

HOUSE BILL 2145

By Weaver

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 54, relative to the Tennessee Firearms
Freedom Act.

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

SECTION 1. Tennessee Code Annotated, Section 4-54-103, is amended by adding the following as new, appropriately designated subdivisions:

() "Federal enactment" means any action, including, but not limited to, an action to pass or implement a statute, ordinance, rule, regulation or order, by the federal government or any subdivision thereof that would have or purport to have the force or effect of law;

() "Federal enforcement action" means any action by the federal government or any subdivision or agent thereof that attempts to enforce any federal enactment against this state or any citizen of this state;

SECTION 2. Tennessee Code Annotated, Section 4-54-104, is amended by deleting the section in its entirety and by substituting instead the following:

A firearm, firearm accessory or ammunition that is present in this state or is owned or possessed by an individual or entity in this state is not subject to any federal enactment or federal enforcement action. The rights of an individual or entity relative to firearms, firearms accessories or ammunition shall not be subject to any federal enactment or federal enforcement action in this state.

SECTION 3. Tennessee Code Annotated, Section 4-54-105, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any federal enactment or federal enforcement action relating to firearms, firearm accessories or ammunition, is void in this state.

(b) Any federal enactment or federal enforcement action impacting or infringing upon the rights of individuals or entities relative to firearms, firearm accessories or ammunition, is void in this state.

(c) No public official, employee, or agent of this state or any of its political subdivisions shall act, aid, or otherwise cooperate to impose, collect, enforce, or effectuate any fine, penalty, or other federal enactment or federal enforcement action in this state.

(d) Any enforcement of, or attempt to enforce, any federal enactment or federal enforcement action against any individual or entity in this state is an infringement of the civil rights of the individual so affected, and with respect to any such entity, such action is a violation of the rights of each individual having an ownership or membership interest in such entity.

SECTION 4. Tennessee Code Annotated, Section 4-54-106, is amended by deleting the section in its entirety and by substituting instead the following:

(a) It is an offense to knowingly enforce or attempt to enforce any federal enactment or to further assist any federal enforcement action.

(b) A person who violates this chapter commits a Class A misdemeanor; provided, however, a second or subsequent violation of this chapter is a Class C felony.

SECTION 5. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following language as a new section:

4-54-107.

(a) The attorney general and reporter may prosecute violations of this chapter and defend the state against violations of this chapter by the federal government or any agent thereof; provided, however, that each district attorney general in this state has

concurrent authority to investigate and prosecute such violations relative to federal prosecutions or enforcement actions arising within their respective jurisdictions.

(b) Any individual or entity seeking declaratory relief under this chapter may petition a circuit or chancery court in this state to approve and appoint special counsel to bring an action under this chapter in the name of the State of Tennessee. The state shall pay the costs of such petition, including court costs and reasonable attorney's fees, and the costs of the declaratory action.

(c) Any individual or entity may bring a civil action for damages under this chapter. To the extent such action may name any government agent or official, the action may proceed against such individual in a representative or individual capacity. Any person or entity that violates this chapter is civilly liable for any actual damages incurred, statutory damages in the amount of fifty thousand dollars (\$50,000) per violation, and the reasonable attorney's fees and expenses incurred by a prevailing claimant. The right to a jury trial exists with respect to any such civil actions. Such civil actions may be brought and enforced in a representative capacity.

SECTION 6. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall 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 declared to be severable.

SECTION 7. This act shall take effect July 1, 2014, the public welfare requiring it.