

Amendment No. 1 to HB2536

Curcio
Signature of Sponsor

AMEND Senate Bill No. 2614

House Bill No. 2536*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following language as a new section:

(a) It is a violation of an individual's civil rights for a government entity, official, employee, or agent to infringe upon or deny an individual the full exercise and enjoyment of any right recognized and protected by Article I, Section 26, of the Tennessee Constitution or any right recognized and protected by the second amendment to the United States Constitution. It is not a violation of this section for a government entity, official, employee, or agent to enforce laws or regulations within the scope of the entity, official, employee, or agent's authority unless the law or regulation has been determined by a court to violate either the Tennessee or United States Constitutions.

(b) A violation of this section may be enforced by means of a civil action, which may be brought in the county in which the action arose.

(c) A violation of this section by a government official, employee, or agent may also be punished as official oppression pursuant to § 39-16-403.

(d) A governmental entity, official, employee, or agent that violates this section is liable for:

(1) The actual damages caused by the violation or statutory damages of two hundred fifty dollars (\$250) per each day of the violation, whichever is greater;

(2) Notwithstanding § 29-39-104, punitive damages to be determined by the trier of fact; and

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(3) Reasonable attorney's fees and court costs.

(e) A governmental entity, official, employee, or agent that commits an act or engages in any pattern or practice in violation of this section may be enjoined from further violations by a court of competent jurisdiction.

(f) An action for injunction under subsection (e) may be brought by:

(1) A person whose rights have been violated;

(2) An entity that engages in advocacy for the protection and furtherance of said rights; or

(3) Any other person or entity that will fairly and adequately represent the interests of those whose rights are protected by the state or federal constitutions as set forth in subsection (a).

(g) A knowing or willful violation of this section by a government official constitutes grounds for ouster under title 8, chapter 47.

(h) This section does not preclude any person or entity from seeking any remedies, penalties, or procedures otherwise provided by law.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.