

Tennessee State Law
TN Code Ann.
Title 39; Chapter 17, Part 13. Weapons

39-17-1301. Definitions. The following definitions apply in this part unless the context requires otherwise: * * * *

(2) "**Crime of violence**" includes any degree of murder, voluntary manslaughter, aggravated rape, rape, especially aggravated robbery, aggravated robbery, burglary, aggravated assault or aggravated kidnaping;

(3) "**Explosive weapon**" means any explosive, incendiary or poisonous gas:

(A) Bomb;

(B) Grenade;

(C) Rocket;

(D) Mine; or

(E) Shell, missile or projectile that is designed, made or adapted for the purpose of inflicting serious bodily injury, death or substantial property damage;

(4) "**Firearm silencer**" means any device designed, made or adapted to muffle the report of a firearm; * * * *

(7) "**Machinegun**" means any firearm that is capable of shooting more than two (2) shots automatically, without manual reloading, by a single function of the trigger;

(8) "**Restricted firearm ammunition**" means any cartridge containing a bullet coated with a plastic substance with other than a lead or lead alloy core or a jacketed bullet with other than a lead or lead alloy core or a cartridge of which the bullet itself is wholly composed of a metal or metal alloy other than lead. "Restricted firearm ammunition" does not include shotgun shells or solid plastic bullets;

(9) "**Rifle**" means any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger;

(10) "**Short barrel**" means a barrel length of less than sixteen inches (16") for a rifle and eighteen inches (18") for a shotgun, or an overall firearm length of less than twenty-six inches (26");

(11) "**Shotgun**" means any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smoothbore barrel either a number of ball shot or a single projectile by a single function of the trigger; * * * *

(13) "**Immediate vicinity**" refers to the area within the person's immediate control within which the person has ready access to the ammunition; and

(14) "**Unloaded**" means the rifle, shotgun or handgun does not have ammunition in the chamber, cylinder, clip or magazine, and no clip or magazine is in the immediate vicinity of the weapon.

39-17-1302. Prohibited weapons.

(a) A person commits an offense who intentionally or knowingly possesses, manufactures, transports, repairs or sells:

(1) An explosive or an explosive weapon;

(2) A device principally designed, made or adapted for delivering or shooting

an explosive weapon;

(3) A machinegun;

(4) A short-barrel rifle or shotgun;

(5) A firearm silencer; * * *; or

(7) Any other implement for infliction of serious bodily injury or death which has no common lawful purpose.

(b) It is a defense to prosecution under this section that the person's conduct:

(1) Was incident to the performance of official duty and pursuant to military regulations in the army, navy, air force, coast guard or marine service of the United States or the Tennessee national guard, or was incident to the performance of official duty in a governmental law enforcement agency or a penal institution;

(2) Was incident to engaging in a lawful commercial or business transaction with an organization identified in subdivision (b)(1);

(3) Was incident to using an explosive or an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;

(4) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance or scientific research;

(5) Was incident to displaying the weapon in a public museum or exhibition;

(6) Was licensed by the state of Tennessee as a manufacturer, importer or dealer in weapons; provided, that the manufacture, import, purchase, possession, sale or disposition of weapons is authorized and incident to carrying on the business for which licensed and is for scientific or research purposes or sale or disposition to the organization designated in subdivision (b)(1);

or

(7) Involved acquisition or possession of a sawed-off shotgun, sawed-off rifle, machinegun or firearm silencer which is validly registered to the person under federal law in the National Firearms Registration and Transfer Records. A person who acquires or possesses a firearm registered as required by this subdivision shall retain proof of registration.

(c) It is an affirmative defense to prosecution under this section which the person must prove by a preponderance of the evidence that:

(1) The person's conduct was relative to dealing with the weapon solely as a curio, ornament or keepsake, and if the weapon is a type described in subdivisions (a)(1)-(5), that it was in a nonfunctioning condition and could not readily be made operable; or

(2) The possession was brief and occurred as a consequence of having found the weapon or taken it from an aggressor.

(d)(1) An offense under subdivisions (a)(1)-(5) is a Class E felony.

