

# State Laws and Published Ordinances – Tennessee

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**Title 16 – Courts**  
**Chapter 10 – Circuit and Criminal Courts**  
**Part 2 – Operation**

**Section 16-10-205. Relief from firearm disabilities imposed on persons adjudicated as mental defective or judicially committed to mental institution.**

(a) A person who is subject to 18 U.S.C. § 922(d)(4) and (g)(4) because the person has been adjudicated as a mental defective or judicially committed to a mental institution, as defined in § 16-10-213, may petition the circuit or criminal court that entered the judicial commitment or adjudication order for relief from the firearm disabilities imposed by the adjudication or judicial commitment; provided, that the person may not petition the court until three (3) years from the date of release from commitment or the date of the adjudication order, whichever is later.

(b) A copy of the petition for relief shall also be served on the district attorney general of the judicial district in which the original judicial commitment or adjudication occurred. The district attorney general may appear, support, object to, or present evidence relevant to the relief sought by the petitioner.

(c) The court shall receive and consider evidence in an open proceeding, including evidence offered by the petitioner, concerning:

- (1) The circumstances that led to the imposition of the firearms disability under 18 U.S.C. § 922 (d)(4) and (g)(4);
- (2) The petitioner's mental health records;
- (3) The petitioner's criminal history;
- (4) The petitioner's reputation; and
- (5) Changes in the petitioner's condition or circumstances relevant to the relief sought.

(d) The court shall grant the petition for relief if it finds by a preponderance of the evidence and enters into the record the following:

- (1) The petitioner is no longer likely to act in a manner that is dangerous to public safety; and
- (2) Granting the relief would not be contrary to the public interest.

(e) A record of the proceedings shall be made by a certified court reporter or by court-approved electronic means. Except in matters resulting in criminal adjudication, the means of recording is to be provided by the petitioner.

(f) The petitioner may appeal a final order denying the requested relief, and the review on appeal, if granted, shall be de novo.

(g) A person may file a petition for relief under this section no more than once every two (2) years.

(h) Relief from a firearm disability granted under this section has no effect on the loss of civil rights, including firearm rights, for any reason other than the particular adjudication as a mental defective or judicial commitment to a mental institution from which relief is granted.

(i) When the court issues an order granting a petition of relief under subsection (d), the court clerk shall, as soon as practicable but no later than thirty (30) days after issuance, forward a copy of the order to the Tennessee bureau of investigation (TBI). The TBI, upon receipt of the order, shall:

- (1) Immediately forward a copy of the order to the department of safety;
- (2) Update the National Instant Criminal Background Check System database and transmit the corrected records to the federal bureau of investigation; and
- (3) Remove and destroy all records relating to the petition for relief from any database over which the TBI exercises control.

(j) The TBI and the department of safety shall not use or permit the use of the records or information obtained or retained pursuant to this section for any purpose not specified in this section.

**Chapter 11 – Chancery Courts**  
**Part 2 – Operation**

**Section 16-11-202. Relief from firearm disabilities imposed on persons adjudicated as mental defective or judicially committed to mental institution.**

(a) A person who is subject to 18 U.S.C. § 922(d)(4) and (g)(4) because the person has been adjudicated as a mental defective or judicially committed to a mental institution, as defined in § 16-11-206, may petition the chancery court that entered the judicial commitment or adjudication order or the chancery court where the petitioner resides for relief from the firearm disabilities imposed by the adjudication or judicial commitment; provided, that the person may not petition the

court until three (3) years from the date of release from commitment or the date of the adjudication order, whichever is later.

**(b)** A copy of the petition for relief shall also be served on the district attorney general of the judicial district in which the original judicial commitment or adjudication occurred. The district attorney general may appear, support, object to, or present evidence relevant to the relief sought by the petitioner.

**(c)** The court shall receive and consider evidence in an open proceeding, including evidence offered by the petitioner, concerning:

- (1)** The circumstances that led to the imposition of the firearms disability under 18 U.S.C. § 922(d)(4) and (g)(4);
- (2)** The petitioner's mental health records;
- (3)** The petitioner's criminal history;
- (4)** The petitioner's reputation; and
- (5)** Changes in the petitioner's condition or circumstances relevant to the relief sought.

**(d)** The court shall grant the petition for relief if it finds by a preponderance of the evidence and enters into the record the following:

- (1)** The petitioner is no longer likely to act in a manner that is dangerous to public safety; and
- (2)** Granting the relief would not be contrary to the public interest.

**(e)** A record of the proceedings, to be provided by the petitioner, shall be made by a certified court reporter or by court-approved electronic means.

**(f)** The petitioner may appeal a final order denying the requested relief, and the review on appeal, if granted, shall be de novo.

**(g)** A person may file a petition for relief under this section no more than once every two (2) years.

**(h)** Relief from a firearm disability granted under this section has no effect on the loss of civil rights, including firearm rights, for any reason other than the particular adjudication as a mental defective or judicial commitment to a mental institution from which relief is granted.

**(i)** When the court issues an order granting a petition of relief under subsection (d), the court clerk shall, as soon as practicable but no later than thirty (30) days after issuance, forward a copy of the order to the Tennessee bureau of investigation (TBI). The TBI, upon receipt of the order, shall:

- (1)** Immediately forward a copy of the order to the department of safety;
- (2)** Update the National Instant Criminal Background Check System database and transmit the corrected records to the federal bureau of investigation; and
- (3)** Remove and destroy all records relating to the petition for relief from any database over which the TBI exercises control.

**(j)** The TBI and the department of safety shall not use or permit the use of the records or information obtained or retained pursuant to this section for any purpose not specified in this section.

## **Chapter 15 – Courts of General Sessions**

### **Part 4 – Powers and Duties**

#### **Section 16-15-405. Relief from firearm disabilities imposed on persons adjudicated as mental defective or judicially committed to mental institution.**

**(a)** A person who is subject to 18 U.S.C. § 922(d)(4) and (g)(4) because the person has been adjudicated as a mental defective or judicially committed to a mental institution, as defined in § 16-15-303, may petition the general sessions court that entered the judicial commitment or adjudication order for relief from the firearm disabilities imposed by the adjudication or judicial commitment; provided, that the person may not petition the court until three (3) years from the date of release from commitment or the date of the adjudication order, whichever is later.

**(b)** A copy of the petition for relief shall also be served on the district attorney general of the judicial district in which the original judicial commitment or adjudication occurred. The district attorney general may appear, support, object to, or present evidence relevant to the relief sought by the petitioner.

**(c)** The court shall receive and consider evidence in an open proceeding, including evidence offered by the petitioner, concerning:

- (1)** The circumstances that led to the imposition of the firearms disability under 18 U.S.C. § 922(d)(4) and (g)(4);

- (2) The petitioner's mental health records;
- (3) The petitioner's criminal history;
- (4) The petitioner's reputation; and
- (5) Changes in the petitioner's condition or circumstances relevant to the relief sought.

(d) The court shall grant the petition for relief if it finds by a preponderance of the evidence and enters into the record the following:

- (1) The petitioner is no longer likely to act in a manner that is dangerous to public safety; and
- (2) Granting the relief would not be contrary to the public interest.

(e) A record of the proceedings, to be provided by the petitioner, shall be made by a certified court reporter or by court-approved electronic means.

(f) The petitioner may appeal a final order denying the requested relief, and the review on appeal, if granted, shall be de novo.

(g) A person may file a petition for relief under this section no more than once every two (2) years.

