

SENATE BILL 245

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 17, Part 13 and Title 70, relative to  
firearms.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1311(b)(1), is amended by adding the following as a new, appropriately designated subdivision:

(l)

(i) Any person possessing a firearm while within the boundaries of any park located in this state that is owned or operated by any municipal, county or state government, or instrumentality thereof, if such person is authorized to carry a firearm pursuant to § 39-17-1351;

(ii) To the extent permitted by federal law, any person possessing a firearm while within the boundaries of any park located in this state that is owned or operated by the federal government, or any instrumentality thereof, if such person is authorized to carry a firearm pursuant to § 39-17-1351;

SECTION 2. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following language as a new, appropriately designated subsection:

(e) Nothing in this section shall be construed to prohibit any person from possessing a handgun while within the boundaries of any public park in this state if the person is authorized to carry a firearm pursuant to § 39-17-1351.

SECTION 3. Tennessee Code Annotated, Section 70-4-117, is amended by adding the following language as new subsection (d):

(d) Notwithstanding subsection (a), a person who is authorized to carry a handgun pursuant to § 39-17-1351 may possess a handgun the entire year while on the premises of any refuge, public hunting area, wildlife management area or, to the extent permitted by federal law, national forest land maintained by the state. Nothing in this subsection (d) shall authorize a person to use any handgun to hunt unless such person is in full compliance with all wildlife laws, rules and regulations.

SECTION 4. Tennessee Code Annotated, Section 70-5-101, is amended by adding the following language as subsection (c) and by redesignating the remaining subsections accordingly:

(c) Notwithstanding subsection (b), a person who is authorized to carry a handgun pursuant to § 39-17-1351 may possess a handgun the entire year while on the premises of any refuge, public hunting area or wildlife management area or, to the extent permitted by federal law, national forest land maintained by the state. Nothing in this subsection (c) shall authorize a person to use any handgun to hunt unless such person is in full compliance with all wildlife laws, rules and regulations.

SECTION 5. Notwithstanding any law to the contrary, neither the department of environment and conservation nor any other entity of state or local government shall prohibit any person from possessing a handgun while within the boundaries of any public park in this state, if such person is authorized to carry a firearm pursuant to § 39-17-1351.

SECTION 6. Tennessee Code Annotated, Section 39-17-1315, is amended by adding a new subsection (c):

(c) Any person who has a valid handgun carry permit issued pursuant to § 39-17-1351 is authorized to carry handguns at all times upon the premises of a public postsecondary institution in this state.

SECTION 7. Tennessee Code Annotated, Section 39-17-1309(e), is amended by adding a new subdivision thereto, as follows:

( ) Any person upon the premises of a public postsecondary institution in this state who meets the requirements of § 39-17-1315(c);

SECTION 8. Tennessee Code Annotated, Section 39-17-1305(c), is amended by adding the following language as a new, appropriately designated subdivision:

(3)

(A) Authorized to carry a firearm under § 39-17-1351 who is not consuming beer, wine or any alcoholic beverage, and is within the confines of a restaurant that is open to the public, serves alcoholic beverages, wine or beer, and is not an age-restricted venue as defined in § 39-17-1802.

(B) As used in this subdivision (c)(3), "restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served at least five (5) days a week, with the exception of holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted.

(C) This subdivision (c)(3) is subject to the provisions of § 39-17-1359, permitting a property owner to post notices on such property prohibiting firearms.

SECTION 9. Tennessee Code Annotated, Section 39-17-1352(a), is amended by deleting the word "or" at the end of subdivision (6); by deleting the period at the end of

subdivision (7) and substituting instead a semi-colon and the word "or"; and by adding the following language as a new subdivision to be designated as follows:

(8) Has been convicted of a violation of § 39-17-1305.

SECTION 10. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subsections (a) through (d) and substituting instead the following:

(a)

(1) Notwithstanding any law to the contrary, any law enforcement officer, judge, or district attorney general may carry firearms at all times and in all places within Tennessee, on-duty or off-duty, regardless of the above mentioned official's regular duty hours or assignments, except as provided by subsection (c), federal law, lawful orders of court or the written directives of the executive supervisor of the employing agency.

(2) Any judge or district attorney general wishing to have the authority to carry a handgun pursuant to this section shall obtain a handgun carry permit pursuant to § 39-17-1351 or shall successfully complete on an annual basis a firearm training program through a local police department or local sheriff's office of at least eight (8) hours duration.

(b) The authority conferred by this section is expressly intended to and shall supersede restrictions placed upon law enforcement officers', judges', or district attorneys' general authority to carry firearms by other sections within this part.

(c) The authority conferred by this section shall not extend to a law enforcement officer, judge, or district attorney general:

(1) Who carries a firearm onto school grounds or inside a school building during regular school hours unless the officer immediately informs the principal that the officer or judge will be present on school grounds or inside the school

building and in possession of a firearm. If the principal is unavailable, the notice may be given to an appropriate administrative staff person in the principal's office;

(2) Who is consuming beer or an alcoholic beverage or who is under the influence of beer, an alcoholic beverage, or a controlled substance; or

(3) Who is not engaged in the actual discharge of official duties as a law enforcement officer, judge, or district attorney general while attending a judicial proceeding.

(d) For purposes of this section:

(1) "District attorney general" means a person who has been elected or appointed to hold the office of district attorney general within a judicial district in this state or a person who is employed as an assistant district attorney general in the district attorney's general office;

(2) "Judge" means a person who has been elected or appointed to hold the position of judge in any federal trial or appellate court, state trial or appellate court, general sessions court, or juvenile court. "Judge" includes a person who, during the time of such designation, has been designated as a senior judge pursuant to title 17, chapter 2, part 3, but shall not include a person sitting as a substitute judge pursuant to § 16-15-209 or § 17-2-118; a pro tempore judge pursuant to § 17-2-118; a special judge pursuant to § 17-2-116 or § 17-2-122; or a person who has been elected or appointed to hold the position of judge in any municipal court; and

(3) "Law enforcement officer" means a person who is a full-time employee of the state in a position authorized by the laws of this state to carry a firearm and to make arrests for violations of some or all of the laws of this state,

or a full-time police officer who has been certified by the peace officer standards and training commission, or a vested correctional officer employed by the department of correction.

SECTION 11. Tennessee Code Annotated, Section 39-17-1350, is amended by adding the following language as a new subsection:

(g) Except as provided in subdivision (c)(2), any law enforcement officer, judge, or district attorney general, on-duty or off-duty, may carry firearms within the confines of an establishment where beer or alcoholic beverages are sold for consumption on-the-premises.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.