

SENATE BILL 1851

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 16;
Title 36; Title 37; Title 38; Title 39; Title 40; Title 49
and Title 65, relative to firearms.

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 the section and substituting:

(a)

- (1) A person commits an offense who possesses a firearm and:
 - (A) Has been convicted of a felony crime of violence or an attempt to commit a felony crime of violence;
 - (B) Has been convicted of a felony drug offense;
 - (C) Has been convicted of a felony offense other than an offense under subdivision (a)(1)(A) or (a)(1)(B);
 - (D) 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;
 - (E) Is prohibited from possessing a firearm under 18 U.S.C. § 922(g); or
 - (F) Has been adjudicated as a mental defective, has been judicially committed to a mental institution pursuant to title 33, or had a court appoint a conservator for the person by reason of a mental defect.
- (2) An offense under subdivision (a)(1)(A) is a Class B felony.
- (3) An offense under subdivision (a)(1)(B) is a Class C felony.

- (4) An offense under subdivision (a)(1)(C) is a Class E felony.
- (5) An offense under subdivisions (a)(1)(D)-(F) is a Class A misdemeanor.

(b) Subdivisions (a)(1)(A)-(F) do not apply if:

- (1) The person has been pardoned for the offense;
- (2) The conviction has been expunged or otherwise set aside;
- (3) The person's civil rights have been restored pursuant to title 40, chapter 29;
- (4) The person has been granted relief of disabilities relative to firearms under 18 U.S.C. § 925 or by any other statutory procedure or court ruling; or
- (5) The person has been granted relief of disabilities relative to firearms under the applicable law of this or another state relative to a disability arising in that state.

(c)

- (1) A person commits an offense who possesses a deadly weapon with the intent to employ it during the commission of, attempt to commit, or escape from a felony offense.
- (2) A violation of subdivision (c)(1) is a Class E felony.

(d) If a person is licensed as a federal firearms dealer, is identified as a responsible party under a federal firearms license, or is employed by a federal firearms dealer, the determination of whether such an individual possesses firearms that constitute the business assets or inventory under the federal license must be determined based upon the applicable federal statutes or the rules, regulations, official letters, rulings, and publications of the federal bureau of alcohol, tobacco, firearms and explosives.

(e) A person does not possess a firearm if the firearm is in a safe or similar container that is securely locked and to which the person does not have the combination, key, or other means of normal access.

SECTION 2. Tennessee Code Annotated, Section 39-17-1308(b), is amended by deleting "§ 39-17-1307(b)(1)" and substituting "§ 39-17-1307(a)(1)(A) or (B)" and by deleting subdivisions (a)(8) and (a)(9).

SECTION 3. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting the section.

SECTION 4. Tennessee Code Annotated, Section 16-10-205, is amended by deleting "§ 39-17-1307(i)" wherever it appears and substituting "§ 39-17-1307(a)(1)(F)".

SECTION 5. Tennessee Code Annotated, Section 16-11-202, is amended by deleting "§ 39-17-1307(i)" wherever it appears and substituting "§ 39-17-1307(a)(1)(F)".

SECTION 6. Tennessee Code Annotated, Section 16-15-405, is amended by deleting "§ 39-17-1307(i)" wherever it appears and substituting "§ 39-17-1307(a)(1)(F)".

SECTION 7. Tennessee Code Annotated, Section 16-16-121, is amended by deleting "§ 39-17-1307(i)" wherever it appears and substituting "§ 39-17-1307(a)(1)(F)".

SECTION 8. Tennessee Code Annotated, Section 36-3-625(a)(3), is amended by deleting "and § 39-17-1307(f)" and substituting "and § 39-17-1307(a)(1)(E)".

SECTION 9. Tennessee Code Annotated, Section 36-3-625(h)(3), is amended by deleting "or § 39-17-1307(f)" and substituting "or § 39-17-1307(a)(1)(E)".

SECTION 10. Tennessee Code Annotated, Section 37-1-131(a)(2)(B)(i)(t), is amended by deleting "carrying or".

SECTION 11. Tennessee Code Annotated, Section 38-8-116(c)(6)(A)(i), is amended by deleting "§ 39-17-1307(b) or (c)" and substituting "§ 39-17-1307(a)".

SECTION 12. Tennessee Code Annotated, Section 39-13-113(h)(4), is amended by deleting "or § 39-17-1307(f)" and substituting "or § 39-17-1307(a)(1)(E)".

SECTION 13. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting "§ 39-17-1307(b)" wherever it appears and substituting "§ 39-17-1307(a)".

SECTION 14. Tennessee Code Annotated, Section 39-17-1366, is amended by deleting "§ 39-17-1307(b)" wherever it appears and substituting "§ 39-17-1307(a)".

SECTION 15. Tennessee Code Annotated, Section 40-14-109(b)(1), is amended by deleting "§ 39-17-1307(f)(1)" and substituting "§ 39-17-1307(a)(1)(D)".