(h) Relief from a firearm disability granted under this section has no effect on the loss of civil rights, including firearm rights, for any reason other than the particular adjudication as a mental defective or judicial commitment to a mental institution from which relief is granted.

(i) When the court issues an order granting a petition of relief under subsection (d), the court clerk shall, as soon as practicable but no later than thirty (30) days after issuance, forward a copy of the order to the Tennessee bureau of investigation (TBI). The TBI, upon receipt of the order, shall:

- (1) Immediately forward a copy of the order to the department of safety;
- (2) Update the National Instant Criminal Background Check System database and transmit the corrected records to the federal bureau of investigation; and
- (3) Remove and destroy all records relating to the petition for relief from any database over which the TBI exercises control.

(j) The TBI and the department of safety shall not use or permit the use of the records or information obtained or retained pursuant to this section for any purpose not specified in this section.

## **Chapter 16 – County Courts**

### **Part 1 – General Provisions [Repealed in certain counties]**

Section 16-16-121. Relief from the firearm disabilities; petition to court; proceedings (a) A person who is subject to 18 U.S.C. § 922(d)(4) and (g)(4) because the person has been adjudicated as a mental defective or judicially committed to a mental institution, as defined in § 16-16-120, may petition the county or probate court that entered the judicial commitment or adjudication order for relief from the firearm disabilities imposed by the adjudication or judicial commitment; provided, that the person may not petition the court until three (3) years from the date of release from commitment or the date of the adjudication order, whichever is later.

(b) A copy of the petition for relief shall also be served on the district attorney general of the judicial district in which the original judicial commitment or adjudication occurred. The district attorney general may appear, support, object to, or present evidence relevant to the relief sought by the petitioner.

(c) The court shall receive and consider evidence in an open proceeding, including evidence offered by the petitioner, concerning:

- (1) The circumstances that led to the imposition of the firearms disability under 18 U.S.C. § 922(d)(4) and (g)(4);
- (2) The petitioner's mental health records;
- (3) The petitioner's criminal history;
- (4) The petitioner's reputation; and
- (5) Changes in the petitioner's condition or circumstances relevant to the relief sought.

(d) The court shall grant the petition for relief if it finds by a preponderance of the evidence and enters into the record the following:

- (1) The petitioner is no longer likely to act in a manner that is dangerous to public safety; and
- (2) Granting the relief would not be contrary to the public interest.

- (e) A record of the proceedings, to be provided by the petitioner, shall be made by a certified court reporter or by court-approved electronic means.
- (f) The petitioner may appeal a final order denying the requested relief, and the review on appeal, if granted, shall be de novo.
- (g) A person may file a petition for relief under this section no more than once every two (2) years.
- (h) Relief from a firearm disability granted under this section has no effect on the loss of civil rights, including firearm rights, for any reason other than the particular adjudication as a mental defective or judicial commitment to a mental institution from which relief is granted.
- (i) When the court issues an order granting a petition of relief under subsection (d), the court clerk shall, as soon as practicable but no later than thirty (30) days after issuance, forward a copy of the order to the Tennessee bureau of investigation (TBI). The TBI, upon receipt of the order, shall:
  - (1) Immediately forward a copy of the order to the department of safety;
  - (2) Update the National Instant Criminal Background Check System database and transmit the corrected records to the federal bureau of investigation; and
  - (3) Remove and destroy all records relating to the petition for relief from any database over which the TBI exercises control.
- (j) The TBI and the department of safety shall not use or permit the use of the records or information obtained or retained pursuant to this section for any purpose not specified in this section.

**Title 36 – Domestic Relations**  
**Chapter 3 – Marriage**  
**Part 6 – Domestic Abuse**

**Section 36-3-625. Order of protection; Dispossession of firearms.**

- (a) Upon issuance of an order of protection that fully complies with 18 U.S.C. § 922(g)(8), the order shall include on its face the following disclosures:
  - (1) That the respondent is required to dispossess the respondent by any lawful means, such as transferring possession to a third party who is not prohibited from possessing firearms, of all firearms the respondent possesses within forty-eight (48) hours of the issuance of the order;
  - (2) That the respondent is prohibited from possessing a firearm for so long as the order of protection or any successive order of protection is in effect, and may reassume possession of the dispossessed firearm at such time as the order expires or is otherwise no longer in effect; and
  - (3) Notice of the penalty for any violation of this section and § 39-17-1307(f).
- (b) The court shall then order and instruct the respondent:
  - (1) To terminate the respondent's physical possession of the firearms in the respondent's possession by any lawful means, such as transferring possession to a third party who is not prohibited from possessing firearms, within forty-eight (48) hours;
  - (2) To complete and return the affidavit of firearm dispossession form created pursuant to subsection (e), which the court may provide the respondent or direct the respondent to the administrative office of the courts' website; and
  - (3) That if the respondent possesses firearms as business inventory or that are registered under the National Firearms Act (26 U.S.C. §§ 5801 et seq.), there are additional statutory provisions that may apply and shall include these additional provisions in the content of the order.
- (c) Upon issuance of the order of protection, its provisions and date and time of issuance shall be transmitted to the sheriff and all local law enforcement agencies in the county where the respondent resides.
- (d) When the respondent is lawfully dispossessed of firearms as required by this section, the respondent shall complete an affidavit of firearms dispossession form created pursuant to subsection (e) and return it to the court issuing the order of protection.
- (e) The affidavit of firearms dispossession form shall be developed by the domestic violence state coordinating council, in consultation with the administrative office of the courts. Upon completion, the form shall be posted on the website of the administrative office of the courts where it can be copied by respondents or provided to them by the court or the court clerk.
- (f) In determining what a lawful means of dispossession is:

(1) If the dispossession, including, but not limited to, the transfer of weapons registered under the National Firearms Act (26 U.S.C. §§ 5801 et seq.), that requires the approval of any state or federal agency prior to the transfer of the firearm, the respondent may comply with the dispossession requirement by having the firearm or firearms placed into a safe or similar container that is securely locked and to which the respondent does not have the combination, keys or other means of normal access;

(2) If the respondent is licensed as a federal firearms dealer or a responsible party under a federal firearms license, the determination of whether such an individual possesses firearms that constitute business inventory under the federal license shall be determined based upon the applicable federal statutes or the rules, regulations and official letters, rulings and publications of the bureau of alcohol, tobacco, firearms and explosives. The order of protection shall not require the surrender or transfer of the inventory if there are one (1) or more individuals who are responsible parties under the federal license who are not the respondent subject to the order of protection.

(g) A firearm subject to this section shall not be forfeited as provided in § 39-17-1317, unless the possession of the firearm prior to the entry of the order of protection constituted an independent crime of which the respondent has been convicted or the firearms are abandoned by the respondent.

(h)

(1) It is an offense for a person subject to an order of protection that fully complies with 18 U.S.C. § 922(g)(8) to knowingly fail to surrender or transfer all firearms the respondent possesses as required by this section.

(2) A violation of subdivision (h)(1) is a Class A misdemeanor and each violation shall constitute a separate offense.

(3) If the violation of subdivision (h)(1) also constitutes a violation of § 39-13-113(h) or § 39-17-1307(f), the respondent may be charged and convicted under any or all such sections.

