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425 FIFTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243-0488

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Opinion No. 00-047

Tennessee Constitution, Article II, Section 19

QUESTION

Whether Article II, Section 19 of the Tennessee Constitution prohibits the passage of House Bill 2117, in light of the previous rejection of House Bill 954 during this General Assembly.

OPINION

No. The substance of House Bill 954 and House Bill 2117 clearly differs. Accordingly, the previous rejection of the former does not preclude passage of the latter.

ANALYSIS

Article II, Section 19, of the Tennessee Constitution states: “After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.” On May 28, 1999, House Bill 954 was rejected. Thus, no bill containing the same substance as House Bill 954 may constitutionally be passed during the regular session of the 101st General Assembly.

As used here, the term “substance” means the essence of the bill or “an intelligible abstract or synopsis of its material and substantial elements.” *State v. Brooks*, 241 Ala. 55, 1 So.2d 370, 371 (1941). An abstract of the material elements of House Bill 954, and, therefore, the prohibited substance of further legislation during the regular session of the 101st General Assembly, would be provisions to establish a personalized handgun study committee for the purpose of considering the use, cost, and implementation of personalized handguns, trigger locks, or other safety devices for firearms.

In contrast, an abstract of the material elements of House Bill 2117 would be summarized as provisions to remove the current requirement that law enforcement officers be “in the discharge of official duties” before being excepted from various criminal provisions making it unlawful to carry a weapon where alcoholic beverages are served or sold, during judicial proceeding, on school property, or on public parks, playgrounds, civic centers, and other public recreational buildings and grounds.

As the substance of these bills is clearly dissimilar, the rejection of House Bill 954 presents no constitutional impediment to the passage of House Bill 2117.

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