

HOUSE BILL 645

By Van Huss

AN ACT to amend Tennessee Code Annotated, Section 39-17-1307 and Section 40-7-118, relative to carrying a firearm.

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)

(i) 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).

(ii)

(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) Upon a first violation of subdivision (a)(1)(B), the procedures contained in this subdivision (a)(2)(A)(ii)(b) apply. 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). A law enforcement officer may confiscate the person's ammunition, but, if the person's motor vehicle is within the immediate eyesight of the officer and the person and motor vehicle meet with requirements found in subsection (e), the officer must instruct the person to place the ammunition in the person's motor vehicle and the officer shall verify the person's compliance. If the person refuses to place the ammunition in the person's motor vehicle, the person's motor vehicle is not within the immediate eyesight of the officer, or the person and motor vehicle do not meet the requirements of subsection (e), the officer shall treat the ammunition in the same manner as other confiscated property.

(B) Except as provided in (a)(2)(C), a second or subsequent violation of subdivision (a)(1)(A) or (B) is a Class B misdemeanor.

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

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.