

SENATE BILL 1360

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 42 and Title 39, relative to weapons.

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

SECTION 1. Tennessee Code Annotated, Section 29-42-101, is amended by deleting subdivisions (1) and (2) and substituting:

(1) "Ammunition" means loaded firearm ammunition, an ammunition or cartridge case, primer, bullet, or propellant designed for use in a firearm;

(2) "Dealer" means a person who is licensed to engage in business as a dealer in this state in accordance with § 39-17-1316 and 18 U.S.C. § 923;

SECTION 2. Tennessee Code Annotated, Section 29-42-101(3)(A), is amended by deleting "or unreliable".

SECTION 3. Tennessee Code Annotated, Section 29-42-101(4), is amended by deleting "with the principal objective of livelihood and profit".

SECTION 4. Tennessee Code Annotated, Section 29-42-101, is amended by deleting subdivision (5) and substituting:

(5) "Firearm" has the same meaning as defined under § 39-11-106, 18 U.S.C. § 921(a)(3), and 26 U.S.C. § 5845(a);

SECTION 5. Tennessee Code Annotated, Section 29-42-101, is amended by deleting subdivision (6) and substituting:

(6) "Manufacturer" means a person who is:

(A) Engaged in the business of manufacturing a qualified product; and

(B)

- (i) Incorporated, formed, or registered in this state; or
- (ii) Headquartered or maintaining a place of business in this state;

SECTION 6. Tennessee Code Annotated, Section 29-42-101, is amended by deleting subdivision (7) and substituting:

(7) "Negligent entrustment" means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know by clear and convincing evidence that the person to whom the product is supplied intends to, and does, use the product in a criminal manner involving physical injury to others;

SECTION 7. Tennessee Code Annotated, Section 29-42-101, is amended by deleting subdivision (9) and substituting:

(9) "Qualified civil liability action" means a civil action or proceeding, arbitration proceeding, or administrative proceeding brought by a person against a manufacturer or seller of a qualified product for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, penalties, or other relief, resulting from the criminal or unlawful misuse of a qualified product by a person, or resulting from a theory of liability construing the manufacture, marketing, or sale of qualified products as tortious or the breach of a legal duty;

SECTION 8. Tennessee Code Annotated, Section 29-42-101, is amended by deleting subdivision (10)(C) and substituting:

(C) A firearm or ammunition part or component; and

SECTION 9. Tennessee Code Annotated, Section 29-42-101(10), is amended by adding the following as new subdivisions:

- () Antique firearms, as defined in § 39-11-106;
- () Body armor;

() Devices that assist in increasing the rapidity with which a user may discharge a semiautomatic firearm;

() Firearm magazines, clips, or other devices that store ammunition in a ready state to be loaded into a firearm;

() Firearm silencers, mufflers, or other devices designed and intended to reduce the audible report of a firearm;

() Knives, saps, and other bladed or blunt-impact defensive weapons;

() Optical devices, lights, lasers, sights, or scopes used or intended to be used while attached to or in conjunction with a firearm, including those which allow the user to see in low light or no light conditions or to view the thermal spectrum;

() Other accessories or products used or intended to be used in association or conjunction with a qualified product;

() Tasers, stun guns, pepper spray, and other defensive weapons which utilize electricity or capsaicinoids;

SECTION 10. Tennessee Code Annotated, Section 29-42-101, is amended by deleting subdivision (11) and substituting:

(11) "Seller" means a person distributing, selling, or transferring a qualified product in this state.

SECTION 11. Tennessee Code Annotated, Section 29-42-102, is amended by deleting "A person shall not bring a qualified civil liability action in a court in this state" and substituting "A person shall not bring a qualified civil liability action in this state".

SECTION 12. Tennessee Code Annotated, Section 29-42-102(3), is amended by deleting "or negligence per se".

SECTION 13. Tennessee Code Annotated, Section 29-42-102(4), is amended by deleting "or licensed" wherever it appears and by deleting "knowingly" wherever it appears and substituting "intentionally".

