



SENATE BILL 765

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 1; Title 39, Chapter 17, Part 13 and Title 40, Chapter 35, relative to firearms.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

(g) It is an exception to the application of subsection (a) that a person is carrying, whether openly or concealed, a handgun and:

- (1) The person meets the qualifications for the issuance of an enhanced handgun carry permit under § 39-17-1351(b) and (c). For purposes of this subdivision (g)(1), "qualifications" does not include completion of an application under § 39-17-1351(b) and (c);
- (2) The person lawfully possesses the handgun; and
- (3) The person is in a place where the person has a right to be.

SECTION 2. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the subsection and substituting:

(a) Notwithstanding any law or any ordinance or resolution adopted by the governing body of a city, county, or metropolitan government, including any ordinance or resolution enacted before April 8, 1986, that prohibits or regulates the possession, transportation, or storage of a firearm or firearm ammunition, a person who has a valid enhanced handgun carry permit or concealed handgun carry permit or who lawfully carries a handgun pursuant to § 39-17-1307(g) may, unless expressly prohibited by federal law, transport and store a firearm or firearm ammunition in the person's motor

vehicle, as defined in § 55-1-103, while on or utilizing any public or private parking area if:

(1) The person's motor vehicle is parked in a location where the motor vehicle is permitted to be; and

(2) The firearm or ammunition being transported or stored in the motor vehicle:

(A) Is kept from ordinary observation if the person is in the motor vehicle; or

(B) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to the motor vehicle if the person is not in the motor vehicle.

SECTION 3. Tennessee Code Annotated, Section 39-17-1313(b), is amended by deleting the language "the holder of a valid handgun carry permit in the permit holder's motor vehicle" wherever it appears and substituting "a person in a person's motor vehicle pursuant to subsection (a)".

SECTION 4. Tennessee Code Annotated, Section 39-17-1313(c)(1), is amended by deleting the language "permit holder" and substituting "person".

SECTION 5. Tennessee Code Annotated, Section 39-17-1313(d), is amended by deleting the language "An enhanced handgun carry permit holder or concealed handgun carry permit holder" and substituting "A person" and by deleting the language "enhanced handgun carry permit holder or concealed handgun carry permit holder" and substituting the language "person".

SECTION 6. Tennessee Code Annotated, Section 39-17-1351(n)(1), is amended by deleting the last sentence of the subdivision and substituting:

The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun in a location or manner that would be prohibited if not for the person's status as an enhanced handgun carry permit holder and shall display the permit on demand of a law enforcement officer under such circumstances.

SECTION 7. Tennessee Code Annotated, Section 39-17-1366(e), is amended by deleting the subsection and substituting:

(e) The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun in a location or manner that would be prohibited if not for the person's status as a concealed handgun carry permit holder and shall display the permit on demand of a law enforcement officer under such circumstances.

SECTION 8. Tennessee Code Annotated, Section 39-14-105(a)(1), is amended by deleting the language "or less" and substituting "or less, except when the property obtained is a firearm".

SECTION 9. Tennessee Code Annotated, Section 39-14-105(a)(2), is amended by deleting the language "if the value of the property" and substituting "if the property obtained is a firearm worth less than two thousand five hundred dollars (\$2,500), or if the value of the property".

SECTION 10. Tennessee Code Annotated, Section 39-14-105(d), is amended by deleting the subsection and substituting:

(d) Theft of a firearm shall be punished by confinement for not less than one hundred eighty (180) days in addition to any other penalty authorized by law.

SECTION 11. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following as a new subdivision:

(29) The offense involved the theft of a firearm from a motor vehicle, as defined in § 55-1-103;

SECTION 12. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

(x)

(1) For the offenses listed in subdivision (x)(2) committed on or after July 1, 2021, there shall be no release eligibility until the person has served eighty-five percent (85%) of the sentence imposed by the court, less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236, or any other law, shall operate to reduce below seventy percent (70%) the percentage of sentence imposed by the court such person must serve before becoming release eligible.

(2) The offenses to which this subsection (x) applies are:

(A) Unlawful possession of a firearm by a person convicted of a felony crime of violence, an attempt to commit a felony crime of violence, or a felony involving use of a deadly weapon, under § 39-17-1307(b)(1)(A);

(B) Unlawful possession of a firearm by a person convicted of a felony drug offense, under § 39-17-1307(b)(1)(B);

(C) Unlawful possession of a handgun by a person convicted of a felony, under § 39-17-1307(c); and

(D) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun, under § 39-17-1320.

