

Amendment No. 1 to HB1388

Curcio
Signature of Sponsor

AMEND Senate Bill No. 1391*

House Bill No. 1388

by deleting all language after the enacting clause and substituting instead the following:

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, an attempt to commit a felony crime of violence, or a felony involving use of a deadly weapon; or

(B) Has been convicted of a felony drug offense.

(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) It is an exception to subdivision (a)(1)(B) that:

(A) The person has been pardoned for the offense;

(B) The conviction has been expunged; or

(C) The person's civil rights have been restored pursuant to title 40, chapter 29, and the prior offense did not involve the possession, use, or attempted use of a firearm.

(b)

(1) A person commits an offense who possesses a handgun and has been convicted of a felony unless:

(A) The person has been pardoned for the offense;

(B) The felony conviction has been expunged; or

(C) The person's civil rights have been restored pursuant to title 40, chapter 29.

(2) An offense under subdivision (b)(1) is a Class E felony.

(c)

(1) A person commits an offense who possesses a deadly weapon other than a firearm with the intent to employ it during the commission of, attempt to commit, or escape from a dangerous offense as defined in § 39-17-1324.

(2) A person commits an offense who possesses any deadly weapon with the intent to employ it during the commission of, attempt to commit, or escape from any offense that is not defined as a dangerous offense by § 39-17-1324.

(3) An offense under this subsection (c) is a Class E felony.

(d)

(1) A person commits an offense who possesses a firearm and:

(A) 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 the conviction;

(B) Is, at the time of the possession, subject to an order of protection that fully complies with 18 U.S.C. § 922(g)(8);

(C) Is prohibited from possessing a firearm under any other state law;

(D) Has been adjudicated as a mental defective, as defined in 27 C.F.R. 478.11, or judicially committed to a mental institution;

(E) Is illegally or unlawfully in the United States;

(F) Has been discharged from the armed forces under dishonorable conditions; or

(G) Has renounced the person's United States citizenship.

(2) It is an exception to subdivision (d)(1)(A) that:

(A) The person has been pardoned for the offense;

(B) The conviction has been expunged; or

(C) The person's civil rights have been restored pursuant to title 40, chapter 29.

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

(4) For purposes of this section, a person does not possess a firearm, including, but not limited to, firearms registered under the National Firearms Act (26 U.S.C. § 5801 et seq.), if the firearm is in a safe or similar container that is securely locked and to which the person does not have the combination, keys, or other means of normal access.

(5) A violation of subdivision (d)(1) is a Class A misdemeanor and each violation constitutes a separate offense.

(6) If a violation of subdivision (d)(1) also constitutes a violation of § 36-3-625(h) or § 39-13-113(h), the respondent may be charged and convicted under any or all such sections.

SECTION 2. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting the section.

SECTION 3. 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 4. This act takes effect July 1, 2021, the public welfare requiring it.