**Title 39 – Criminal Offenses**  
**Chapter 11 – General Provisions**  
**Part 1 – Construction**

**Section 39-11-106. Title definitions.**

(a) As used in this title, unless the context requires otherwise:

(13) “Firearm”:

(A) Means:

(i) Any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(ii) The frame or receiver of any such weapon;

(iii) Any firearm muffler or firearm silencer; or

(iv) Any destructive device; and

(B) Does not include an antique firearm;

**Chapter 13 – Offenses Against Person**  
**Part 1 – Assaultive Offenses**

**Section 39-13-111. Domestic assault.**

(6) If a defendant pleads guilty or is found guilty of a domestic violence offense, as defined by this section or in § 40-14-109, the judge shall immediately order that the defendant:

(A) Terminate physical possession of all firearms in the defendant's possession within forty-eight (48) hours of the conviction by any lawful means, such as transferring possession to a third party who is not prohibited from possessing firearms; and

(B)

(i) Complete an affidavit of firearms dispossession form and return it to the court in which the defendant was convicted when all firearms have been lawfully dispossessed as required by subdivision (c)(6)(A);

(ii) The defendant may obtain the affidavit of dispossession from the court or court clerk or the defendant may be directed to obtain a copy from the website of the administrative office of the courts.

**Chapter 17 – Offenses Against Public Health, Safety and Welfare**  
**Part 13 – Weapons**

**Section 39-17-1301. Part definitions.**

As used in this part, unless the context otherwise requires:

**(1) "Adjudication as a mental defective or adjudicated as a mental defective"** means:

**(A)** A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition or disease:

**(i)** Is a danger to such person or to others; or

**(ii)** Lacks the ability to contract or manage such person's own affairs due to mental defect;

**(B)** A finding of insanity by a court in a criminal proceeding; or

**(C)** A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to Article 50a and 76b of the Uniform Code of Military Justice, codified in 10 U.S.C. §§ 850a and 876b respectively;

**(3) "Crime of violence"** includes any degree of murder, voluntary manslaughter, aggravated rape, rape, rape of a child, especially aggravated rape of a child, aggravated sexual battery, especially aggravated robbery, aggravated robbery, burglary, aggravated burglary, especially aggravated burglary, aggravated assault, kidnapping, aggravated kidnapping, especially aggravated kidnapping, carjacking, trafficking for commercial sex act, especially aggravated sexual exploitation, felony child abuse, and aggravated child abuse;

**(4)**

**(A) "Explosive weapon"** means any explosive, incendiary or poisonous gas:

**(i)** Bomb;

**(ii)** Grenade;

**(iii)** Rocket;

**(iv)** Mine; or

**(v)** Shell, missile or projectile that is designed, made or adapted for the purpose of inflicting serious bodily injury, death or substantial property damage;

**(B) "Explosive weapon"** also means:

**(i)** Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for purposes of illumination; or

**(ii)** Any sealed device containing dry ice or other chemically reactive substances for the purposes of causing an explosion by a chemical reaction;

**(6) "Immediate vicinity"** refers to the area within the person's immediate control within which the person has ready access to the ammunition;

**(7) "Judicial commitment to a mental institution"** means a judicially ordered involuntary admission to a private or state hospital or treatment resource in proceedings conducted pursuant to title 33, chapter 6 or 7;

**(10) "Machine gun"** means any firearm that is capable of shooting more than 2 shots automatically, without manual reloading, by a single function of the trigger;

**(11) "Mental institution"** means a mental health facility, mental hospital, sanitarium, psychiatric facility and any other facility that provides diagnoses by a licensed professional of an intellectual disability or mental illness, including, but not limited to, a psychiatric ward in a general hospital;

**(12) "Restricted firearm ammunition"** means any cartridge containing a bullet coated with a plastic substance with other than a lead or lead alloy core or a jacketed bullet with other than a lead or lead alloy core or a cartridge of which the bullet itself is wholly composed of a metal or metal alloy other than lead. "Restricted firearm ammunition" does not include shotgun shells or solid plastic bullets;

**(13) "Rifle"** means any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger;

**(14) "Short barrel"** means a barrel length of less than 16 inches for a rifle and 18 inches for a shotgun, or an overall firearm length of less than 26 inches;



**(15) "Shotgun"** means any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smooth-bore barrel either a number of ball shot or a single projectile by a single function of the trigger;

**(17) "Unloaded"** means the rifle, shotgun or handgun does not have ammunition in the chamber, cylinder, clip or magazine, and no clip or magazine is in the immediate vicinity of the weapon.

**Section 39-17-1302. Prohibited weapons.**

**(a)** A person commits an offense who intentionally or knowingly possesses, manufactures, transports, repairs or sells:

- (1)** An explosive or an explosive weapon;
- (2)** A device principally designed, made or adapted for delivering or shooting an explosive weapon;
- (3)** A machine gun;
- (4)** A short-barrel rifle or shotgun;
- (7)** Any other implement for infliction of serious bodily injury or death that has no common lawful purpose.

**(b)** It is a defense to prosecution under this section that the person's conduct:

- (1)** Was incident to the performance of official duty and pursuant to military regulations in the army, navy, air force, coast guard or marine service of the United States or the Tennessee national guard, or was incident to the performance of official duty in a governmental law enforcement agency or a penal institution;
- (2)** Was incident to engaging in a lawful commercial or business transaction with an organization identified in subdivision (b)(1);
- (3)** Was incident to using an explosive or an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;
- (4)** Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance or scientific research;
- (5)** Was incident to displaying the weapon in a public museum or exhibition;
- (6)** Was licensed by the state of Tennessee as a manufacturer, importer or dealer in weapons; provided, that the manufacture, import, purchase, possession, sale or disposition of weapons is authorized and incident to carrying on the business for which licensed and is for scientific or research purposes or sale or disposition to an organization designated in subdivision (b)(1); or

**(c)** It is an affirmative defense to prosecution under this section that the person must prove by a preponderance of the evidence that:

- (1)** The person's conduct was relative to dealing with the weapon solely as a curio, ornament or keepsake, and if the weapon is a type described in subdivisions (a)(1)-(4), that it was in a nonfunctioning condition and could not readily be made operable; or
- (2)** The possession was brief and occurred as a consequence of having found the weapon or taken it from an aggressor.

**(d)** It is an exception to the application of subsection (a) that the person acquiring or possessing a weapon described in subdivisions (a)(3) or (a)(4) is in full compliance with the requirements of the National Firearms Act (26 U.S.C. §§ 5841-5862).

**(e)** Subsection (a) shall not apply to the possession, manufacture, transportation, repair, or sale of an explosive if:

- (1)** The person in question is 18 years of age or older; and
- (2)** The possession, manufacture, transport, repair, or sale was incident to creating or using an exploding target for lawful sporting activity, as solely intended by the commercial manufacturer.

**(f)**

- (1)** An offense under subdivision (a)(1) is a Class B felony.
- (2)** An offense under subdivisions (a)(2)-(4) is a Class E felony.
- (3)** An offense under subdivision (a)(6) is a Class C felony.
- (4)** An offense under subdivisions (a)(7)-(8) is a Class A misdemeanor.

**Section 39-17-1303. Sales, loans or gifts; restrictions**

(a) A person commits an offense who:

- (1) Intentionally, knowingly, or recklessly sells, loans or makes a gift of a firearm to a minor;
- (2) Intentionally, knowingly or recklessly sells a firearm or ammunition for a firearm to a person who is intoxicated; or
- (3) Intentionally, knowingly, recklessly or with criminal negligence violates § 39-17-1316.

(b) It is a defense to prosecution under subdivision (a)(1) that:

- (1) A firearm was loaned or given to a minor for the purposes of hunting, trapping, fishing, camping, sport shooting or any other lawful sporting activity; and
- (2) The person is not required to obtain a license under § 39-17-1316.

