

SENATE BILL 594

By Roberts

AN ACT to amend Tennessee Code Annotated, Section 39-11-106; Section 39-13-103 and Title 39, Chapter 17, Part 13, relative to firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-11-106, is amended by deleting subdivision (a)(11) in its entirety and substituting instead the following:

(11) "Firearm":

(A) Means:

- (i) Any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
- (ii) The frame or receiver of any such weapon;
- (iii) Any firearm muffler or firearm silencer; or
- (iv) Any destructive device; and

(B) Does not include an antique firearm;

SECTION 2. Tennessee Code Annotated, Section 39-11-106(a), is amended by adding the following as new, appropriately designated subdivisions:

( ) "Antique firearm":

(A) Means:

- (i) Any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before the year 1898;
- (ii) Any replica of any firearm described in subdivision (a)( )(A)(i) if such replica:

(a) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(b) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

(iii) Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition; and

(B) Does not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof;

( ) "Destructive device":

(A) Means:

(i) Any explosive, incendiary, or poison gas:

(a) Bomb;

(b) Grenade;

(c) Rocket having a propellant charge of more than four ounces (4 oz.);

(d) Missile having an explosive or incendiary charge of more than one-quarter ounce (0.25 oz.);

(e) Mine; or

(f) Device similar to any of the devices described in subdivisions (a)( ) (A)(i)(a)-(e);

(ii) Any type of weapon other than a shotgun or a shotgun shell that is generally recognized as particularly suitable for sporting purposes

by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch (0.5") in diameter; and

(iii) Any combination of parts either designed or intended for use in converting any device into any destructive device described in subdivisions (a)( ) (A)(i) and (ii) and from which a destructive device may be readily assembled; and

(B) Does not include:

(i) Any device that is neither designed nor redesigned for use as a weapon;

(ii) Any device, although originally designed for use as a weapon, that is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device;

(iii) Surplus ordnance sold, loaned, or given by the secretary of the Army pursuant to 10 U.S.C. § 7684(2), 10 U.S.C. § 7685, or 10 U.S.C. § 7686; or

(iv) Any other device that is not likely to be used as a weapon;

SECTION 3. Tennessee Code Annotated, Section 39-13-103(b)(3), is amended by adding the language "or antique firearm" immediately after the language "discharging a firearm".

SECTION 4. Tennessee Code Annotated, Section 39-17-1324, is amended by adding the language "or antique firearm" immediately after the language "firearm" wherever it appears.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.