(2) An offense under subdivision (a)(6) or (7) is a Class A misdemeanor.

39-17-1303. Unlawful sale, loan or gift of firearm.

(a) A person commits an offense who:

(1) Intentionally, knowingly or recklessly sells, loans or makes a gift of a firearm * * * to a minor;

(2) Intentionally, knowingly or recklessly sells a firearm or ammunition for a firearm to a person who is intoxicated; or

(3) Intentionally, knowingly, recklessly or with criminal negligence violates the provisions of § 39-17-1316.

(b) It is a defense to prosecution under subdivision (a)(1) that:

(1) A firearm was loaned or given to a minor for the purposes of hunting, trapping, fishing, camping, sport shooting or any other lawful sporting activity; and

(2) The person is not required to obtain a license under § 39-17-1316.

(c) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(d) An offense under this section is a Class A misdemeanor.

39-17-1307. Unlawful carrying or possession of a weapon. * * *

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

(A) Has been convicted of a felony involving the use or attempted use of force, violence or a deadly weapon; or

(B) Has been convicted of a felony drug offense.

(2) An offense under subdivision (b)(1) is a Class E felony.

(c)(1) A person commits an offense who possesses any deadly weapon with intent to employ it in the commission of or escape from an offense.

(2) An offense under subdivision (c)(1) is a Class E felony.

39-17-1316. Sales of dangerous weapons - Certification of purchaser - Exceptions - Licensing of dealers - Definitions.

(a)(1) Any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to persons, who have been convicted of an offense punishable by imprisonment for a term exceeding one (1) year, fugitives from justice, persons of unsound mind, minors, persons who are addicted to alcohol, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are prohibited.

(2) The provision of this subsection prohibiting the sale of a pistol or sidearm to a person convicted of an offense punishable by imprisonment for a term exceeding one (1) year shall not apply if:

(A) Such person was pardoned for the offense;

(B) The conviction has been expunged or set aside; or

(C) The person's civil rights have been restored pursuant to Tennessee Code Annotated, Title 40, Chapter 29; and

(D) The person is not prohibited from possessing a firearm by the provisions of Tennessee Code Annotated, Section 39-17-1307.

(b)(1) Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that the purchaser is not one of those listed above as prohibited from legal sale of a firearm, and the person having the gun for sale, whether a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the sheriff of the county of purchaser's principal place of residence, or with the chief of police if the purchaser's place of residence is within a municipality, a copy of the certificate as notice to the law enforcement officer of the pending sale. The certificate must also show the purpose for which the gun is to be used. Upon receiving the certificate, the sheriff or chief of police, as appropriate, shall make a reasonable effort to ascertain whether receipt or possession of such handgun would be in violation of law. Such reasonable effort shall include research in whatever state and local recordkeeping sys-

tems are available and in the national crime information center. If, after fifteen (15) days from the time of the receipt of the notice, the sheriff and or chief of police make no objection tending to show that the proposed purchaser is in fact prohibited by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale. The fifteen (15) days' notice of pending sale provided for above must be made by registered mail, return receipt requested, unless the officer or officers as the case may be, personally acknowledges receipt of the notice. The certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant. The sheriff and/or chief of police may issue a written approval of the certificate, after investigation, within the fifteen (15) day waiting period.

(2) The sheriff or chief of police conducting the investigation may charge a reasonable fee, not to exceed ten dollars (\$10.00), for such investigation and other costs incurred under the provisions of this section. Such fee shall not exceed the actual costs incurred and such actual costs shall not include personnel expenses, overhead or any other costs that are ordinarily incurred by the sheriff's or police chief's office separate from the duties imposed by this section. The fees received by the sheriff or chief of police shall be used only for the purpose and maintenance of equipment to aid the sheriff or chief of police in carrying out the provisions of this section.

(3) For purposes of this section, in a county with a metropolitan form of government, the word "**sheriff**" shall mean the official designated by the charter to perform law enforcement activities.

(c)(1) The fifteen (15) day waiting period does not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of subsection (b) and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress.

(2) The fifteen (15) day waiting period does not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or such agency's personnel. However, all other provisions and requirements of subsection (b) must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor.

