

**STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL**

June 11, 2014

Opinion No. 14-60

Out-of-State Handgun Permits Held by Tennessee Residents

QUESTION

May a Tennessee resident who does not have a Tennessee handgun carry permit under Tenn. Code Ann. § 39-17-1351 and who has no other commission or permit issued by the State of Tennessee or a local government in Tennessee rely on a handgun or weapons permit issued by another state as authorization to carry a handgun in Tennessee?

OPINION

A Tennessee resident may rely on an out-of-state permit only for six months after establishing residency in Tennessee. After that time, a resident must have a handgun permit issued by the State of Tennessee.

ANALYSIS

Under Tenn. Code Ann. § 39-17-1351(b), “any resident of Tennessee who is a United States citizen or permanent lawful resident . . . who has reached twenty-one (21) years of age, may apply to the department of safety for a handgun carry permit,” and if the applicant meets all of the requirements, the department shall issue a permit to the applicant. Under Tenn. Code Ann. § 39-17-1351(r)(1), “[a] facially valid handgun permit, firearms permit, weapons permit or license issued by another state shall be valid in [Tennessee] according to its terms and shall be treated as if it is a handgun permit issued by this state.”¹

But this provision applies only to non-Tennessee residents. If a person with an out-of-state handgun permit becomes a Tennessee resident, he or she “must obtain a Tennessee handgun permit within six (6) months of establishing residency in Tennessee.” *Id.* § 39-17-1351(r)(3)(B). After six months of residency, the out-of-state permit no longer constitutes a valid handgun carry permit in Tennessee. Furthermore, if during that six-month period the person applies for a Tennessee handgun-carry permit but is denied, “the person shall not be allowed to carry a handgun in this state based upon the other state’s permit.” *Id.*

¹ An out-of-state permit or license does not authorize the holder to carry in Tennessee any firearm or weapon other than a handgun. *Id.*

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