

SENATE BILL 2178

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 33 and Title 39, Chapter 17, Part 13, relative to firearms.

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

SECTION 1. This act is known and may be cited as the "Suicide Prevention Act of 2024."

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

39-17-1367.

(a)

(1) In an effort to prevent violence, including suicide, homicide, or mass shooting, by persons with mental illness using firearms, the Tennessee bureau of investigation (TBI) shall establish a program for "revocable voluntary waiver" of the right to purchase firearms so as to avoid purchase, possession, and transportation of firearms by and sale of firearms to:

(A) A person who is either voluntarily admitted to a public or private hospital or treatment resource for diagnosis, observation, and treatment of a mental illness or serious emotional disturbance in accordance with title 33, chapter 6, part 2 and voluntarily requests entry into the revocable voluntary waiver of the right to purchase firearms;

(B) A person who is concerned about the person's mental health and desires to enroll in the revocable voluntary waiver of the right to purchase firearms; or

(C) A person who completes and submits the request form for the revocable voluntary waiver of the right to purchase firearms, as created in subdivision (a)(2), to the person's physician or mental health counselor.

(2) The TBI shall create a request form for revocable voluntary waiver of the right to purchase firearms. The form must include:

(A) A statement at the top that the form is to be submitted to the sheriff's department of the community in which the enrollee resides;

(B) A space for the enrollee to designate an individual as a guardian angel if the enrollee wishes to do so. The guardian angel must be informed if the enrollee revokes their enrollment in the revocable voluntary waiver of the right to purchase firearms. The enrollee is responsible for providing contact information for the guardian angel. Upon receiving a revocable voluntary waiver of the right to purchase firearms request form designating a guardian angel, the TBI shall notify the designated guardian angel of the effect of such designation and allow the designated guardian angel to consent or decline to be included as a guardian angel. The designated guardian angel has no obligation to or liability for failure to receive, or remain available to receive, or act upon the information received if the enrollee revokes their enrollment in the revocable voluntary waiver of the right to purchase firearms;

(C) A declaration of any firearms that are in the ownership of the enrollee and the planned disposition of each firearm;

(D) An attestation that the enrollee does not currently possess or have access to any firearms at the time of filing for the revocable voluntary waiver of the right to purchase firearms; and

(E) An acknowledgement by the enrollee that it is an offense for a person who is enrolled in the revocable voluntary waiver of the right to purchase firearms to possess, purchase, or transport a firearm and that a violation of subsection (h) is a Class A misdemeanor.

(3) The TBI must provide the person seeking to enroll in the revocable voluntary waiver of the right to purchase firearms with information on mental health resources available to the person. This information shall not be construed to be any form of counseling or mental health assistance.

(4) The TBI must require the person to present a valid photo identification to verify the person's identity prior to accepting the revocable voluntary waiver of the right to purchase firearms request form.

(b) The TBI shall maintain and update the revocable voluntary waiver of the right to purchase firearms request data to be used, in accordance with § 39-17-1316, to advise a gun dealer if the TBI's records indicate a firearm buyer is prohibited from purchasing, possessing, or transporting a firearm.

(c)

(1) No sooner than fourteen (14) calendar days after filing a revocable voluntary waiver of the right to purchase firearms request form, an enrollee may file a revocation of the revocable voluntary waiver of the right to purchase firearms with the TBI. The filing of a revocation form allows the person executing the form to purchase, possess, or transport a firearm after the TBI has completed processing the form unless the person is otherwise ineligible to purchase or possess a firearm under federal or state law. The TBI must require a valid photo identification to verify the person's identity prior to accepting the form.

(2) By the end of the fourteenth business day following the date on which the request for revocation was received, the bureau must:

(A) Notify the person that the person's name has been removed from the revocable voluntary waiver of the right to purchase firearms;

(B) Inform the person's guardian angel of the revocation if the person has designated a guardian angel;

(C) Destroy all records related to the person's enrollment in the revocable voluntary waiver of the right to purchase firearms; and

(D) Remove the person from the national instant criminal background check system and other federal or state computer-based systems used by law enforcement to identify prohibited purchasers of firearms in which the person's enrollment in the revocable voluntary waiver of the right to purchase firearms was entered, unless the person is otherwise ineligible to purchase or possess a firearm under federal or state law.

(d) A person who knowingly makes a false statement regarding the person's identity on an enrollment or revocation form for the revocable voluntary waiver of the right to purchase firearms commits perjury, as defined in § 39-16-702.

(e) The TBI is authorized to promulgate rules to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(f) Notwithstanding another law to the contrary, the bureau shall withhold from public disclosure all information regarding a request to be enrolled into or removed from the revocable voluntary waiver of the right to purchase firearms and any other personal identifying information contained in or related to a revocable voluntary waiver of the right

to purchase firearms, except that such information may be disclosed to a law enforcement officer acting in the performance of official duties, a gun dealer as required by § 39-17-1316, the applicant with respect to the applicant's own information, or in the course of criminal prosecution for a violation of subsection (h) or § 39-16-702. Records obtained and produced pursuant to this section are confidential and are not an open record pursuant to title 10, chapter 7.

(g) A request form used to enroll in or withdraw from the revocable voluntary waiver of the right to purchase firearms must not be considered by a court in a legal proceeding in which the person executing the form is a party, except that such form may be used in a criminal prosecution for a violation of subsection (h), § 39-16-702, or § 39-17-1316.

(h) It is an offense for a person who is enrolled in the revocable voluntary waiver of the right to purchase firearms to purchase, possess, or transport a firearm. A violation of this subsection (h) is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 39-17-1316(a)(1), is amended by deleting the first sentence of the subdivision and substituting instead the following:

A person appropriately licensed by the federal government may stock and sell firearms to persons desiring firearms; however, sales to persons who have been convicted of the offense of stalking, as prohibited by § 39-17-315; who are addicted to alcohol; who are ineligible to receive firearms under 18 U.S.C. § 922; who have been judicially committed to a mental institution pursuant to title 33 or adjudicated as a mental defective; or who are enrolled in the revocable voluntary waiver pursuant to § 39-17-1367 are prohibited.

SECTION 4. For the purpose of implementation, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2025, the public welfare requiring it.