(d) Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or second-hand gun legally purchased by the person without being licensed to do business as such; but whenever a sale is made, the same procedure must be followed as is provided above for persons licensed by the state of Tennessee to engage in the business.

(e)(1) Before any person shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other handgun, the person shall obtain from the commissioner of revenue a permit to engage in the business in the state of Tennessee. The fee for the issuance of the permit shall be ten dollars (\$10.00) per year, and the permit when issued shall expire by its own terms on December 31 of each year.

(2) Prior to the issuance of the permit by the commissioner of revenue, the

applicant shall furnish the commissioner a certificate of good moral character signed by the chief of police or the sheriff of the county in which the licensed premises are located. In the event the licensed premises are located in the corporate limits of a municipality, the certificate of moral character shall be signed by the chief of police. If the licensed premises are located outside the corporate limits of the municipality, the certificate of moral character shall be signed by the sheriff of the county. The certificate of moral character must state that the applicant or applicants who are to be in actual control of the business are of good moral character and are personally known to the official signing the certificate, and if the applicant is a corporation, that the executive officers or those in control are of good moral character and personally known to the official signing the certificate.

(3) The commissioner is hereby granted authority to revoke any permit issued upon good cause, or on account of any violation of this section by any person to whom a permit has been issued. The order of revocation shall be issued by the commissioner and sent by registered mail to the person whose permit has been revoked, and the order of revocation shall contain the ground or reason upon which the permit was revoked. The action of the commissioner in revoking any permit issued hereunder may be reviewed in accordance with the provisions of Title 27, Chapter 9. [Tennessee Code]

(f) The commissioner is hereby authorized to make and issue all rules and regulations necessary to carry out the provisions of this section.

(g)(1) Any resident of this state who may legally purchase a rifle or shotgun in this state may purchase a rifle or shotgun in a contiguous state, provided the sale meets the legal requirements in each state, meets all legal standards of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

(2) Any dealer or collector licensed to sell shotguns or rifles at the retail level in this state may sell such guns to a resident of a contiguous state, provided that the sale meets the legal requirements of each state, as well as the requirements of any federal statute.

(h) [Deleted by 1995 amendment.]

(i) As used in this section, the terms "**pistol**" and "**sidearm**" shall have the same meaning as "handgun" as such term is defined in Tennessee Code Annotated, Section 39-11-106(16).

39-17-1319. Handgun possession prohibited - Exceptions.

(a) as used in this section and 39-17-1320, unless the context requires:

(1) "**Handgun**" means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve (12"); and

(2) "**Juvenile**" means any person less than eighteen (18) years of age.

(b) Except as provided in this section, it is an offense for a juvenile to knowingly possess a handgun.

(c)(1) Illegal possession of a handgun by a juvenile is a delinquent act and,
* * *

(2) A second or subsequent violation of this section is a delinquent act and,
* * *

(3) Any handgun illegally possessed in violation of this section shall be confiscated and disposed of in accordance with the provisions of s.39-17-

1317.

(d)(1) It is a defense to prosecution under this section that the juvenile is:

(A) In attendance at a hunter's safety course or a firearms safety course;

(B) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(C) Engaging in an organized competition involving the use of a firearm, * * *;

(D) Hunting or trapping pursuant to a valid license issued to such juvenile pursuant to Title 70, Tennessee Code;

(E) Accompanied by such juvenile's parent or guardian and is being instructed by such adult or guardian in the use of the handgun possessed by the juvenile;

(F) On real property which is under the control of an adult and has the permission of the adult and the juvenile's parent or legal guardian to possess a handgun;

(G) Traveling to or from any activity described in subsection (d)(1) with an unloaded gun; or

(H) At the juvenile's residence and with the permission of the juveniles parent or legal guardian, possesses a handgun and is justified in using physical force or deadly force. * * * *

39-17-1320. Providing handguns to juveniles - Penalties.

(a) It is an offense for a person intentionally, knowingly or recklessly to provide a handgun with or without remuneration to any person that the person providing the handgun knows or has reason to believe is a juvenile in violation of section 39-17-1319, Tennessee Code.

