

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 594*

House Bill No. 712

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

SECTION 1. Tennessee Code Annotated, Section 39-11-106, is amended by deleting subdivision (a)(11) in its entirety and substituting instead the following:

(11) "Firearm":

(A) Means:

(i) Any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(ii) The frame or receiver of any such weapon;

(iii) Any firearm muffler or firearm silencer; or

(iv) Any destructive device; and

(B) Does not include an antique firearm;

SECTION 2. Tennessee Code Annotated, Section 39-11-106(a), is amended by adding the following as new, appropriately designated subdivisions:

() "Antique firearm" means:

(A) Any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before the year 1898;

(B) Any replica of any firearm described in subdivision (a)(A)(i) if such replica:

(i) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or



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(ii) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

(C) Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition;

() "Destructive device":

(A) Means:

(i) Any explosive, incendiary, or poison gas:

(a) Bomb;

(b) Grenade;

(c) Rocket having a propellant charge of more than four ounces (4 oz.);

(d) Missile having an explosive or incendiary charge of more than one-quarter ounce (0.25 oz.);

(e) Mine; or

(f) Device similar to any of the devices described in subdivisions (a)() (A)(i)(a)-(e); and

(ii) Any combination of parts either designed or intended for use in converting any device into any destructive device described in subdivision (a)() (A)(i) and from which a destructive device may be readily assembled; and

(B) Does not include:

(i) Any device that is neither designed nor redesigned for use as a weapon;

(ii) Any device, although originally designed for use as a weapon, that is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device;

(iii) Surplus ordnance sold, loaned, or given by the secretary of the Army pursuant to 10 U.S.C. § 7684(2), 10 U.S.C. § 7685, or 10 U.S.C. § 7686;

(iv) Any antique or rifle which the owner intends to use solely for sporting purposes; or

(v) Any other device that is not likely to be used as a weapon;

SECTION 3. Tennessee Code Annotated, Section 39-13-103(b)(3), is amended by adding the language "or antique firearm" immediately after the language "discharging a firearm".

SECTION 4. Tennessee Code Annotated, Section 39-17-1324, is amended by adding the language "or antique firearm" immediately after the language "firearm" wherever it appears.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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AMEND Senate Bill No. 1275

House Bill No. 409*

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

SECTION 1. Tennessee Code Annotated, Section 39-11-622, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) A person who uses or threatens to use force as permitted by §§ 39-11-611 - 39-11-614 and § 29-34-201 is justified in using or threatening to use force and is immune from civil action by the person, personal representative, or heirs of the person against whom the force was used or threatened if the civil action is based upon the use or threatened use of force.

(2) The civil immunity conferred by this section shall not apply if:

(A) The person against whom force was used is a law enforcement officer, as defined in § 39-11-106, who:

(i) Was acting in the performance of the officer's official duties and identified himself or herself as a law enforcement officer; or

(ii) The person using force knew or reasonably should have known that the person was a law enforcement officer; or

(B) The force used by the person resulted in property damage to or the death or injury of an innocent bystander or other person against whom the force used was not justified.

(b)



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(1) If a civil action is brought against the person who used or threatened to use force as described in subdivision (a), the action shall be dismissed without prejudice for failure to state a claim unless the person against whom the claim has been made has been convicted of a crime involving the unlawful use of force that resulted from the same events as the civil action.

(2) A civil action may be brought against a person convicted of a crime involving the unlawful use of force and arising from the same incident as the civil action within one (1) year of the date of the conviction for the use of unlawful force resulting from the same events. Notwithstanding any other statute of limitation or statute of repose that might otherwise be applicable, the one-year statute of limitation established by this subdivision (b)(2) shall be tolled from the time force was used or threatened until the conviction for the unlawful use of force.

(c) The court in which the civil action is filed shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that:

- (1) The defendant is immune from civil liability as provided in subdivision (a); or
- (2) A claim is dismissed as provided in subdivision (b)(1).

SECTION 2. Tennessee Code Annotated, Section 39-17-1322, is amended by adding the following language as a new, appropriately designated subdivision:

() A person who possesses, displays, or employs a firearm under circumstances permitted in §§ 39-11-611 - 39-11-614 and § 29-34-201 is justified in possessing, displaying, or employing the firearm and is immune from civil action as provided in § 39-11-622.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.