

Amendment No. 8 to HB0786

Warner
Signature of Sponsor

AMEND Senate Bill No. 765

House Bill No. 786*

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 as a new subsection:

(g)

(1) It is an exception to the application of subsection (a) that a person is legally in possession of the firearm.

(2) A person who carries pursuant to subdivision (g)(1) is entitled to the same defenses and exceptions as a person who has been issued an enhanced handgun carry permit pursuant to § 39-17-1351, for purposes of any offenses in this part; title 50, chapter 3; or title 70.

SECTION 2. Tennessee Code Annotated, Section 39-17-1308(a), is amended by deleting the language "It is a defense to the application" and substituting the language "It is an exception to the application".

SECTION 3. Tennessee Code Annotated, Section 39-17-1308(a)(10), is amended by deleting the word "defense" and substituting the word "exception".

SECTION 4. Tennessee Code Annotated, Section 39-17-1308(b), is amended by deleting the word "defenses" and substituting the word "exceptions".

SECTION 5. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

(h)

(1) A person commits an offense who possesses a firearm and:

(A) Is a fugitive from justice;

(B) Is an unlawful user of or addicted to any controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

(C) Has been adjudicated as a mental defective or has been committed to a mental institution;

(D) Is an alien and:

(i) Is illegally or unlawfully in the United States; or

(ii) Except as provided in 18 U.S.C. 922(y)(2), has been admitted to the United States under a nonimmigrant visa, as defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

(E) Has been discharged from the United States armed forces under dishonorable conditions; or

(F) Having been a citizen of the United States, has renounced the person's citizenship.

(2) A violation of subdivision (h)(1) is a Class A misdemeanor.

SECTION 6. Tennessee Code Annotated, Section 39-14-105(a)(1), is amended by deleting the language "or less" and substituting "or less, except when the property obtained is a firearm".

SECTION 7. Tennessee Code Annotated, Section 39-14-105(a)(2), is amended by deleting the language "if the value of the property" and substituting "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 8. Tennessee Code Annotated, Section 39-14-105(d), is amended by deleting the subsection and substituting:

(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 9. 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 10. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

(x)

(1) For the offenses listed in subdivision (x)(2) committed on or after July 1, 2021, 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) applies 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 11. This act takes effect July 1, 2021, the public welfare requiring it, and applies to criminal offenses committed on or after that date.