

HOUSE BILL 962

By Love

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to the creation of a registry to prohibit the transfer of firearms to certain persons.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

(a) The Tennessee bureau of investigation, by July 1, 2018, shall develop and launch a secure internet-based platform to allow any person in the United States to register to add the person's own name to the "Tennessee Do Not Sell List." The Tennessee bureau of investigation, shall ensure that this internet-based platform credibly:

- (1) Verifies the identity of any person who opts to register with the bureau;
- (2) Prevents unauthorized disclosures of any registering persons; and
- (3) Informs the potential registrant of the legal effects of registration.

(b) Once the internet-based platform becomes operative, any person may request, via the platform, to be added to the "Tennessee Do Not Sell List." The Tennessee bureau of investigation shall, on an ongoing basis, ensure that registry information is reflected in the National Instant Criminal Background Check system (NICS) Index Denied Persons File, and conveyed to any other state that adopts an analogous "Do Not Sell List."

(c)

(1) Registering for the "Tennessee Do Not Sell List" or registering in any other state that adopts an analogous "Do Not Sell List" renders receipt of a firearm by the registrant illegal. If a person is in the NICS due to registering in Tennessee or in another state, receipt of a firearm from a person or entity required to perform a background check violates this section.

(2)

(A) It is an offense to knowingly transfer a firearm to a person who is validly registered on the "Tennessee Do Not Sell List" or a similar list in another state.

(B) A violation of this subdivision is punishable as a fine-only Class A misdemeanor with a fine not to exceed one thousand dollars (\$1,000).

(d) A person requesting to be added to the "Tennessee Do Not Sell List" may subsequently request that the person's name be removed from the registry by a secure method conveyed to Tennessee's internet-based platform. The Tennessee bureau of investigation shall wait twenty-one (21) days after receiving a request to remove a person's name from the registry before removing the requesting person from the NICS Index Denied Persons File for Tennessee. The bureau shall notify any other participating state and, following this notification, shall purge all records related to the registration process.

(e)

(1) Whether a person is on the "Tennessee Do Not Sell List" or the person has requested to be removed from the list is confidential with respect to matters involving employment, education, housing, insurance, government benefits, and contracting.

(2) A private civil cause of action is created if any person or entity described in subdivision (e)(1) inquires whether a person is on the "Tennessee

Do Not Sell List" or if the person or entity takes any action against the person based upon that information.

(3) The person whose confidentiality was violated by an inquiry or action may bring a private civil action for appropriate relief, including reasonable attorney fees, for each violation that occurs.

SECTION 2. For purposes of designing and establishing the "Tennessee Do Not Sell List" on a secure internet-based platform, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 2018.