

HOUSE BILL 888

By Todd

AN ACT to amend Tennessee Code Annotated, Title 38,
Chapter 8, Part 1, relative to retired law
enforcement officers.

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

SECTION 1. Tennessee Code Annotated, Section 38-8-116(d), is amended by deleting the current language in its entirety and substituting instead the following:

(d)

(1) A retired officer may bring the identification or certificate issued pursuant to subdivision (b)(3) to the Tennessee POST commission. The commission shall issue the officer a certification that the officer has met the standards established by the Tennessee POST commission for qualification for active law enforcement officers to carry a firearm of the same type if:

(A) The certificate was issued by an instructor who is on the POST commission's approved list; and

(B) The commission determines, in the manner prescribed in § 38-8-123, that the applicant is eligible to carry a firearm under federal law.

(2) A certificate so issued by the Tennessee POST commission shall be considered a certification issued by the state for purposes of 18 U.S.C. § 926C(d)(2)(B).

(3) A certificate issued to a retired officer pursuant to this subsection (d) shall be automatically revoked by operation of law upon the officer becoming ineligible to carry a firearm under federal law.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following language as a new section:

38-8-123.

(a) The Tennessee POST commission shall determine a retired officer's eligibility to carry a firearm under federal law as provided in this section.

(b)

(1) In addition to the identification or certificate required by § 38-8-116(d)(1), the applicant shall be required to submit an application and two (2) full sets of classifiable fingerprints to the Tennessee POST commission. The applicant shall present photo identification at the time the application is submitted to the Tennessee POST commission. The commission shall not accept the application and fingerprints submitted by the applicant unless the photo identification presented accurately identifies the applicant and the name on the photo identification, the name on the application, and, if the applicant's fingerprints were taken by a sheriff as provided in subdivision (b)(2), the name on the fingerprint card, are the same.

(2) The applicant's fingerprints may be taken by the Tennessee POST commission at the time the application is submitted or the applicant may have the fingerprints taken at any sheriff's office. If the applicant's fingerprints are taken by a sheriff, then the applicant shall be required to present photo identification at the time the fingerprints are taken. If the presented photo identification does not accurately identify the applicant, then the sheriff shall refuse to take the applicant's fingerprints. The sheriff may charge a fee not to exceed five dollars (\$5.00) for taking the applicant's fingerprints.

(c)

(1) Upon receipt of an applicant's permit application and fingerprints, the Tennessee POST commission shall forward both sets of fingerprints to the Tennessee bureau of investigation.

(2) Upon receipt of the fingerprints from the Tennessee POST commission, the Tennessee bureau of investigation shall:

(A) Within thirty (30) days from receipt of the fingerprints conduct:

(i) Any computer search available to the bureau based solely upon the applicant's name, date of birth and social security number to determine the applicant's eligibility for a permit under subsection (a) and send the results of the searches to the Tennessee POST commission;

(ii) A criminal history record check based upon one (1) set of the fingerprints received and send the results to the Tennessee POST commission; and

(B) Within fifteen (15) days, send one (1) set of the fingerprints received to the federal bureau of investigation. The Tennessee bureau of investigation shall request that the federal bureau conduct a federal criminal history record check based upon the fingerprints, as long as the service is available, and send the results of the check to the Tennessee POST commission.

(d)

(1) The Tennessee POST commission shall deny a permit application if it determines from information contained in the criminal history record checks conducted by the Tennessee and federal bureaus of investigation pursuant to subdivision (c)(2), or from other information that comes to the attention of the

Tennessee POST commission, that the applicant is not eligible to carry a firearm under federal law. The Tennessee POST commission shall not be required to confirm the applicant's eligibility for certification beyond the information received from the Tennessee and federal bureaus of investigation, if any.

(2) If the Tennessee POST commission denies an application, then the Tennessee POST commission shall notify the applicant in writing within ten (10) days of the denial. The written notice shall state the specific factual basis for the denial. It shall include a copy of any reports, records or inquiries reviewed or relied upon by the Tennessee POST commission.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.