



**State of Tennessee**  
**PUBLIC CHAPTER NO. 363**

**HOUSE BILL NO. 395**

**By Representatives Watson, Dean, Campbell, Hurley, Todd, Sexton, Harry Brooks, Bass, Shipley, Matheny, Womick, Butt, Eldridge, Ryan Williams, Weaver, Forgety, Fitzhugh, McDonald, Sanderson, Windle, Parkinson, Coley, Holt, Sparks**

**Substituted for: Senate Bill No. 558**

**By Senator McNally**

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 8, Part 1, relative to retired law enforcement officers.

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

SECTION 1. Tennessee Code Annotated, Section 38-8-116, is amended by adding the following new subsection (c) and by designating subsequent subsections accordingly:

(c)

(1) A retired law enforcement officer, as described in subsection (b), may become certified to carry a firearm within the state of Tennessee that has been shipped or transported in interstate or foreign commerce in the same manner and to the same extent as authorized for an active law enforcement officer to carry a firearm of the same type.

(2) To become certified pursuant to this subsection for the first time, a retired officer may utilize any of the methods set out in subsection (b) to meet the standards established by the Tennessee peace officer standards and training (POST) commission for qualification for active law enforcement officers to carry a firearm of the same type.

(3)

(A) To complete the criminal history background check requirement for certification, a retired officer shall go to the sheriff in the county where the officer resides to have fingerprints taken. The officer shall be required to present photo identification at the time the fingerprints are taken. If the presented photo identification does not accurately identify the officer, then the sheriff shall refuse to take the officer's fingerprints. The sheriff may charge a fee not to exceed (\$6.00) for taking the officer's fingerprints and sending two (2) copies of the same to the Tennessee POST commission.

(B) At the time an officer submits an application to be filed with the Tennessee POST commission, the officer shall present photo identification; if the name on the photo identification and the name on the application are not the same, the Tennessee POST commission shall refuse to accept the application. If the person whose picture appears on the photo identification is not the same as the officer, the Tennessee POST commission shall refuse to accept the application.

(4) Upon receipt of the two (2) copies of an officer's fingerprints from a county sheriff's office, the Tennessee POST commission shall send the fingerprints of the officer and the application filed by the officer to the Tennessee bureau of investigation.

(5) Upon receipt of the fingerprints from the Tennessee POST commission, the Tennessee bureau of investigation shall:

(A) Within thirty (30) days from receipt of the fingerprints, conduct computer searches to determine the officer's eligibility for a permit under subsection (c) as are available to the bureau based solely upon the applicant's name, date of birth and social security number and send the results of the searches to the Tennessee POST commission;

(B) Conduct a criminal history record check based upon one (1) set of the fingerprints received and send the results to the Tennessee POST commission; and

(C) Send one (1) set of the fingerprints received from the Tennessee POST commission to the federal bureau of investigation, request a federal criminal history record check based upon the fingerprints, as long as the service is available, and send the results of the check to the Tennessee POST commission.

(6) The Tennessee POST commission shall deny a permit application if it determines from information contained in the criminal history record checks conducted by the Tennessee and federal bureaus of investigation pursuant to subdivision (5), or from other information that comes to the attention of the Tennessee POST commission, that the officer does not meet the eligibility to carry a firearm under this section. The Tennessee POST commission shall not be required to confirm the officer's eligibility for certification beyond the information received from the Tennessee and federal bureaus of investigation, if any.

(7) Certification of a retired officer under this section shall be valid for a period of four (4) years from the date the Tennessee peace officer standards and training (POST) commission issues the officer's certification under this subsection.

(8) For a retired officer to recertify under this subsection upon the expiration of the initial certification, the officer shall only be required to undergo the criminal history background check portion of the certification process. No fewer than ninety (90) days prior to the expiration of the officer's initial certification under this subsection, the officer shall undergo a criminal history background check in accordance with the procedure set out in subdivisions (3) through (5) of this subsection.

(9) Because the certification requirements of this subsection do not meet the requirements of 18 U.S.C. § 926C(d), a retired officer certified under this subsection is not permitted to carry a firearm outside the state of Tennessee unless otherwise authorized to do so with a handgun carry permit issued pursuant to § 39-17-1351.

(10) If the provisions of 18 U.S.C. § 926C(d), or any other provision of federal law change to permit an officer certified under this section to carry a firearm outside the state of Tennessee, such officer shall be permitted to carry a firearm as permitted by federal law.

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

HOUSE BILL NO. 395

PASSED: May 18, 2011

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 30 day of May 2011

  
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BILL HASLAM, GOVERNOR