

Amendment No. 1 to HB1602

Farmer
Signature of Sponsor

AMEND Senate Bill No. 1955

House Bill No. 1602*

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

SECTION 1. This act shall be known and may be cited as the "Second Amendment Protection Act of 2018".

SECTION 2. Tennessee Code Annotated, Section 39-17-1314, is amended by adding the following new subsections:

(j)

(1) As used in subsections (j) and (k):

(A) "Government entity" means a city, county, town, municipality, or metropolitan government and shall not include local boards of education; and

(B) "Property" does not include a library or any facility that is licensed under title 33, 37, or 68.

(2) The general assembly declares that the lawful commerce, ownership, use, transfer, possession, exhibition, and display of firearms, ammunition, or firearm accessories are fundamental rights of citizens and that these rights are protected by both the Constitution of Tennessee and the United States Constitution. Accordingly, a government entity is expressly prohibited from engaging in any act or omission, directly or indirectly, concerning an event specified in subdivision (j)(3).

(3) A government entity that owns or operates any property that is made available to third parties or entities for use as a venue, rental facility, or for other public or private purposes, shall not refuse to make the property available to or

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otherwise discriminate against any person or entity because the proposed use of the property involves a gun show, an outdoor show, a hunting or fishing show, a Second Amendment show or event, or any other show or event that may involve the lawful commerce, ownership, use, transfer, possession, advocacy, exhibition, or display of firearms, arms, ammunition, or firearms accessories. However, an event described in this subdivision (j)(3) shall not involve the intentional discharge of firearms on the property unless such property is used by the government entity or intended to be used as a temporary or permanent sport shooting range.

(4) An adversely affected person may challenge a denial, discrimination, ordinance, rule, regulation, or policy in violation of this subsection (j) by bringing an action in accordance with subsection (g) and, if the person prevails, may be awarded damages in accordance with subsection (i).

(k) Except as provided in subsection (b), a government entity shall not enact, have, or enforce ordinances, rules, or regulations that have the effect of prohibiting, restricting, or infringing a person's rights under the Tennessee Constitution, the United States Constitution, or under any state law relative to firearms, ammunition, arms, or accessories thereof. An adversely affected person may challenge such ordinance, rule, or regulation by bringing an action in accordance with subsection (g) and, if the person prevails, may be awarded damages in accordance with subsection (i).

SECTION 3. Tennessee Code Annotated, Section 39-17-1311(b)(1)(J)(iii), is amended by deleting the phrase "when the program has been approved by the administrator of the recreational building or property".

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it.