

HOUSE BILL 42

By Van Huss

AN ACT to amend Tennessee Code Annotated, Title 39  
and Title 40, relative to criminal law.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1307(a), is amended by deleting the subsection and substituting instead the following:

(1) A person commits an offense who carries with the intent to go armed:

(A) A firearm, other than a handgun, or a club; or

(B) A handgun without authorization under § 39-17-1315 or § 39-17-

1351.

(2)

(A) A first violation of subdivision (a)(1)(A) is a Class C misdemeanor and, in addition to possible imprisonment as provided by law, is punishable by a fine not to exceed five hundred dollars (\$500).

(B) A second or subsequent violation of (a)(1)(A) is a Class B misdemeanor.

(C) A violation of subdivision (a)(1)(A) is a Class A misdemeanor if the person's carrying of a firearm other than a handgun occurred at a place open to the public where one (1) or more persons were present.

(3)

(A) A first violation of subdivision (a)(1)(B) is a Class C misdemeanor, punishable only by a fine of two hundred fifty dollars (\$250).

(B)

(i) Except as provided in subdivision (a)(3)(B)(ii), a second or subsequent violation of subdivision (a)(1)(B) is a Class B misdemeanor.

(ii) A second or subsequent violation of subdivision (a)(1)(B), when the current violation involves the person's carrying of a handgun at a place open to the public where one (1) or more persons were present, is a Class A misdemeanor.

(C) Upon a first violation of subdivision (a)(1)(B), the person shall be issued a citation in lieu of arrest in accordance with § 40-7-118(b)(3), unless the issuance of a citation is prohibited by § 40-7-118(c)(1) or (c)(3)-(9), and a law enforcement officer shall not confiscate the person's handgun solely for a violation of subdivision (a)(1)(B).

SECTION 2. Tennessee Code Annotated, Section 40-7-118(b)(3), is amended by adding the following as a new subdivision:

The offense of carrying a handgun without authorization, in violation of § 39-17-1307(a)(1)(B);

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.