SECTION 13. This act takes effect July 1, 2021, the public welfare requiring it, and applies to criminal offenses committed on or after that date.

Amendment No. 1 to SB0765

Bell
Signature of Sponsor

AMEND Senate Bill No. 765

House Bill No. 786*

by deleting the amendatory language of Section 1 and substituting instead the following:

(g) It is an exception to the application of subsection (a) that a person is carrying, whether openly or concealed, a handgun and:

(1)

(A) The person is at least twenty-one (21) years of age; or

(B) The person is at least eighteen (18) years of age and:

(i) Is an honorably discharged or retired veteran of the United States armed forces;

(ii) Is an honorably discharged member of the army national guard, the army reserve, the navy reserve, the marine corps reserve, the air national guard, the air force reserve, or the coast guard reserve, who has successfully completed a basic training program; or

(iii) Is a member of the United States armed forces on active duty status or is a current member of the army national guard, the army reserve, the navy reserve, the marine corps reserve, the air national guard, the air force reserve, or the coast guard reserve, who has successfully completed a basic training program;

(2) The person lawfully possesses the handgun; and

(3) The person is in a place where the person is lawfully present.

AND FURTHER AMEND by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

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(1) A person commits an offense who carries, with the intent to go armed, a firearm and:

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

(B) 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;

(C) 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; or

(D) Is otherwise prohibited from possessing a firearm by 18 U.S.C. 922(g) as it existed on January 1, 2021.

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

Amendment No. 8 to HB0786

Warner
Signature of Sponsor

AMEND Senate Bill No. 765

House Bill No. 786*

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following as a new subsection:

(g)

(1) It is an exception to the application of subsection (a) that a person is legally in possession of the firearm.

(2) A person who carries pursuant to subdivision (g)(1) is entitled to the same defenses and exceptions as a person who has been issued an enhanced handgun carry permit pursuant to § 39-17-1351, for purposes of any offenses in this part; title 50, chapter 3; or title 70.

SECTION 2. Tennessee Code Annotated, Section 39-17-1308(a), is amended by deleting the language "It is a defense to the application" and substituting the language "It is an exception to the application".

SECTION 3. Tennessee Code Annotated, Section 39-17-1308(a)(10), is amended by deleting the word "defense" and substituting the word "exception".

SECTION 4. Tennessee Code Annotated, Section 39-17-1308(b), is amended by deleting the word "defenses" and substituting the word "exceptions".

SECTION 5. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

(h)

(1) A person commits an offense who possesses a firearm and:

(A) Is a fugitive from justice;

(B) Is an unlawful user of or addicted to any controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

(C) Has been adjudicated as a mental defective or has been committed to a mental institution;

(D) Is an alien and:

(i) Is illegally or unlawfully in the United States; or

(ii) Except as provided in 18 U.S.C. 922(y)(2), has been admitted to the United States under a nonimmigrant visa, as defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

(E) Has been discharged from the United States armed forces under dishonorable conditions; or

(F) Having been a citizen of the United States, has renounced the person's citizenship.

(2) A violation of subdivision (h)(1) is a Class A misdemeanor.

SECTION 6. Tennessee Code Annotated, Section 39-14-105(a)(1), is amended by deleting the language "or less" and substituting "or less, except when the property obtained is a firearm".

SECTION 7. Tennessee Code Annotated, Section 39-14-105(a)(2), is amended by deleting the language "if the value of the property" and substituting "if the property obtained is a firearm worth less than two thousand five hundred dollars (\$2,500), or if the value of the property".

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(A) Unlawful possession of a firearm by a person convicted of a felony crime of violence, an attempt to commit a felony crime of violence, or a felony involving use of a deadly weapon, under § 39-17-1307(b)(1)(A);

(B) Unlawful possession of a firearm by a person convicted of a felony drug offense, under § 39-17-1307(b)(1)(B);

(C) Unlawful possession of a handgun by a person convicted of a felony, under § 39-17-1307(c); and

(D) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun, under § 39-17-1320.

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