

CHAPTER NO. 988

HOUSE BILL NO. 2117

By Representatives Buck, Hargett, Godsey, Windle, Todd, Pleasant, Sharp, Black, Patton, Dunn, Bittle, Kent, Ralph Cole, Pinion, Sargent, Langster, Boyer, Hargrove, Sands, White

Substituted for: Senate Bill No. 2587

By Senator Burks

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to law enforcement officers carrying weapons.

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 language as a new, appropriately designated section:

(a)(1) Notwithstanding any provision of law to the contrary, any law enforcement officer may carry firearms at all times and in all places within the State of Tennessee, on-duty or off-duty, regardless of the officer's regular duty hours or assignments, except as provided by subdivision (3), federal law, lawful orders of court or the written directives of the executive supervisor of the employing agency.

(2) The authority conferred by this section is expressly intended to and shall supersede restrictions placed upon law enforcement officers' authority to carry firearms by other sections within this part.

(3) The authority conferred by this section shall not extend to a law enforcement officer:

(A) Who carries a firearm onto school grounds or inside a school building during regular school hours unless such officer immediately informs the principal that such officer will be present on school grounds or inside the school building and in possession of a firearm. If the principal is unavailable, the notice may be given to an appropriate administrative staff person in the principal's office.

(B) Who is consuming beer or an alcoholic beverage or who is under the influence of beer, an alcoholic beverage, or a controlled substance; or

(C) Who is not engaged in the actual discharge of official duties as a law enforcement officer while within the confines of an establishment where beer or alcoholic beverages are sold for consumption on-the-premises; or

(D) Who is not engaged in the actual discharge of official duties as a law enforcement officer while attending a judicial proceeding.

(4) For purposes of this section, a "law enforcement officer" means a person who is a full-time employee of the state in a position authorized by the laws of this state to carry a firearm and to make arrests for violations of some or all of the laws of this

state, or a full-time police officer who has been certified by the peace officer standards and training commission.

(5) In counties having a population of not less than thirty thousand two hundred (30,200) nor more than thirty thousand four hundred seventy-five (30,475) or not less than one hundred eighteen thousand four hundred (118,400) nor more than one hundred eighteen thousand seven hundred (118,700) according to the 1990 Federal Census or any subsequent Federal Census, the authority conferred by this section shall only apply to law enforcement officers who are law enforcement officers for those counties or law enforcement officers for municipalities located therein.

SECTION 2. Tennessee Code Annotated, Section 39-17-1306(c), is amended by deleting subdivision (1).

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

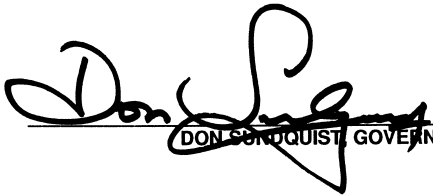
SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: June 9, 2000


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 26th day of June 2000


DON SUNDQUIST, GOVERNOR