

SENATE BILL 2302

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 16;
Title 36; Title 37; Title 38; Title 39; Title 40; Title
49; Title 55 and Title 65, relative to firearms.

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

SECTION 1. Tennessee Code Annotated, Section 36-3-626(a), is amended by deleting "as defined in § 39-17-1319" and substituting "as defined in § 39-11-106".

SECTION 2. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (a)(2)(B)(i)(v).

SECTION 3. Tennessee Code Annotated, Section 37-1-131(a)(2)(B)(i)(w), is amended by deleting "Handgun possession" and substituting "Unlawful carrying of a firearm by a juvenile".

SECTION 4. Tennessee Code Annotated, Section 39-11-106, is amended by deleting subdivision (a)(13) and substituting:

(13) "Firearm" means any weapon that will or is designed to expel a projectile by the action of an explosive;

SECTION 5. Tennessee Code Annotated, Section 39-11-602, is amended by deleting subdivision (2) and substituting:

(2) "Deadly force" means the use of force that is intended by the defendant to cause, and is capable of causing, death or a substantial risk of death; and

SECTION 6. Tennessee Code Annotated, Section 39-11-602, is amended by adding the following as a new subdivision:

() "Violent crime" includes:

(A) A criminal offense that involves intentionally or knowingly causing bodily injury or reasonable fear of bodily injury to another; and

(B) An offense of arson, intentional or knowing assault, burglary, carjacking, vandalism, intentional or knowing homicide, kidnapping, robbery, sexual battery, rape, and human trafficking;

SECTION 7. Tennessee Code Annotated, Section 39-11-614(c), is amended by adding the following sentence at the end of the subsection:

A threat to use deadly force is not considered use of deadly force for purposes of this section, § 39-11-615, or § 39-11-616.

SECTION 8. Tennessee Code Annotated, Section 39-11-614, is amended by adding the following new subsection:

(d)

(1) A person who, in defense of real property the person lawfully owns, rents, or leases, threatens the use of deadly force, including by displaying a deadly weapon, against another who unlawfully entered the person's real property and refuses to leave upon being requested to do so, is presumed to have been justified in doing so and must not be charged for the display of a deadly weapon and must not have the person's weapon, including a firearm, confiscated.

(2) Subdivision (d)(1) does not apply if:

(A) The person knew or had reason to believe that the individual entering the property had a right to do so;

(B) The individual entering the property immediately identifies themselves and states the lawful reason the individual is there, and, unless the individual has a right to be there, leaves upon being requested to do so;

(C) The individual entering the real property did so accidentally or without the intent to trespass and immediately leaves upon being asked to do so;

(D) The entering is brief and obviously innocent; or

(E) The entering or remaining on the real property is otherwise justified.

SECTION 9. Tennessee Code Annotated, Title 39, Chapter 11, Part 6, is amended by adding the following new section:

39-11-617.

(a) A person who uses force as permitted by §§ 39-11-611 – 39-11-616, § 39-11-620, § 39-11-621, or § 39-17-1322, or under any other applicable common law or statutory provisions addressing the justifiable use of force, is immune from criminal prosecution for the use of such force, unless:

(1) The individual against whom force was used is a law enforcement officer acting in the scope of the officer's official duties and the person using force knew or reasonably should have known that the individual was a law enforcement officer; or

(2) The force used by the person resulted in the death or injury of an innocent bystander or other individual against whom the force was not justified, in which case the immunity does not apply to a criminal prosecution related to the death or injury of the innocent bystander or other individual against whom force was not justified.

(b) As used in this section, "defendant" means a person who uses or threatens to use force against another and asserts that the force used or threatened was justified,

and includes any other person charged with, acting in concert with, or having criminal responsibility for a person who uses or threatens to use force.

