

SENATE BILL 1736

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to liability for firearm exclusion in certain locations.

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) It is the intent of this section to balance the right of a handgun carry permit holder to carry a firearm in order to exercise the right of self-defense and the ability of a property owner or entity in charge of the property to exercise control over governmental or private property.

(b) Any person or entity authorized to post property pursuant to § 39-17-1359 who elects, pursuant to that authority, to prohibit the possession of firearms by a person authorized to carry a handgun pursuant to § 39-17-1351, thereby assumes absolute custodial responsibility for the safety and defense of the permit holder while on the posted property and while on any property the permit holder is required to traverse in order to travel to and from the location where the permit holder's firearm is stored.

(c) The responsibility of the person or entity posting for the safety and defense of the permit holder shall extend to the conduct of other invitees, trespassers, employees of the person or entity, vicious animals, wild animals, and defensible man-made and natural hazards.

(d)

(1) Any handgun carry permit holder who is injured, suffers bodily injury or death, incurs economic loss or expense, property damage or any other compensable loss as the result of conduct occurring on property that is posted pursuant to § 39-17-1359, shall have a cause of action against the person or entity posting. In addition to damages, the person shall be entitled to reasonable attorney fees, expert witness costs, and other costs necessary to bring the cause of action.

(2) The statute of limitations for such an action shall be two (2) years from the date of the occurrence giving rise to the damages, loss, or injury.

(e) Any notice or signage that property is posted pursuant to § 39-17-1359 shall also contain language citing this section and stating that any permit holder on the posted property is under the custodial responsibility of the posting person or entity.

(f) To prevail in an action brought under this section, the plaintiff must show by a preponderance of the evidence that:

(1) The plaintiff was authorized to carry a handgun pursuant to § 39-17-1351 at the time of the incident giving rise to the action;

(2) The plaintiff was prohibited from carrying a firearm on the property where the incident occurred because it was posted pursuant to § 39-17-1359; and

(3) The property was not required to be posted by state or federal law but was posted by choice of the defendant.

(g) This section shall be liberally construed to effectuate its purpose.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.