

HOUSE BILL 2035

By Barrett

AN ACT to amend Tennessee Code Annotated, Title 36;
Title 38 and Title 39, relative to extreme risk
protection orders.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

(a) As used in this section, "extreme risk protection order":

(1) Means an executive order or a written order or warrant issued by a judge, magistrate, or other judicial officer, with the primary purpose of reducing the risk of firearm-related death or injury by doing one (1) or more of the following:

(A) Prohibiting a named individual from having under the individual's custody or control, owning, possessing, or receiving a firearm;

or

(B) Removing a firearm from or requiring the surrender of a firearm by a named individual; and

(2) Does not include an order of protection issued pursuant to title 36, chapter 3, part 6.

(b) Except as otherwise provided by state law, the general assembly preempts the entire field of legislation regarding extreme risk protection orders to the exclusion of all county, city, town, municipality, or metropolitan government law, ordinances, resolutions, enactments, or regulation.

(c) A political subdivision of this state is prohibited from accepting a grant or other source of funding for the purpose of implementing an ordinance, rule, executive order, judicial order, or judicial finding that would have the effect of enforcing an extreme risk protection order against a resident of this state.

(d) A federal statute, rule, or executive order or a federal judicial order that has the effect of enforcing an extreme risk protection order or ex parte extreme risk protection order against a resident of this state is null, void, unenforceable, and of no effect in this state.

(e) An individual, including a law enforcement officer, who attempts to enforce a federally implemented extreme risk protection order against a resident of this state commits a Class A misdemeanor.

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