

Amendment No. 1 to HB1600

Hulsey
Signature of Sponsor

AMEND Senate Bill No. 2911

House Bill No. 1600*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-103(a), is amended by adding the following as a new subdivision:

() Proceedings arising under § 37-1-189(e);

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following new section:

37-1-189.

(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) Aggravated cruelty to animals, as defined in § 39-14-212;
- (G) A threat of mass violence, as defined in § 39-16-517; or
- (H) 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 electronically submit to the instant check unit of the Tennessee bureau of investigation the 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.

(e)

(1) If a person subject to the prohibition in subsection (a) is nineteen (19) years of age or older and at least one (1) year removed from person's most

recent delinquency adjudication and completion of any disposition imposed, then the person may petition the juvenile court for reinstatement of the person's right to purchase or possess a firearm.

(2) In determining whether to grant a petition filed under this subsection (e), the court shall consider:

(A) The behavior of the person since the delinquency adjudication resulting in the prohibition under subsection (a);

(B) The likelihood that the person will engage in further criminal activity; and

(C) Any other information the court considers relevant.

(3) Pursuant to § 37-1-159, the criminal court, or a court having criminal jurisdiction, may review the juvenile court's determination under this subsection (e).

(4) If the court grants a petition for reinstatement of the person's right to purchase or possess a firearm and the court's order is not appealed pursuant to § 37-1-159, then the clerk of the juvenile court shall electronically submit to the instant check unit of the Tennessee bureau of investigation a certified copy of the order reinstating the person's right to purchase or possess a firearm within three (3) business days after the time period for filing an appeal has closed.

SECTION 3. 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 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) Aggravated cruelty to animals, as defined in § 39-14-212;
 - (G) A threat of mass violence, as defined in § 39-16-517; or
 - (H) A violation of this title involving the use or display of a firearm.
- (2) An offense under subdivision (i)(1) is a Class A misdemeanor.
- (3) This subsection (i) does not apply if a court has reinstated the person's right to possess a firearm pursuant to § 37-1-189(e).

SECTION 4. 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 are currently prohibited from purchasing a firearm as a result of having 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) Aggravated cruelty to animals, as defined in § 39-14-212;
 - (g) A threat of mass violence, as defined in § 39-16-517;
- or
- (h) 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 5. 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 pursuant to § 37-1-189 or to determine eligibility for a handgun carry permit pursuant to § 37-1-189 and § 39-17-1351 or § 39-17-1366.

SECTION 6. Tennessee Code Annotated, Section 37-1-153, is amended by deleting subdivision (f)(1)(A)(i) and substituting:

(i) Is seventeen (17) years of age or older and is not currently prohibited from possessing or purchasing a firearm pursuant to § 37-1-189;

SECTION 7. Tennessee Code Annotated, Section 37-1-153(f)(1)(B), is amended by deleting "; or" and substituting "; and".

SECTION 8. Tennessee Code Annotated, Section 37-1-133(a), is amended by deleting the first sentence of the subsection and substituting:

Except as provided in § 37-1-189, 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 9. Tennessee Code Annotated, Section 37-1-133(b), is amended by deleting the period at the end of the subsection and substituting:

, a proceeding pursuant to § 39-17-1352, or in a criminal prosecution for a violation of the prohibition on purchasing or possessing firearms imposed under § 37-1-189.

SECTION 10. Tennessee Code Annotated, Section 39-17-1351(c), is amended by adding the following as a new subdivision:

() If the applicant is under twenty-five (25) years of age, that the applicant is not currently prohibited from purchasing or possessing a firearm as a result of having 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) Aggravated cruelty to animals, as defined in § 39-14-212;

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

(H) A violation of this title involving the use or display of a firearm;

SECTION 11. Tennessee Code Annotated, Section 39-17-1352(a), is amended by adding the following as a new subdivision:

() Is under twenty-five (25) years of age and is currently prohibited from possessing a firearm as a result of having 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) Aggravated cruelty to animals, as defined in § 39-14-212;

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

(H) A violation of this title involving the use or display of a firearm;

SECTION 12. Tennessee Code Annotated, Section 37-1-159, is amended by adding the following as a new subsection:

()

(1) Notwithstanding this section to the contrary, a petitioner or the state may appeal a court's determination under § 37-1-189(e) to the criminal court or a court having criminal jurisdiction. The criminal court, or court having criminal jurisdiction, shall hear the case de novo.

(2) An appeal from a court's determination under § 37-1-189(e) must be filed within ten (10) days, excluding nonjudicial days, following the entry of the juvenile court's order.

SECTION 13. This act takes effect July 1, 2024, the public welfare requiring it.