

SENATE BILL 2521

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to weapons.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting the entire section and substituting:

(a) Except as provided in § 39-17-1313, or as otherwise limited by another state law, an individual, corporation, business entity, or local or state government entity or agent thereof is authorized to prohibit or limit the possession or open carry of a firearm on property owned, operated, or managed under the control of the individual, corporation, business entity, or government entity.

(b) Notice of the prohibition allowed under subsection (a) must be displayed at a prominent location, including all entrances used by persons entering the property, building, or portion of the property or building where firearm possession is prohibited or limited. The notice must meet the following minimum requirements:

(1) The notice must be in the format of a sign that must be on a white background and include either the phrase "NO FIREARMS ALLOWED" or "NO OPEN CARRY OF FIREARMS ALLOWED" in black print. The phrase must measure at least one inch (1") high and at least eight inches (8") wide. The sign must also include the phrase "As authorized by T.C.A. § 39-17-1359". The sign must not include any other statements or prohibitions;

(2) The sign must include a graphic image of a circle with a red diagonal line through the circle and a black image of a handgun inside the circle under the

diagonal line. The entire pictorial representation must be at least four inches (4") high and four inches (4") wide. The diagonal line must be at a forty-five-degree (45°) angle from the upper left to the lower right side of the circle;

(3) All written content on the sign must be in English. Duplicate signs may be posted in other languages in addition to and in the immediate vicinity of the sign; and

(4) Each sign must be posted at least four feet (4') and not more than five feet (5') above ground level at the point of entrance. Each sign must be posted either on or within two feet (2') of each such entry door.

(c)

(1) The prohibition allowed under subsection (a) must be enforced as follows:

(A) The person or entity responsible for the posting shall give a written notice to an individual believed to be in violation of the prohibition stating in English, and other language as may be appropriate, the identity of the individual or entity responsible for the prohibition and the entity's mailing address, that the property is a "gun free zone" pursuant to this section, that the individual, if in possession of a firearm, is required to abide by such prohibition and to remove the firearm from the building or property, and that the individual may be permitted to store the firearm in a personal vehicle pursuant to § 39-17-1313; and

(B) The person or entity responsible for the posting shall give a verbal instruction to the individual that the property has been declared by the owner, manager, or other authorized party to be a "gun free zone" and that the individual is required immediately to remove the firearm from

the building or property but that the individual may be permitted to store the weapon in a vehicle pursuant to § 39-17-1313.

(2) If the individual refuses to comply after receiving the notices required by subdivision (c)(1), the owner, manager, or other authorized party of the property may press charges against the individual for criminal trespass, under § 39-14-405, punishable only by a fine of fifty dollars (\$50.00). Section 39-17-1317 is not applicable to a person violating this section.

(d) This section does not alter, reduce, or eliminate any civil or criminal liability that a property owner or manager may have for injuries arising on the property owner's property.

(e) An individual, corporation, business entity, or local or state government entity or agent thereof that elects to post a prohibition of firearms pursuant to this section must provide reasonable and adequate security for the prohibited property, including any applicable parking areas.

(f) This section does not apply to the grounds of any public park, greenway, natural area, historic park, nature trail, campground, forest, waterway, lake, or other similar public place that is owned or operated by the state, a county, a municipality or an instrumentality thereof.

(g)

(1) This section does not authorize an entity of state or local government or a permittee thereof to enact or enforce a prohibition or restriction on the possession of a firearm on property owned or administered by the entity unless the following conditions are met:

(A) Metal detection devices are provided at each public entrance to the property;

(B) At least one (1) on-duty commissioned law enforcement officer who has been adequately trained to conduct inspections of persons entering the property by use of metal detection devices is posted at each public entrance. The governmental entity may also designate licensed private security officers to assist the on-duty law enforcement officer at each entrance provided that the private security serves at the direction and command of the on-duty commissioned law enforcement officer;

(C) Each person who enters the property through the public entrance when the property is open to the public and any bag, package, and other container carried by the person is inspected by a law enforcement or supervised private security officer as described in subdivision (g)(1)(B) and, if found to be in possession of any prohibited firearm, the person must be instructed that the property has been established as a "gun free zone" by the government entity and that the person is required to remove the firearm from the property but that the person may store the firearm in a vehicle pursuant to § 39-17-1313. The requirement to remove the firearm from the property is not required if secured storage lockers are provided pursuant to subdivision (g)(1)(D) or (g)(1)(E), or if possession of the firearm is transferred to an authorized individual pursuant to subdivision (g)(1)(F);

(D) Any local government entity that declares a building or structure a "gun free zone" shall provide space in the building for those individuals who are carrying a firearm pursuant to § 39-17-1351, § 39-17-1366, or § 39-17-1307 to store the firearm at or near the entrance of the

building or structure in separate secured, lockable storage units at no cost to the individual;

(E) Any state government entity that declares a building or structure a "gun free zone" shall provide space in the building for those individuals who are carrying a firearm pursuant to § 39-17-1351, § 39-17-1366, or § 39-17-1307 to store the firearm at or near the entrance of the building or structure in separate secured, lockable storage units at no cost to the individual; provided, however, that the cost of the storage units must be funded by a private individual or entity; and

(F) In the event an individual is otherwise authorized to possess a firearm in a government-owned or -controlled building and is willing and available to take possession of a firearm from an individual who is seeking to enter the building but who is not otherwise authorized to have a firearm in the building, the authorized individual shall be allowed to meet the individual at the public entrance for purposes of taking possession of the firearm and shall be responsible for returning the firearm to the individual when the individual exits the building.

(2) Subdivision (g)(1) does not apply to any public building that is declared by another state statute to be a prohibited location for firearms.

(3) An individual entering public property that has been declared a "gun free zone" pursuant to this subsection (g) shall not be charged with a violation of this section if, upon being instructed on removal or storage of the firearm pursuant to subdivision (g)(1), the individual removes the firearm from the property or places it in available storage pursuant to the subdivision (g)(1)(D) or

(g)(1)(E) or if possession of the firearm is transferred to an authorized individual pursuant to subdivision (g)(1)(F).

(4) A government entity that seeks to prohibit individuals from possessing firearms in or on any public building or structure pursuant to this section must first conduct a public hearing on the proposed action. Additional public hearings must be held each year the prohibition continues.

(5) A local government entity that prohibits individuals from possessing firearms in or on a public building or structure pursuant to this section shall provide at least one (1) on-duty commissioned officer, exclusive of those required under subdivision (g)(1)(B), per every five hundred (500) individuals estimated to be in the building or structure at any time when the prohibition is in effect and the building or structure is open to the public, for the purpose of patrolling the interior of the building.

SECTION 2. 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 3. This act takes effect upon becoming a law, the public welfare requiring it.