

HOUSE BILL 248

By Butt

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 54, relative to the Tennessee Firearms
Freedom Act.

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

SECTION 1. Tennessee Code Annotated, Section 4-54-103, is amended by adding the following language as a new, appropriately designated subdivision:

() "Federal action" means any action by congress, the federal executive branch, or the federal judicial branch that would have the force or effect of law over the citizens of this state including, but not limited to, acts of congress, federal rules or regulations, executive orders, and judicial opinions;

SECTION 2. Tennessee Code Annotated, Section 4-54-104, is amended by deleting the first two sentences in their entirety and by substituting instead the following language:

A personal firearm, a firearm accessory or ammunition that is manufactured commercially or privately in this state and that remains within the borders of this state or is otherwise not transferred in interstate commerce into or out of this state is not subject to any federal action prohibited by this chapter. It is declared by the legislature that those items have not traveled in interstate commerce and are otherwise not within powers of the federal government.

SECTION 3. Tennessee Code Annotated, Section 4-54-105, is amended by deleting subdivision (4) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 4-54-106, is amended by deleting the section in its entirety and by substituting instead the following language:

4-54-106. A firearm manufactured or sold in this state under this chapter must have the words "Made in Tennessee" clearly stamped, engraved or otherwise permanently added to the receiver or frame.

SECTION 5. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following language as a new section:

4-54-107.

(a) The general assembly declares that any federal action prohibited by this chapter relating to firearms, firearms accessories or ammunition, whether made in Tennessee or not, is not authorized by the United States constitution and violates the restrictions contained therein and is hereby declared to be invalid in this state; that said federal action shall not be recognized by this state; and that said federal action is rejected by this state and shall be null and void and of no effect in this state.

(b) Any federal action shall be deemed an intentional violation of state sovereignty and shall be unenforceable within the borders of Tennessee if the federal action does or attempts to:

(1) Infringe on, ban, regulate, or restrict state government, local government or civilian ownership, transfer, possession or manufacture of a firearm, a firearm accessory or ammunition in this state;

(2) Require any state government, local government or civilian owned firearm, firearm accessory, or ammunition in this state to be registered or tracked in any manner; or

(3) Impose federal taxes, fees or any other charges on any state government, local government or civilian owned firearm, firearm accessory, or ammunition that are payable to any government entity.

(c) No public official, employee, or agent of this state or any of its political subdivisions shall:

(1) Act to impose, collect, enforce, or effectuate any penalty in this state that violates the public policy set forth in this section; or

(2) Cooperate with or assist with the enforcement of federal action prohibited by this chapter.

SECTION 6. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following language as a new section:

4-54-108.

(a) It is an offense for any person to knowingly enforce or attempt to enforce any federal action prohibited by this chapter relating to a state government, local government or civilian owned firearm, firearm accessory or ammunition.

(b) Any person who violates this section commits a Class B felony.

SECTION 7. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following language as a new section:

4-54-109.

(a) The attorney general and reporter may enforce this chapter by seeking judicial determinations to invalidate or nullify federal action prohibited by this chapter or which may otherwise violate the United States constitution, including, but not limited to, the second amendment, the ninth amendment and the tenth amendment, relative to firearms, firearms accessories or ammunition in this state.

(b) In the event that the attorney general and reporter fails or refuses to provide such defense of this chapter, a Tennessee citizen shall have the right to petition a circuit or chancery court in this state to select and appoint special counsel, with the appointment based on a showing of good cause and necessity.

The petition shall name the attorney general and reporter as an interested party and shall be personally served on the attorney general and reporter. In the event that the petition is granted, the costs of such petition, including court costs and reasonable attorney's fees, shall be awarded to the petitioner and against the state.

(c) The attorney general and reporter is authorized to prosecute violations of this chapter and to defend the state against violations of this chapter; provided, however, that each district attorney general in this state shall have concurrent authority to investigate and prosecute such violations relative to federal prosecutions or enforcement actions arising within their respective jurisdictions.

SECTION 8. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following language as a new section:

4-54-110. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to that end the provisions of this chapter are severable.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.