(c) A defendant may raise a justified use of force claim by submitting a written statement in a letter from the defendant or a person acting on behalf of the defendant. The letter must be addressed to one (1) or more of the investigating law enforcement officers, the office of the district attorney general for the jurisdiction, or the clerk for a court in which charges have been filed. The defendant is not required to include any declaration or statement other than a statement that the defendant asserts that the use of force was justified.

(d) When a defendant raises a justification for the use of force or evidence of justification or self-defense is brought to the attention of or observed by law enforcement:

- (1) The appropriate law enforcement agency shall conduct a full investigation of the potential defense of justification;
- (2) All evidence of the investigation must be preserved;
- (3) At the conclusion of the investigation, the investigating officer shall generate a discoverable report of evidence relevant to the justification claim; and
- (4) The law enforcement agency shall not confiscate a person's weapon or charge or arrest the person for an offense based on the use of force unless the law enforcement agency has determined that there is probable cause to believe that the force used was unlawful and there is not probable cause to believe that the use of force was justified. If a law enforcement officer seeks to charge or arrest the person for an offense based on the use of force, then the officer must include as an affirmative element of the charging affidavit that the officer has complied with the requirements of this subsection (d) and that, based

on the officer's investigation, there is not probable cause to believe that the defendant's use of force was justified.

(e) A prosecutor shall not commence a criminal prosecution for a criminal offense based on an alleged unlawful use of force, including a charge of being an accessory, before determining whether there is probable cause to believe that the use of force was unlawful and whether there is probable cause to believe that, based on a consideration of all the facts and available testimony, the state can prevail in negating any defense of justification at trial.

(f)

(1) If a law enforcement agency obtains an arrest warrant prior to consulting with the district attorney general, then the district attorney general shall make the evaluations required by subsection (e) before proceeding with the prosecution.

(2) If a law enforcement agency consults with the district attorney general before seeking an arrest warrant, then the district attorney general shall make the evaluations required by subsection (e) before the affidavit of complaint is submitted and the affidavit of complaint must comply with subdivision (d)(4).

(3) In any instance in which a grand jury indictment is sought on a matter involving the alleged unlawful use of force, including a charge of being an accessory, the entity or individual presenting the matter to the grand jury shall:

(A) Make the evaluations required by subsection (e) before presenting the matter to the grand jury;

(B) Advise the grand jury that a claim of justification has been or may be raised; and

(C) Present to the grand jury for its consideration any evidence or testimony that is at that time available to the entity or individual on the issue of justification.

(g)

(1) Prior to the commencement of a trial, the defendant may make a motion for a justified use of force hearing. Upon the defendant's motion, the trial court shall conduct a hearing to determine whether the force used by the defendant was justified under applicable law. The defendant must file a motion under this subdivision (g)(1) no less than ninety (90) days prior to trial.

(2) If the defendant moves for a justified use of force hearing or upon the court's own motion, then the court shall expedite the hearing and issue a decision within forty (40) days of the motion. Either party may request additional time beyond the forty-day period to prepare, in which case the court shall order that the hearing be reset on the first docket following the time period granted for the continuance. The defendant is entitled to at least one (1) hearing after being charged and at least one (1) hearing following the conclusion of discovery.

(3) The sole issue at the justified use of force hearing is whether the defendant used force or threatened the use of force in a manner that is justified by applicable law and is immune from criminal prosecution under this section.

(4) The defendant may testify at the hearing. If the defendant chooses not to testify, then the defendant's silence cannot be used against the defendant in resolving the hearing. If the defendant chooses to testify, then the defendant's testimony cannot be used for any reason other than the consideration of the hearing or for impeachment at trial if the defendant testifies at trial.

(5) If the defendant establishes a prima facie case that the use of force or threatened use of force was justified under applicable law, then the burden of proof shifts to the prosecution to demonstrate by clear and convincing evidence that the use of force or threatened use of force was not justified.

(6) If, after a justified use of force hearing, the court concludes that the defendant has raised a prima facie case that the defendant's use of force was justified and the prosecution has failed to prove by clear and convincing evidence that the force was not justified, then the court shall enter an order finding the defendant immune from criminal prosecution and dismissing the criminal charges.