(c) For purposes of this section, "**intoxicated**" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

**Section 39-17-1304. Firearm ammunition; restrictions**

(b) It is an offense for any person or corporation to manufacture, sell, offer for sale, display for sale or use in this state any ammunition cartridge, metallic or otherwise, containing a bullet with a hollow-nose cavity that is filled with an explosive material and designed to detonate upon impact; provided, that this section shall not apply to any state or federal military unit or personnel for use in the performance of its duties.

**Section 39-17-1307. Unlawful carrying or possession of a weapon.**

(b)

- (1) A person commits an offense who unlawfully possesses a firearm, as defined in § 39-11-106, and:
  - (A) Has been convicted of a felony crime of violence, an attempt to commit a felony crime of violence, or a felony involving use of a deadly weapon; or
  - (B) Has been convicted of a felony drug offense.

(c)

- (1) A person commits an offense who possesses a handgun and has been convicted of a felony unless:
  - (A) The person has been pardoned for the offense;
  - (B) The felony conviction has been expunged; or
  - (C) The person's civil rights have been restored pursuant to title 40, chapter 29, and the restoration order does not specifically prohibit the person from possessing firearms.

(f)

- (1) A person commits an offense who possesses a firearm, as defined in § 39-11-106(a), and:
  - (A) Has been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921, and is still subject to the disabilities of such a conviction;
  - (B) Is, at the time of the possession, subject to an order of protection that fully complies with 18 U.S.C. § 922(g)(8); or
  - (C) Is prohibited from possessing a firearm under any other state or federal law.
- (2) If the person is licensed as a federal firearms dealer or a responsible party under a federal firearms license, the determination of whether such an individual possesses firearms that constitute the business inventory under the federal license shall be determined based upon the applicable federal statutes or the rules, regulations and official letters, rulings and publications of the bureau of alcohol, tobacco, firearms and explosives.
- (3) For purposes of this section, a person does not possess a firearm, including, but not limited to, firearms registered under the National Firearms Act, compiled in 26 U.S.C. § 5801 et seq., if the firearm is in a safe or similar container that is securely locked and to which the respondent does not have the combination, keys or other means of normal access.

**Section 39-17-1308. Carrying or possession of weapons; defenses.**

(a) It is a defense to the application of § 39-17-1307 if the possession or carrying was:

- (1) Of an unloaded rifle, shotgun or handgun not concealed on or about the person and the ammunition for the weapon was not in the immediate vicinity of the person or weapon;
- (2) By a person authorized to possess or carry a firearm pursuant to § 39-17-1315 or § 39-17-1351;
- (3) At the person's:
  - (A) Place of residence;
  - (B) Place of business; or
  - (C) Premises;
- (4) Incident to lawful hunting, trapping, fishing, camping, sport shooting or other lawful activity;
- (5) By a person possessing a rifle or shotgun while engaged in the lawful protection of livestock from predatory animals;
- (6) By a Tennessee valley authority officer who holds a valid commission from the commissioner of safety pursuant to this part while the officer is in the performance of the officer's official duties;
- (7) By a state, county or municipal judge or any federal judge or any federal or county magistrate;
- (10) By any out-of-state, full-time, commissioned law enforcement officer who holds a valid commission card from the appropriate out-of-state law enforcement agency and a photo identification; provided, that if no valid commission card and photo identification are retained, then it shall be unlawful for that officer to carry firearms in this state and this section shall not apply. The defense provided by this subdivision (a)(10) shall only be applicable if the state where the out-of-state officer is employed has entered into a reciprocity agreement with this state that allows a full-time, commissioned law enforcement officer in Tennessee to lawfully carry or possess a weapon in the other state; or
- (11) By a person authorized to carry a handgun pursuant to § 36-3-626 or § 39-17-1365.

(b) The defenses described in this section are not available to persons described in § 39-17-1307(b)(1).

**Section 39-17-1309. Carrying weapons on school property.**

(b)

- (1) It is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, ... or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, operated, or while in use by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.
- (2) A violation of this subsection (b) is a Class E felony.

(c)

(1)

- (A) It is an offense for any person to possess or carry, whether openly or concealed, any firearm, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, operated, or while in use by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.
- (B) It is not an offense under this subsection (c) for a nonstudent adult to possess a firearm, if the firearm is contained within a private vehicle operated by the adult and is not handled by the adult, or by any other person acting with the expressed or implied consent of the adult, while the vehicle is on school property.

(2) A violation of this subsection (c) is a Class B misdemeanor.

(d)

- (1) Each chief administrator of a public or private school shall display in prominent locations about the school a sign, at least 6 inches high and 14 inches wide, stating: FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF SIX (6) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED THREE THOUSAND DOLLARS (\$3,000) FOR CARRYING WEAPONS ON SCHOOL PROPERTY.

**(2)** As used in this subsection (d), "prominent locations about a school" includes, but is not limited to, sports arenas, gymnasiums, stadiums and cafeterias.

**(e)** Subsections (b) and (c) do not apply to the following persons:

**(1)** Persons employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee national guard when in discharge of their official duties and acting under orders requiring them to carry arms or weapons;

**(2)** Civil officers of the United States in the discharge of their official duties;

**(3)** Officers and soldiers of the militia and the national guard when called into actual service;

**(4)** Officers of the state, or of any county, city or town, charged with the enforcement of the laws of the state, when in the discharge of their official duties;

**(5)** Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties;

**(6)** Any private police employed by the administration or board of trustees of any public or private institution of higher education in the discharge of their duties;

**(7)** Any registered security guard/officer who meets the requirements of title 62, chapter 35, and who is discharging the officer's official duties;

**(8)**

**(A)** Persons possessing a handgun, who are authorized to carry the handgun pursuant to § 39-17-1351, while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place;

**(B)** Subdivision (e)(8)(A) shall not apply if the enhanced handgun carry permit holder:

**(i)** Possessed a handgun on property described in subdivision (e)(8)(A) that is owned or operated by a board of education, school, college, or university board of trustees, regents, or directors unless the permit holder's possession is otherwise excepted by this subsection (e); or

**(ii)** Possessed a handgun in the immediate vicinity of property that was, at the time of possession, in use by any board of education, school, college or university board of trustees, regents, or directors for the administration of any public or private educational institution for the purpose of conducting an athletic event or other school-related activity on an athletic field, permanent or temporary, including but not limited to, a football or soccer field, tennis court, basketball court, track, running trail, Frisbee field, or any similar multi-use field; and

**(iii)** Knew or should have known that:

**(a)** An athletic event or school-related activity described in subdivision (e)(8)(B)(ii) was taking place on the property at the time of the possession; or

**(b)** The property on which the possession occurred was owned or operated by a school entity described in subdivision (e)(8)(B)(ii); or

**(iv)** Failed to take reasonable steps to leave the area of the athletic field or school-related activity or the property after being informed or becoming aware of:

**(a)** Its use for athletic or school-related purposes; or

**(b)** That it was, at the time of the possession, owned or operated by a school entity described in (e)(8)(B)(ii);

**(9)** Persons permitted to carry a handgun on the property of private K-12 schools by § 49-50-803, and persons permitted to carry a handgun on the property of private for-profit or nonprofit institutions of higher education pursuant to § 49-7-161; provided, that this subdivision (e)(9) shall apply only:

