House Constitutional Protections & Sentencing Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

AMEND Senate Bill No. 705* **House Bill No. 1264**

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504(o), is amended by deleting the language "§ 39-17-1351" wherever it appears and substituting instead the language "§ 39-17-1351, § 39-17-1365, or § 39-17-1366".

SECTION 2. Tennessee Code Annotated, Section 39-17-1308(a)(2), is amended by deleting the language "§ 39-17-1315 or § 39-17-1351" and substituting instead "§ 39-17-1315, § 39-17-1351, or § 39-17-1366".

SECTION 3. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting the language "handgun carry permits" wherever it appears and substituting instead "enhanced handgun carry permits".

SECTION 4. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "enhanced handgun carry permit".

SECTION 5. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following new section:

39-17-1366.

(a) Any resident of this state who is a United States citizen or lawful permanent resident, as defined by § 55-50-102, may apply to the department for a concealed handgun carry permit. If the applicant is not prohibited from possessing a firearm in this state pursuant to § 39-17-1307(b), 18 U.S.C. § 922(g), or any other state or federal law,

and the applicant otherwise meets all of the requirements of this section, the department shall issue a permit to the applicant.

(b) To be eligible to receive a concealed handgun carry permit, the person must:

(1) Apply in person to the department on a concealed handgun carry permit application developed by the department;

(2) Provide proof of the person's identity and state residency by presenting:

(A) A driver license or photo identification issued by this state; or

(B) Other proof satisfactory to the department showing the person's identity and residency;

(3) Meet the qualifications for the issuance of an enhanced handgun carry permit under § 39-17-1351(c) and provide the department with two (2) sets of fingerprints in the manner required in § 39-17-1351(d); and

(4)

(A) Provide proof the person has demonstrated competence with a handgun. The person may demonstrate such competence by one (1) of the following, but a person is not required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

(i) Completing any hunter education or hunter safety course approved by the Tennessee wildlife resources agency or a similar agency of another state;

(ii) Completing any firearms safety or training course administered by an organization specializing in firearms training and safety;

(iii) Completing any firearms safety or training course or class available to the general public offered by a law enforcement

agency, junior college, college, private or public institution or organization, or firearms training school utilizing instructors certified by an organization specializing in firearms training and safety or the department;

(iv) Completing any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

(v) Presenting evidence of equivalent experience with a firearm through current military service or proof of an honorable discharge from any branch of the armed services;

(vi) Obtaining or previously having held a license to carry a firearm in this state, unless such license has been revoked for cause;

(vii) Completing any firearms training or safety course or class, including an electronic, video, or online course, that:

(*a*) Is conducted by a firearms instructor who is certified by the state or an organization specializing in firearms training and safety; and

(*b*) Meets the qualifications established by the department pursuant to subsection (m);

(viii) Completing any governmental law enforcement agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or

(ix) Completing any other firearms training that the department deems adequate; and

(B) Proof of competence under this subdivision (b)(4) is evidenced by a photocopy of a certificate of completion of any of the courses or classes described in subdivision (b)(4)(A); an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or required experience.

(c)

(1) Upon receipt of a concealed handgun carry permit application, the department shall:

(A) Forward two (2) full sets of fingerprints of the applicant to the Tennessee bureau of investigation; and

(B) Send a copy of the application to the sheriff of the county in which the applicant resides.

(2) Within thirty (30) days of receiving an application, the sheriff shall provide the department with any information concerning the truthfulness of the applicant's answers to the eligibility requirements of § 39-17-1351(c) that is within the knowledge of the sheriff.

(3) Upon receipt of the fingerprints from the department, the Tennessee bureau of investigation shall conduct searches and record checks in the same manner required in § 39-17-1351(h) and send the results to the department.

(d) If an applicant meets all the requirements of this section, the department shall issue the applicant a concealed handgun carry permit that entitles the permit holder to carry any handgun that the permit holder legally owns or possesses in a concealed manner. The concealed handgun permit is valid for eight (8) years from the date of issuance.

(e) A person issued a concealed handgun carry permit under this section shall carry the permit at all times when carrying a handgun pursuant to this section.

(f) The permit shall be issued on a wallet-sized laminated card of the same approximate size as is used by this state for driver licenses and contain only the following information concerning the permit holder:

(1) The permit holder's name, address, and date of birth;

(2) A description of the permit holder by sex, height, weight, and eye color;

(3) A color photograph of the permit holder; and

(4) The permit number, issuance date, and expiration date.

(g) The issuance of a concealed handgun carry permit under this section does not relieve a person from complying with all requirements of § 39-17-1351 in order to be issued an enhanced handgun carry permit pursuant to that section.

(h) A concealed handgun carry permit issued under this section shall authorize the permit holder to carry or possess a handgun as authorized by § 39-17-1313.

(i) A concealed handgun carry permit issued under this section is subject to the same restrictions and requirements found in §§ 39-17-1352 - 39-17-1359.

