

HOUSE BILL 2116

By Bell

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to handgun carry permits and the possession of handguns.

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

SECTION 1. This act shall be known and may be cited as the "Tennessee Firearms Owners Relief Act of 2009".

SECTION 2. The general assembly finds that there have been more than three hundred thousand (300,000) civilian handgun permits issued in this state by the state since 1996 and that the individuals obtaining these permits have demonstrated an extraordinary history of compliance with the laws of this state as a group and that existing restrictions on the rights of these individuals should be repealed under the provisions of Article 1, Section 26 of the Tennessee Constitution.

SECTION 3. Tennessee Code Annotated, Section 39-17-1305(c), is amended by adding the following language as a new, appropriately designated subdivision:

(3)

(A) Authorized to carry a firearm pursuant to § 39-17-1351;

(B) Is not consuming liquor, wine, beer, or other alcoholic beverages; and

(C) Is not otherwise prohibited by the posting provisions of § 39-17-1359.

SECTION 4. Tennessee Code Annotated, Section 39-17-1311(b)(1), is amended by adding the following as a new, appropriately designated subdivision:

(l)

(i) Persons possessing a firearm while within the boundaries of any park, wildlife management area, nature trail, camp grounds, forest, waterway or other similar public place that is located in this state that is owned or operated by any municipal, county or state government, or instrumentality thereof, if such person is authorized to carry a firearm pursuant to § 39-17-1351;

(ii) To the extent permitted by federal law, regulation or rule, persons possessing a firearm while within the boundaries of any park, forest, management area, camp grounds, waterway or other property located in this state that is owned or operated by the federal government, or any instrumentality thereof, if such person is authorized to carry a firearm pursuant to § 39-17-1351;

SECTION 5. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following language as a new, appropriately designated subsection:

(e) Nothing in this section shall be construed to prohibit any person from possessing a firearm while within the boundaries of any park, wildlife management area, nature trail, camp grounds, forest, waterway or other similar public place in this state if the person is authorized to carry a firearm pursuant to § 39-17-1351. Notwithstanding any law to the contrary, neither the department of environment and conservation nor any other entity of state or local government shall prohibit any person from possessing a firearm while within the boundaries of any park, wildlife management area, nature trail, camp grounds, forest, waterway or other similar public place in this state, if such person is authorized to carry a firearm pursuant to § 39-17-1351.

SECTION 6. Tennessee Code Annotated, Section 39-17-1351, is amended by adding the following new subsections:

(w) Except as otherwise provided in this section, the following information and records are confidential, not available for public inspection and may not be publicly published in any manner:

(1) All information contained in any application for a permit or renewal application, and in any materials required for a permit;

(2) All information provided to any state or federal agency, to any county, municipality, or other political subdivision, to any official, agent, or employee of any state or federal agency, or obtained by any state or federal agency in the course of its investigation of an applicant; and

(3) Any and all records maintained relative to any application for a permit or renewal application, or the issuance, renewal, expiration, suspension, or revocation of a permit, or the result of any criminal history record check conducted under this section.

(x) Any information or other records regarding an applicant or permit holder may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution, or for determining the validity of a permit, but shall not be publicly disclosed, other than by the applicant or permit holder, except as evidence in a criminal proceeding.

(y)

(1) Except as provided for in subsection (x), it is an offense for a person, other than the applicant or permit holder, to knowingly publicly publish in any form any information or records described in subsection (w) or information concerning the validity of any permit.

(2) A violation of this subsection (y) is a Class A misdemeanor punishable by fine only.

(3) A violation of this subsection (y) may also be enjoined by civil action in which case the court shall award reasonable attorney's fees to the party obtaining any such injunction and shall further award statutory damages at the rate of two hundred fifty dollars (\$250) per day for the violation. Such statutory

damages shall not preclude an award of actual or compensatory damages
otherwise established.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring
it.