

HOUSE BILL 2536

By Doggett

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 54 and Title 8, Chapter 47, relative to the Tennessee Firearms Freedom Act.

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following as a new section:

(a) It is a violation of an individual's civil rights to infringe upon or deny an individual the full exercise and enjoyment of any right recognized and protected by Article I, Section 26 of the Tennessee Constitution or any right recognized and protected by the second amendment to the United States Constitution.

(b) A violation of this section may be enforced by means of a civil action, which may be brought:

(1) In the county in which the action arose;

(2) In the county in which the individual resides; or

(3) If the action is brought against a state or local official, in the chancery court of Davidson County.

(c) If a violation of subsection (a) is the result of action by a government employee, the violation may also be prosecuted as official oppression under § 39-16-403.

(d) A person or governmental entity that violates subsection (a) is liable for:

(1) The actual damages caused by the violation or statutory damages of five hundred dollars (\$500) per each day of the violation, whichever is greater;

(2) Notwithstanding § 29-39-104, punitive damages to be determined by the trier of fact; and

(3) Reasonable attorney's fees and court costs.

(e) A person or governmental entity that commits an act or engages in any pattern or practice in violation of subsection (a) may be enjoined from further violations by a court of competent jurisdiction.

(f) An action for injunction under subsection (e) may be brought by:

(1) A person whose rights have been violated;

(2) An entity that engages in advocacy for the protection and furtherance of said rights; or

(3) Any other person or entity that will fairly and adequately represent the interests of those whose rights are protected by the state or federal constitutions as set forth in subsection (a).

(g) A knowing or willful violation of subsection (a) by a government official constitutes grounds for ouster under title 8, chapter 47.

(h) This section does not preclude any person or entity from seeking any remedies, penalties, or procedures otherwise provided by law.

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