

HOUSE BILL 2409

By Van Huss

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7; Title 33; Title 38; Title 39; Title 40 and Title 70, relative to the carrying of handguns.

WHEREAS, it is the clear and unequivocal legislative intent of this act to authorize and permit persons, who are not otherwise prohibited from possessing a handgun, to openly carrying handguns in this state; now, therefore,

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

SECTION 1. This act shall be known and may be cited as the "The Open Carry Firearms Freedom Act of 2014".

SECTION 2. Tennessee Code Annotated, Section 39-17-1301, is amended by adding the following new appropriately designated subdivision:

() "Hidden from common observation" means a handgun is not observable by an ordinary person or is observable but is of such deceptive appearances as to disguise the handgun's true nature;

SECTION 3. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsection (a) and substituting instead the following

(a)

(1) A person commits an offense who carries with the intent to go armed a firearm other than a handgun, a knife with a blade length exceeding four inches (4"), or a club.

(2) A person commits an offense who carries a handgun on or about his or her person and hidden from common observation. It is not an offense for a person to carry a handgun openly.

(3)

(A) The first violation of subdivision (a)(1) or (a)(2) is a Class C misdemeanor, and, in addition to possible imprisonment as provided by law, may be punished by a fine not to exceed five hundred dollars (\$500).

(B) A second or subsequent violation of subdivision (a)(1) or (a)(2) is a Class B misdemeanor.

(C) A violation of subdivision (a)(2) is a Class A misdemeanor if the person's carrying of a handgun occurred at a place open to the public where one (1) or more persons were present.

SECTION 4. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting subdivision (a)(2) and substituting instead the following:

(2) By a person authorized to possess or carry a firearm pursuant to § 39-17-1315 or to carry a handgun pursuant to § 39-17-1351;

SECTION 5. Tennessee Code Annotated, Section 39-17-1313, is amended by deleting the language "handgun carry permit" from subsections (a) and (b) wherever it appears and substituting instead the language "handgun carry permit or concealed handgun carry permit".

SECTION 6. Tennessee Code Annotated, Section 39-17-1351(b), (c), (m), (p), (q), (r), (s) and (w), is amended by deleting the language "handgun carry permit", "handgun carry permits", "handgun permit" or "handgun permit holder" and substituting instead the language "handgun carry permit or concealed handgun carry permit", "handgun carry permits or concealed handgun carry permits", "handgun permit or concealed handgun permit" and "handgun carry permit holder or concealed handgun permit holder", respectively.

SECTION 7. Tennessee Code Annotated, Section 39-17-1351, is amended by designating the language of subsection (b) as subdivision (b)(1) and by adding the following new subdivision (b)(2):

(2)

(A) Effective September 1, 2014, the department shall only issue concealed handgun carry permits pursuant to this section. On or after such date, any person meeting the qualifications of subdivision (b)(1), and all other applicable requirements, may apply in the same manner as provided in this section for a permit to carry a concealed handgun.

(B) Any handgun carry permit that has been issued prior to September 1, 2014 shall remain in full force and effect for as long as it remains valid. No handgun carry permit issued prior to September 1, 2014 shall be renewed as a handgun carry permit after such date. However, a handgun carry permit holder may renew such permit upon its expiration and obtain a concealed carry permit in return. Converting a handgun carry permit to a concealed handgun carry permit shall be accomplished in the same manner as renewal of a handgun carry permit. No additional field or classroom testing, or criminal history record check is required to accomplish the conversion.

SECTION 8. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting from subsections (a) and (b) the language "handgun permit" and substituting instead the language "handgun permit or concealed handgun permit".

SECTION 9. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting from subdivisions (e)(1) and (e)(2) the language "Tennessee handgun carry permit" and substituting instead the language "Tennessee handgun carry permit or concealed handgun carry permit".

SECTION 10. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting from subdivisions (e)(5) and (f)(2) the language "carry a handgun" and substituting instead the language "carry a concealed handgun".

SECTION 11. Tennessee Code Annotated, Section 39-17-1321, is amended by deleting from subdivision (c)(2) the language “handgun permit” and substituting instead the language “handgun permit or concealed handgun permit”.

SECTION 12. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting from subdivision (a)(2) the language “carry a firearm” and substituting instead the language “carry a concealed firearm”.

SECTION 13. Tennessee Code Annotated, Section 39-16-702, is amended by deleting from subdivision (b)(2) the language “handgun carry permit” and substituting instead the language “handgun carry permit or concealed handgun carry permit”.

SECTION 14. Tennessee Code Annotated, Section 10-7-504, is amended by deleting from subdivisions (o)(1)(A),(C), (o)(2), (o)(3) and (o)(4) the language “handgun carry permit” and substituting instead the language “handgun carry permit or concealed handgun carry permit”.

SECTION 15. Tennessee Code Annotated, Section 10-7-504, is amended by deleting from subdivision (o)(3) the language “handgun permit holder” and substituting instead the language “handgun permit holder or concealed handgun permit holder”.

SECTION 16. Tennessee Code Annotated, Section 33-6-413, is amended by deleting from subdivisions (b)(3)(B), (b)(3)(C) and (b)(5), the language “handgun carry permit” and substituting instead the language “handgun carry permit or concealed handgun carry permit”.

SECTION 17. Tennessee Code Annotated, Section 38-3-122, is amended by deleting from subsection (c), the language “handgun carry permit” wherever it appears and substituting instead the language “handgun carry permit or concealed handgun carry permit”.

SECTION 18. Tennessee Code Annotated, Section 38-8-116, is amended by deleting from subdivision (c)(9) and subsection (d), the language “handgun carry permit” and substituting instead the language “handgun carry permit or concealed handgun carry permit”.

SECTION 19. Tennessee Code Annotated, Section 40-32-101, is amended by deleting from subdivisions (g)(1)(B)(xxxv) and (g)(14)(E), the language “handgun carry permit” and substituting instead the language “handgun carry permit or concealed handgun carry permit”.

SECTION 20. Tennessee Code Annotated, Section 70-4-117, is amended by deleting from subsections (d) and (e), the language “handgun carry permit” and “hand gun carry permit”, respectfully, and substituting instead the language “handgun carry permit or concealed handgun carry permit”.

SECTION 21. Tennessee Code Annotated, Section 70-5-101, is amended by deleting from subsection (c) the language “handgun carry permit” and substituting instead the language “handgun carry permit or concealed handgun carry permit”.

SECTION 22. For purposes of implementation of this act, it shall take effect upon becoming a law, the public welfare requiring it. For purposes of accepting and processing applications for concealed handgun carry permits, this act shall take effect on July 1, 2014, the public welfare requiring it. For all other purposes, including the issuance and use of concealed handgun carry permits, this act shall take effect on September 1, 2014, the public welfare requiring it.