

SENATE BILL 828

By Akbari

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6; Title 38; Title 39, Chapter 13, Part 1 and Title 39, Chapter 17, Part 13, relative to dispossession of firearms.

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

SECTION 1. Tennessee Code Annotated, Section 36-3-625(c), is amended by deleting the subsection and substituting instead the following:

(1) Upon issuance of the order of protection, the order and date and time of issuance shall be transmitted to the sheriff and all local law enforcement agencies in the county where the respondent resides.

(2) The local law enforcement agency having jurisdiction shall conduct an in-person check within fifteen (15) days of the expiration of the forty-eight-hour deadline for dispossession of firearms to ensure that the respondent's firearms have been lawfully dispossessed. The local law enforcement agency shall conduct at least one (1) additional in-person check prior to the expiration of the order of protection to ensure that the respondent's firearms remain lawfully dispossessed.

SECTION 2. Tennessee Code Annotated, Section 36-3-625(a), is amended by adding the following as a new subdivision (a)(2) and renumbering existing subdivisions accordingly:

That the respondent's cooperation with any in-person firearm dispossession check described in subdivision (c)(2) is required;

SECTION 3. Tennessee Code Annotated, Section 36-3-625(e), is amended by adding the following language immediately after the first sentence of the subsection:

The form must include a section for a third party to whom the respondent transfers possession of firearms to certify that the third party is not prohibited from possessing

firearms, acknowledges receipt of firearms from the respondent, and accepts liability for any use of those dispossessed firearms by the respondent until such time the respondent may legally reassume possession of the dispossessed firearms.

SECTION 4. Tennessee Code Annotated, Section 36-3-625(g), is amended by deleting the subsection and substituting instead the following:

A firearm subject to this section shall not be confiscated and disposed of as provided in § 39-17-1317, unless:

- (1) The possession of the firearm prior to the entry of the order of protection constituted an independent crime of which the respondent has been convicted;
- (2) The firearms are abandoned by the respondent; or
- (3) The respondent fails to comply with the order requiring lawful dispossession of the respondent's firearms.

SECTION 5. Tennessee Code Annotated, Section 36-3-604(c)(1), is amended by adding the following language at the end of the subdivision:

and is required to cooperate with any in-person firearm dispossession check described in § 36-3-625(c)(2)

SECTION 6. This act shall take effect July 1, 2019, the public welfare requiring it.