

HOUSE BILL 2859

By Kumar

AN ACT to amend Tennessee Code Annotated, Section 10-7-504 and Title 39, Chapter 17, Part 13, relative to a voluntary waiver of firearm rights.

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) 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. The filing of a voluntary waiver of firearm rights form will prohibit the person executing the form from purchasing or possessing a firearm while the waiver is in effect. The clerk must request 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 must transmit the accepted form to the department of safety. The department of safety must enter the voluntary waiver of firearm rights 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.

(b) No sooner than seven (7) calendar days after filing a voluntary waiver of firearm rights, the person may file a revocation of the voluntary waiver of firearm rights with the clerk of the circuit court in which the voluntary waiver of firearm rights form was filed. The filing of a revocation of voluntary waiver of firearm rights will allow the person executing the form to possess or purchase a firearm after the department of safety has completed processing the form, unless the person is otherwise ineligible to possess or purchase a firearm under federal or state law. The clerk must request 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 must transmit the form to the department of safety and destroy all records related to the person's voluntary waiver of firearm rights and revocation of voluntary waiver of firearm rights. Within seven (7) days of receiving a revocation of voluntary waiver of firearm rights, the department of safety must 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 possess or purchase a firearm under federal or state law. The department of safety shall destroy all records related to the person's voluntary waiver of firearm rights and revocation of voluntary waiver of firearm rights.

(c) 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.

(d) A voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form may not be considered by a court in a legal proceeding in which the person executing the form is a party.

(e) Records obtained and produced by this section are confidential and are not an open record pursuant to title 10, chapter 7.

(f)

(1) The administrative office of the courts shall develop a voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form. The forms must contain a signature line for the applicant and state that the form is signed under penalty of perjury.

(2) The form must include all information necessary for identification and entry of the person into the national instant criminal background check system to identify prohibited purchasers of firearms.

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

(g) The department of safety may promulgate rules necessary to carry out 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;

and

(B) Has executed a voluntary waiver of firearm rights form pursuant to

Section 1; and

SECTION 3. Tennessee Code Annotated, Section 39-17-1316(q), is amended by adding the following subdivision (q)(4) and redesignating the current subdivision (q)(4) as 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 pursuant to Section 1 that has not been revoked.

SECTION 4. 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, 2023, the public welfare requiring it.