(7) If the court does not rule in favor of the defendant following a justified use of force hearing, then the defendant is not precluded from asserting at any other point in the case that the use of force was justified. Once the issue of justification has been raised by the defendant, the state bears the burden of proof at trial to prove beyond a reasonable doubt all of the elements of the charged conduct and to negate the claim that the use of force was justified.

(8) The prosecution shall not present evidence at trial that was not presented in a use of force hearing if such hearing was held.

(h) If the court dismisses the criminal prosecution pursuant to subdivision (g)(6), then the court shall award the defendant attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in the defense of the criminal prosecution.

SECTION 10. Tennessee Code Annotated, Section 39-11-620, is amended by adding the following new subsection:

(c) A law enforcement officer who uses or threatens to use force pursuant to this section may raise a defense of justification, pursuant to § 39-11-617.

SECTION 11. Tennessee Code Annotated, Section 39-11-621, is amended by deleting "or threaten to use" and by adding the following at the end of the section:

A threat to use deadly force, by itself, is not considered use of deadly force for purposes of this section. A private citizen shall not threaten to use deadly force unless the arrest is for a crime committed or threatened against the person making the arrest or a violent crime committed or threatened in the presence of the person making the arrest.

SECTION 12. Tennessee Code Annotated, Section 39-17-1301, is amended by deleting subdivision (2).

SECTION 13. Tennessee Code Annotated, Section 39-17-1301, is amended by adding the following as a new subdivision:

() "Intent to go armed" means carrying or wearing a weapon with premeditation and forethought to commit an infamous crime and does not include inadvertent or unintentional intrusion into an area where such weapon is not permitted;

SECTION 14. Tennessee Code Annotated, Section 39-17-1305(d)(1)(F), is amended by deleting "§ 39-17-1309(e)(11)(B), § 39-17-1315, § 38-8-116, § 38-8-123, or § 49-6-816(f)(1) and (i)" and substituting "§ 39-17-1315, § 38-8-116, or § 38-8-123".

SECTION 15. Tennessee Code Annotated, Section 39-17-1306, is amended by deleting the section and substituting:

(a)

(1) A court may prohibit the carrying of firearms in a court building or courtroom by posting signage as required by subsection (b). As used in this section, "court building" means a courthouse or building designated for the regular holding of judicial proceedings, which is identifiable to the public by

plainly visible signage at each public entrance designating the building as a courthouse or court building.

(2) If a court building or courtroom has been posted in accordance with subsection (b), then it is an offense to carry a firearm in the court building or courtroom.

(b)

(1) If a court elects to prohibit the carrying of firearms in the court building or courtroom, then the court building or courtroom must be posted at all commonly used entrances with signs that include the phrase "NO FIREARMS ALLOWED", and the phrase must measure at least one inch (1") high and eight inches (8") wide. The sign must also include the phrase "As authorized by T.C.A. § 39-17-1306" and a pictorial representation of the phrase "NO FIREARMS ALLOWED" that must include a circle with a diagonal line through the circle and an image of a firearm inside the circle under the diagonal line. The circle must be at least four inches (4") in diameter. The diagonal line must be at a forty-five degree (45°) angle from the upper left to the lower right side of the circle.

(2) Signage installed prior to July 1, 2026, is not required to be updated pursuant to subdivision (b)(1) if the signage clearly indicates the prohibition of firearms in the building, is in English, is of sufficient size, contains a pictorial representation of a firearm in a circle with a diagonal line at a forty-five degree (45°) angle, and is plainly visible.

(3) Signage not compliant with subdivision (b)(1) or (2) does not prohibit a court from prohibiting the possession of weapons by persons not listed in subsection (d), or from enforcement of such prohibition, except that a person

violating this section does not commit a criminal offense pursuant to subsection

(a) unless the person is made aware of the prohibition and refuses to comply.