SECTION 14. Tennessee Code Annotated, Section 29-42-102, is amended by designating the current language as subsection (a) and adding the following new subsections:

(b) In a qualified civil liability action brought against a dealer, manufacturer, or seller of a qualified product, the complaint must allege that the dealer, manufacturer, or seller of the qualified product directly caused the damages alleged. The burden of proof is on the plaintiff to demonstrate by clear and convincing evidence that the civil liability action is not barred by this section. If a court determines a civil liability action is barred by this section, then the court shall dismiss the civil liability action with prejudice for failure to state a claim upon which relief can be granted.

(c) To protect the individual right to keep and bear arms, as guaranteed by both the constitution of this state and the United States Constitution, by fostering a robust marketplace to ensure ready access to arms and accompanying accoutrements, it is the public policy of this state not to allow recovery against a dealer, manufacturer, or seller of a qualified product for qualified civil liability actions or other causes of action resulting from or relating to the criminal or unlawful misuse of qualified products by third parties, public nuisance or market share theories of liability, or any other theory of liability not recognized by the laws of this state.

(d) If a litigant seeks to enforce, pursuant to the Uniform Enforcement of Foreign Judgments Act or otherwise, a foreign judgment or award against a dealer, manufacturer, or seller of a qualified product, then the litigant and the litigant's attorney must certify that enforcement of the foreign judgment does not violate the public policy of this state. The burden of proof in an action to enforce a foreign judgment in this state is

on the plaintiff to demonstrate by clear and convincing evidence that the basis for liability under the foreign judgment would not have been barred by this section if the action had been brought as a qualified civil liability action in this state. If the court determines that the foreign judgment does violate the public policy of this state, then the court shall dismiss the action to enforce the foreign judgment with prejudice. The court shall award a judgment against the judgment creditor and the judgment creditor's attorneys, jointly and severally, in favor of the dealer, manufacturer, or seller of a qualified product for three times the value of the foreign judgment attempted to be domesticated, plus attorney fees and costs incurred defending against enforcement of the foreign judgment.

SECTION 15. Tennessee Code Annotated, Section 39-17-1314(a), is amended by deleting "devise, licensing" and substituting "devise, loan, licensing".

SECTION 16. Tennessee Code Annotated, Section 39-17-1314(b), is amended by deleting "or ordinance, resolution, policy, rule or other enactment" and substituting ", ordinance, or resolution".

SECTION 17. Tennessee Code Annotated, Section 39-17-1314, is amended by deleting subdivision (b)(2) and substituting:

(2) The discharge of firearms within the boundaries of the applicable city, county, town, municipality, or metropolitan government, to the extent that such regulation is expressly authorized by state law;

SECTION 18. Tennessee Code Annotated, Section 39-17-1314(b)(3), is amended by deleting "regulation of privately owned" and substituting "regulation concerning the location of privately owned".

SECTION 19. Tennessee Code Annotated, Section 39-17-1314(b)(4), is amended by deleting "any state or federal law" and substituting "any state law".

SECTION 20. Tennessee Code Annotated, Section 39-17-1314(c), is amended by deleting "do not constitute a nuisance per se" and substituting "do not per se constitute a nuisance, civil conspiracy, negligent entrustment, or unlawful business practice".

SECTION 21. Tennessee Code Annotated, Section 39-17-1314, is amended by deleting subsection (e).

SECTION 22. Tennessee Code Annotated, Section 39-17-1314(f), is amended by deleting "of knives and no city" and substituting "of knives and other weapons and no city" and by deleting "transportation of knives." and substituting "transportation of knives or other weapons."

SECTION 23. Tennessee Code Annotated, Section 39-17-1314(h)(1)(C), is amended by deleting "Is or was" and substituting "Is, was, or will be" and by deleting "is or was subject" and substituting "is, was, or will be subject" and by deleting "is or was physically present" and substituting "is, was, or intends to be physically present".

SECTION 24. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 25. This act takes effect July 1, 2025, the public welfare requiring it.