House Civil Justice Subcommittee Am. #1

Amendment No. _____

Lowell Russell

Signature of Sponsor

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

AMEND Senate Bill No. 1503 House Bill No. 1005*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsection (a).

SECTION 2. Tennessee Code Annotated, Section 39-17-1307(b)(1), is amended by deleting "unlawfully".

SECTION 3. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsection (e).

SECTION 4. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsection (g).

SECTION 5. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting the section.

SECTION 6. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting "lawfully carries a handgun pursuant to § 39-17-1307(g)" and substituting "is not prohibited from possessing or carrying a firearm".

SECTION 7. Tennessee Code Annotated, Section 39-17-1364, is amended by deleting "§ 39-17-1307, or".

SECTION 8. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm" and by deleting the language "handguns" wherever it appears and substituting instead the language "firearms".

SECTION 9. Tennessee Code Annotated, Section 39-17-1351(r)(1), is amended by deleting the subdivision and substituting instead:

(1) A facially valid handgun permit, firearms permit, weapons permit, or license issued by another state shall be valid in this state according to its terms and shall be treated as if it is a firearm carry permit issued by this state.

SECTION 10. Tennessee Code Annotated, Section 39-17-1365, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 11. Tennessee Code Annotated, Section 39-17-1366, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm" and by deleting the language "handguns" wherever it appears and substituting instead the language "firearms".

SECTION 12. Tennessee Code Annotated, Section 10-7-504(a)(2)(A), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit" and by deleting the language "handgun carry permits" and substituting instead the language "firearm carry permits".

SECTION 13. Tennessee Code Annotated, Section 10-7-504(o), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit" and by deleting the language "handgun permit holder" and substituting instead the language "firearm carry permit holder".

SECTION 14. Tennessee Code Annotated, Section 33-6-413(b), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 15. Tennessee Code Annotated, Section 36-3-626, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm" and by deleting the language "as defined in § 39-17-1319" and substituting "as defined in § 39-11-106".

SECTION 16. Tennessee Code Annotated, Section 38-3-122(c), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 17. Tennessee Code Annotated, Section 38-6-105, is amended by deleting the language "handgun permit" and substituting instead the language "firearm carry permit".

SECTION 18. Tennessee Code Annotated, Section 38-8-116, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 19. Tennessee Code Annotated, Section 39-16-702(b), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 20. Tennessee Code Annotated, Section 39-17-1309(e)(8)(B), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 21. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 22. Tennessee Code Annotated, Section 39-17-1321(c)(2), is amended by deleting the language "handgun permit" and substituting instead the language "firearm carry permit".

SECTION 23. Tennessee Code Annotated, Section 39-17-1350(g), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 24. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 25. Tennessee Code Annotated, Section 39-17-1359(g)(1), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 26. Tennessee Code Annotated, Section 40-32-101, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 27. Tennessee Code Annotated, Section 40-32-105(i)(5), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 28. Tennessee Code Annotated, Section 49-6-816, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 29. Tennessee Code Annotated, Section 49-7-161(b)(2), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 30. Tennessee Code Annotated, Section 49-50-803(b)(2), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 31. Tennessee Code Annotated, Section 50-3-201(d), is amended by deleting the language "handgun permits to carry a handgun" and substituting instead the language "firearm carry permits to carry a firearm".

SECTION 32. Tennessee Code Annotated, Section 50-1-312(a)(1), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 33. Tennessee Code Annotated, Section 70-2-104(g)(3)(B), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 34. Tennessee Code Annotated, Section 70-4-117(d), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 35. Tennessee Code Annotated, Section 70-5-101(c), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 36. Tennessee Code Annotated, Section 8-21-401(f)(1), is amended by deleting the language "handgun permits" and substituting instead the language "firearm carry permits".

SECTION 37. Tennessee Code Annotated, Section 39-17-1351(b), is amended by deleting the subsection and substituting instead:

(b) Except as provided in subsection (r), a resident of Tennessee who is a United States citizen or lawful permanent resident, as defined by § 55-50-102, may apply to the department of safety for an enhanced firearm carry permit. If the applicant is at least eighteen (18) years of age and 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, then the department shall issue a permit to the applicant.

