.

House Status: 04/10/24 - Set for House Finance, Ways & Means Subcommittee 04/16/24.

Executive Status: Senate Finance, Ways & Means Committee ; House Finance, Ways & Means Subcommittee ;

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;

Position:

Priority:

Comment:

rows:

SB2062 - D. White - 04/02/24 - Senate Judiciary Committee recommended. Sent to Senate Finance.

25. **HB1600 CRIMINAL LAW: Juvenile offenders - prohibits purchase or possession of a firearm.** Prohibits Williams the purchase or possession of a firearm by a person under 25 years of age if the person was R. 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.

Subcommittee Amendments: CriminalSubAmendmentPacket02.13.24.pdf
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

Senate Status: 04/02/24 - Senate Judiciary Committee recommended with amendment 1 (015098). Sent to Senate Calendar Committee.

House Status: 04/10/24 - Set for House Finance, Ways & Means Subcommittee 04/16/24.

Executive Status: Senate Calendar Committee ; House Finance, Ways & Means Subcommittee ;

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/>

rows:

SB2911 - P. Bailey - 04/02/24 - Senate Judiciary Committee recommended with amendment 1 (015098). Sent to Senate Calendar Committee.