

SENATE BILL 2788

By Pody

AN ACT to amend Tennessee Code Annotated, Title 38;
Title 39, Chapter 17, Part 13 and Title 49, relative
to firearms.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1309(e)(1), is amended by designating the current language as subdivision (e)(1)(A) and adding the following subdivision (e)(1)(B):

(B) Active duty and retired members of the armed forces of the United States possessing or carrying a handgun in any public pre-kindergarten through grade twelve (pre-K-12) school building or bus, on any public pre-kindergarten through grade twelve (pre-K-12) school campus, grounds, recreation area, athletic field, or any other property owned, operated, or while in use by any public board of education or pre-kindergarten through grade twelve (pre-K-12) school, unless the person is otherwise prohibited from possessing or carrying a handgun by state or federal law;

SECTION 2. Tennessee Code Annotated, Section 39-17-1309(e)(4), is amended by designating the current language as subdivision (e)(4)(A) and adding the following subdivision (e)(4)(B):

(B) Officers of the state, or of any county, city, or town, charged with the enforcement of the laws of this state, whether on-duty or off-duty, possessing or carrying a handgun, or retired law enforcement officers possessing or carrying a handgun who are authorized to carry the handgun pursuant to §§ 38-8-116 and 39-17-1315, while in any public pre-kindergarten through grade twelve (pre-K-12) school building or bus, on any public pre-kindergarten through grade twelve (pre-K-12) school campus, grounds,

recreation area, athletic field, or any other property owned, operated, or while in use by any public board of education or pre-kindergarten through grade twelve (pre-K-12) school;

SECTION 3. Tennessee Code Annotated, Section 39-17-1309, is amended by deleting subdivision (e)(8) and substituting:

(8)

(A)

(i) Persons possessing a handgun, who are authorized to carry the handgun pursuant to § 39-17-1351, while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place;

(ii) Subdivision (e)(8)(A)(i) does not apply if the enhanced handgun carry permit holder:

(a) Possessed a handgun on property described in subdivision (e)(8)(A)(i) that is owned or operated by a college or university board of trustees, regents, or directors unless the permit holder's possession is otherwise excepted by this subsection (e);
or

(b) Possessed a handgun in the immediate vicinity of property that was, at the time of possession, in use by any college or university board of trustees, regents, or directors for the administration of any public or private higher educational institution for the purpose of conducting an athletic event or other school-related activity on an athletic field, permanent or temporary, including, but not limited to, a football or soccer field,

tennis court, basketball court, track, running trail, Frisbee field, or any similar multi-use field; and

(c) Knew or should have known that:

(1) An athletic event or school-related activity described in subdivision (e)(8)(A)(ii)(b) was taking place on the property at the time of the possession; or

(2) The property on which the possession occurred was owned or operated by a school entity described in subdivision (e)(8)(A)(ii)(b); or

(d) Failed to take reasonable steps to leave the area of the athletic field or school-related activity or the property after being informed or becoming aware of:

(1) Its use for athletic or school-related purposes;

or

(2) That it was, at the time of the possession, owned or operated by a school entity described in (e)(8)(A)(ii)(b); and

(B)

(i) Persons possessing or carrying a handgun, who are authorized to carry the handgun pursuant to § 39-17-1351, while in any public pre-kindergarten through grade twelve (pre-K-12) school building or bus, on any public pre-kindergarten through grade twelve (pre-K-12) school campus, grounds, recreation area, athletic field, or any other property owned, operated, or while in use by any public board of education or pre-kindergarten through grade twelve (pre-K-12) school.

(ii) Subdivision (e)(8)(B)(i) does not apply if the enhanced handgun carry permit holder:

(a) Is a student at the public pre-kindergarten through grade twelve (pre-K-12) school; or

(b) Is an employee of the public pre-kindergarten through grade twelve (pre-K-12) school, and in a meeting regarding a disciplinary matter;

SECTION 4. Tennessee Code Annotated, Section 39-17-1309, is amended by deleting subdivision (e)(10).

SECTION 5. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subdivision (c)(1) and substituting:

(1) Who is not engaged in the actual discharge of official duties as a law enforcement officer and carries a firearm onto private school grounds or inside a private school building during regular school hours unless the officer immediately informs the principal that the officer will be present on the private school grounds or inside the private school building and in possession of a firearm. If the principal is unavailable, the notice may be given to an appropriate administrative staff person in the principal's office;

SECTION 6. Tennessee Code Annotated, Section 49-6-815, is amended by deleting the section.

SECTION 7. Tennessee Code Annotated, Section 49-6-816, is amended by deleting the section.

SECTION 8. Tennessee Code Annotated, Section 39-17-1305(d)(1)(F), is amended by deleting "§ 38-8-123, or § 49-6-816(f)(1) and (i)" and substituting "or § 38-8-123".

SECTION 9. This act takes effect July 1, 2024, the public welfare requiring it.