(b) It is an offense for a parent or guardian intentionally, knowingly or recklessly to provide a handgun to a juvenile or permit a juvenile to possess a handgun, if such parent or guardian knows of substantial risk that such juvenile will use a handgun to commit a felony.

(c) Unlawfully providing or permitting a juvenile to possess a handgun in violation of subsection (a) is a Class A misdemeanor and in violation of subsection (b) is a Class D felony.

39-17-1321. Possession of handgun while under influence - Penalty.

(a) Notwithstanding whether a person has a permit issued pursuant to section 39-17-135, it is an offense for a person to possess a handgun while under the influence of alcohol or any controlled substance.

(b) Violation of this section is a Class A misdemeanor.

39-17-1351. Handgun carry permits.

(a) Any resident of Tennessee who has reached the age of majority may apply to the department of safety for a handgun carry permit. If the applicant is not prohibited from purchasing or possessing a firearm in this state pursuant to § 39-17-1316 or § 39-17-1307(b), § 18 U.S.C. § 922(g) or any other state or federal law and the applicant otherwise meets all of the requirements of this section, the department shall issue a permit to the applicant.

(b) The application for a permit shall be on a standard form developed by the

department and shall require the applicant to disclose, under oath, only the following information concerning the applicant:

- (1) Full legal name and any aliases;
- (2) Addresses for the last five (5) years;
- (3) Date of birth;
- (4) Social security number;
- (5) Physical description (height, weight, race, sex, hair color and eye color);
- (6) Whether the applicant has been convicted of a criminal offense punishable for a term exceeding one (1) year;
- (7) Whether the applicant is currently under indictment or information for any criminal charge punishable for a term exceeding one (1) year;
- (8) Whether the applicant is currently subject to any order of protection and, if so, the applicant shall provide a copy of such order;
- (9) Whether the applicant is a fugitive from justice;
- (10) Whether the applicant is addicted or has been addicted to alcohol, drugs, or controlled substances;
- (11) Whether the applicant has ever been hospitalized because of mental illness or alcohol or drug problems; and
- (12) Whether the applicant has ever been adjudicated mentally ill and/or had a conservator appointed by a court for the applicant's benefit.

(c) In addition to the information required under subsection (b), the department shall be required to take fingerprints of the applicant for the purpose of conducting a Tennessee bureau of investigation and a federal bureau of investigation criminal history record check. The department shall also be required to photograph the applicant in a manner that is suitable for use on the permit.

(d) The department shall also require an applicant to submit proof of the successful completion of a department approved handgun safety course. Such course shall include both classroom hours and firing range hours.

(e) The department shall make applications for permits available for distribution at any location where the department conducts driver license examinations,

(f) Upon receipt of an application, the department shall notify the chief law enforcement officer of the applicant's county of residence that the applicant has requested a permit. The chief law enforcement officer shall conduct a background investigation regarding the applicant. The background investigation shall include those matters which this section requires the applicant to disclose and whether the applicant has failed to disclose specific facts which are required to be disclosed by subdivisions (b)(1) through (9). The chief law enforcement officer shall also submit a report to the department containing any readily discoverable information that such officer feels may be pertinent to the applicant regarding those matters enumerated in subdivisions (b)(10) through (12). The chief law enforcement officer shall file such reports with the department within fifteen (15) days after the date such officer receives a copy of the application.

(g) The department shall deny a permit application if the department determines that the applicant:

- (1) Has been convicted of a felony involving the use or attempted use of force, violence or a deadly weapon or a felony drug offense;
- (2) Is currently under indictment or information for any criminal charge pun-

ishable for a term exceeding one (1) year;

(3) Is currently subject to an order of protection, the provisions of which prohibit such applicant from carrying or possessing a firearm;

(4) Is a fugitive from justice;

(5) Is addicted or has been addicted within five (5) years from the date of the application to alcohol, drugs, or controlled substances;

(6) Has been hospitalized because of mental illness or alcohol or drug problems within five (5) years from the date of the application;

(7) Has been adjudicated mentally ill and/or had a conservator appointed by a court for the applicants benefit within five (5) years from the date of the application.