SECTION 38. Tennessee Code Annotated, Section 39-17-1351(x)(1), is amended by deleting the language "twenty-one (21) years of age" and substituting instead the language "eighteen (18) years of age".

SECTION 39. Tennessee Code Annotated, Section 39-17-1325, is amended by adding the following as a new subsection:

(c) A person or entity who is authorized to prohibit the possession of firearms on the person's or entity's property pursuant to § 39-17-1359 and who elects, pursuant to that authority, to prohibit the possession of firearms by a person lawfully carrying a firearm is not immune from civil liability with respect to a claim based on the person's or

entity's adoption of a policy that prohibits weapons on the property by posting pursuant to § 39-17-1359.

SECTION 40. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following as a new subsection:

( )

(1) It is an offense for a minor to carry, with the intent to go armed, a firearm.

(2)

(A) A violation of subdivision ( )(1) is a delinquent act and, in addition to any other disposition authorized by law, the juvenile may be required to perform not more than one hundred (100) hours of community service work to be specified by the judge, and the juvenile's driving privileges shall be suspended for a period of one (1) year in accordance with the procedure set out in title 55, chapter 10, part 7.

(B) A second or subsequent violation of subdivision ( )(1) is a delinquent act and, in addition to any other disposition authorized by law, the juvenile may be required to perform not less than one hundred (100) nor more than two hundred (200) hours of community service work to be specified by the judge, and the juvenile's driving privileges shall be suspended for a period of two (2) years in accordance with the procedure set out in title 55, chapter 10, part 7.

(3) A firearm carried with the intent to go armed in violation of this subsection ( ) must be confiscated and disposed of in accordance with § 39-17-1317.

(4) It is an exception to the application of subdivision ( )(1) if the juvenile is:

(A) In attendance at a hunter safety course or a firearm safety course;

(B) Engaging in practice in the use of a firearm or target shooting at an established range or club authorized by the governing body of the jurisdiction in which the range or club is located or any other area where the discharge of a firearm is not prohibited;

(C) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group which is exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)), as amended, and which uses firearms as part of the performance;

(D) Hunting or trapping pursuant to a valid license issued to the juvenile pursuant to title 70;

(E) Engaging in the lawful protection of livestock from predatory animals;

(F) Accompanied by the juvenile's parent or guardian and is being instructed by the adult or guardian in the use of the firearm carried by the juvenile;

(G) On real property which is under the control of an adult and has the permission of that adult and the juvenile's parent or legal guardian to carry, with the intent to go armed, a firearm;

(H) Traveling to or from an activity described in this subdivision ( )(4) with an unloaded firearm; or

(I) At the juvenile's residence and, with permission of the juvenile's parent or legal guardian, is justified in using physical force or deadly force.

(5) As used in this subsection ( ):

(A) "Juvenile" means a person less than eighteen (18) years of age; and

(B) "Unloaded" means:

(i) The firearm does not have ammunition in the chamber, cylinder, clip, or magazine; and

(ii) The firearm, and the ammunition for the firearm, are not carried on the person of a juvenile or are not in such close proximity to the juvenile that the juvenile could readily gain access to the firearm and the ammunition and load the firearm.

SECTION 41. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 42. This act takes effect July 1, 2023, the public welfare requiring it.

House Civil Justice Subcommittee Am. #1

Amendment No._____

Signature of Sponsor

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Date _____
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AMEND Senate Bill No. 1121 **House Bill No. 578***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subsection (p) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 39-17-1351(x)(2), is amended by deleting the first sentence and substituting:

> The department shall charge an application and processing fee for a lifetime enhanced handgun carry permit of two hundred dollars ($200). A permit holder who is applying for the renewal of an enhanced handgun carry permit under subsection (q) may instead obtain a lifetime enhanced handgun carry permit by submitting to the department a fee of two hundred dollars ($200).