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

(d) Subdivision (a)(2) does not apply to a person who:

(1) Has been directed by a court to bring the firearm for purposes of providing evidence;

(2) Is in the actual discharge of official duties as a law enforcement officer, or is employed in the army, air force, space force, navy, coast guard, or marine service of the United States or any member of the Tennessee national guard in the line of duty and pursuant to military regulations, or is in the actual discharge of official duties as a guard employed by a penal institution, or as a bailiff, marshal, or other court officer who has responsibility for protecting persons or property or providing security; or

(3) Is not a defendant in a criminal case, or is not a party in a family law matter or child custody matter, and:

(A) Is a law enforcement officer, as defined in § 39-17-1350;

(B) Is vested with judicial powers under § 16-1-101;

(C)

(i) Is a district attorney general, an attorney licensed to practice law in the United States and in good standing, or other officer of the court; and

(ii) Is authorized to carry a firearm pursuant to § 39-17-1351 or § 39-17-1366; or

(D)

(i) Is authorized to carry a handgun pursuant to § 39-17-1351 or § 39-17-1366;

(ii) Keeps the handgun concealed at all times; and

(iii) Is not in a room in which judicial proceedings are in progress.

SECTION 16. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsections (a), (e), and (g).

SECTION 17. Tennessee Code Annotated, Section 39-17-1308(a), is amended by deleting subdivisions (8) and (9).

SECTION 18. Tennessee Code Annotated, Section 39-17-1309, is amended by deleting the section and substituting:

(a) As used in this section:

(1) "Pocket knife" means a knife with one (1) or more blades that fold or collapse into the knife's attached handle and that can be carried inside a person's pocket when collapsed or folded; and

(2) "Weapon of like kind" includes razors and razor blades, except those used solely for personal shaving, and any sharp-pointed or -edged instrument, except unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance.

(b)

(1) If a public or private school bus or public or private school building is properly posted according to subsection (d), then it is an offense for a person to possess or carry, whether openly or concealed, with the intent to go armed, a firearm, explosive, explosive weapon, bowie knife, ice pick, dagger, slingshot, leaded cane, blackjack, knuckles, or any other weapon of like kind, not used

solely for instructional or school-sanctioned purposes, while on a public or private school bus or inside of a public or private school building that offers any of the grades kindergarten through twelve (K-12).

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

(c)

(1)

(A) If a public or private school bus or public or private school building is properly posted according to subsection (d), then it is an offense for a person to possess or carry, whether openly or concealed, any firearm, not used solely for instructional or school-sanctioned purposes, on a public or private school bus or inside of a public or private school building that offers any of the grades kindergarten through twelve (K-12).

(B) It is not an offense under this subsection (c) for an adult to possess a firearm, if the firearm is contained within a private vehicle operated by the adult and is not handled by the adult, or by any other person acting with the expressed or implied consent of the adult, while the vehicle is on school property.

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

(d)

(1)

(A) Except as provided in subdivision (d)(3), each chief administrator of a public or private school shall display in prominent locations about the school building, including all entrances, a sign, at least six inches (6") high and fourteen inches (14") wide, stating: THE

UNAUTHORIZED CARRYING OF WEAPONS ON A SCHOOL BUS OR
INSIDE OF A SCHOOL BUILDING IS A CRIMINAL OFFENSE.

(B) The sign must include a pictorial representation of a circle with a diagonal line through the circle and an image of a firearm, or firearm and knife, inside the circle. The entire pictorial representation must be at least four inches (4") high and four inches (4") wide. The diagonal line must be at a forty-five degree (45°) angle from the upper left to the lower right side of the circle.

(C) Signs installed prior to July 1, 2026, pursuant to the version of this section in effect at that time, which contained the text: "FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF SIX (6) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED THREE THOUSAND DOLLARS (\$3,000) FOR CARRYING WEAPONS ON SCHOOL PROPERTY" have the same effect as a sign compliant with subdivisions (d)(1)(A) and (d)(1)(B).

