

HOUSE BILL 7098

By Kumar

AN ACT to amend Tennessee Code Annotated, Title 33 and 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, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

**39-17-1367.**

(a)

(1) In an effort to prevent violence, including suicide, due to firearms the department of safety shall establish the Tennessee voluntary do not sell firearms list to prohibit the possession, transportation, and sale of firearms to any person who is voluntarily admitted to a public or private hospital or treatment resource for diagnosis, observation, and treatment of a mental illness or serious emotional disturbance in accordance with title 33, chapter 6, part 2 and voluntarily registers to be enrolled to the list.

(2) The department shall create an enrollment form for the voluntary do not sell firearms list that includes:

(A) A space for the registering person to designate an individual as a guardian angel if the registering person wishes to do so. The guardian angel must be informed if the registering person revokes enrollment on the voluntary do not sell firearms list. The registering person is responsible for providing contact information for the guardian angel. Upon submitting an enrollment form designating a guardian angel,

the department shall notify the designated person of the effect of such designation and allow the designated person to consent or decline to be included as a guardian angel. The designated guardian angel has no obligation to or liability for failure to receive, or remain available to receive, or act upon the information received if the registering person revokes the enrollment on the voluntary do not sell firearms list;

(B) A list of the firearms owned by the registering person and the disposition of each firearm; and

(C) An attestation that the registering person does not currently possess or have access to any other firearms at the time of filing the enrollment form.

(3) The department shall offer to provide a person seeking to enroll with information on mental health resources available to the person.

(4) The department shall require the person to present a valid photo identification to verify the person's identity prior to accepting the enrollment form.

(b) The department shall maintain and update the voluntary do not sell firearms list, and the list must be used in accordance with § 39-17-1316 to advise a gun dealer if the department's records indicate a firearm buyer is prohibited from purchasing, possessing, or transporting a firearm.

(c) No sooner than fourteen (14) calendar days after enrolling onto the voluntary do not sell firearms list, a person may file a revocation of enrollment with the department. The filing of a revocation form allows the person executing the form to purchase or possess a firearm after the department has completed processing the form, unless the person is otherwise ineligible to purchase or possess a firearm under federal or state law. The department shall require a valid photo identification to verify the person's

identity prior to accepting the form. By the end of the seventh business day following the date on which the form was received, the department shall notify the person that the person's name has been removed from the voluntary do not sell firearms list, inform the person's guardian angel of the removal, if the person has designated a guardian angel, and destroy all records related to the person's enrollment on the voluntary do not sell firearms list. Within seven (7) days of receiving a revocation form, the department shall remove the person from the national instant criminal background check system and other federal or state computer-based systems used by law enforcement to identify prohibited purchasers of firearms in which the person's enrollment on the voluntary do not sell firearms list was entered, unless the person is otherwise ineligible to purchase or possess a firearm under federal or state law.

(d) A person who knowingly makes a false statement regarding the person's identity on an enrollment or revocation form for the voluntary do not sell firearms list commits the offense of perjury under § 39-16-702.

(e) The department may promulgate rules to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(f) Notwithstanding another law to the contrary, the department shall withhold from public disclosure all information regarding a request to be enrolled onto or removed from the voluntary do not sell firearms list and any other personal identifying information contained in or related to the list, except that such information may be disclosed to a law enforcement officer acting in the performance of official duties, to the applicant with respect to the applicant's own information, or in the course of criminal prosecution for a violation of subsection (h) or § 39-16-702. Records obtained and produced pursuant to this section are confidential and are not an open record pursuant to title 10, chapter 7.

(g) A form used to enroll onto or withdraw from the voluntary do not sell firearms list must not be considered by a court in a legal proceeding in which the person executing the form is a party, except that such a form may be used in a criminal prosecution for a violation of subsection (h).

(h) It is an offense for a person who is enrolled onto the voluntary do not sell firearms list to purchase, possess, or transport a firearm. A violation of this subsection (h) is a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 39-17-1316(a)(1), is amended by deleting the first sentence and substituting instead the following:

Any person appropriately licensed by the federal government may stock and sell firearms to persons desiring firearms; however, sales to persons who have been convicted of the offense of stalking, as prohibited by § 39-17-315; who are addicted to alcohol; who are ineligible to receive firearms under 18 U.S.C. § 922; who have been judicially committed to a mental institution pursuant to title 33 or adjudicated as a mental defective; or who are enrolled onto the voluntary do not sell firearms list pursuant to § 39-17-1367 are prohibited.

SECTION 3. For the purpose of implementation, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2024, the public welfare requiring it.