(8) Has not accurately disclosed any material information required to be disclosed by the applicant;

(9) Fails to meet the requirements of this section; or

(10) Because of mental illness, alcohol or drug problems, physical infirmity, or based on verifiable evidence contained in the report from the sheriff, poses a material likelihood of risk of harm to the public.

(h) The following shall not be grounds for the department to deny a permit application:

(1) The existence of any arrest or other records for any indictment, charge or warrant which has been Judaically or administratively expunged;

(2) A conviction that has been set aside by a court of competent jurisdiction because of the applicant's innocence;

(3) A conviction for which the applicant's civil rights have been restored pursuant to title 40, chapter 29, unless the conviction was for a felony involving the use or attempted use of force, violence or a deadly weapon or a felony drug offense; or

(4) A conviction for any offense not included in subsection (g)(1) if it has been more than five (5) years since the applicant successfully completed any sentence imposed, any period of probation or parole and paid all restitution ordered for such offense;

(i) If the department denies an application, the department shall notify the applicant in writing within ten (10) days of such denial. The written notice shall state the specific factual basis for the denial. It shall include a copy of any reports, records and/or inquiries reviewed or relied upon by the department.

(j) The department shall issue a permit to an applicant not otherwise prohibited from obtaining a permit under this section no later than thirty (30) days after the results of the fingerprint criminal history checks required in subsection (c) and the sheriffs report required in subsection (g) are both received by the department.

(k) A permit holder shall not be required to complete a handgun safety course to maintain or renew a handgun carry permit. No permit holder required to complete any additional handgun safety course after handgun carry permit.

(l) A permit issued pursuant to this section shall be good for four and shall entitle the permit holder to carry any handgun(s) which the holder legally owns or possesses. The permit holder shall have the holder's immediate possession at all times when carrying a handgun shall display the permit on demand of a law enforcement officer.

(m) The permit shall be issued on a wallet-sized laminated card of the approximate size used by the state of Tennessee for driver licenses and contain

only the following information concerning the permit holder:

(1) The permit holder's name, address, date of birth and social security number.

(2) A description of the permit holder by sex, height, weight and eye color;

(3) A color photograph of the permit holder; and

(4) The permit number and expiration date

(n) The department shall charge an application and processing fee of hundred dollars (\$100). Such fee shall cover all aspects of processing the application and issuing a permit.

(o) Substantial compliance with the requirements of this section shall provide the department and any political subdivision thereof with immunity from civil liability alleging liability for issuance of the permit.

(p) Prior to the expiration of a permit, a permit holder may apply to the department for the renewal of a permit by submitting, under oath, a renewal application with a renewal fee of fifty dollars (\$50.00). The renewal application shall be on a standard form developed by the department of safety and shall require the applicant to disclose, under oath, the information concerning the applicant as set forth in subsection (b), and shall require the applicant to certify that such applicant still satisfies all the requirements of this section for the issuance of a permit. In the event the permit expires prior to the department's approval or issuance of notice of denial regarding such renewal application, the permit holder shall be entitled to continue to use the expired permit; provided, that the permit holder shall also be required to prove by displaying a receipt for the renewal application fee that the renewal application was delivered to the department prior to the expiration date of the permit.

Publisher's Notes:

1. The following jurisdictions prohibit the sale, possession, or receipt of any type of firearm to or by any of a particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users)

Knoxville*

Nashville-Davidson Metro*

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (*) next to a name indicates another listing]

Chattanooga (f) =Sale of any pistols except regular army & navy pistols.

Lawrenceburg* (a)-(e) [Contact city about exceptions.]

Memphis (f) =Post-1898 replica firearms

3. The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers [An asterisk (*) next to a name indicates another listing]

Greeneville* (3 days)
Lawrenceburg* (3 days)
Knoxville* (3 days)

4. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Greeneville
Knoxville*
Lawrenceburg*
Nashville-Davidson Metro*

5. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Greeneville* (a)
Knoxville* (a)
Lawrenceburg*
Nashville-Davidson Metro* (a)