

HOUSE BILL 3125

By Todd

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13; Section 57-3-204 and Section 57-4-203, relative to permitting or prohibiting the carrying of firearms in certain places.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1305, is amended by deleting subdivision (c)(3) and substituting instead the following:

(3) Authorized to carry a firearm pursuant to § 39-17-1351, who is not consuming beer, wine or any alcoholic beverage, and is within the confines of an establishment open to the public that is licensed as a restaurant by the alcoholic beverage commission.

SECTION 2. Tennessee Code Annotated, Section 39-17-1305, is amended by deleting subsection (b) and substituting instead the following:

(b) A violation of subsection (a) is a Class A misdemeanor, punishable by a mandatory minimum period of imprisonment of seventy-two (72) hours and a mandatory minimum fine of five hundred dollars (\$500).

SECTION 3. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) An individual, corporation, business entity or local, state or federal government entity or agent thereof is authorized to prohibit the possession of weapons by any person who is at a meeting conducted by or on property owned, operated, or managed or under the control of the individual, corporation, business entity or government entity.

(2) The prohibition in subdivision (1) shall apply to any person who is authorized to carry a firearm by authority of § 39-17-1351.

(b)

(1) Notice of the prohibition permitted by subsection (a) shall be accomplished by posting notices to be displayed in prominent locations, including all entrances primarily used by persons entering each building, or portion of the building or buildings, where weapon possession is prohibited.

(2) If the possession of weapons is also prohibited on the premises of the property as well as within the confines of a building located on the property, the notice shall be posted at all entrances to the premises that are primarily used by persons entering the property.

(3) The notice required by this section shall be in English, but a duplicate notice may also be posted in any language used by patrons, customers or persons who frequent the place where weapon possession is prohibited. In addition to, but not in lieu of, the sign set out in subdivision (4), notice may also include the international circle and slash symbolizing the prohibition of the item within the circle.

(4) The sign shall be of a size that is plainly visible to the average person entering the building, premises or property and shall contain the following language:

AS AUTHORIZED BY TCA § 39-17-1359, POSSESSION OF A  
WEAPON ON THIS PROPERTY, WITHIN THIS BUILDING, OR THE  
POSTED PORTION OF THIS BUILDING, IS PROHIBITED. A  
VIOLATION IS A CRIMINAL OFFENSE PUNISHABLE BY A FINE OF

\$500 AND POSSIBLE IMPRISONMENT AND HANDGUN CARRY  
PERMIT SUSPENSION.

(c)

(1) It is an offense to possess a weapon in a building or on property that is properly posted in accordance with this section.

(2) Except as provided in subdivisions (3) and (4) of this subsection, possession of a weapon on posted property in violation of this section is a Class B misdemeanor punishable by fine only of five hundred dollars (\$500).

(3) A violation of this section is a Class A misdemeanor if:

(A) The violation occurs in an establishment licensed by the alcoholic beverage commission as a restaurant;

(B) The person violating the section had a handgun carry permit at the time of the offense; and

(C) The person violating the section was, at the time of the offense, consuming an alcoholic beverage, wine or beer within the establishment.

(4) A violation of subdivision (c)(3) shall be punished as follows:

(A) By a mandatory minimum period of incarceration of not less than forty-eight (48) hours nor more than the maximum period of incarceration for a Class A misdemeanor;

(B) By a mandatory minimum fine of not less than five hundred dollars (\$500) nor more than the maximum fine for a Class A misdemeanor.

(C) By the mandatory suspension of the person's handgun carry permit for a period of one (1) year by the department of safety. At the end

of the suspension period, the person shall be required to reapply for a handgun carry permit and undergo the same procedure as set out for a new applicant.

(d) Nothing in this section shall be construed to alter, reduce or eliminate any civil or criminal liability that a property owner or manager may have for injuries arising on their property.

(e) The provisions of this section shall not apply to title 70 regarding wildlife laws, rules and regulations.

(f) 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. The carrying of firearms in those areas shall be governed by § 39-17-1311.

(g) Any notice posted prior to the effective date of this act that is in substantial compliance with the provisions of this section as it existed prior to the effective date of this act shall remain valid and in full force and effect until October 1, 2010. After such date, property must be posted in accordance with the provisions of this section to prohibit the possession of weapons on the posted property.

SECTION 4. Tennessee Code Annotated, Section 39-17-1351, is amended by inserting the following between the fourth and fifth sentences of subsection (e):

Beginning September 1, 2010, and thereafter, all department approved handgun safety courses shall devote at least one (1) hour of the classroom portion of the course to instruction on alcohol and drugs, the effects of those substances on a person's reflexes, judgment and ability to safely handle a firearm, and the applicable Tennessee laws pertaining to consuming alcohol in an establishment licensed by the alcoholic

beverage commission as a restaurant while in possession of a firearm and possessing a firearm while under the influence of alcohol or drugs.

SECTION 5. Tennessee Code Annotated, Section 57-3-204, is amended by deleting subsection (e) in its entirety.

SECTION 6. Tennessee Code Annotated, Section 57-4-203, is amended by deleting subsection (k) in its entirety.

SECTION 7. This act shall take effect on July 1, 2010, the public welfare requiring it.