

SENATE BILL 2866

By Bailey

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

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

SECTION 1. This act is known and may be cited as the "Second Amendment Simplification Act of 2022."

SECTION 2. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting the section and substituting instead:

(a)

- (1) A person commits an offense who possesses a firearm and:
 - (A) Has been convicted of a felony crime of violence, an attempt to commit a felony crime of violence, or a felony involving the use of a deadly weapon;
 - (B) Has been convicted of a felony drug offense;
 - (C) Has been convicted of any other felony;
 - (D) Has been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921, and is still subject to the disabilities of such a conviction; or
 - (E) Is, at the time of the possession, subject to an order of protection that fully complies with 18 U.S.C. § 922(g)(8).
- (2) An offense under subdivision (a)(1)(A) is a Class B felony.
- (3) An offense under subdivision (a)(1)(B) is a Class C felony.
- (4) An offense under subdivision (a)(1)(C) is a Class E felony.

(5) An offense under subdivision (a)(1)(D) or (a)(1)(E) is a Class A misdemeanor.

(b) It is an exception to subsection (a)(1) that:

(1) The person has been pardoned for the offense;

(2) The conviction has been expunged or otherwise set aside;

(3) The person's civil rights have been restored pursuant to title 40,

chapter 29;

(4) The person has been granted relief of disabilities relative to firearms under 18 U.S.C. § 925;

(5) The person has been granted relief of disabilities relative to firearms under the applicable law of another state relative to a conviction arising in that state; or

(6) The person has been granted a relief of disabilities relative to firearms under federal law relative to a conviction arising under federal law.

(c) If a person is licensed as a federal firearms dealer, is identified as a responsible party under a federal firearms license, or is employed by a federal firearms dealer, the determination of whether such an individual possesses firearms that constitute the business assets or inventory under the federal license shall be determined based upon the applicable federal statutes or the rules, regulations, official letters, rulings, and publications of the bureau of alcohol, tobacco, firearms and explosives.

(d) A person does not possess a firearm, including, but not limited to, a firearm registered under the National Firearms Act (26 U.S.C. § 5801 et seq.), if the firearm is in a safe or similar container that is securely locked and to which the person does not have the combination, keys, or other means of normal access.

SECTION 3. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting the section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting the section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "or who lawfully carries a handgun pursuant to § 39-17-1307(g)".

SECTION 6. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 7. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2866

House Bill No. 2524*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act is known and may be cited as the "Second Amendment Simplification Act of 2022."

SECTION 2. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting the section and substituting instead:

(a)

- (1) A person commits an offense who possesses a firearm and:
 - (A) Has been convicted of a felony crime of violence, an attempt to commit a felony crime of violence, or a felony involving the use of a deadly weapon;
 - (B) Has been convicted of a felony drug offense;
 - (C) Has been convicted of any other felony;
 - (D) Has been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921, and is still subject to the disabilities of such a conviction;
 - (E) Is, at the time of the possession, subject to an order of protection that fully complies with 18 U.S.C. § 922(g)(8);
 - (F) Is under eighteen (18) years of age; provided, that it is a defense to prosecution under this subdivision (a)(1)(F) that the person possesses the firearm under any of the circumstances described in § 39-17-1319(d)(1);



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(G) Is prohibited from possessing a firearm under 18 U.S.C. 922(g) or any other state or federal law;

(H) Has been convicted of stalking as prohibited by § 39-17-315;

(I) Has been convicted of the offense of driving under the influence of an intoxicant in this or any other state two (2) or more times within the prior ten (10) years or one (1) time within the prior five (5) years; or

(J) Has been adjudicated as a mental defective, judicially committed to or hospitalized in a mental institution pursuant to title 33, or had a court appoint a conservator for the person by reason of a mental defect.

(2) An offense under subdivision (a)(1)(A) is a Class B felony.

(3) An offense under subdivision (a)(1)(B) is a Class C felony.

(4) An offense under subdivision (a)(1)(C) is a Class E felony.

(5) An offense under subdivision (a)(1)(D), (a)(1)(E), (a)(1)(F), or (a)(1)(G) is a Class A misdemeanor.

(6) An offense under subdivision (a)(1)(H), (a)(1)(I), or (a)(1)(J) is a Class B misdemeanor.

(b) It is an exception to subdivisions (a)(1)(A)–(D) that:

(1) The person has been pardoned for the offense;

(2) The conviction has been expunged or otherwise set aside;

(3) The person's civil rights have been restored pursuant to title 40, chapter 29; or

(4) The person has been granted relief of disabilities relative to firearms under 18 U.S.C. § 925;

(5) The person has been granted relief of disabilities relative to firearms under the applicable law of another state relative to a conviction arising in that state; or

(6) The person has been granted a relief of disabilities relative to firearms under federal law relative to a conviction arising under federal law.

(c)

(1) A person commits an offense who possesses 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 as defined in § 39-17-1324.

(2) A person commits an offense who possesses 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 by § 39-17-1324.

(3)

(A) Except as provided in subdivision (c)(3)(B), a violation of this subsection (c) is a Class E felony.

(B) A violation of this subsection (c) is a Class E felony with a maximum fine of six thousand dollars (\$6,000), if the deadly weapon is a switchblade knife.

(d) If a person is licensed as a federal firearms dealer, is identified as a responsible party under a federal firearms license, or is employed by a federal firearms dealer, the determination of whether such an individual possesses firearms that constitute the business assets or inventory under the federal license shall be determined based upon the applicable federal statutes or the rules, regulations, official letters, rulings, and publications of the bureau of alcohol, tobacco, firearms and explosives.

(e) A person does not possess a firearm, including, but not limited to, a firearm registered under the National Firearms Act (26 U.S.C. § 5801 et seq.), if the firearm is in

a safe or similar container that is securely locked and to which the person does not have the combination, keys, or other means of normal access.

SECTION 3. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting the section in its entirety.

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SECTION 5. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "or who lawfully carries a handgun pursuant to § 39-17-1307(g)" and substituting instead the language "or a person who is not prohibited from carrying a firearm under § 39-17-1307".

SECTION 6. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 7. This act takes effect July 1, 2022, the public welfare requiring it.