

PUBLIC CHAPTER NO. 1009

SENATE BILL NO. 3012

By Jackson, Bunch, Gresham, Tracy; Mr. Speaker Ramsey; Black

Substituted for: House Bill No. 3125

By Todd, Dennis, Evans, Fincher, West, Eldridge, Faulkner

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 the section in its entirety.

SECTION 2. Tennessee Code Annotated, Section 39-17-1321, is amended by deleting subsection (b) and by substituting instead the following:

(b) It is an offense for a person to possess a firearm if the person is both:

(1) Within the confines of an establishment open to the public where liquor, wine or other alcoholic beverages, as defined in § 57-3-101(a)(1)(A), or beer, as defined in § 57-6-102(1), are served for consumption on the premises; and

(2) Consuming any alcoholic beverage listed in subdivision (1) of this subsection (b).

(c)(1) A violation of this section is a Class A misdemeanor.

(2) In addition to the punishment authorized by subdivision (1), if the violation is of subsection (a), occurs in an establishment described in subdivision (b)(1), and the person has a handgun permit issued pursuant to § 39-17-1351, such permit shall be suspended in accordance with § 39-17-1352 for a period of three (3) years.

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 displaying one (1) or both of the notices described in subdivision (3) in prominent locations, including all entrances primarily used by persons entering the property, building, or portion of the property or building where weapon possession is prohibited. Either form of notice used shall be of a size that is plainly visible to the average person entering the building, property, or portion of the building or property, posted.

(2) 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.

(3)(A) If a sign is used as the method of posting, it shall contain language substantially similar to the following:

AS AUTHORIZED BY TCA § 39-17-1359, POSSESSION
OF A WEAPON ON POSTED PROPERTY OR IN A
POSTED BUILDING IS PROHIBITED AND IS A
CRIMINAL OFFENSE.

(B) As used in this section, "language substantially similar to" means the sign contains language plainly stating that:

(i) The property is posted under authority of Tennessee law;

(ii) Weapons or firearms are prohibited on the property, in the building, or on the portion of the property or building that is posted; and

(iii) Possessing a weapon in an area that has been posted is a criminal offense.

(C) A building, property or a portion of a building or property, shall be considered properly posted in accordance with this section if one (1) or both of the following is displayed in prominent locations, including all entrances primarily used by persons entering the property, building, or portion of the property or building where weapon possession is prohibited:

(i) The international circle and slash symbolizing the prohibition of the item within the circle; or

(ii) The posting sign described in this subdivision (3).

(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) 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).

(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.

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, a component of the classroom portion of all department-approved handgun safety courses shall be 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 provisions of § 39-17-1321.

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 upon becoming a law, the public welfare requiring it.

PASSED: May 5, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this day of 2010

PHIL BREDESEN, GOVERNOR

“See Attachments”

Effective date June 4, 2010

PHIL BREDESEN
THE GOVERNOR OF TENNESSEE

18 May 2010

The Honorable Ron Ramsey
Speaker of the Senate
1 Legislative Plaza
Nashville, TN 37243

RE: Senate Bill 3012 ("Guns in Bars")

Dear Speaker Ramsey:

I am vetoing Senate Bill 3012.

As I stated in the letter accompanying my veto message of a similar piece of legislation last year, I believe a basic and effective rule of gun safety is one I was first taught at a National Rifle Association-sponsored gun safety class almost fifty years ago: "*Guns and alcohol don't mix.*"

I am a strong supporter of the individual right to keep and bear arms, and I hold this right sacred as both an American and a Tennessean. I am a gun owner, and I exercise my rights as a hunter and in various other shooting activities as well. I value the constitutional right that allows me to protect my home and family. In Tennessee, this fundamental right has long been exercised within common-sense, reasonable rules. These rules don't diminish our collective freedom, but instead ensure that this fundamental right is exercised in a common-sense manner that ensures the survival of the right itself.

Until last year, Tennessee had long prohibited the possession of firearms in bars and restaurants that served alcohol. The legislation passed last year removed this protection in a manner that I, along with many law enforcement officers and innumerable private citizens, believed to be reckless and lacking in basic safeguards to public safety. A successful court challenge to last year's actions provided the General Assembly with a second opportunity to reconsider and adopt a more responsible approach to this issue. Instead, the General Assembly has essentially re-passed last year's legislation in an even more expansive and dangerous form. For this reason, I cannot sign this measure into law.

