



# State of Tennessee

## PUBLIC CHAPTER NO. 468

### HOUSE BILL NO. 752

By Representatives Goins, Moody, Dawn White, Littleton, Weaver, Rogers, Hazlewood, Butt, Madam Speaker Harwell, Lynn, Hardaway, Terry, Eldridge, Kumar, Reedy, Gant, Carter

Substituted for: Senate Bill No. 983

By Senators Gresham, Stevens, Bowling, Massey

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6 and Title 39, Chapter 17, Part 13, relative to orders of protection.

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

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by adding the following new section:

#### **36-3-626.**

(a) A person who petitions the court and is granted an order of protection, ex parte or otherwise, pursuant to this part is authorized to, for twenty-one (21) calendar days after that order of protection is granted, carry any handgun, as defined in § 39-17-1319, that the person legally owns or possesses so long as the person has in the person's possession at all times while carrying the handgun a copy of the order of protection.

(b) A person who does not apply for a temporary handgun carry permit under § 39-17-1365 within the time period set forth in § 39-17-1365(a) shall not be authorized to carry a handgun under subsection (a) once that time period has expired.

(c) A person who has applied for a temporary handgun carry permit under § 39-17-1365 may continue to carry a handgun after the time period in this subsection (a) has expired while that application is pending, so long as the person has in the person's possession at all times while carrying the handgun both a copy of the temporary handgun carry permit application receipt as provided by the department and a copy of the order of protection.

SECTION 2. Tennessee Code Annotated, Section 39-17-1308(a), is amended by adding the following as a new subdivision:

( ) By a person authorized to carry a handgun pursuant to § 36-3-626 or § 39-17-1365;

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following new section:

#### **39-17-1365.**

(a) A person who petitions the court and is granted an order of protection, ex parte or otherwise, pursuant to title 36, chapter 3, part 6, may apply for a temporary handgun carry permit from the department of safety within twenty-one (21) calendar days after that order of protection is granted.

(b) To be eligible to receive a temporary handgun carry permit, the person must:

**HB 752**

(1) Apply in person to the department of safety on a temporary handgun carry permit application developed by the department;

(2) Include a certified copy of the order of protection with the application;

(3) Provide proof of the person's identity and Tennessee residency by presenting:

(A) A driver license or photo identification issued by the state of Tennessee; or

(B) Other proof satisfactory to the department showing the person's identity and residency; and

(4) Meet the qualifications for the issuance of a handgun carry permit under § 39-17-1351(c).

(c) The department of safety shall conduct a name-based criminal history check in the same manner as set forth in § 39-17-1351(n)(3) upon receiving an application for a temporary handgun carry permit under this section.

(d) If an applicant meets all the requirements of this section, the department of safety shall issue a temporary handgun carry permit to the applicant that shall be valid for sixty (60) calendar days from the date of issuance.

(e) A person issued a temporary handgun carry permit under this section shall carry that permit and a copy of the protective order at all times when carrying a handgun pursuant to this section.

(f) A temporary handgun carry permit issued under this section shall only be valid in Tennessee and shall not be considered as satisfying the requirements of reciprocity with any other state firearm carry provisions.

(g) A temporary handgun carry permit issued under this section may be issued as a letter to the applicant and may be issued without the applicant's photograph.

(h) The issuance of a temporary handgun carry permit under this section does not relieve a person from complying with all requirements of § 39-17-1351 in order to be issued a handgun carry permit pursuant to that section.

(i) A temporary handgun carry permit issued under this section is subject to the provisions of §§ 39-17-1352 - 39-17-1359.

**SECTION 4.** For the purpose of initiating the process of implementing the requirements of this act, including any programming changes, this act shall take effect upon becoming a law, the public welfare requiring it. For the purpose of implementing the requirements of this act, this act shall take effect thirty (30) days after the date upon which the commissioner of safety provides written notification to the secretary of state and the executive secretary of the Tennessee code commission that the department of safety's "A-list" driver license program is capable of implementing the new requirements of this act or on January 1, 2018, whichever is earlier, the public welfare requiring it. The commissioner shall cause such notification to be published on the website of the department contemporaneously with delivery to the secretary of state and executive secretary of the Tennessee code commission.

HOUSE BILL NO. 752

PASSED: May 9, 2017



BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY McNALLY  
SPEAKER OF THE SENATE

APPROVED this 20<sup>th</sup> day of May 2017



BILL HASLAM, GOVERNOR