



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 1054**

### **SENATE BILL NO. 2533**

**By Norris, Bell**

Substituted for: House Bill No. 1532

By McCormick, Kevin Brooks, Carter, Hardaway, Shaw

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 8, Part 1, relative to firearm permit requirements for retired law enforcement.

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

SECTION 1. Tennessee Code Annotated, Section 38-8-116(c)(6), is amended by deleting the subdivision and substituting instead the following language:

(6)(A) The Tennessee POST commission shall deny a permit application if it determines from information contained in the criminal history record checks conducted by the TBI and FBI pursuant to subdivision (c)(5), or from other information, that the applicant:

(i) Is prohibited from purchasing or possessing a firearm in this state pursuant to § 39-17-1316, § 39-17-1307(b) or (c), 18 U.S.C. § 922(g), or any other state or federal law, or is prohibited from obtaining a handgun carry permit pursuant to § 39-17-1351; or

(ii) Has been convicted of the offense of driving under the influence of an intoxicant in this or any other state two (2) or more times within ten (10) years from the date of the application and at least one (1) of the convictions has occurred within five (5) years from the date of application or renewal.

(B) The Tennessee POST commission shall not be required to confirm the officer's eligibility for certification beyond the information received from the TBI and FBI, if any.

SECTION 2. Tennessee Code Annotated, Section 38-8-116, is further amended by adding the following as a new subsection:

(g)(1) If a retired law enforcement officer who has been certified to carry a firearm pursuant to this section is arrested and charged with a violation of § 55-10-401 and the officer has one (1) or more prior convictions for the same offense within the last ten (10) years, then the court first having jurisdiction over the officer with respect to the charge shall order the officer to surrender the certificate and send the certificate to the certifying agency with a copy of the court's order that required the surrender of the certificate, unless the officer petitions the court for a hearing on the surrender.

(2) If the officer does petition the court for a hearing, the court shall determine whether the officer will present a material risk of physical harm to the public if released and allowed to retain the certificate. If the court determines that the officer will present a material risk of physical harm to the public, it shall condition the release of the officer, whether on bond or otherwise, upon the officer's surrender of the certificate to the court. The certifying agency shall suspend the certificate pending a final disposition on the charge against the officer.

(3) If the officer is not convicted of the charge or charges, the certificate shall be restored and returned to the officer and the temporary prohibition against the carrying of a firearm as a law enforcement officer shall be lifted.

(4) If the officer is convicted of the charge or charges, the certificate shall be revoked by the court and the revocation shall be noted in the judgment and minutes of the court. The court shall send the surrendered certificate to the issuing agency.

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it.

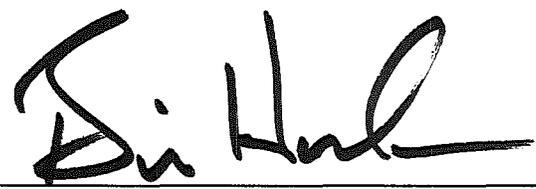
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PASSED: April 20, 2016

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 28<sup>th</sup> day of April 2016

  
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BILL HASLAM, GOVERNOR