

SENATE BILL 2911

By Bailey

AN ACT to amend Tennessee Code Annotated, Title 18;
Title 37 and Title 39, relative to juvenile offenders.

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following new section:

(a)

(1) Beginning July 1, 2024, in addition to any disposition authorized by § 37-1-131, if a juvenile is adjudicated delinquent for conduct that, if committed by an adult, would constitute an offense set out in subdivision (a)(2), then the court shall prohibit the juvenile from purchasing or possessing a firearm until the juvenile reaches twenty-five (25) years of age.

(2) This section applies to delinquent acts committed by a juvenile who is fourteen (14) years of age or older at the time of the act that, if committed by an adult, would constitute:

(A) Aggravated assault, as defined in § 39-13-102;

(B) Aggravated assault against a first responder or nurse, as defined in § 39-13-116;

(C) A violation of title 39, chapter 13, part 2;

(D) A violation of title 39, chapter 13, part 4;

(E) A violation of title 39, chapter 13, part 10;

(F) Cruelty to animals, as defined in § 39-14-202;

(G) Aggravated cruelty to animals, as defined in § 39-14-212;

(H) A threat of mass violence, as defined in § 39-16-517; or

(I) A violation of title 39 involving the use or display of a firearm.

(b)

(1) Before a juvenile court accepts a plea of guilty or no contest from a child who was fourteen (14) years of age or older at the time of the offense and charged with a delinquent offense described in subdivision (a)(2), the court shall notify the juvenile that the juvenile will be prohibited from possessing or purchasing a firearm until the juvenile reaches twenty-five (25) years of age.

(2) After informing the juvenile of the firearm consequences of a plea of guilty or no contest, the court may accept the plea of guilty or no contest if the juvenile clearly states on the record that the juvenile is aware of the consequences of the adjudication and still wishes to enter a plea of guilty or no contest.

(c) If a juvenile is found by the court to have committed a delinquent act described in subdivision (a)(2), then the court shall notify the juvenile of the prohibition on purchasing or possessing a firearm until the juvenile reaches twenty-five (25) years of age.

(d) The clerk of the juvenile court shall notify the Tennessee bureau of investigation of final disposition of delinquency proceedings against a juvenile adjudicated delinquent for an act described in subdivision (a)(2) as soon as practicable but not later than three (3) business days after final disposition of the delinquency proceedings.

SECTION 2. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following as a new subsection:

(i)

(1) A person under twenty-five (25) years of age who possesses a firearm commits an offense if the person was adjudicated delinquent on or after July 1, 2024, for an act which, if committed by an adult, would have constituted one (1) or more of the following offenses:

(A) Aggravated assault, as defined in § 39-13-102;

(B) Aggravated assault against a first responder or nurse, as defined in § 39-13-116;

(C) A violation of title 39, chapter 13, part 2;

(D) A violation of title 39, chapter 13, part 4;

(E) A violation of title 39, chapter 13, part 10;

(F) Cruelty to animals, as defined in § 39-14-202;

(G) Aggravated cruelty to animals, as defined in § 39-14-212;

(H) A threat of mass violence, as defined in § 39-16-517; or

(I) A violation of title 39 involving the use or display of a firearm.

(2) An offense under subdivision (i)(1) is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 39-17-1316, is amended by deleting subdivision (a)(1) and substituting:

(1)

(A) A person appropriately licensed by the federal government may stock and sell firearms to persons desiring firearms; however, sales are prohibited to persons who:

(i) Have been convicted of the offense of stalking, as prohibited by § 39-17-315;

(ii) Are addicted to alcohol;

(iii) Are ineligible to receive firearms under 18 U.S.C. § 922;

(iv) Have been judicially committed to a mental institution pursuant to title 33 or adjudicated as a mental defective; or

(v) Are under twenty-five (25) years of age and have been adjudicated delinquent on or after July 1, 2024, for an act which, if committed by an adult, would have constituted one (1) or more of the following offenses:

(a) Aggravated assault, as defined in § 39-13-102;

(b) Aggravated assault against a first responder or nurse, as defined in § 39-13-116;

(c) A violation of chapter 13, part 2, of this title;

(d) A violation of chapter 13, part 4, of this title;

(e) A violation of chapter 13, part 10, of this title;

(f) Cruelty to animals, as defined in § 39-14-202;

(g) Aggravated cruelty to animals, as defined in § 39-14-212;

(h) A threat of mass violence, as defined in § 39-16-517;

or

(i) A violation of this title involving the use or display of a firearm.

(B) For purposes of subdivision (a)(1)(A)(iii), the offense of violation of a protective order as prohibited by § 39-13-113 is considered a "misdemeanor crime of domestic violence" for purposes of 18 U.S.C. § 921.

SECTION 4. Tennessee Code Annotated, Section 37-1-153(a), is amended by adding the following new subdivision:

(6) The Tennessee bureau of investigation for the limited purpose of performing a background check prior to the transfer of a firearm to determine whether a person has been adjudicated as a mental defective or committed to a mental institution at sixteen (16) years of age or older, as required by federal law, or is prohibited from purchasing a firearm pursuant to Section 1 and § 39-17-1316(a)(1)(A)(v).

SECTION 5. Tennessee Code Annotated, Section 37-1-153, is amended by deleting subdivision (f)(1)(A)(i) and substituting:

(i) Is currently seventeen (17) years of age or older and is not currently prohibited from possessing or purchasing a firearm pursuant to Section 1;

SECTION 6. Tennessee Code Annotated, Section 37-1-153(f)(1)(B), is amended by deleting "; or" and substituting "; and".

SECTION 7. Tennessee Code Annotated, Section 37-1-133(a), is amended by deleting the first sentence of the subsection and substituting:

Except as provided in Section 1, an order of disposition or other adjudication in a proceeding under this part is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any state service or civil service application or appointment.

SECTION 8. Tennessee Code Annotated, Section 37-1-133(b), is amended by deleting the period at the end of the subsection and substituting:

or in a criminal prosecution for a violation of the prohibition on purchasing or possessing imposed under Section 1.

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