

CHAPTER NO. 396

SENATE BILL NO. 1728

By Crowe

Substituted for: House Bill No. 1749

By Brenda Turner

AN ACT To amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to the sale, purchase or transfer of firearms.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1316, is amended by adding the following new subsections:

(o) In addition to the other grounds for denial, the bureau shall deny the transfer of a firearm if the background check reveals information indicating that the purchaser has been charged with a crime for which the purchaser, if convicted, would be prohibited under state or federal law from purchasing, receiving, or possessing a firearm and either there has been no final disposition of the case or the final disposition is not noted.

(p) Upon receipt of the criminal history challenge form indicating a purchaser's request for review of the denial, the bureau shall proceed with efforts to obtain the final disposition information. The purchaser may attempt to assist the bureau in obtaining the final disposition information. If neither the purchaser nor the bureau are able to obtain the final disposition information within fifteen (15) calendar days of the bureau's receipt of the criminal history challenge form, the bureau shall immediately notify the federal firearms licensee that the transaction that was initially denied is now a "conditional proceed". A "conditional proceed" means that the federal firearm licensee may lawfully transfer the firearm to the purchaser.

(q) In any case in which the transfer has been denied pursuant to subsection (o) of this section, the inability of the bureau to obtain the final disposition of a case shall not constitute the basis for the continued denial of the transfer as long as the bureau receives written notice signed and verified by the clerk of the court or the clerk's designee that indicates that no final disposition information is available. Upon receipt of such letter by the bureau, the bureau shall immediately reverse the denial.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 11, 2001

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 19<sup>th</sup> day of June 2001

  
DON S. QUIGLEY, GOVERNOR