(2) As used in this subsection (d), "prominent locations about a school" includes all entrances to the areas in which subsections (b) and (c) apply.

(3) A school may choose not to post pursuant to subdivision (d)(1) or to instead post a warning to the public that armed personnel may be present on the school premises or that attackers will be met with force. If a school elects not to post pursuant to subdivision (d)(1) or elects to instead post a warning as described in this subdivision (d)(3), then the carrying of weapons on school property does not in and of itself constitute a criminal offense; however, the school may still restrict or prohibit carrying weapons on school property pursuant

to school policy and is not prohibited from enforcing such policy, except as provided in this section or other state and federal laws.

(e) Subsections (b) and (c) do not apply to the following persons:

(1) Persons employed in the army, air force, space force, navy, coast guard, or marine service of the United States or any member of the Tennessee national guard when in discharge of their official duties;

(2) Civil officers of the United States in the discharge of their official duties;

(3) Officers and soldiers of the militia and the national guard when called into actual service;

(4) Officers of any state, county, city, or town, charged with enforcement of the law;

(5) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties;

(6) Any private police employed by the administration or board of trustees of any public or private educational institution;

(7) Any registered security guard/officer who meets the requirements of the Private Protective Services Licensing and Regulatory Act, compiled in title 62, chapter 35;

(8) Persons within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place, if the person is not otherwise prohibited from possessing or carrying the weapon possessed or carried by the person;

(9) Nonstudent adults carrying a pocket knife, pepper spray, pepper gel, or mace while on school property for any lawful purpose; or

(10) Persons authorized to carry a handgun pursuant to § 39-17-1351 or § 39-17-1366, if the person keeps the handgun concealed at all times.

(f) It is an affirmative defense to prosecution under subsection (b) or (c) that the person's behavior was in strict compliance with the requirements of one (1) of the following classifications:

(1) A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the administrator of the educational institution;

(2) A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the lands of the educational institution are posted prohibiting entry;

(3) A person possessing guns or knives when conducting or attending gun and knife shows, and the program has been approved by the administrator of the educational institution; or

(4) A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove, utilize, or allow to be removed or utilized any weapon from the vehicle.

(g) Subsections (b) and (c) do not apply to universities, college campuses, and other public or private non-kindergarten through grade twelve (non-K-12) educational institutions or property. The possession or carrying of a firearm by an adult who is not prohibited from possessing or carrying a firearm is not prohibited by this section on the

property of any university, college campus, or other public or private non-kindergarten through grade twelve (non-K-12) educational institution.

(h) This law does not prohibit, and a public or private school, university, or educational institution shall not prohibit, an adult student or other adult person permitted to be on campus or the school's or educational institution's property, from possessing mace, pepper spray, a pepper spray gun, pepper gel, a stun gun, or an electronic control device or other conductive energy device for purposes of self-defense.

SECTION 19. Tennessee Code Annotated, Section 39-17-1310, is amended by deleting the section.

SECTION 20. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting the section and substituting:

It is not an offense for a person authorized to carry a firearm pursuant to § 39-17-1351 or § 39-17-1366, or for any person who is not prohibited from possessing or carrying a firearm, to possess or carry a firearm in any state or local park, on a greenway or other recreational property, or, to the extent permitted by federal law, within or on property designated by the federal government as a national park, forest, preserve, historic park, military park, trail, or recreation area.

SECTION 21. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting "lawfully carries a handgun pursuant to § 39-17-1307(g)" and substituting "is not prohibited from possessing or carrying a firearm".

SECTION 22. Tennessee Code Annotated, Section 39-17-1319, is amended by deleting subsection (b) and substituting:

(b) Except as provided in this section, it is an offense for a juvenile to carry, with the intent to go armed, a firearm.

SECTION 23. Tennessee Code Annotated, Section 39-17-1319(c)(1), is amended by deleting "Illegal possession of a handgun by a juvenile" and substituting "A violation of this section".

