

SENATE BILL 2698

By Bowling

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

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1325, is amended by deleting the section and substituting:

(a)

(1) It is the intent of this section to balance the right of a person to carry a firearm in order to exercise the right of self-defense and the ability of a property owner or entity in charge of the property to exercise control over governmental or private property.

(2) A person or entity that is authorized to prohibit the possession of firearms on the person's or entity's property pursuant to § 39-17-1359 and who elects, pursuant to that authority, to prohibit the possession of firearms by a person authorized to carry a firearm, including, but not limited to, a handgun, pursuant to this part, thereby assumes absolute custodial responsibility for the safety and defense of the person while on the posted property and while on any property the person is required to traverse in order to travel to and from the location where the person's firearm is stored.

(3) The responsibility of the posting person or entity for the safety and defense of the person authorized to carry a firearm pursuant to this part extends to the conduct of other invitees, trespassers, employees of the person or entity, vicious animals, wild animals, and defensible man-made and natural hazards.

(4)

(A) A person who is authorized to carry a firearm pursuant to this part who is injured, suffers bodily injury or death, incurs economic loss or expense, property damage, or any other compensable loss as the result of conduct occurring on property that is posted pursuant to § 39-17-1359, has a cause of action against the person or entity posting. In addition to damages, the person is entitled to reasonable attorney fees, expert witness costs, and other costs necessary to bring the cause of action.

(B) The statute of limitations for such an action is two (2) years from the date of the occurrence giving rise to the damages, loss, or injury.

(5) Any notice or signage that property is posted pursuant to § 39-17-1359 must also contain language citing this section and stating that any person on the posted property who is otherwise authorized to carry a firearm is under the custodial responsibility of the posting person or entity.

(6) To prevail in an action brought under this section, the plaintiff must show by a preponderance of the evidence that:

(A) The plaintiff was authorized to carry a firearm pursuant to this part at the time of the incident giving rise to the action;

(B) The plaintiff was prohibited from carrying a firearm on the property where the incident occurred because carrying a firearm was prohibited pursuant to § 39-17-1359; and

(C) Prohibition of carrying a firearm on the property was not required by state or federal law but was by choice of the defendant.

(7) This subsection (a) must be liberally construed to effectuate its purpose.

(b) A person, business, or other entity that owns, controls, or manages property and has the authority to prohibit weapons on that property by posting, pursuant to § 39-17-1359, is immune from civil liability with respect to a claim based on the person's, business's, or other entity's failure to adopt a policy that prohibits weapons on the property by posting pursuant to § 39-17-1359.

(c) Immunity under subsection (b) does not apply to a person, business, or other entity whose conduct or failure to act is the result of gross negligence or willful or wanton misconduct.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.