(j)

(1) Prior to the expiration of a concealed handgun carry permit, a permit holder may apply to the department for the renewal of the permit by submitting, under oath, a renewal application. The renewal application must be on a standard form developed by the department; must require the applicant to disclose, under oath, the information concerning the applicant as set forth in subsection (b); and must require the applicant to certify that the applicant still satisfies all the eligibility requirements of this section for the issuance of a concealed handgun carry permit. In the event the permit holder's current concealed handgun carry permit expires prior to the department's approval or

issuance of notice of denial regarding a pending renewal application, the permit holder is entitled to continue to use the expired permit until the department issues an approval or denial of the renewal application.

(2) A person may renew that person's concealed handgun carry permit beginning six (6) months prior to the expiration date on the face of the permit.

(k) The department shall not charge a fee to a concealed handgun carry permit applicant in relation to the acceptance or processing of an applicant's initial concealed handgun carry permit application or renewal application.

(l) The department shall maintain the following material on the department's website:

(1) Current state law on carrying handguns;

(2) An explanation of the different handgun carry permits available; and

(3) A list of various providers that conduct department-approved training courses or classes, pursuant to subdivision (b)(4)(A).

(m) The department shall determine that a firearms training or safety course or class meets the requirement of subdivision (b)(4)(A)(vii) if the course or class curriculum does the following:

(1) Conveys the basic knowledge and skills necessary for safe handling and storage of firearms and ammunition and includes firearm safety rules, handgun uses, features, basic skills and techniques, safe cleaning, transportation, and storage methods;

(2) Conveys the current state law on carrying handguns;

(3) Is not less than two (2) hours in length; and

(4) Provides a printable certificate of course or class completion.

(n) As used in this section, "department" means the department of safety.

SECTION 6. Tennessee Code Annotated, Section 39-17-1309(e)(8), is amended by deleting the language "permit holder" and substituting instead the language "enhanced handgun carry permit holder".

SECTION 7. Tennessee Code Annotated, Section 39-17-1311(b)(1), is amended by deleting the language "§ 39-17-1351" wherever it appears and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 8. Tennessee Code Annotated, Section 39-17-1313, is amended by deleting the language "handgun carry permit holder" wherever it appears and substituting instead the language "enhanced handgun carry permit holder or concealed handgun carry permit holder".

SECTION 9. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "valid handgun carry permit" and substituting instead the language "valid enhanced handgun carry permit or concealed handgun carry permit".

SECTION 10. Tennessee Code Annotated, Section 39-17-1359(a), is amended by deleting the language "§ 39-17-1351" wherever it appears and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 11. Tennessee Code Annotated, Section 39-17-1359(b), is amended by deleting the language "§§ 39-17-1351 and 39-17-1359" and substituting instead the language "§§ 39-17-1351, 39-17-1359, and 39-17-1366".

SECTION 12. Tennessee Code Annotated, Section 39-17-1359(g)(1), is amended by deleting the language "a handgun carry permit holder" and substituting instead the language "an enhanced handgun carry permit holder or concealed handgun carry permit holder".

SECTION 13. Tennessee Code Annotated, Section 33-6-413(b)(3)(B), is amended by deleting the language "§ 39-17-1351" and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 14. Tennessee Code Annotated, Section 38-8-116(c)(6)(A)(i), is amended by deleting the language "§ 39-17-1351" and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 15. Tennessee Code Annotated, Section 39-16-702(b)(2), is amended by deleting the language "§ 39-17-1351" and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 16. Tennessee Code Annotated, Section 39-17-1321, is amended by deleting the language "§ 39-17-1351" wherever it appears and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 17. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting the language "§ 39-17-1351" in subdivisions (a)(2) and (a)(7) and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 18. Tennessee Code Annotated, Section 39-17-1352(a)(6), is amended by deleting the subdivision and substituting instead the following:

(6) Has violated any other provision of §§ 39-17-1351 - 39-17-1360 or § 39-17-1366;

SECTION 19. Tennessee Code Annotated, Section 39-17-1353(d), is amended by deleting the language "§§ 39-17-1351 - 39-17-1360" and substituting instead the language "§§ 39-17-1351 - 39-17-1360 or § 39-17-1366".

SECTION 20. Tennessee Code Annotated, Section 39-17-1358, is amended by deleting the language "§§ 39-17-1351 - 39-17-1360" wherever it appears and substituting instead the language "§§ 39-17-1351 - 39-17-1360 or § 39-17-1366".

SECTION 21. Tennessee Code Annotated, Section 39-17-1360, is amended by deleting the language "§§ 39-17-1351 - 39-17-1360" and substituting instead the language "§§ 39-17-1351 - 39-17-1360 or § 39-17-1366".

SECTION 22. This act shall take effect January 1, 2020, the public welfare requiring it.