

SENATE BILL 2992

By Faulk

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 50, relative to employment
practices.

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

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by
adding the following as a new section thereto:

50-1-311.

(a) As used in this section:

(1) "Firearm" means any weapon designed, made or adapted to
expel a projectile by the action of an explosive or any device readily
convertible to that use;

(2) "Political subdivision" means a county, city, town, school
district, special school district, school corporation, library, fire protection
district, public transportation corporation, local hospital authority or
corporation, local airport authority, special service district, special taxing
district, or other separate local governmental entity that may sue and be
sued;

(3) "Private employer" means:

- (A) An individual;
- (B) A partnership;
- (C) A firm;
- (D) An association;
- (E) A corporation; or

(F) A nonprofit organization that employs or offers to employ one (1) or more individuals in Tennessee;

(4) "Public employer" means:

(A) The state; or

(B) A political subdivision, including, but not limited to, a department, agency, board, commission, institution, authority, or instrumentality of the state or a political subdivision; and

(5) "Public official" means an elected or appointed official in the executive, legislative, or judicial branch of the state or a political subdivision, as well as an individual acting on behalf of a public employer, whether a temporary or permanent position, including but not limited to, members of boards, committees, commissions, authorities, and other instrumentalities of the state or a political subdivision.

(b) A public or private employer doing business in this state may not:

(1) Require an applicant for employment or an employee to disclose information about whether the applicant or employee owns, possesses, uses, or transports a firearm or ammunition, unless the disclosure concerns the possession, use, or transportation of a firearm or ammunition that is used in fulfilling the duties of the employment of the individual; or

(2) Condition employment, or any rights, benefits, privileges, or opportunities offered by the employment, upon an agreement that the applicant for employment or the employee forego the:

(A) Rights of the applicant or employee under this section;

or

(B) Otherwise lawful ownership, possession, storage, transportation, or use of a firearm or ammunition.

(c) An individual aggrieved by what the individual believes is a violation of subsection (b) may bring a civil action in the circuit court against a public or private employer or a public official that is alleged to have violated subsection (b).

(d) If a person is found by a court in an action brought under subsection (c) to have violated subsection (b), the court may do the following:

(1) Award:

(A) Actual damages;

(B) Court costs and attorney's fees; and

(C) In the case of a knowing and willful violation, exemplary or punitive damages; to the prevailing plaintiff; and

(2) Enjoin further violations of this chapter.

(e) Immunity under § 29-20-201 does not apply whenever:

(1) A public employer or public official is sued for civil damages;

and

(2) The civil action arises out of a violation of subsection (b).

(f) Notwithstanding subsection (b), this section does not prohibit a public or private employer from:

(1) Regulating or prohibiting the possession or carrying of a firearm by an employee during and in the course of the duties of the employee on behalf of the employer or while on the property of the employer; or

(2) Enforcing a regulation or prohibition adopted under subdivision (f)(1); provided, however, a regulation or prohibition adopted

under subdivision (f)(1) shall not apply to a firearm stored in a locked vehicle that does not belong to the employer in a manner that the firearm is not visible from outside the vehicle or transported in accordance with § 39-17-1307(e).

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.