I'm well aware of the number of votes this matter gathered in the General Assembly, but as you consider this veto, I again respectfully urge the legislature to rethink this issue.

Respectfully,


Phil Bredesen

DOUG JACKSON

SENATOR
25TH SENATORIAL DISTRICT

302 WAR MEMORIAL BUILDING
NASHVILLE, TENNESSEE 37243-00XX
(615) 741-4498

OFFICE:
855 HIGHWAY 46 SOUTH
DICKSON, TENNESSEE 37055
(615) 740-5578

RESIDENCE:
119 TANGLEWOOD DRIVE
DICKSON, TENNESSEE 37055



Tennessee State Senate

NASHVILLE

VICE-CHAIRMAN
SENATE DEMOCRATIC CAUCUS

VICE-CHAIRMAN
JUDICIARY

MEMBER OF COMMITTEES

ENVIRONMENT
TRANSPORTATION
FISCAL REVIEW
TENN CARE OVERSIGHT

May 20, 2010

Mr. Russell A. Humphrey
Chief Clerk of the Senate
State Capitol
Nashville, Tennessee 37243

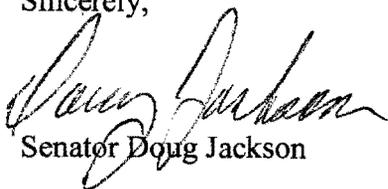
**RE: MOTION TO OVERRIDE THE GOVERNOR'S VETO OF SENATE BILL
NO. 3012**

Dear Mr. Clerk,

Pursuant to Rule 67 of the Rules of the Order of the Senate, I move to override the Governor's veto of Senate Bill No. 3012. I intend to move to re-pass Senate Bill No. 3012 notwithstanding the Governor's objections to the contrary, on May 26, 2010, or the next legislative day following the required notice given.

Please cause the written notice to be spread upon the Senate Journal and appropriate notice given, as may be required.

Sincerely,


Senator Doug Jackson

Date: 5/20/10

REMOVED: 5/20/10
RAH

NOTICE: 5/24/10
RAH

NOTICE TO OVERRIDE VETO

MR. SPEAKER: I hereby file notice under House Rule No. 78 that I will move to repass Senate Bill 3012, the Governor's objections to the contrary notwithstanding, as provided in Article III, Section 18 of the Constitution of Tennessee.

Representative



This, the 3rd of ~~May~~, 2010

J. W. S.
9



RON RAMSEY
SPEAKER OF THE SENATE

Senate Chamber
State of Tennessee

RUSSELL A. HUMPHREY
CHIEF CLERK

OFFICE OF THE CHIEF CLERK

2nd FLOOR, STATE CAPITOL
TENNESSEE GENERAL ASSEMBLY
NASHVILLE, TENNESSEE 37243
PHONE (615) 741-2730
FAX (615) 741-7100

June 7, 2010

The Honorable Tre Hargett
Secretary of State
1st Floor, State Capitol
Nashville, TN 37243

Dear Mr. Secretary:

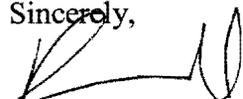
Pursuant to Tennessee Code Annotated 3-2-105, I am herewith transmitting Senate Bill 3012.

On May 18, 2010, Governor Bredesen vetoed Senate Bill 3012. Attached is a copy of the veto message of Governor Bredesen.

On May 27, 2010, the Senate, by a majority of the members elected to the Senate, re-passed Senate Bill 3012, notwithstanding the objections of the Governor. Senate Bill 3012 was transmitted to the House of Representatives.

On June 4, 2010, the House of Representatives transmitted a message indicating that the House of Representatives had re-passed, by a majority vote of all members elected to the House of Representatives, notwithstanding the objections of the Governor, Senate Bill 3012 on said date.

Sincerely,



Russell A. Humphrey
Chief Clerk
The Senate

cc.: Lieutenant Governor Ronald Ramsey
Speaker Kent Williams
Senator Doug Jackson
Representative Curry Todd