**(A)** To the school or institution where the person is located, when that school or institution has adopted a handgun carry policy pursuant to § 49-50-803 or § 49-7-161;

**(B)** While the person is on the property or grounds covered by the private school or institution's policy; and

**(C)** When the person is otherwise in compliance with the policy adopted by the private school or institution;

**(10)** Persons carrying a handgun pursuant to Section 49-6-809, Section 49-6-815, or Section 49-6-816; provided, that this subdivision (e)(10) shall apply only within and on the grounds of the school for which the person is authorized;

**(11)**

**(A)** Employees authorized to carry a handgun pursuant to § 39-17-1351 on property owned, operated, or controlled by the public institution of higher education at which the employee is employed;

**(B)**

**(i)** Any authorized employee who elects to carry a handgun pursuant to this subdivision (e)(11) shall provide written notification to the law enforcement agency or agencies with jurisdiction over the property owned, operated, or controlled by the public institution of higher education that employs the employee;

**(ii)** The employee's name and any other information that might identify the employee as a person who has elected to carry a handgun pursuant to this subdivision (e)(11) shall be confidential, not open for public inspection, and shall not be disclosed by any law enforcement agency with which an employee registers; except that the employee's name and other information may be disclosed to an administrative officer of the institution who is responsible for school facility security; provided, however, that the administrative officer is not the employee's immediate supervisor or a supervisor responsible for evaluation of the employee. An administrative officer to whom such information is disclosed shall not disclose the information to another person. Identifying information about the employee collected pursuant to this subdivision (e)(11) shall not be disclosed to any person or entity other than another law enforcement agency and only for law enforcement purposes; and

**(iii)** Law enforcement agencies are authorized to develop and implement:

**(a)** Policies and procedures designed to implement the notification and confidentiality requirements of this subdivision (e)(11)(B); and

**(b)** A voluntary course or courses of special or supplemental firearm training to be offered to the employees electing to carry a handgun pursuant to this subdivision (e)(11). Firearm safety shall be a component of any firearm course;

**(C)** Unless carrying a handgun is a requirement of the employee's job description, the carrying of a handgun pursuant to this subdivision (e)(11) is a personal choice of the employee and not a requirement of the employer. Consequently, an employee who carries a handgun on property owned, operated, or controlled by the public institution of higher education at which the employee is employed is not:

**(i)** Acting in the course of or scope of their employment when carrying or using the handgun;

**(ii)** Entitled to workers' compensation benefits under § 9-8-307(a)(1)(K) for injuries arising from the carrying or use of a handgun;

**(iii)** Immune from personal liability with respect to use or carrying of a handgun under § 9-8-307(h);

**(iv)** Permitted to carry a handgun openly, or in any other manner in which the handgun is visible to ordinary observation; or

**(v)** Permitted to carry a handgun at the following times and at the following locations:

**(a)** Stadiums, gymnasiums, and auditoriums when school-sponsored events are in progress;

**(b)** In meetings regarding disciplinary matters;

**(c)** In meetings regarding tenure issues;

**(d)** A hospital, or an office where medical or mental health services are the primary services provided; and

**(e)** Any location where a provision of state or federal law, except the posting provisions of § 39-17-1359, prohibits the carrying of a handgun on that property;

**(D)** Notwithstanding any other law to the contrary, a public institution of higher education shall be absolutely immune from claims for monetary damages arising solely from or related to an employee's use of, or failure to use, a handgun; provided the employee is employed by the institution against whom the claim is filed and the employee elects to carry the handgun pursuant to this subdivision (e)(11). Nothing in this section shall expand the existing conditions under which sovereign immunity is waived pursuant to § 9-8-307; and

**(E)** As used in subdivisions (e)(11)-(13):

(i) **"Employee"** includes all faculty, staff, and other persons who are employed on a full-time basis by a public institution of higher education; and

(ii) **"Employee"** does not include a person who is enrolled as a student at a public institution of higher education, regardless of whether the person is also an employee;

(12)

(A) Any employee of the University of Tennessee institute of agriculture or a college or department of agriculture at a campus in the University of Tennessee system when in the discharge of the employee's official duties and with prior authorization from the chancellor of the University of Tennessee institute of agriculture; or

(B) Any employee of the University of Tennessee institute of agriculture or a college or department of agriculture at a campus in the University of Tennessee system, and any member of the employee's household, living in a residence owned, used, or operated by the University of Tennessee, if the employee has prior authorization from the chancellor of the University of Tennessee institute of agriculture and the employee and household members are permitted to possess firearms in their residence under Tennessee and federal law; and

(A) Any employee of the university's college or department of agriculture when in the discharge of the employee's official duties and with prior authorization from the president of a university in the board of regents system;

(B) Any employee of the university's college or department of agriculture, and any member of the employee's household, living in a residence owned, used, or operated by the university, if the employee has prior authorization from the president of a university in the board of regents system and the employee and household members are permitted to possess firearms in their residence under Tennessee and federal law; or

(C) Any employee, with prior authorization of the president of a university in the board of regents system, who is engaged in wildlife biology or ecology research and education for the purpose of capture or collection of specimens.

#### **Section 39-17-1310. Carrying or possession of weapons; school buildings and grounds; affirmative defenses**

It is an affirmative defense to prosecution under § 39-17-1309(a)-(d) that the person's behavior was in strict compliance with the requirements of 1 of the following classifications:

(1) A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the administrator of the educational institution;

(2) A person possessing unloaded hunting weapons while transversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the lands of the educational institution are posted prohibiting entry;

(3) A person possessing guns or knives when conducting or attending "gun and knife shows" and the program has been approved by the administrator of the educational institution; or

(4) A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove, utilize or allow to be removed or utilized any weapon from the vehicle.

#### **Section 39-17-1316. Sales; requirements; background check.**

(a)

(1) Any person appropriately licensed by the federal government may stock and sell firearms to persons desiring firearms; however, sales to persons who have been convicted of the offense of stalking, as prohibited by § 39-17-315, who are addicted to alcohol, who are ineligible to receive firearms under 18 U.S.C. § 922, or who have been judicially committed to a mental institution pursuant to title 33 or adjudicated as a mental defective are prohibited. For purposes of this subdivision (a)(1), the offense of violation of a protective order as prohibited by § 39-13-113 shall be considered a "misdemeanor crime of domestic violence" for purposes of 18 U.S.C. § 921.

(2) The provisions of this subsection (a) prohibiting the sale of a firearm to a person convicted of a felony shall not apply if:

(A) The person was pardoned for the offense;

(B) The conviction has been expunged or set aside; or

(C) The person's civil rights have been restored pursuant to title 40, chapter 29; and

(D) The person is not prohibited from possessing a firearm by § 39-17-1307.

(b)

(1) As used in this section, "**firearm**" has the meaning as defined in § 39-11-106, including handguns, long guns, and all other weapons that meet the definition except "antique firearms" as defined in 18 U.S.C. § 921.

(2) As used in this section, "**gun dealer**" means a person engaged in the business, as defined in 18 U.S.C. § 921, of selling, leasing, or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker, or otherwise.