SECTION 3. This act takes effect January 1, 2024, the public welfare requiring it. This act is repealed January 1, 2027, the public welfare requiring it.

House Civil Justice Subcommittee Am. #1

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Amendment No._____

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Signature of Sponsor

AMEND House Joint Resolution No. 38*

by deleting the following language from the first resolving clause:

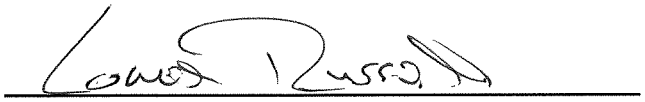
That the citizens of this State have a right to keep and to bear arms for their defense.

and substituting instead the following:

That the citizens of this State have a right to keep, bear, and wear arms.

House Civil Justice Subcommittee Am. #1

Amendment No._____



Signature of Sponsor

FILED
Date _____
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Clerk _____
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AMEND Senate Bill No. 822* **House Bill No. 1189**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 29, is amended by adding the following as a new chapter:

29-42-101.

As used in this chapter:

(1) "Ammunition" means an ammunition or cartridge case, primer, bullet, or propellant powder designed for use in a firearm;

(2) "Dealer" means a person who is licensed to engage in business as a dealer in this state in accordance with 18 U.S.C. § 923;

(3) "Defective condition" means a condition:

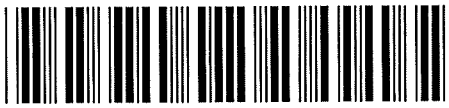
(A) Of a product that renders it unsafe or unreliable for normal or foreseeable handling; and

(B) That is the result of the dealer, manufacturer, or seller's negligent deviation from the qualified product design or quality;

(4) "Engaged in the business" has the same meaning as defined under 18 U.S.C. § 921(a)(21), and, as applied to a seller of ammunition, means a person who devotes time, attention, and labor to the sale of ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of ammunition;

(5) "Firearm" has the same meaning as defined under § 39-11-106;

(6) "Manufacturer" means a person who is:



(A) Engaged in the business of manufacturing a qualified product in intrastate commerce;

(B) Licensed to engage in business as a manufacturer in accordance with 18 U.S.C. § 923; and

(C)

(i) Incorporated in this state; or

(ii) Headquartered in this state;

(7) "Negligent entrustment" means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others;

(8) "Person" means an individual, corporation, company, association, firm, partnership, society, joint stock company, governmental entity, or other entity;

(9) "Qualified civil liability action" means a civil action or proceeding or an administrative proceeding brought by a person against a manufacturer or seller of a qualified product for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, penalties, or other relief, resulting from the criminal or unlawful misuse of a qualified product by a person;

(10) "Qualified product" means:

(A) A firearm;

(B) Ammunition; or

(C) A component part of a firearm or ammunition; and

(11) "Seller" means a person engaged in the business of selling a qualified product at wholesale or retail in this state.

29-42-102.

A person shall not bring a qualified civil liability action in a court in this state against a dealer, manufacturer, or seller of a qualified product, except under the following circumstances:

(1) The dealer, manufacturer, or seller was involved directly in the crime giving rise to the action;

(2) An action brought against a transferor convicted under 18 U.S.C. § 924(h), by a party directly harmed by the conduct of which the transferor is so convicted;

(3) An action brought against a seller for negligent entrustment or negligence per se;

(4) An action in which a manufacturer or licensed seller or transferor of a qualified product knowingly violated a state or federal statute applicable to the sale or marketing of the product, and the violation was the sole proximate cause of the harm for which relief is sought, including a case in which the manufacturer or licensed seller or transferor knowingly made a false entry in, or intentionally failed to make appropriate entry in, any record required to be kept under federal or state law with respect to the qualified product, or aided, abetted, or conspired with a person in making a false or fictitious oral or written statement with respect to a fact material to the lawfulness of the sale or other disposition of a qualified product;

(5) An action for breach of contract or warranty in connection with the purchase of the product; or

(6) An action for death, physical injuries, or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense,

then such act is considered the sole proximate cause of any resulting death, personal injuries, or property damage.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.