

SENATE BILL 827

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13; Title 49, Chapter 6 and Title 55, Chapter 10, relative to firearms.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1305(d)(1)(F), is amended by deleting the language "§ 39-17-1309(e)(11)(B),".

SECTION 2. Tennessee Code Annotated, Section 39-17-1309, is amended by deleting the section and substituting:

(a) As used in this section, "weapon of like kind" includes razors and razor blades, except those used solely for personal shaving, and any sharp pointed or edged instrument, except unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance.

(b)

(1) It is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, bowie knife, hawkbill knife, ice pick, dagger, slingshot, leaded cane, blackjack, knuckles, or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, while inside a school that offers any of the grades kindergarten through twelve (K-12).

(2) If the school property was properly posted according to subsection (d), then a violation of this subsection (b) is a Class E felony.

(c)

(1)

(A) It is an offense for any person to possess or carry, whether openly or concealed, any firearm, not used solely for instructional or school-sanctioned ceremonial purposes, in a school that offers any of the grades kindergarten through twelve (K-12).

(B) It is not an offense under this subsection (c) for a nonstudent adult to possess a firearm, if the firearm is contained within a private vehicle operated by the adult and is not handled by the adult, or by any other person acting with the expressed or implied consent of the adult, while the vehicle is on school property.

(2) If the school property was properly posted according to subsection (d), then a violation of this subsection (c) is a Class B misdemeanor.

(d)

(1) Each chief administrator of a school that offers any of the grades kindergarten through twelve (K-12) shall display in prominent locations about the school a sign, at least six inches (6") high and fourteen inches (14") wide, stating: FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF SIX (6) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED THREE THOUSAND DOLLARS (\$3,000) FOR CARRYING WEAPONS ON SCHOOL PROPERTY.

(2) As used in this subsection (d), "prominent locations about the school" includes, but is not limited to, sports arenas, gymnasiums, stadiums, and cafeterias.

(e) Subsections (b) and (c) do not apply to the following persons:

(1) Persons employed in the army, air force, space force, navy, coast guard, or marine service of the United States or any member of the Tennessee national guard when in discharge of their official duties;

- (2) Civil officers of the United States in the discharge of their official duties;
- (3) Officers and soldiers of the militia and the national guard when called into actual service;
- (4) Officers of the state, or of any county, city, or town, charged with the enforcement of the laws of the state;
- (5) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties;
- (6) Any private police employed by the administration or board of trustees of any public or private educational institution;
- (7) Any registered security guard/officer who meets the requirements of title 62, chapter 35;
- (8) Persons possessing a handgun, who are authorized to carry the handgun pursuant to § 39-17-1351 or § 39-17-1366, while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place;
- (9) Persons permitted to carry a handgun on the property of private K-12 schools by § 49-50-803;
- (10) Nonstudent adults carrying a pocket knife, pepper spray, pepper gel, or mace while on school property for any lawful purpose;
- (11) Persons carrying a handgun pursuant to § 49-6-809, § 49-6-815, or § 49-6-816; or
- (12) Any person who is authorized to carry a weapon under federal law.

(f) It is an affirmative defense to prosecution under subsection (b) that the person's behavior was in strict compliance with the requirements of one (1) of the following classifications:

(1) A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the administrator of the educational institution;

(2) A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the lands of the educational institution are posted prohibiting entry;

(3) A person possessing guns or knives when conducting or attending "gun and knife shows" and the program has been approved by the administrator of the educational institution; or

(4) A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove, utilize, or allow to be removed or utilized any weapon from the vehicle.

(g) Subsections (b) and (c) do not apply to universities, college campuses, and other public or private non-K-12 educational institutions or property. The possession or carrying of a firearm by an adult who is not prohibited from carrying a firearm is not prohibited by this section on the property of any university, college campus, or other public or private non-K-12 educational institution.

(h) This law does not prohibit, and no public or private school, university, or educational institution may prohibit, an adult student or other adult person permitted to

be on campus or the school's or educational institution's property, from possessing mace, pepper spray, or pepper gel for purposes of self-defense.

SECTION 3. Tennessee Code Annotated, Section 39-17-1310, is amended by deleting the section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting the section in its entirety.

SECTION 5. Tennessee Code Annotated Section 39-17-1350, is amended by deleting subsection (c) in its entirety, and is further amended in subsections (a) and (g), by deleting "subsection (c), federal law," and substituting instead "federal law".

SECTION 6. Tennessee Code Annotated, Section 39-17-1359(g)(2)(B), is amended by deleting "or § 39-17-1311(b)(1)(H)(ii)".

SECTION 7. Tennessee Code Annotated, Section 39-17-1359(f), is amended by deleting the second sentence of the subsection.

SECTION 8. Tennessee Code Annotated, Section 49-6-3051, is amended by deleting subdivision (b)(2)(H).

SECTION 9. This act takes effect July 1, 2023, the public welfare requiring it.