

SENATE BILL 1704

By Niceley

AN ACT to amend Tennessee Code Annotated, Section 39-17-1322, relative to certain collateral criminal charges where use of force is determined to be justified.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1322, is amended by deleting the section in its entirety and substituting instead the following:

(a) If at any time after a person is charged with a criminal offense, it is determined by the appropriate district attorney general, grand jury, judge, trial jury or appellate court that the accused used force with a firearm or other deadly weapon in a manner that was justified pursuant to §§ 39-11-611 or 39-11-612:

(1)

(A) Any additional criminal charges against such person for the unlawful possession, use, transportation or storage of a firearm or other deadly weapon arising out of the same conduct shall be dismissed or set aside;

(B) All public records of any arrest, indictment, trial or conviction for any such charge shall be expunged without cost to the person pursuant to title 40, chapter 32; and

(C) The person shall be restored to the same status described in § 40-32-101(g)(15); and

(2)

(A) Any administrative complaint brought against such person or hearing resulting from such complaint that is based upon the person's

possession, use, transportation or storage of a firearm or other deadly weapon during the use of such force shall immediately be dismissed in favor of the person.

(B) For purposes of this subdivision, “administrative proceeding” means any board, panel, administrative law judge, department, agency or other entity seeking, or with the authority, to suspend or revoke a professional or occupational license or handgun carry permit held by such person or forfeit any asset of the person.

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