

SENATE BILL 1746

By Campbell

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3; Section 10-7-504 and Title 39, Chapter 17, Part 13, relative to the "Tennessee Voluntary Do Not Sell Firearms Act."

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:

39-17-1329.

(a) This section is known and may be cited as the "Tennessee Voluntary Do Not Sell Firearms Act."

(b) As used in this section, "healthcare provider" means a person who provides health care or professional services related to health care, and is acting within the scope of the person's license, certification, practice, education, or training.

(c) A person may file a voluntary waiver of firearm rights form with the clerk of the circuit court in the county of the person's residence, which has the effect of prohibiting the person executing the form from receiving a firearm while the waiver is in effect. The clerk shall request valid government-issued photo identification to verify the person's identity prior to accepting the form. By the end of the business day on which the form was received, the clerk shall transmit the accepted form to the Tennessee bureau of investigation (TBI). The TBI shall provide the department of safety with a copy of the enrollment form within forty-eight (48) hours of receiving a form. If the person has a handgun carry permit issued pursuant to §§ 39-17-1351 or 39-17-1366, then the department of safety shall revoke the person's permit.

(d) A person may submit a voluntary waiver of firearm rights form to any healthcare provider. The healthcare provider shall verify the person's identity before accepting the form, and shall not accept a form from someone other than the person named on the form. By the end of the business day on which the form was received, the healthcare provider shall electronically deliver the person's completed form to the TBI.

(e) The TBI shall enter the voluntary waiver of firearm rights form into the national instant criminal background check system and other federal or state computer-based systems used by law enforcement agencies to identify prohibited purchasers of firearms within twenty-four (24) hours of receipt of the form.

(f) No sooner than seven (7) calendar days after filing a voluntary waiver of firearm rights form, the person may file a revocation of the voluntary waiver of firearm rights form with the clerk of any circuit court, which has the effect of permitting the person executing the form to receive a firearm after the TBI has completed processing the revocation form and twenty-one (21) calendar days have passed since the TBI's receipt of the revocation form, unless the person is otherwise ineligible to purchase or possess a firearm under federal or state law. The clerk shall request valid government-issued photo identification to verify the person's identity prior to accepting the revocation form. By the end of the business day on which the revocation form was received, the clerk shall transmit the revocation form to the TBI and destroy all records related to the person's voluntary waiver of firearm rights form and revocation of voluntary waiver of firearm rights form. Twenty-one (21) calendar days after receiving a revocation of voluntary waiver of firearm rights form, the TBI shall remove the person from the national instant criminal background check system and other federal or state computer-based systems used by law enforcement to identify prohibited purchasers of firearms in which the person's voluntary waiver of firearm rights was entered, unless the person is

otherwise ineligible to purchase or possess a firearm under federal or state law. The TBI shall destroy all records related to the person's voluntary waiver of firearm rights and revocation of voluntary waiver of firearm rights after removing the person from the national instant criminal background check system and other federal or state computer-based systems. The TBI shall provide the department of safety with a copy of the revocation form within forty-eight (48) hours of receiving the revocation form. If the person is a handgun carry permit holder pursuant to §§ 39-17-1351 or 39-17-1366, then the department of safety shall reinstate the person's permit to carry, unless the person is otherwise ineligible to obtain a permit under state law. The department of safety shall destroy all records related to the person's enrollment on the voluntary do not sell list after reinstating the person's permit to carry.

(g) A person who knowingly makes a false statement regarding the person's identity on a voluntary waiver of firearm rights form or a revocation of voluntary waiver of firearm rights form commits the offense of perjury under § 39-16-702.

(h) A voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form must not be considered by a court in a legal proceeding in which the person executing the form is a party, except a criminal prosecution under subsection (g) or § 39-17-1316(q)(4).

(i) Records obtained and produced under this section are confidential and are not an open record pursuant to title 10, chapter 7, except that such information may be disclosed to a law enforcement officer acting in the performance of the officer's official duties, in the course of a criminal prosecution, or to the applicant with respect to the applicant's own information.

(j)

(1) The TBI shall develop a voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form.

(2) The voluntary waiver of firearm rights form must:

(A) Contain a signature line for the applicant and state that the form is signed under penalty of perjury;

(B) Include all information necessary for identification and entry of the person into the national instant criminal background check system NICS indices to identify prohibited purchasers of firearms; and

(C) Be made available to the public on the TBI website and the administrative office of the courts' website and must be distributed to all circuit court clerks and made available on the clerks' websites.

(k) The TBI may promulgate rules necessary to effectuate this section pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 39-17-1316(d)(1), is amended by deleting the subdivision and substituting the following:

(1) Determine, from criminal records and other information available to it, whether the purchaser:

(A) Is disqualified under subdivision (a)(1) from completing the purchase;

or

(B) Has executed a voluntary waiver of firearm rights form pursuant to the Tennessee Voluntary Do Not Sell Firearms Act, compiled in § 39-17-1329;

and

SECTION 3. Tennessee Code Annotated, Section 39-17-1316(q), is amended by adding the following as new subdivision (q)(4) and redesignating the current subdivision (q)(4) as new subdivision (q)(5):

(4) It is an offense to sell or transfer a firearm to a person knowing that the person has executed a voluntary waiver of firearm rights form pursuant to § 39-17-1329, and the waiver has not been revoked.

SECTION 4. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following new subsection:

(ff) Records obtained and produced under the Tennessee Voluntary Do Not Sell Firearms Act, compiled in § 39-17-1329, are confidential and are not an open record pursuant to this chapter, except that such information may be disclosed to a law enforcement officer acting in the performance of the officer's official duties, in a criminal prosecution, or to the applicant with respect to the applicant's own information.

SECTION 5. For purposes of developing forms and promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2025, the public welfare requiring it.