

HOUSE BILL 2064

By Todd

AN ACT to amend Tennessee Code Annotated, Title 16; Title 36; Title 37; Title 39; Title 40; Title 49 and Title 65, relative to weapons.

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 subsections (a), (e), and (g) and subdivision (h)(1)(B).

SECTION 2. Tennessee Code Annotated, Section 39-17-1307(f)(1)(A), is amended by deleting the subdivision and substituting:

(A) Has been convicted of a misdemeanor crime of domestic violence, as defined in 18 U.S.C. § 921, within the prior five (5) years, and has not had the person's firearm rights restored pursuant to § 39-17-1367, or is still subject to the disabilities of such a conviction;

SECTION 3. Tennessee Code Annotated, Section 39-17-1307(f)(1)(C), is amended by deleting the subdivision and substituting:

(C) Is prohibited from possessing a firearm under any other state or federal law; provided, however, that a person is not prohibited from possessing a firearm based solely on:

(i) The person's status as an unlawful user of or a person who is addicted to any controlled substance unless a court has issued a finding that the person's substance use creates a material risk of dangerous conduct within the prior one (1) year; or

(ii) The person's prior conviction for a misdemeanor crime of domestic violence, if the conviction occurred more than five (5) years prior or if the person's firearm rights have been restored pursuant to § 39-17-1367.

SECTION 4. Tennessee Code Annotated, Section 39-17-1307(h)(1)(A), is amended by deleting the subdivision and substituting:

- (A) Has been convicted of stalking, as prohibited by § 39-17-315, within the prior five (5) years;

SECTION 5. Tennessee Code Annotated, Section 39-17-1307(h)(1)(D), is amended by deleting the subdivision and substituting:

- (D) Is otherwise prohibited from possessing a firearm by 18 U.S.C. § 922(g) as it existed on January 1, 2021; provided, however, that a person is not prohibited from carrying a firearm based solely on:

- (i) The person's status as an unlawful user of or a person who is addicted to any controlled substance unless a court has issued a finding that the person's substance use creates a material risk of dangerous conduct within the prior one (1) year; or
 - (ii) The person's prior conviction for a misdemeanor crime of domestic violence, if the conviction occurred more than five (5) years prior or if the person's firearm rights have been restored pursuant to § 39-17-1367.

SECTION 6. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting the section and substituting:

It is not an offense for a person authorized to carry a firearm pursuant to § 39-17-1351 or § 39-17-1366 or a person who is not prohibited from carrying a firearm to do so in any state or local park, on a greenway or other recreational property, or, to the extent permitted by federal law, within or on property designated by the federal government as a national park, forest, preserve, historic park, military park, trail, or recreation area.

SECTION 7. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (a)(2)(B)(i)(v).

SECTION 8. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivisions (a)(2)(B)(i)(w) and (a)(2)(B)(i)(x) and substituting:

- (w) Firearm possession, as defined in § 39-17-1319;
- (x) Providing firearms to juveniles, as defined in § 39-17-1320; or

SECTION 9. Tennessee Code Annotated, Section 39-17-1303, is amended by deleting subdivision (a)(1) and subsection (b).

SECTION 10. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting subdivision (a)(2) and subdivisions (a)(6)-(11).

SECTION 11. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "pursuant to § 39-17-1307(g)".

SECTION 12. Tennessee Code Annotated, Section 39-17-1319, is amended by deleting subdivision (a)(1).

SECTION 13. Tennessee Code Annotated, Section 39-17-1319, is amended by deleting the word "handgun" wherever it appears and substituting "firearm".

SECTION 14. Tennessee Code Annotated, Section 39-17-1319(d)(1)(D), is amended by deleting the subdivision and substituting:

- (D) Hunting, trapping, fishing, camping, sport shooting, or other lawful sporting activity;

SECTION 15. Tennessee Code Annotated, Section 39-17-1319(d)(1), is amended by adding the following new subdivisions:

- (I) By a juvenile possessing a rifle or shotgun, at the juvenile's:
 - (i) Place of residence;
 - (ii) Place of business; or
 - (iii) Premises;

(J) By a juvenile possessing a rifle or shotgun while engaged in the lawful protection of livestock from predatory animals; or

(K) Emancipated, pursuant to title 29, chapter 31.

SECTION 16. Tennessee Code Annotated, Section 39-17-1320, is amended by deleting the word "handgun" wherever it appears and substituting "firearm".

SECTION 17. Tennessee Code Annotated, Section 39-17-1321, is amended by deleting the section and substituting:

(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 to carry a firearm while under the influence of alcohol as defined in § 55-10-401(2) or any controlled substance or substance analogue.

(b) A violation of this section is a Class A misdemeanor.

(c) In addition to the punishment authorized by subsection (b) if the violation occurs in an establishment where liquor, wine, or other alcoholic beverages, as defined in § 57-3-101(a), or beer, as defined in § 57-6-102, are served for consumption on the premises, and the person has a handgun carry permit issued pursuant to § 39-17-1351 or § 39-17-1366, such permit shall be suspended in accordance with § 39-17-1352 for a period of three (3) years.

SECTION 18. Tennessee Code Annotated, Section 39-17-1359(f), is amended by deleting the subsection and substituting:

(f) Except as provided in subsection (g), this section shall not apply to the grounds of any public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place that is owned or operated by the state, a county, a municipality, or instrumentality thereof.

SECTION 19. Tennessee Code Annotated, Section 39-17-1359(g)(2)(B), is amended by deleting the language "or § 39-17-1311(b)(1)(H)(ii)".

SECTION 20. Tennessee Code Annotated, Section 39-17-1364, is amended by deleting the language "Notwithstanding § 39-17-1307, or any other law," and substituting "Notwithstanding another law to the contrary,".

SECTION 21. Tennessee Code Annotated, Section 49-6-3051(b)(2)(H), is amended by deleting the subdivision.

SECTION 22. Tennessee Code Annotated, Section 49-6-3051, is amended by deleting subdivisions (b)(2)(I) and (b)(2)(J) and substituting:

- (I) Firearm possession, as defined in § 39-17-1319;
- (J) Providing firearm to juveniles, as defined in § 39-17-1320; or

SECTION 23. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following new section:

39-17-1367.

(a) A person who has been convicted of a misdemeanor crime of domestic violence, as defined in 18 U.S.C. § 921, within the prior five (5) years may petition the court in which the person was convicted of the offense to have the person's firearm rights restored; provided, that the person may not petition the court until three (3) years from the date of conviction.

(b) A copy of the petition for relief shall also be served on the district attorney general of the judicial district in which the offense 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) Evidence of the offense and the circumstances surrounding the offense;
- (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 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.

(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 misdemeanor crime of domestic violence 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) If applicable, 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.

SECTION 24. This act takes effect July 1, 2026, the public welfare requiring it.