

## Right to Keep and Bear Arms



*"The ultimate authority ... resides in the people alone. ... The advantage of being armed, which the Americans possess over the people of almost every other nation ... forms a barrier against the enterprises of ambition." – James Madison (1788)*

The Tennessee Legislature adjourned for 2015. I have highlighted some bills of interest to Second Amendment advocates.

### Bills Signed by the Governor:

HB 0995 and SB 1171 - Firearms and Ammunition - As introduced, removes the authority of local governments to prohibit by resolution the possession of handguns in parks or recreational areas owned or operated by the local government; exempts persons who are authorized to carry handguns from the offense of carrying or possessing weapons in or on the grounds of any public park, playground, civic center or other building facility, area or property owned, used or operated by any municipal, county or state government, or instrumentality thereof, for recreational purposes. - Amends TCA Section 39-17-1311.

This bill: authorizes handgun carry permit holders to possess a handgun in or on the grounds of any public park, playground, civic center or other building facility, area or property owned, used or operated by any municipal, county or state government, or instrumentality thereof, for recreational purposes; and removes authorization for local governments to prohibit a handgun carry permit holder from possessing a handgun in certain parks, as discussed below.

### Present Law

Generally under present law:

(1) It is an offense to possess or carry a handgun in or on the grounds of any public park, playground, civic center or other building facility, area or property owned, used or operated by any municipal, county or state government, or instrumentality thereof, for recreational purposes;

(2) There is exception to the above offense whereby a handgun carry permit holder may possess a handgun while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof; and

(3) Notwithstanding (2) above, a municipality or county may prohibit, by resolution, persons authorized to carry a handgun from possessing the handgun while within or on a public park that is owned or operated by a county, a municipality or instrumentality thereof.

### This Bill

(1) This bill removes the authorization described above in (3) for local government entities to prohibit possession of a handgun by permit while within or on a public park that is owned or operated by a county, a municipality or instrumentality thereof; and

(2) Revises the exception described above in (2) to remove the specification that the permit holder may possess a handgun only while "within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof" thereby permitting a permit holder to possess a handgun in all of the locations described above in (1), which are locations "in or on the grounds of any public park, playground, civic center or other building facility, area or property owned, used or operated by any municipal, county or state government, or instrumentality thereof, for recreational purposes".

HB 1255 and SB 1215 - Firearms and Ammunition - As introduced, requires the chief law enforcement officer of a jurisdiction to certify the transfer or making of a firearm, as required by the National Firearms Act, within 15 days if the person is not prohibited from receiving or possessing a firearm by law; permits an applicant to appeal a denial to the circuit court. - Amends TCA Section 39-17-1361.

HB 0683 and SB 0633 - Firearms and Ammunition - As introduced, prohibits schools from requiring students or parents to provide information on firearm ownership; prohibits LEAs from requiring employees to provide information on firearm ownership; prohibits adverse disciplinary or employment action based on information of firearm ownership that is voluntarily provided. - Amends TCA Title 49.

HB 0745 and SB 0700 - Handgun Permits - As introduced, creates a lifetime handgun carry permit which entitles the permit holder to carry any handgun that the permit holder legally owns or possesses without expiration; sets the application fee for a lifetime handgun carry permit at \$500. - Amends TCA Section 39-17-1351.

These bills take effect on April 1, 2015.

### **Sent to the Governor for Action/Signature**

HB 1341 and SB 1110 - Firearms and Ammunition - As introduced, prohibits the use of any public funds, personnel, or property to enforce any federal law or regulation that regulates the ownership, use, or possession of firearms, ammunition, or firearms accessories. - Amends TCA Title 38, Chapter 3.

HB 1046 and SB 1103 - Firearms and Ammunition - As introduced, establishes certain procedures regarding the disposition of confiscated or abandoned firearms in state or local custody, including the sale and destruction of such firearms. - Amends TCA Title 38, Chapter 6; Section 39-17-1317 and Section 40-33-211.

HB 0934 and SB 0874 - Firearms and Ammunition - As introduced, permits the use of exploding targets in lawful sporting activity; exempts the use of exploding materials for lawful sporting activity from the Tennessee Blasting Standards Act of 1975. - Amends TCA Title 39, Chapter 14, Part 7; Title 39, Chapter 17, Part 13; Title 68, Chapter 102, Part 1 and Title 68, Chapter 105.

### **Other Legislative Actions**

HB 0136 and SB 0181 - Firearms and Ammunition - As enacted, creates an exception to the offense of possession of a machine gun, short-barreled rifle or shotgun, or a firearm silencer that the person was in compliance with the National Firearms Act when possessing. - Amends TCA Section 39-17-1302. HB0136: Comp. became Pub. Ch. 85SB0181: Effective date(s) 04/09/2015

HB 0994 and SB 1058 - Firearms and Ammunition - As enacted, creates a cause of action against an employer for discharge or adverse employment action based solely on transportation or storage of a firearm or firearm ammunition in an employer parking lot. - Amends TCA Title 50, Chapter 1. SB1058: Effective date(s) 07/01/2015 HB0994: Comp. became Pub. Ch. 80.

### **Highest Support for Gun Rights in 25 Years**

For the first time in 25 years, a majority of Americans say gun rights trump gun control, according to the Pew Research Center. The report can be found here:

<http://www.pewresearch.org/fact-tank/2015/04/17/despite-lower-crime-rates-support-for-gun-rights-increases/>

In a survey conducted in December 2014, it was revealed that 52 percent of Americans believe defending gun rights is more important than gun control, as opposed to 46 percent who believe gun ownership should be restricted.

Another shifting statistic revealed in the poll was the percentage of Americans who believe guns makes homes safer. While 15 years ago 51 percent said guns make a house more dangerous, today only 30 percent believe that, while 63 percent, say they provide more safety.

Americans are increasingly embracing their gun rights because they recognize firearms are an important resource for self-defense. In March 2013, Americans cited protection as the top reason for purchasing a gun - and it seems the trend has only continued.

These numbers suggest that Americans are rejecting the Obama administration's gun control agenda. Two years ago, after the tragic shooting at Sandy Hook Elementary School, President Obama showed remorse for the lives lost, yet offered a misguided response by trying to push through anti-gun legislation. His gun control measure, which would have expanded

background checks and banned "assault weapons," didn't get very far in Congress. Now, it's clear his gun control agenda is just as unpopular outside Capitol Hill.

The Obama administration hasn't let this failed bill halt their anti-gun plans, however. One look at the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) efforts suggests he and his cohorts are more determined than ever to restrict gun and ammunition access by law abiding citizens.

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