SECTION 16. Tennessee Code Annotated, Section 40-29-103, is amended by deleting "§ 39-17-1307(b), (f)(1), (h)(1)(D), (i), or (j)" wherever it appears and substituting "§ 39-17-1307(a)(1)".

SECTION 17. Tennessee Code Annotated, Section 40-32-105(i)(5), is amended by deleting "§ 39-17-1307(b)(1)(B) and (c)" and substituting "§ 39-17-1307(a)(1)(B) and (C)".

SECTION 18. Tennessee Code Annotated, Section 40-32-107(a)(1)(D)(xxx), is amended by deleting "Section 39-17-1307(f)(1)(A)" and substituting "Section 39-17-1307(a)(1)(D)".

SECTION 19. Tennessee Code Annotated, Section 40-32-107(a)(1)(D)(xxx), is amended by deleting the subdivision.

SECTION 20. Tennessee Code Annotated, Section 40-32-107(a)(1)(D)(xxxii), is amended by deleting "Section 39-17-1307(f)(1)(C)" and substituting "Section 39-17-1307(a)(1)(E) or (F)".

SECTION 21. Tennessee Code Annotated, Section 40-32-110(d), is amended by deleting "§ 39-17-1307(b)(1)(B) and (c)" and substituting "§ 39-17-1307(a)(1)(B) and (C)".

SECTION 22. Tennessee Code Annotated, Section 40-35-121(a)(3)(B)(xxvi), is amended by deleting "carrying or".

SECTION 23. Tennessee Code Annotated, Section 40-35-124, is amended by deleting subdivision (a)(32) and substituting:

- (32) Unlawful possession of a firearm, under § 39-17-1307(a)(1)(D);

SECTION 24. Tennessee Code Annotated, Section 40-35-124, is amended by deleting subdivision (c)(5) and substituting:

- (5) Unlawful possession of a firearm, under § 39-17-1307(a)(1)(D);

SECTION 25. Tennessee Code Annotated, Section 40-35-501, is amended by deleting subdivisions (y)(2)(A)-(C) and substituting:

- (A) Unlawful possession of a firearm by a person convicted of a felony crime of violence or an attempt to commit a felony crime of violence, under § 39-17-1307(a)(1)(A);

- (B) Unlawful possession of a firearm by a person convicted of a felony drug offense, under § 39-17-1307(a)(1)(B);

- (C) Unlawful possession of a firearm by a person convicted of a felony offense other than a felony crime of violence, an attempt to commit a felony crime of violence, or a felony drug offense, under § 39-17-1307(a)(1)(C); and

SECTION 26. Tennessee Code Annotated, Section 49-6-3051(b)(2)(F), is amended by deleting "carrying or".

SECTION 27. Tennessee Code Annotated, Section 65-15-106(c)(2), is amended by deleting "carrying or".

SECTION 28. Tennessee Code Annotated, Section 39-17-1316, is amended by deleting subdivisions (a)(1)(A)(i) and (a)(1)(A)(v).

SECTION 29. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subdivisions (c)(11), (c)(18), and (c)(19).

SECTION 30. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting subdivisions (a)(9) and (a)(11).

SECTION 31. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the phrase "a person who has a valid enhanced handgun carry permit or concealed handgun carry permit or who lawfully carries a handgun pursuant to § 39-17-1307(g) may," and substituting "a person who lawfully possesses a firearm may,".

SECTION 32. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (a)(2)(B)(i)(v).

SECTION 33. Tennessee Code Annotated, Section 39-17-1359(f), is amended by deleting the last sentence.

SECTION 34. Tennessee Code Annotated, Section 39-17-1359(g)(2)(B), is amended by deleting "or § 39-17-1311(b)(1)(H)(ii)".

SECTION 35. Tennessee Code Annotated, Section 49-6-3051, is amended by deleting subdivision (b)(2)(H).

SECTION 36. Tennessee Code Annotated, Section 37-1-190, is amended by deleting the section.

SECTION 37. Tennessee Code Annotated, Section 37-1-103, is amended by deleting subdivision (a)(7).

SECTION 38. Tennessee Code Annotated, Section 37-1-133(a), is amended by deleting "Except as provided in § 37-1-190, an" and substituting "An".

SECTION 39. Tennessee Code Annotated, Section 37-1-133, is amended by deleting subdivision (b)(4).

SECTION 40. Tennessee Code Annotated, Section 37-1-153(a)(6), is amended by deleting "prior to the transfer of a firearm pursuant to § 37-1-190 or" and by deleting "§ 37-1-190 and".

SECTION 41. Tennessee Code Annotated, Section 37-1-153(f)(1)(A)(i), is amended by deleting "and is not currently prohibited from possessing or purchasing a firearm pursuant to § 37-1-190".

SECTION 42. Tennessee Code Annotated, Section 37-1-159, is amended by deleting subsection (h).

SECTION 43. Tennessee Code Annotated, Section 39-17-1316, is amended by deleting subdivision (a)(1)(A)(v).

SECTION 44. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subdivision (c)(19).

SECTION 45. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting subdivision (a)(11).

SECTION 46. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 47. This act takes effect July 1, 2026, the public welfare requiring it.