

SENATE BILL 738

By Tate

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to criminal activity involving
children.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by
adding the following language as a new section:

39-17-1325.

(a) As used in this section, unless the context otherwise requires:

(1) "Actor" means a person accused of any of the offenses defined in this
section;

(2) "Family member" means an individual's parent, grandparent, sibling,
child, spouse, spouse's parent, spouse's grandparent, spouse's sibling, or
spouse's child;

(3) "Readily dischargeable firearm" means a firearm that is loaded with
ammunition, whether or not a round is in the chamber; and

(4) "Secure" means to take steps that a reasonable person would take to
prevent the access to a readily dischargeable firearm by a minor, including, but
not limited ,to placing a firearm in a locked container or temporarily rendering the
firearm inoperable by a trigger lock or other means.

(b) A person commits an offense if a minor gains access to a readily
dischargeable firearm and the person, with criminal negligence:

(1) Failed to secure the firearm; or

(2) Left the firearm in a place to which the person knew or should have
known the minor would gain access.

(c) It is an affirmative defense to prosecution under this section that the minor's access to the firearm:

- (1) Was supervised by a person eighteen (18) years of age or older and was for hunting, sporting, or other lawful purposes;
- (2) Consisted of lawful defense by the minor of people or property;
- (3) Was gained by entering property in violation of this code; or
- (4) Occurred during a time when the actor was engaged in an agricultural enterprise.

(d) Except as provided by subsection (e), an offense under this section is a Class C misdemeanor.

(e) An offense under this section is a Class A misdemeanor if the minor discharges the firearm and causes death or serious bodily injury to the minor or another person.

(f) A law enforcement officer or other person may not arrest the actor before the seventh day after the date on which the offense is committed if:

- (1) The actor is a family member of the minor who discharged the firearm; and
- (2) The minor in discharging the firearm caused the death of or serious injury to the minor.

(g) A dealer of firearms shall post in a conspicuous position on the premises where the dealer conducts business a sign that contains the following warning in block letters not less than one inch (1") in height:

IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON AN UNSECURED FIREARM IN A PLACE WHERE MINOR CHILDREN ARE LIKELY TO BE AND CAN OBTAIN ACCESS TO THE FIREARM.

(h) Nothing in this section shall be construed to prohibit prosecution under any other law.

SECTION 2. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting subdivision (a)(6) and substituting the following:

(6) Has violated any other provision of §§ 39-17-1351 — 39-17-1360 or § 39-17-1325;

SECTION 3. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following language as a new, appropriately designated subdivision:

() The defendant is an adult who committed the offense while knowingly accompanied by a child under the age of thirteen (13).

SECTION 4. This act shall take effect July 1, 2013, the public welfare requiring it.