

HOUSE BILL 855

By Mumpower

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to the possession and carrying of certain firearms.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

Section 39-17-1363.

(a) As used in this section:

(1) "Judge" means a person who has been elected or appointed to hold the position of judge in any federal trial or appellate court, state trial or appellate court, general sessions court, juvenile court or municipal court. "Judge" shall include a person who, during the time of such designation, has been designated as a senior judge pursuant to title 17, chapter 2, part 3, but shall not include a person sitting as a substitute judge pursuant to § 16-15-209 or § 17-2-118, a pro tempore judge pursuant to § 17-2-118, or a special judge pursuant to § 17-2-116 or § 17-2-122.

(2) "Probation officer" shall include a probation officer compensated from state, county or municipal funds but shall not include a probation officer compensated by a private corporation, enterprise or entity that is engaged in rendering general misdemeanor probation supervision, counseling or collection services to the courts.

(b) Notwithstanding any provision of this part to the contrary, a judge or probation officer who holds a valid handgun carry permit issued pursuant to this part with the appropriate label or stamp affixed thereto may carry such handgun at all times and in all places within Tennessee, whether during work hours or otherwise, except as provided by federal law or lawful order of a Tennessee court.

(c) The authority conferred by this section upon judges and probation officers is expressly intended to and shall supersede restrictions placed upon the authority of a person who holds a valid handgun carry permit to carry firearms by other sections within this part.

(d)

(1) A judge or probation officer wishing to have the authority to carry a handgun pursuant to this section shall include with the person's application for a handgun carry permit or renewal of a handgun carry permit, documentation, sufficient to satisfy the department of safety, that the applicant is a judge or probation officer as defined by this section.

(2) Upon issuing a handgun carry permit or renewal permit to a judge or probation officer, the department of safety shall affix a label or stamp to such person's permit indicating that the permit holder is a judge or probation officer and authorized to carry a firearm at all times and in all places pursuant to this section.

(3)

(A) If a judge or probation officer has a valid permit on the effective date of this act and such permit is not in need of renewal within six (6) months of such effective date, the judge or probation

officer may send the department of safety documentation showing that the person is a judge or probation officer. If the department finds the documentation satisfactory, it shall send the stamp or label back to the judge or probation officer with directions for properly affixing it to such person's handgun carry permit. Upon affixing the label or stamp as directed by the department of safety, the provisions of this act shall then apply to such judge or probation officer.

(B) The department may charge an additional fee, not to exceed five dollars (\$5.00) for processing and mailing a request for a label or stamp pursuant to this subdivision.

(e) The provisions of this section shall not apply to a judge or probation officer unless the handgun carry permit is in the person's possession and has on it the official stamp or label issued by the department of safety indicating the holder is a judge or probation officer. If the judge's or probation officer's permit does not have the official stamp or label affixed to it, the restrictions of this part relative to locations in which a handgun carry permit holder is prohibited from carrying a handgun shall also apply to the judge or probation officer.

(f)

(1) A person who is no longer a judge or probation officer, but who has a handgun carry permit with a judge or probation officer label or stamp on it, shall have ten (10) days from the date the person is no longer a judge or probation officer to remove the stamp or label from the permit and surrender it to the department.

(2) A judge or probation officer who has a handgun carry permit with a judge or probation officer label or stamp who engages in conduct that renders the judge or probation officer ineligible to hold a handgun carry permit, shall surrender the permit and label or stamp as provided in § 39-17-1352.

(3) It is a Class C misdemeanor punishable by fine only of fifty dollars (\$50.00) for a judge or probation officer to knowingly fail to surrender a handgun carry permit with a judge or probation officer's stamp or label as required by this subsection.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.