(c) Except with respect to transactions between persons licensed as dealers under 18 U.S.C. § 923, a gun dealer shall comply with the following before a firearm is delivered to a purchaser:

(1) The purchaser shall present to the dealer current identification meeting the requirements of subsection (f);

(2) The gun dealer shall complete a firearms transaction record as required by 18 U.S.C. §§ 921-929, and obtain the signature of the purchaser on the record;

(3) The gun dealer shall request by means designated by the bureau that the Tennessee bureau of investigation conduct a criminal history record check on the purchaser and shall provide the following information to the bureau:

(A) The federal firearms license number of the gun dealer;

(B) The business name of the gun dealer;

(C) The place of transfer;

(D) The name of the person making the transfer;

(E) The make, model, caliber and manufacturer's number of the firearm being transferred;

(F) The name, gender, race, and date of birth of the purchaser;

(G) The social security number of the purchaser, if one has been assigned; and

(H) The type, issuer and identification number of the identification presented by the purchaser; and

(4) The gun dealer shall receive a unique approval number for the transfer from the bureau and record the approval number on the firearms transaction record.

(d) Upon receipt of a request of the gun dealer for a criminal history record check, the Tennessee bureau of investigation shall immediately, during the gun dealer's telephone call or by return call:

(1) Determine, from criminal records and other information available to it, whether the purchaser is disqualified under subdivision (a)(1) from completing the purchase; and

(2) Notify the dealer when a purchaser is disqualified from completing the transfer or provide the dealer with a unique approval number indicating that the purchaser is qualified to complete the transfer.

(e)

(1) The Tennessee bureau of investigation may charge a reasonable fee, not to exceed \$10, for conducting background checks and other costs incurred under this section, and shall be empowered to bill gun dealers for checks run.

(f)

(1) Identification required of the purchaser under subsection (c) shall include 1 piece of current, valid identification bearing a photograph and the date of birth of the purchaser that:

(A) Is issued under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental organization or an international quasi-governmental organization; and

(B) Is intended to be used for identification of an individual or is commonly accepted for the purpose of identification of an individual.

(2) If the identification presented by the purchaser under subdivision (f)(1)(A) does not include the current address of the purchaser, the purchaser shall present a second piece of current identification that contains the current address of the purchaser.

(g) The Tennessee bureau of investigation may require that the dealer verify the identification of the purchaser if that identity is in question by sending the thumbprints of the purchaser to the bureau.

**(h)** The Tennessee bureau of investigation shall establish a telephone number that shall be operational 7 days a week between the hours of 8:00 a.m. and 10:00 p.m. Central Standard Time, except Christmas Day, Thanksgiving Day, and Independence Day, for the purpose of responding to inquiries from dealers for a criminal history record check under this section.

**(i)** No public employee, official or agency shall be held criminally or civilly liable for performing the investigations required by this section; provided the employee, official or agency acts in good faith and without malice.

**(j)** Upon the determination that receipt of a firearm by a particular individual would not violate this section, and after the issuance of a unique identifying number for the transaction, the Tennessee bureau of investigation shall destroy all records (except the unique identifying number and the date that it was assigned) associating a particular individual with a particular purchase of firearms.

**(k)** A law enforcement agency may inspect the records of a gun dealer relating to transfers of firearms in the course of a reasonable inquiry during a criminal investigation or under the authority of a properly authorized subpoena or search warrant.

**(l)**

**(1)** The following transactions or transfers are exempt from the criminal history record check requirement of subdivision (c)(3):

**(A)** Transactions between licensed:

**(i)** Importers;

**(ii)** Manufacturers;

**(iii)** Dealers; and

**(iv)** Collectors who meet the requirements of subsection (b) and certify prior to the transaction the legal and licensed status of both parties;

**(B)** Transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or the agency's personnel. However, all other requirements of subsection (c) are applicable to a transaction or transfer under this subdivision (l)(1)(B); and

**(C)** Transactions by a gun dealer, as defined in subdivision (b)(2), making occasional sales, exchanges, or transfers of firearms that comprise all or part of the gun dealer's personal collection of firearms.

**(2)** The burden of proving the legality of any transaction or transfer under this subsection (l) is upon the transferor.

**(m)** The director of the Tennessee bureau of investigation is authorized to make and issue all rules and regulations necessary to carry out the provisions of this section.

**(n)** In addition to the other grounds for denial, the bureau shall deny the transfer of a firearm if the background check reveals information indicating that the purchaser has been charged with a crime for which the purchaser, if convicted, would be prohibited under state or federal law from purchasing, receiving, or possessing a firearm; and, either there has been no final disposition of the case, or the final disposition is not noted.

**(o)** Upon receipt of the criminal history challenge form indicating a purchaser's request for review of the denial, the bureau shall proceed with efforts to obtain the final disposition information. The purchaser may attempt to assist the bureau in obtaining the final disposition information. If neither the purchaser nor the bureau is able to obtain the final disposition information within 15 calendar days of the bureau's receipt of the criminal history challenge form, the bureau shall immediately notify the federal firearms licensee that the transaction that was initially denied is now a "conditional proceed." A "conditional proceed" means that the federal firearms licensee may lawfully transfer the firearm to the purchaser.

**(p)** In any case in which the transfer has been denied pursuant to subsection (n), the inability of the bureau to obtain the final disposition of a case shall not constitute the basis for the continued denial of the transfer as long as the bureau receives written notice, signed and verified by the clerk of the court or the clerk's designee, that indicates that no final disposition information is available. Upon receipt of the letter by the bureau, the bureau shall immediately reverse the denial.

**(q)**

**(1)** It is an offense for a person to purchase or attempt to purchase a firearm knowing that the person is prohibited by state or federal law from owning, possessing or purchasing a firearm.

**(2)** It is an offense to sell or offer to sell a firearm to a person knowing that the person is prohibited by state or federal law from owning, possessing or purchasing a firearm.



**(3)** It is an offense to transfer a firearm to a person knowing that the person:

**(A)** Has been judicially committed to a mental institution or adjudicated as a mental defective unless the person's right to possess firearms has been restored pursuant to title 16; or

**(B)** Is receiving inpatient treatment, pursuant to title 33, at a treatment resource, as defined in § 33-1-101, other than a hospital.

**(r)** The criminal history records check required by this section shall not apply to an occasional sale of a used or second-hand firearm by a person who is not engaged in the business of importing, manufacturing, or dealing in firearms, pursuant to 18 U.S.C. §§ 921 and 923.

**Section 39-17-1319. Handgun possession prohibited – Exceptions.**

**(a)** As used in this section and § 39-17-1320, unless the context otherwise requires:

**(1) "Handgun"** means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed 12 inches; and

**(2) "Juvenile"** means any person less than 18 years of age.

**(b)** Except as provided in this section, it is an offense for a juvenile to knowingly possess a handgun.

**(c)**

**(1)** Illegal possession of a handgun by a juvenile is a delinquent act and, in addition to any other disposition authorized by law, the juvenile may be required to perform not more than 100 hours of community service work to be specified by the judge, and the juvenile's driving privileges shall be suspended for a period of 1 year in accordance with the procedure set out in title 55, chapter 10, part 7.

**(2)** A second or subsequent violation of this section is a delinquent act and, in addition to any other disposition authorized by law, the juvenile may be required to perform not less than 100 nor more than 200 hours of community service work to be specified by the judge, and the juvenile's driving privileges shall be suspended for a period of 2 years in accordance with the procedure set out in title 55, chapter 10, part 7.

**(3)** Any handgun illegally possessed in violation of this section shall be confiscated and disposed of in accordance with § 39-17-1317.

