

Amendment No. 2 to SB1334

Hensley  
Signature of Sponsor

**AMEND Senate Bill No. 1334**

**House Bill No. 902\***

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

SECTION 1. This act is known and may be cited as the "Second Amendment Privacy and Protection Act of 2021."

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) As used in this section, "registry" means a record of the possession or ownership by individuals or non-governmental entities of a firearm or firearm accessory, which includes, but is not limited to, the serial number, make, model, purchase date, or purchase location of the firearm or firearm accessory or the names, social security numbers, or personal addresses of the individuals or non-governmental entities.

(b) A state or local government entity, official, employee, or agent shall not knowingly create or maintain any firearm registry with the intent to record the possession or ownership of a firearm or firearm accessory by individuals or non-governmental entities.

(c) A violation of subsection (b) is a Class E felony.

(d)

(1) A firearm registry under this section does not include:

(A) A temporary log or record maintained by a state or private entity for the purpose of temporary storage of firearms;

(B) A receipt or record generated while the firearm is in possession of a state or private entity pursuant to the normal operations of that entity unless prohibited by state law;

(C) A record of persons assigned firearms that are purchased, owned, or authorized for carry in the course of employment by a state or local law enforcement agency;

(D) A record maintained in connection with a criminal, civil, or administrative court case;

(E) A record created or received by the department of correction for the following purposes:

(i) Incident reporting or disciplining inmates, relative to the possession or introduction of a contraband firearm into a penal institution; or

(ii) Incident reporting, issuing parole revocation warrants, or giving notice to the sentencing court relative to the unlawful possession of a weapon by a parolee or a felon probationer; or

(F) A record created, received, or maintained by the Tennessee peace officer standards and training commission, the Jerry F. Agee Tennessee law enforcement training academy, or a law enforcement agency pursuant to § 39-17-1309(e)(11)(B), § 39-17-1315, § 38-8-116, § 38-8-123, or § 49-6-816(f)(1) and (i).

(2) Firearm information contained in documents pursuant to subdivision (d)(1) must be redacted by the record holder prior to any release under § 10-7-503.

(e) A violation of subsection (b) may result in a civil action under § 39-17-1314(g)-(i).

(f) A violation of subsection (b) by a state or local entity shall result in loss of funding from the state for the following fiscal year and any subsequent fiscal year during which the violation occurs.

SECTION 3. Tennessee Code Annotated, Section 39-17-1314(g), is amended by deleting the subsection and substituting:

(1)

(A) Notwithstanding title 29, chapter 20; title 9, chapter 8; and § 20-13-102, a party may file an action in a court of competent jurisdiction against any of the persons or entities listed in subdivisions (g)(1)(A)(i) and (ii), if the party is adversely affected by:

(i) An ordinance, resolution, policy, rule, or other enactment that is adopted or enforced by a county, city, town, municipality, or metropolitan government or any local agency, department, or official that violates this section; or

(ii) The creation or maintenance of a record, database, registry, or collection of records, in violation of § 39-17-1367, by a state or local government entity, official, employee, or agent.

(B) The adversely affected party may seek:

(i) Declaratory and injunctive relief; and

(ii) Damages, as provided in subsection (i).

(2) This subsection (g) shall apply to any ordinance, resolution, policy, rule, or other enactment that is adopted or enforced on or after July 1, 2017, or any record, database, registry, or collection of records that is made or maintained on or after July 1, 2021.

SECTION 4. Tennessee Code Annotated, Section 39-17-1314(h)(1)(C), is amended by deleting the subdivision and substituting:

(C) Is or was subject to the ordinance, resolution, policy, rule, or other enactment or was included as an entry on a database, registry, or collection of records, that is the subject of an action filed under subsection (g). An individual is or was subject to the ordinance, resolution, policy, rule, or other enactment if the individual is or was physically present within the boundaries of the political subdivision for any reason; or

SECTION 5. Tennessee Code Annotated, Section 39-17-1314(i), is amended by deleting the language "county, city, town, municipality, or metropolitan government" and substituting "county, city, town, municipality, or metropolitan, state, or local government entity".

SECTION 6. Tennessee Code Annotated, Section 39-17-1314(i)(1)(A), is amended by deleting the language "ordinance, resolution, policy, rule, or other enactment" and substituting "ordinance, resolution, policy, rule, enactment, database, registry, or collection of records".

SECTION 7. 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 8. This act takes effect July 1, 2021, the public welfare requiring it.