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Opinion No. 07-43

Posting Notices that Handguns Are Not Permitted in Private Buildings

QUESTIONS

1. In order to prohibit handgun permit holders from carrying their handguns in a non-governmental building, must the sign contain the exact language set forth in Tenn. Code Ann. § 39-17-1359(a)?

2. May a property owner use the international circle and slash symbol in lieu of a sign that uses the language prescribed by Tenn. Code Ann. § 39-17-1359(a)?

3. In a building with multiple businesses, does Tenn. Code Ann. § 39-17-1359(a) require the posting of signs at every entrance to the entire building, or to each separate business that elects to prohibit handguns if the entire building has not prohibited the possession of handguns on the premises?

OPINIONS

1. No. Tenn. Code Ann. § 39-17-1359(a) requires the posting of a notice which uses language that is "substantially similar" to the language provided in the statute.

2. No. The international circle and slash symbol may not be used in lieu of a sign that uses the language prescribed by Tenn. Code Ann. § 39-17-1359(a).

3. Tenn. Code Ann. § 39-17-1359 requires the posting of notices at the entrances of each individual business that prohibits weapons on its property if possession of handguns has not been prohibited on the entire property.

ANALYSIS

1. Owners of private property may prohibit the possession of handguns and other weapons on their property. To be effective, the owner must post a written notice that satisfies the requirements of Tenn. Code Ann. § 39-17-1359(a), which states, in pertinent part:

> The notice shall be in English but a notice may also be posted in any language used by patrons, customers or persons who frequent the place where weapon possession is prohibited. In addition to the sign, notice may also include the international circle and slash symbolizing the prohibition of the item within the circle. The sign shall be of a size that is plainly visible to the average person entering the building, premises or property and shall contain language substantially similar to the following:
>
> PURSUANT TO § 39-17-1359, THE OWNER/OPERATOR OF THIS PROPERTY HAS BANNED WEAPONS ON THIS PROPERTY, OR WITHIN THIS BUILDING OR THIS PORTION OF THIS BUILDING. FAILURE TO COMPLY WITH THIS PROHIBITION IS PUNISHABLE AS A CRIMINAL ACT UNDER STATE LAW AND MAY SUBJECT THE VIOLATOR TO A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS ($500).

The primary objective of statutory construction is to give effect to the intent of the legislature.
See Cronin v. Howe, 906 S.W.2d 910, 912 (Tenn. 1995). If the language of a statute is clear and unambiguous, the legislative intent must be ascertained by the plain and ordinary meaning of the statutory language used. *See Carson Creek Vacation Resorts, Inc. v. State, Dep't of Revenue*, 865 S.W.2d 1, 2 (Tenn. 1993).

Tenn. Code Ann. § 39-17-1359(a) is clear and unambiguous. By its terms, it does not require word-for-word use of the statutory language. All that is required is that the notice uses language that is substantially similar to the language provided in the statute.

2. Tenn. Code Ann. § 39-17-1359(a) also authorizes the use of the international circle and slash symbol. The unambiguous language of the statute, however, states that the international symbol may be used in addition to, not in lieu of, the written notice that is prescribed the statute.

3. Tenn. Code Ann. § 39-17-1359(a) also prescribes the requirement for the posting of notices. It states, in relevant part:

> Posted notices shall be displayed in prominent locations, including all entrances primarily used by persons entering the building, portion of the building or buildings where weapon possession is prohibited. If the possession of weapons is also prohibited on the premises of the property as well as within the confines of a building located on the property, the notice shall be posted at all entrances to the premises that are primarily used by persons entering the property.

Tenn. Code Ann. § 39-17-1359(a).

Under the plain language of the statute, if the owner intends to prohibit the possession of handguns or other weapons on the entire premises, the notice must be posted at each entrance to the premises primarily used by persons entering the building, as well as any other prominent locations

the owner may choose. If the owner intends to prohibit such possession only in certain parts of the premises, the notices must be posted at the entrances primarily used by persons entering those parts of the premises.

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