

HOUSE BILL 2661

By Todd

AN ACT to amend Tennessee Code Annotated, Section 10-7-504; Section 33-6-413; Section 38-8-116; Title 39; Section 50-1-312; Title 70, Chapter 4, Part 1 and Section 70-5-101, relative to carrying of firearms in a concealed manner.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subdivision (a)(1) and substituting instead the following:

(1)

(A) A person commits an offense who carries, with the intent to go armed, a firearm in an open manner or a club.

(B) A person does not violate subdivision (a)(1)(A) by carrying a handgun that the person lawfully possesses in a concealed manner. As used in this subdivision (a)(1)(B), "in a concealed manner" means the person has taken reasonable steps to ensure the handgun is not visible to ordinary observation. A handgun is not openly carried due to the imprint of the handgun or a portion of the handgun being inadvertently or temporarily visible to an ordinary observer.

SECTION 2. Tennessee Code Annotated, Section 39-17-1307(a), is amended by adding the following subdivision:

(3) If a person is cited solely for a first violation of subdivision (a)(1)(A) and the person carries the handgun in a concealed manner following issuance of the citation:

(A) A law enforcement officer shall not confiscate the person's handgun;

and

(B) The person's handgun shall not be forfeited pursuant to § 39-17-1317.

SECTION 3. Tennessee Code Annotated, Section 39-17-1309(e)(8)(A), is amended by deleting the language "who are authorized to carry the handgun pursuant to § 39-17-1351" and substituting instead the language "who are carrying in a concealed manner or are authorized to carry the handgun pursuant to § 39-17-1351".

SECTION 4. Tennessee Code Annotated, Section 39-17-1309(e)(8)(B), is amended by deleting the language "the enhanced handgun carry permit holder" and substituting instead the language "the person".

SECTION 5. Tennessee Code Annotated, Section 39-17-1309(e)(11)(A), is amended by deleting the language "Employees authorized to carry a handgun pursuant to § 39-17-1351" and substituting instead the language "Employees who are carrying in a concealed manner or are authorized to carry a handgun pursuant to § 39-17-1351".

SECTION 6. Tennessee Code Annotated, Section 39-17-1311(b)(1), is amended by deleting the language "who are authorized to carry the handgun pursuant to § 39-17-1351 or § 39-17-1366" wherever it appears in subdivisions (b)(1)(H) and (b)(1)(I) and substituting instead the language "who are carrying in a concealed manner or who are authorized to carry a handgun pursuant to § 39-17-1351".

SECTION 7. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "by an enhanced handgun carry permit holder or concealed handgun carry permit holder" in its entirety.

SECTION 8. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "the holder of a valid enhanced handgun carry permit or concealed handgun carry permit recognized in Tennessee" and substituting instead the language "a person carrying a handgun in a concealed manner or a handgun carry permit holder".

SECTION 9. Tennessee Code Annotated, Section 39-17-1313, is amended by deleting the language "permit holder" wherever it appears in subsection (a) or subdivision (c)(1) and substituting instead the language "person".

SECTION 10. Tennessee Code Annotated, Section 39-17-1313(b), is amended by deleting the language "by the holder of a valid handgun carry permit in the permit holder's motor vehicle" wherever it appears and substituting instead the language "as authorized by subsection (a)".

SECTION 11. Tennessee Code Annotated, Section 39-17-1313(d), is amended by deleting the subsection and substituting instead the following:

(d) A person transporting, storing, or both transporting and storing a firearm or firearm ammunition in accordance with this section does not violate this section if the firearm or firearm ammunition is observed by another or a security device during the ordinary course of the person securing the firearm or firearm ammunition from observation in or on a motor vehicle.

SECTION 12. Tennessee Code Annotated, Section 39-17-1359(g)(1), is amended by deleting the language "by an enhanced handgun carry permit holder or concealed handgun carry permit holder" and substituting instead the language "by a person carrying a handgun in a concealed manner or a handgun carry permit holder".

SECTION 13. Tennessee Code Annotated, Section 39-17-1366, is amended by deleting the section in its entirety.

SECTION 14. Tennessee Code Annotated, Section 39-16-702(b)(2), is amended by deleting the language "or § 39-17-1366".

SECTION 15. Tennessee Code Annotated, Section 39-17-1308(a)(2), is amended by deleting the language ", § 39-17-1351, or § 39-17-1366" and substituting instead the language "or § 39-17-1351".

SECTION 16. Tennessee Code Annotated, Section 39-17-1321, is amended by deleting the language "or § 39-17-1366" wherever it appears.

SECTION 17. Tennessee Code Annotated, Section 39-17-1352(a), is amended by deleting the language "or § 39-17-1366" wherever it appears.

SECTION 18. Tennessee Code Annotated, Section 39-17-1353(d), is amended by deleting the language "or § 39-17-1366".

SECTION 19. Tennessee Code Annotated, Section 39-17-1358, is amended by deleting the language "or § 39-17-1366" wherever it appears.

SECTION 20. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting the language "or § 39-17-1366" wherever it appears and by deleting the language "§§ 39-17-1351, 39-17-1359, and 39-17-1366" in subdivision (b)(3)(C)(i) and substituting instead the language "§§ 39-17-1351 and 39-17-1359".

SECTION 21. Tennessee Code Annotated, Section 39-17-1360, is amended by deleting the language "or § 39-17-1366".

SECTION 22. Tennessee Code Annotated, Section 10-7-504(o), is amended by deleting the language "§ 39-17-1351, § 39-17-1365, or § 39-17-1366" and substituting instead the language "§ 39-17-1351 or § 39-17-1365".

SECTION 23. Tennessee Code Annotated, Section 33-6-413(b)(3)(B), is amended by deleting the language "or § 39-17-1366".

SECTION 24. Tennessee Code Annotated, Section 38-8-116(c)(6)(A)(i), is amended by deleting the language "or § 39-17-1366".

SECTION 25. Tennessee Code Annotated, Section 50-1-312(a)(1), is amended by deleting the language "and who possesses a valid handgun carry permit recognized in this state".

SECTION 26. Tennessee Code Annotated, Section 70-4-117(d), is amended by deleting the language "a person with a handgun carry permit pursuant to § 39-17-1351" and substituting instead the language "a person carrying a handgun in a concealed manner or who has a handgun carry permit pursuant to § 39-17-1351".

SECTION 27. Tennessee Code Annotated, Section 70-4-123, is amended by deleting the language "persons authorized to carry a handgun pursuant to § 39-17-1351" and substituting instead the language "persons carrying a handgun in a concealed manner or persons authorized to carry a handgun pursuant to § 39-17-1351".

SECTION 28. Tennessee Code Annotated, Section 70-5-101(c), is amended by deleting the language "a person with a handgun carry permit pursuant to § 39-17-1351" and substituting instead the language "a person carrying a handgun in a concealed manner or who has a handgun carry permit pursuant to § 39-17-1351".

SECTION 29. This act shall take effect upon becoming a law, the public welfare requiring it.