SECTION 24. Tennessee Code Annotated, Section 39-17-1319(c)(3), is amended by deleting "handgun" and substituting "firearm".

SECTION 25. Tennessee Code Annotated, Section 39-17-1319(d), is amended by deleting "handgun" wherever it appears and substituting "firearm".

SECTION 26. Tennessee Code Annotated, Section 39-17-1319(e), is amended by deleting "handgun" and substituting "firearm".

SECTION 27. Tennessee Code Annotated, Section 39-17-1321, is amended by deleting subsection (a) and substituting:

(a) It is an offense for a person to possess a handgun in a public place while under the influence of alcohol or any controlled substance or controlled substance analogue. As used in this subsection (a), "under the influence of alcohol" means the alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08%) or more.

SECTION 28. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subsection (c) and substituting:

(c) The authority conferred by this section does not exempt a law enforcement officer from the restrictions set forth in §§ 39-17-1306 and 39-17-1321.

SECTION 29. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subsection (e) and by deleting the last sentence in subsection (g).

SECTION 30. Tennessee Code Annotated, Section 39-17-1351(c)(13), is amended by deleting "and is not" and substituting "who is".

SECTION 31. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting the section and substituting:

(a) Except as provided in subsection (b), an entity of local government or a permittee thereof is not authorized to enact or enforce a prohibition or restriction on the possession of a handgun by an enhanced handgun carry permit holder or concealed handgun carry permit holder on property owned or administered by the entity unless:

(1) The following are provided at each public entrance to the property:

(A) Metal detection devices; and

(B) At least one (1) law enforcement or private security officer who has been adequately trained to conduct inspections of persons entering the property by use of metal detection devices; and

(2) Each person who enters the property through the public entrance when the property is open to the public and any bag, package, and other container carried by the person is inspected by a law enforcement or private security officer described in subdivision (a)(1)(B) or an authorized representative with the authority to deny entry to the property.

(b) Subsection (a) does not apply to:

(1) Facilities that are licensed under title 33 or 37;

(2) Property on which firearms are prohibited pursuant to § 39-17-1309;

(3) Courtrooms and court buildings, which are governed by § 39-17-1306; or

(4) Facilities that are licensed under title 41, correctional facilities, penitentiaries, or jails.

SECTION 32. Tennessee Code Annotated, Section 49-6-815, is amended by deleting the section.

SECTION 33. Tennessee Code Annotated, Section 49-6-816, is amended by deleting the section.

SECTION 34. Tennessee Code Annotated, Section 49-6-3051, is amended by deleting subdivision (b)(2)(H).

SECTION 35. Tennessee Code Annotated, Section 49-6-3051(b)(2)(I), is amended by deleting "Handgun possession" and substituting "Unlawful carrying of a firearm by a juvenile".

SECTION 36. Tennessee Code Annotated, Section 49-7-161, is amended by deleting the section.

SECTION 37. Tennessee Code Annotated, Section 49-50-803, is amended by deleting the section.

SECTION 38. Tennessee Code Annotated, Section 38-8-116(c)(8), is amended by deleting the last sentence and substituting:

At least ninety (90) days prior to the expiration of the retired officer's certification under this subsection (c), the retired officer shall submit a request for recertification to the Tennessee POST commission. Upon receipt of the request for recertification, the Tennessee POST commission shall request a criminal history record check of the retired officer by the TBI. Upon request of the Tennessee POST commission, the TBI shall conduct a criminal history record check using all computer searches available to the bureau based solely upon the retired officer's name, date of birth, and social security number and send the results to the Tennessee POST commission. The retired officer is not required to submit a new set of fingerprints for recertification.

SECTION 39. Tennessee Code Annotated, Section 49-6-820, is amended by deleting subdivision (b)(7).

SECTION 40. This act takes effect July 1, 2026, the public welfare requiring it.