

SENATE BILL 1129

By Norris

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 13 and Title 70, relative to
firearms.

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

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

(l)

(i) Any person possessing a firearm while within the boundaries of any park 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, any person possessing a firearm while within the boundaries of any park 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 2. 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 public park in this state if the person is authorized to carry a firearm pursuant to § 39-17-1351.

SECTION 3. 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 public park in this state, if such person is authorized to carry a firearm pursuant to § 39-17-1351.

SECTION 4. Tennessee Code Annotated, Section 39-17-1315, is amended by adding a new subsection (c):

(c) Any person who has a valid handgun carry permit issued pursuant to § 39-17-1351 is authorized to carry handguns at all times upon the premises of a public postsecondary institution in this state.

SECTION 5. Tennessee Code Annotated, Section 39-17-1309(e), is amended by adding a new subdivision thereto, as follows:

() Any person upon the premises of a public postsecondary institution in this state who meets the requirements of § 39-17-1315(c);

SECTION 6. 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 under § 39-17-1351 who is not consuming beer, wine or any alcoholic beverage, and is within the confines of a establishment that is open to the public, serves alcoholic beverages, wine or beer, and is not an age-restricted venue as defined in § 39-17-1802.

(B) This subdivision (c)(3) is subject to § 39-17-1359, permitting a property owner to post notices on such property prohibiting firearms.

SECTION 7. Tennessee Code Annotated, Section 39-17-1352(a), is amended by deleting the word "or" at the end of subdivision (6); by deleting the period at the end of subdivision (7) and substituting instead a semi-colon and the word "or"; and by adding the following language as a new subdivision to be designated as follows:

(8) Has been convicted of a violation of § 39-17-1305.

SECTION 8. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subsections (a) through (d) and substituting instead the following:

(a)

(1) Notwithstanding any law to the contrary, any law enforcement officer or judge may carry firearms at all times and in all places within Tennessee, on-duty or off-duty, regardless of the officer's or judge's regular duty hours or assignments, except as provided by subsection (c), federal law, lawful orders of court or the written directives of the executive supervisor of the employing agency.

(2) Any judge wishing to have the authority to carry a handgun pursuant to this section shall obtain a handgun carry permit pursuant to § 39-17-1351 or shall successfully complete on an annual basis a peace officer standards and training commission firearms qualification requirement of at least eight (8) hours duration.

(b) The authority conferred by this section is expressly intended to and shall supersede restrictions placed upon law enforcement officers' or judges' authority to carry firearms by other sections within this part.

(c) The authority conferred by this section shall not extend to a law enforcement officer or judge:

(1) Who is consuming beer or an alcoholic beverage or who is under the influence of beer, an alcoholic beverage, or a controlled substance; or

(2) In a courthouse who is not engaged in the actual discharge of official duties as a law enforcement officer or judge.

(d) For purposes of this section:

(1) "Judge" means a person who has been elected or appointed to hold the position of judge in any federal trial or appellate court, state trial or appellate court, general sessions court, juvenile court or municipal court. "Judge" includes a person who, during the time of such designation, has been designated as a senior judge pursuant to title 17, chapter 2, part 3, but shall not include a person sitting as a substitute judge pursuant to § 16-15-209 or § 17-2-118, a pro tempore judge pursuant to § 17-2-118, or a special judge pursuant to § 17-2-116 or § 17-2-122; and

(2) "Law enforcement officer" means a person who is a full-time employee of the state in a position authorized by the laws of this state to carry a firearm and to make arrests for violations of some or all of the laws of this state, or a full-time police officer who has been certified by the peace officer standards and training commission, or a vested correctional officer employed by the department of correction.

SECTION 9. Tennessee Code Annotated, Section 39-17-1350, is amended by adding the following language as a new subsection:

(g) Except as provided in subdivision (c)(2), any law enforcement officer or judge, on-duty or off-duty, may carry firearms within the confines of an establishment where beer or alcoholic beverages are sold for consumption on-the-premises.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.