

HOUSE BILL 2058

By Jones

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 13, relative to access to firearms
by certain people.

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 as a new section:

(a) It is an offense for a person to recklessly place, leave, or store a firearm in a location that is in plain view and readily accessible to a child under thirteen (13) years of age if the firearm:

(1)

(A) Is placed or stored for any period of time in a location in which the firearm is not immediately available to the owner or possessor of the firearm; or

(B) Is temporarily left unattended by the owner or possessor of the firearm for any period of time; and

(2) Contains ammunition in the clip, magazine, or chamber, or ammunition for the unattended firearm is in the immediate vicinity of the firearm.

(b) It is an exception to the application of subsection (a) that the firearm:

(1) Was left, placed, or stored while in a condition rendering it incapable of firing either by use of a trigger or other lock or similar device and only the person leaving, placing, or storing the firearm has the ability to remove the lock or other device; or

(2)

(A) Was placed or stored in a secure box or gun safe that is capable of locking;

(B) The box or safe was locked at the time the firearm was placed or stored; and

(C) Only the person or the person's spouse placing or storing the firearm had the ability to remove the firearm from its secure place of storage or placement.

(c) A violation of this section is:

(1) A Class A misdemeanor if a child under thirteen (13) years of age obtains possession of a firearm left, placed, or stored in violation of subsection (a) but the child does not discharge the firearm or permit another to discharge it;

(2) A Class E felony if a child under thirteen (13) years of age obtains possession of a firearm left, placed, or stored in violation of subsection (a), the child discharges the firearm or permits another to discharge the firearm, and the discharge results in bodily injury to the child or another; and

(3) A Class C felony if a child under thirteen (13) years of age obtains possession of a firearm left, placed, or stored in violation of subsection (a), discharges the firearm or permits another to discharge the firearm, and the discharge results in the death of the child or another.

(d) Nothing in this section shall be construed to preclude prosecution of a person who violates this section under any other applicable section.

(e)

(1) All licensed gun dealers who sell firearms from a retail store shall post department of safety designed signage warning that it is a criminal offense to leave a loaded firearm accessible to children under thirteen (13) years of age.

(2) By January 1, 2017, the department of safety shall devise the words required to be on the sign and the dimensions of the sign and place such information on its web site.

SECTION 2. For the purpose of subsections (a)-(d), this act shall take effect July 1, 2016, the public welfare requiring it. The requirement of subsection (e) to post signage in gun stores shall take effect February 1, 2017, the public welfare requiring it.