

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2671

House Bill No. 2817*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

(g) It is an exception to the application of subsection (a) that a person is carrying, whether openly or concealed, a handgun and:

(1) The person meets the qualifications for the issuance of an enhanced handgun carry permit under § 39-17-1351(b) and (c). For purposes of this subdivision (g)(1), "qualifications" does not include completion of an application under § 39-17-1351(b) and (c);

(2) The person lawfully possesses the handgun; and

(3) The person is in a place where the person has a right to be.

SECTION 2. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the subsection and substituting instead the following:

(a) Notwithstanding any law or any ordinance or resolution adopted by the governing body of a city, county, or metropolitan government, including any ordinance or resolution enacted before April 8, 1986, that prohibits or regulates the possession, transportation, or storage of a firearm or firearm ammunition, a person who has a valid enhanced handgun carry permit or concealed handgun carry permit or who lawfully carries a handgun pursuant to § 39-17-1307(g) may, unless expressly prohibited by federal law, transport and store a firearm or firearm ammunition in the person's motor



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vehicle, as defined in § 55-1-103, while on or utilizing any public or private parking area if:

(1) The person's motor vehicle is parked in a location where the motor vehicle is permitted to be; and

(2) The firearm or ammunition being transported or stored in the motor vehicle:

(A) Is kept from ordinary observation if the person is in the motor vehicle; or

(B) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to the motor vehicle if the person is not in the motor vehicle.

SECTION 3. Tennessee Code Annotated, Section 39-17-1313(b), is amended by deleting the language "by the holder of a valid handgun carry permit in the permit holder's motor vehicle" wherever it appears and substituting instead the language "by a person in the person's motor vehicle pursuant to subsection (a)".

SECTION 4. Tennessee Code Annotated, Section 39-17-1313(c)(1), is amended by deleting the language "permit holder" and substituting instead the language "person".

SECTION 5. Tennessee Code Annotated, Section 39-17-1313(d), is amended by deleting the language "An enhanced handgun carry permit holder or concealed handgun carry permit holder" and substituting instead the language "A person" and by deleting the language "enhanced handgun carry permit holder or concealed handgun carry permit holder" and substituting instead the language "person".

SECTION 6. Tennessee Code Annotated, Section 39-17-1351(n)(1), is amended by deleting the last sentence of the subdivision and substituting instead:

The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun in a location or manner that would be prohibited if not for the

person's status as an enhanced handgun carry permit holder and shall display the permit on demand of a law enforcement officer under such circumstances.

SECTION 7. Tennessee Code Annotated, Section 39-17-1366(e), is amended by deleting the subsection and substituting instead:

(e) The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun in a location or manner that would be prohibited if not for the person's status as a concealed handgun carry permit holder and shall display the permit on demand of a law enforcement officer under such circumstances.

SECTION 8. Tennessee Code Annotated, Section 39-14-105(a)(1), is amended by deleting the language "or less" and substituting instead "or less, except when the property obtained is a firearm.

SECTION 9. Tennessee Code Annotated, Section 39-14-105(a)(2), is amended by deleting the language "if the value of the property" and substituting instead "if the property obtained is a firearm worth less than two thousand five hundred dollars (\$2,500), or if the value of the property".

SECTION 10. Tennessee Code Annotated, Section 39-14-105(d), is amended by deleting the subsection and substituting instead the following:

(d) Theft of a firearm shall be punished by confinement for not less than one hundred eighty (180) days in addition to any other penalty authorized by law.

SECTION 11. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following as a new subdivision:

(29) The offense involved the theft of a firearm from a motor vehicle, as defined in § 55-1-103.

SECTION 12. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

(x)

Currently -
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\$1M or
less.
Mandatory jail time

Possible
enhanced
factor

(1) For the offenses listed in subdivision (x)(2) committed on or after July 1, 2020, there shall be no release eligibility until the person has served eighty-five percent (85%) of the sentence imposed by the court, less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236, or any other law, shall operate to reduce below seventy percent (70%) the percentage of sentence imposed by the court such person must serve before becoming release eligible.

(2) The offenses to which this subsection (x) is applicable are:

(A) Unlawful possession of a firearm by a person convicted of a felony crime of violence, an attempt to commit a felony crime of violence, or a felony involving use of a deadly weapon, under § 39-17-1307(b)(1)(A);

(B) Unlawful possession of a firearm by a person convicted of a felony drug offense, under § 39-17-1307(b)(1)(B);

(C) Unlawful possession of a handgun by a person convicted of a felony, under § 39-17-1307(c); and

(D) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun, under § 39-17-1320.

SECTION 13. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to criminal offenses committed on or after that date.

Felony in possession - 85% if sentence credits earned & retained