

SENATE BILL 2341

By Dickerson

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6; Section 39-13-111; Section 39-17-1307; Section 39-17-1317 and Section 40-14-109, relative to domestic violence.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-111(c)(6), is amended by deleting the subdivision and substituting instead the following:

If a defendant pleads guilty or is found guilty of domestic assault under this section or of a domestic violence offense, as defined in § 40-14-109, the judge shall immediately:

(A) Inform the defendant that:

(i) The defendant is prohibited from owning, possessing, purchasing, or receiving or attempting to own, possess, purchase, or receive a firearm;

(ii) Each firearm in the defendant's personal custody, possession, or control must be surrendered to the sheriff or local law enforcement agency in the county where the defendant resides or is convicted;

(iii) If a surrendered firearm is owned by the defendant, then the firearm must be sold by the defendant through the sheriff or local law enforcement agency to a third party within forty-five (45) days of the firearm being surrendered, or the firearm will be disposed of in accordance with § 39-17-1317; and

(iv) If a surrendered firearm is not owned by the defendant, then the firearm must be claimed by the proper owner from the sheriff or local

law enforcement agency within forty-five (45) days of the firearm being surrendered, or the firearm will be disposed of in accordance with § 39-17-1317; and

(B) Order that the defendant terminate physical possession of all firearms in the defendant's possession within forty-eight (48) hours of the conviction in accordance with subsection (f).

SECTION 2. Tennessee Code Annotated, Section 39-13-111, is amended by adding the following as a new subsection (f):

(1) Within forty-eight (48) hours of the entry of the order of conviction in accordance with subdivision (c)(6)(B), the defendant shall cause each firearm in the defendant's personal custody, possession, or control to be surrendered to the sheriff or local law enforcement agency in the county where the defendant resides or is convicted.

(2) The sheriff or local law enforcement agency to which a firearm is surrendered in accordance with this section shall notify the court of the date and time the firearm was surrendered and shall provide the defendant with a signed and dated written receipt that includes a description of each firearm indicating the make, model, manufacturer, condition, and serial number.

(3) The sheriff or local law enforcement agency shall store or cause to be stored any firearm received pursuant to this section and may charge the defendant a reasonable fee for the storage of the firearm; provided, however, that no storage fee shall be collected if the firearm is disposed of in accordance with § 39-17-1317.

(4)

(A) If a surrendered firearm is owned by the defendant, then the firearm must be sold by the defendant through the sheriff or local law enforcement agency to a third party who is not prohibited from possessing a firearm under § 39-17-1307, 18 U.S.C. § 922(g), or any other state or federal law, within forty-five (45) days of the firearm being surrendered, or the firearm shall be disposed of in accordance with § 39-17-1317. Any proceeds from the defendant's sale of the

firearm to a third party shall be remitted to the defendant less any storage fees charged in accordance with subdivision (f)(3).

(B) If a surrendered firearm is not owned by the defendant, then the firearm must be claimed by the proper owner from the sheriff or local law enforcement agency, which shall verify the owner is not prohibited from possessing a firearm under § 39-17-1307, 18 U.S.C. § 922(g), or any other state or federal law, prior to authorizing the release of the firearm to the owner, within forty-five (45) days of the firearm being surrendered, or the firearm will be disposed of in accordance with § 39-17-1317.

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.