

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 545 - SB 1401

March 18, 2019

SUMMARY OF ORIGINAL BILL: Extends, from 21 to 30 days, the time period after an order of protection has been granted, in which a person may apply for a temporary handgun carry permit from the Department of Safety (DOS).

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006082): Deletes all language after the enacting clause. Specifies that a person is not in violation of the offense of possessing a weapon in a private building or on a private property that is properly posted to prohibit weapons, if that person:

- Is a handgun carry permit holder;
- Enters a place of business that is not located within a private residence, is generally open to the public at large, and is properly posted;
- Enters the building or property with the reasonable belief that the person is entitled to possess a firearm in that building or on that property; and
- Immediately leaves upon becoming aware of the posting.

Specifies that the above exceptions do not apply to an employee who is prohibited from possessing firearms on the employer's premises during work hours as a condition of employment.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-17-1359, it is a Class B misdemeanor, punishable only by a fine of \$500, to possess a weapon in a building or on a property that is properly posted to prohibit weapons.
- According to information provided by the Administrative Office of the Courts, there have been zero convictions under this statute in the past five years.
- Clarifying that a person is not in violation of such an offense, if that person is a handgun carry permit holder, enters a place of business that is not located within a private

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residence, is generally open to the public at large, is properly posted, and enters with the reasonable belief that they are entitled to possess a firearm in that private building or on that private property, and immediately leaves upon becoming aware of the posting will not result in a significant fiscal impact to state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jmg