

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2809 - SB 2797

February 24, 2024

SUMMARY OF BILL: Expands the definition of a law enforcement officer for the purposes of lawful carrying of a firearm to include a retired law enforcement officer who is carrying pursuant to other state laws.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tennessee Code Annotated § 39-17-1350 establishes when, where, and under what circumstances a law enforcement officer may lawfully carry a firearm.
- Pursuant to Tenn. Code Ann. §§ 39-17-1350(a)-(b):
 - (a) Any law enforcement officer may carry firearms at all times and in all places within Tennessee, on-duty or off-duty, regardless of the officer's regular duty hours or assignments, with some exceptions.
 - (b) The authority conferred by this section is expressly intended to and shall supersede restrictions placed upon law enforcement officers' authority to carry firearms by other sections within this part.
- The section proceeds to establish some exceptions to these provisions, but the authority of law enforcement officers, as defined in the section, to carry a firearm in public or private is broad.
- The section also proceeds to establish who is considered a law enforcement officer for these purposes.
- The proposed legislation adds a retired law enforcement officer who is carrying pursuant to Tenn. Code Ann. §§ 38-8-116 and 39-17-1315.
- Pursuant to Tenn. Code Ann. § 38-8-116(b), a law enforcement officer acting as an individual and not as an employee, agent or on behalf of any governmental entity who has retired in good standing, as determined solely by the chief law enforcement officer of the retired officer's law enforcement agency, may utilize any one of three stipulated methods to meet the annual requirements to carry a firearm that has been shipped or transported in interstate or foreign commerce in the same manner and to the same extent as authorized for an active law enforcement officer to carry a firearm of the same type.
- Pursuant to Tenn. Code Ann. § 39-17-1315(a)(1)(A), a retired law enforcement officer who is bonded may carry handguns at all times pursuant to a written directive by the

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executive supervisor of the organization to which the person is or was attached or employed, regardless of the person's regular duty hours or assignments.

- Because retired law enforcement officers in good standing already maintain broad authority to carry firearms under these sections of code and because the proposed legislation requires the retired officer to be carrying pursuant to these existing sections, the proposed legislation is not estimated to represent a significant expansion of the current status quo.
- As such, the legislation is not assumed to serve as a sufficient incentive to significantly increase the number of retired law enforcement officers that may seek to carry firearms pursuant to the relevant existing statutes.
- Any fiscal impacts related to any training, authorizations, background checks, or other requirements contained in those sections relevant to retired officers carrying are estimated to be not significant.
- Further, passage of this legislation is not estimated to significantly impact the issuance of handgun carry permits; therefore, there will not be a significant impact to revenue or expenditures of state, local, or federal government.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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