

SENATE BILL 892

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 39, Chapter 17, Part 13, relative to the right to bear arms.

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:

39-17-1365.

(a) As used in this section;

(1) "Second amendment" means the second amendment of the United States Constitution which states that; "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.";

(2) "Arms" means all firearms, and encompasses all types of designs, all types of actions, all types of design features, all manufacturers, all rifled barrels fifty (50) caliber or smaller, all shotguns, all muzzleloader firearms regardless of caliber size and all types, sizes, and amounts of ammunition used in firing such arms;

(3) "Executive order" means any declaration, proclamation, edict, decree, or directive issued by the president of the United States;

(4) "Penalty or penalties" means civil or criminal fine, tax, incarceration, salary or wage withholding, property lien or confiscation, arms or ammunition confiscation, surcharge, fee, punishment, or any other imposed consequences established by the federal government or any of its subdivisions or agencies that

is used to punish or discourage the exercising of rights protected under this chapter;

(5) "Registration" means the voluntary, required, coerced, forced, or mandated acknowledgement, registering, or reporting of arms ownership by a United States citizen; and

(6) "Restriction" means an action or actions administered by any government entity that impedes, inhibits, interferes, obstructs, or prohibits a United States citizen from exercising their second amendment right to keep and bear arms.

(b) The general assembly finds the following:

(1) Executive orders are issued by the president of the United States for the sole purpose to direct federal agencies and guide federal officials in their implementation and faithful execution of laws established by the congress of the United States;

(2) The president's power to issue executive orders is limited by the scope of the president's powers as defined by Article II of the United States Constitution, and by the first ten (10) amendments of the United States Constitution which guarantees the rights and liberties of United States citizens and member states; and

(3) Executive orders issued by the president of the United States, lacking the specific constitutional authority and statutory basis for any legislative action incorporated in such presidential directives, are not a constituted power enumerated to the executive branch by the United States Constitution; and

(4) Executive orders issued by the president of the United States which legislates, declares, or decrees new laws governing United States citizens and member states, are not a constituted power enumerated to the executive branch by the United States Constitution, but rather reserved as the sole power invested

in the congress of the United States under Article I, Section 8, of the United States Constitution.

(c)

(1) The power to restrict, regulate, register, or deny a citizen's choice or action in the procurement, purchase, ownership, operation, or possession of arms is not found in the Constitution of the United States and is solely a power reserved to the people and citizens pursuant to the second amendment of the United States Constitution. This state hereby exercises its sovereign power to declare that the public policy of this state regarding the right of all citizens residing in this state to keep and bear arms, shall not be infringed.

(2) It is declared to be the public policy of this state, consistent with our constitutionally recognized and inalienable right of liberty, that every citizen within this state is and shall be free to exercise their second amendment right to keep and bear arms.

(3) It is declared to be the public policy of this state, consistent with our constitutionally recognized and inalienable right of liberty, that any executive order issued by the president of the United States that addresses, affects, restricts, attempts to categorize, declares as dangerous, infringes upon, denies, or imposes any form of penalty upon, any person or citizen within this state for exercising their second amendment right to keep and bear arms, will not be recognized, acknowledged, imposed, obeyed, or enforced by the governor of this state, the general assembly of this state, any public official, employee, or agent of this state, or any of this state's political and law enforcement subdivisions.

(4) It is declared to be the public policy of this state, consistent with our constitutionally recognized and inalienable right of liberty, that any executive

order issued by the president of the United States that requires or attempts to require the registration of a United States citizen's arms, or that encourages, persuades, coerces, or requires medical doctors, mental health doctors, or mental health professionals to inquire or request information from their patients regarding possession of arms, or that encourages, persuades, coerces, or requires reports to law enforcement authorities regarding any aspect of suspected or potential threats of violence as it relates to a United States citizen's second amendment right to keep and bear arms, will not be recognized, acknowledged, imposed, obeyed, or enforced by the governor of this state, the general assembly of this state, any public official, employee or agent of this state, or any of this state's political and law enforcement subdivisions.

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