**(d)**

**(1)** It is a defense to prosecution under this section that the juvenile is:

**(A)** In attendance at a hunter's safety course or a firearms safety course;

**(B)** Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

**(C)** Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group which is exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)), as amended, and which uses firearms as part of the performance;

**(D)** Hunting or trapping pursuant to a valid license issued to the juvenile pursuant to title 70;

**(E)** Accompanied by the juvenile's parent or guardian and is being instructed by the adult or guardian in the use of the handgun possessed by the juvenile;

**(F)** On real property which is under the control of an adult and has the permission of that adult and the juvenile's parent or legal guardian to possess a handgun;

**(G)** Traveling to or from any activity described in subdivision (d)(1) with an unloaded gun; or

**(H)** At the juvenile's residence and with the permission of the juvenile's parent or legal guardian, possesses a handgun and is justified in using physical force or deadly force.

**(2)** For purposes of subdivision (d)(1)(G), a handgun is "unloaded" if:

**(A)** There is not a cartridge in the chamber of the handgun;

**(B)** There is not a cartridge in the cylinder of the handgun if the handgun is a revolver; or

(C) The handgun, and the ammunition for the handgun, are not carried on the person of a juvenile or are not in such close proximity to the juvenile that the juvenile could readily gain access to the handgun and the ammunition and load the handgun.

(e) Notwithstanding any other provision of this part to the contrary, this section shall govern a juvenile who possesses a handgun.

**Section 39-17-1320. Providing handguns to juveniles – Penalties.**

(a) It is an offense for a person intentionally, knowingly or recklessly to provide a handgun with or without remuneration to any person that the person providing the handgun knows or has reason to believe is a juvenile in violation of § 39-17-1319.

(b) It is an offense for a parent or guardian intentionally, knowingly or recklessly to provide a handgun to a juvenile or permit a juvenile to possess a handgun, if the parent or guardian knows of a substantial risk that the juvenile will use a handgun to commit a felony.

**Section 39-17-1321. Possession while under the influence of alcohol, controlled substance or controlled substance analogue; violation.**

(a) Notwithstanding whether a person has a permit issued pursuant to § 39-17-1315 or § 39-17-1351 or § 39-17-1366, it is an offense for a person to possess a handgun while under the influence of alcohol or any controlled substance or controlled substance analogue.

(b) It is an offense for a person to possess a firearm if the person is both:

- (1) Within the confines of an establishment open to the public where liquor, wine or other alcoholic beverages, as defined in § 57-3-101(a)(1)(A), or beer, as defined in § 57-6-102, are served for consumption on the premises; and
- (2) Consuming any alcoholic beverage listed in subdivision (b)(1).

**Section 39-17-1364. Purchase and shipment of weapons to residence.**

Notwithstanding § 39-17-1307, or any other law, it is lawful in this state for a person to purchase, and have shipped directly to such person's residence, the following:

(1) A black powder weapon; provided, that it meets the definition of 18 U.S.C. § 921;

**Title 39 – Criminal Offenses  
Chapter 17 – Offenses Against Public Health, Safety and Welfare  
Part 13 – Weapons**

**Section 39-17-1314. Local regulation of firearms, ammunition, or components preempted; exceptions; legislative intent; private rights of action.**

(a) Except as otherwise provided by state law or as specifically provided in subsection (b), the general assembly preempts the whole field of the regulation of firearms, ammunition, or components of firearms or ammunition, or combinations thereof including, but not limited to, the use, purchase, transfer, taxation, manufacture, ownership, possession, carrying, sale, acquisition, gift, devise, licensing, registration, storage, and transportation thereof, to the exclusion of all county, city, town, municipality, or metropolitan government law, ordinances, resolutions, enactments or regulation. No county, city, town, municipality, or metropolitan government nor any local agency, department, or official shall occupy any part of the field regulation of firearms, ammunition or components of firearms or ammunition, or combinations thereof.

(b) A city, county, town, municipality or metropolitan government is expressly authorized to regulate by ordinance, resolution, policy, rule or other enactment the following:

- (1) The carrying of firearms by employees or independent contractors of the city, county, town municipality or metropolitan government when acting in the course and scope of their employment or contract, except as otherwise provided in § 39-17-1313;
- (2) The discharge of firearms within the boundaries of the applicable city, county, town, municipality or metropolitan government, except when and where the discharge of a firearm is expressly authorized or permitted by state law;
- (3) The location of a sport shooting range, except as otherwise provided in §§ 39-17-316 and 13-3-412. To the extent that a city, county, town, municipality, or metropolitan government has or enforces any regulation of privately owned or operated sport shooting ranges, the city, county, town, municipality, or metropolitan government shall not impose greater restrictions or requirements on privately owned or operated ranges than are applicable to any range located within the same unit of local government and owned or operated by a government entity. A party may challenge any regulation of a sport shooting range that violates this subdivision (b)(3) in the manner described in subsection (g); and

(4) The enforcement of any state or federal law pertaining to firearms, ammunition, or components of firearms or ammunition, or combinations thereof.

**Brentwood Code of Ordinances**

Current through Ordinance 2019-11, adopted December 9, 2019. (Supplement 51, Update 5

**Chapter – 78 Zoning  
Article I – In General**

**Section 78-26. Limitations on home occupation uses.**

(9) The provisions of this section shall not be used under any circumstances to permit:

b. ... gun sales, ... or other retail activities that are traditionally conducted in a commercial zoning district.

**Article III – District Regulations  
Division 2 – AR Agricultural/Residential Estate**

**Section 78-125. Limitations on home occupation uses.**

(10) The provisions of this section shall not be used under any circumstances to permit ... gun sales, ... or other retail activities that are traditionally conducted in a commercial zoning district.

**Division 3 – R-1 Large Lot Residential**

**Section 78-145. Limitations on home occupation uses.**

(10) The provisions of this section shall not be used under any circumstances to permit ... gun sales, ... or other retail activities that are traditionally conducted in a commercial zoning district.

**Division 3 – R-2 Suburban Residential**

**Section 78-166. Limitations on home occupation uses.**

(10) The provisions of this section shall not be used under any circumstances to permit ... gun sales, ... or other retail activities that are traditionally conducted in a commercial zoning district.

**Division 5 – OSRD Open Space Suburban Residential**

**Section 78-188. Limitations on home occupation uses.**

(10) The provisions of this section shall not be used under any circumstances to permit ... gun sales, ... or other retail activities that are traditionally conducted in a commercial zoning district.

**Section 39-17-1314. Local regulation of firearms, ammunition, or components preempted; exceptions; legislative intent; private rights of action.**

(a) Except as otherwise provided by state law or as specifically provided in subsection (b), the general assembly preempts the whole field of the regulation of firearms, ammunition, or components of firearms or ammunition, or combinations thereof including, but not limited to, the use, purchase, transfer, taxation, manufacture, ownership, possession, carrying, sale, acquisition, gift, devise, licensing, registration, storage, and transportation thereof, to the exclusion of all county, city, town, municipality, or metropolitan government law, ordinances, resolutions, enactments or regulation. No county, city, town, municipality, or metropolitan government nor any local agency, department, or official shall occupy any part of the field regulation of firearms, ammunition or components of firearms or ammunition, or combinations thereof.

(b) A city, county, town, municipality or metropolitan government is expressly authorized to regulate by ordinance, resolution, policy, rule or other enactment the following:

(1) The carrying of firearms by employees or independent contractors of the city, county, town municipality or metropolitan government when acting in the course and scope of their employment or contract, except as otherwise provided in § 39-17-1313;

(2) The discharge of firearms within the boundaries of the applicable city, county, town, municipality or metropolitan government, except when and where the discharge of a firearm is expressly authorized or permitted by state law;

(3) The location of a sport shooting range, except as otherwise provided in §§ 39-17-316 and 13-3-412. To the extent that a city, county, town, municipality, or metropolitan government has or enforces any regulation of privately owned or operated sport shooting ranges, the city, county, town, municipality, or metropolitan government shall not impose greater restrictions or requirements on privately owned or operated ranges than are applicable to any range located within the same unit of local government and owned or operated by a government entity. A party may challenge any regulation of a sport shooting range that violates this subdivision (b)(3) in the manner described in subsection (g); and

(4) The enforcement of any state or federal law pertaining to firearms, ammunition, or components of firearms or ammunition, or combinations thereof.

### **Knoxville Code of Ordinances**

Current through Ordinance O-126-2019, enacted September 24, 2019. (Supplement 67)

#### **Chapter 19 – Offenses**

#### **Article IV – Offenses Against Public Safety**

##### **Section 19-105. Sale of dangerous weapons.**

(b) Any person licensed by the state to sell rifles or other firearms may stock and sell pistols and sidearms to persons desiring them for protection of their home or business or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts and persons who have been convicted of the illegal sale of alcoholic beverages are excluded.

(c) Any person desiring to purchase a pistol or sidearm as provided in this section shall certify to the seller that he is not one of the persons listed in this section as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of receipt of such notice, the chief of police makes no objection tending to show that the proposed purchaser is in fact excluded by law from legal purchase, as set out in this section, the sale may be consummated, and the gun delivered to the purchaser, together with a bill of sale therefor.

(d) The three-day notice of pending sale provided for in this section must be made by certified mail, return receipt requested, unless the officer personally acknowledges receipt of such notice.

(e) The seller shall deliver to the chief of police a legible true copy of the bill of sale showing the name of the firearm, the caliber, the serial number, the finish of the firearm, such as nickel, chrome or blue steel, length of barrel, and caliber, within twenty-four (24) hours after delivery of the firearm.

(f) Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out in this section, from making an occasional sale of a used or secondhand gun legally purchased by him without being licensed to do business as such; but, whenever such sale is made, the same procedure shall be followed as provided in this section for persons licensed by the state to engage in such business.

##### **Section 19-106. Sale or giving of weapon to minor.**

Any person who sells, loans or gives to any person under the age of eighteen (18) years a firearm, bowie knife, dirk, hunter's knife, switchblade knife or like dangerous weapon, except for hunting, is guilty of a misdemeanor.

### **Nashville and Davidson County Code of Ordinances**

Current through Ordinance No. BL2018-1451, approved January 16, 2019. (Supplement 29 (2/19), Rev.)

#### **Title 11 – Public Peace, Morals and Welfare**

#### **Division II – Urban Services District**

#### **Chapter 11.36 – Firearms and Other Weapons**

##### **Section 11.36.010. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**"Crime of violence"** means and includes murder; manslaughter; rape; mayhem; kidnapping; burglary; housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment.

**"Firearm"** means any weapon by whatever name known, which is designed to expel a projectile by the action of expanding gases.

**"Fugitive from justice"** means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

**"Manufacturer"** or **"dealer"** means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans.

**"Pistol"** means any firearm with a barrel less than twelve inches in length.

**Section 11.36.020. Manufacturer's or dealer's license, Application, Fee, Revocation.**

**A.** Application for a firearms manufacturer's or dealer's license shall be made to the metropolitan collections officer on forms prescribed and furnished by him. The application shall indicate the business name of the applicant, the business address, the name and home address of the proprietor or proprietors (if a partnership) or of the president and secretary (if a corporation) and such other pertinent information as may be required by the metropolitan collections officer. The application may be filed in person or by United States mail. It shall be accompanied by the license fee. The metropolitan collections officer, by and with the advice and consent of the chief of police, having assured himself that the applicant is of good repute shall, within ten days of the date of receipt of the application, issue the license required by this chapter. Such license shall be valid until revoked; except, that a new application shall be filed whenever there is a change in the business address or proprietorship of the licensee.

**B.** The license fee shall be five dollars.

**C.** Should the metropolitan collections officer determine that the applicant is not a suitable person to be licensed under the provisions of this chapter, the applicant shall be so notified in writing within ten days of the date of receipt of the application by the metropolitan collections officer, and the license shall be refused.

**D.** Any person aggrieved by the refusal of a license may appeal by certiorari to the circuit court. After examination of the evidence presented by the metropolitan collections officer and hearing the applicant, the court shall, in its discretion, direct that the license be issued or refused.

**E.** Whenever any licensee under this section is convicted of a violation of any of the provisions of this chapter, it shall be the duty of the clerk of the metropolitan court to notify the metropolitan collections officer within forty-eight hours after such conviction, and the metropolitan collections officer shall suspend or revoke such license; provided, that in the case of an appeal from such conviction, the metropolitan collections officer shall permit the licensee to continue business until notified by the clerk of the court of last appeal to the final disposition of the case.

**F.** Any license revoked for a violation of this chapter, as provided in subsection E of this section, shall not be renewed within five years of the date of revocation.

**Section 11.36.030. Dealer's records.**

A true record shall be made by each licensed manufacturer or dealer in firearms within the urban services district, on the form prescribed by the chief of police, of each firearm sold, pledged as security for a loan, transferred or otherwise disposed of at wholesale or retail. This record shall contain the date of sale or the dates of pledge and redemption for a loan, the caliber, make, model and manufacturer's number of the firearm and the name and address of the purchaser or person depositing the firearm as security for a loan. Such record shall be retained by the manufacturer or dealer for a period of not less than three years following the date of such sale.

**Section 11.36.040. Pistol sales, Notice to police, Delivery requirements.**

Each licensed manufacturer or dealer shall transmit to the chief of police, by United States mail, within twenty-four hours, a notification of all sales of pistols made at retail, giving the information required by Section 11.36.030. When delivered, all pistols shall be securely wrapped and shall be unloaded.

**Section 11.36.050. False information, Dealer's license, Purchasing records.**

**A.** No person shall, in applying for a license as a manufacturer or dealer, give false information or offer false evidence of his identity.

**B.** No person shall give false information concerning his name and address or offer false evidence of his identity when purchasing a firearm.

**Section 11.36.060. Sale prohibited to certain persons.**

It is unlawful for any person to sell, lease, lend or otherwise transfer a firearm within the urban services district to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or who is a fugitive from justice or who is of unsound mind or who is a drug addict or an habitual drunkard.

**Section 11.36.070. Possession prohibited by certain persons.**

It is unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, or is of unsound mind or is a drug addict or an habitual drunkard, to possess a firearm within the urban services district.

**Section 11.36.080. Sale to minors prohibited.**

No person shall sell, lease or transfer a pistol, except when the relation of parent and child or guardian and ward exists, to any person under the age of twenty-one years.

**Section 11.36.090. Removal or alteration of manufacturer's identification number.**

It is unlawful for any person to obliterate, remove, change or alter the manufacturer's identification mark or number on any pistol. Whenever, in a trial for a violation of this section, the defendant is shown to have or have had possession of any such pistol, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number, unless the defendant can produce a bill of sale indicating that the pistol was legally purchased and that the manufacturer's identification mark or serial number was obliterated or defaced at the time of purchase.

**Section 11.36.100. Stolen firearms.**

It is unlawful within the urban services district for any person to receive, conceal, store, barter, sell, lease, lend or otherwise transfer, or to pledge or accept as security for a loan, any firearm, knowing or having reasonable cause to believe the same to have been stolen.