



## Tennessee

### Summary of State Firearms Law

Last updated March 23, 2012

#### Overview

In its publication [\*Gun Laws Matter: A Comparison of State Firearms Laws and Statistics\*](#), LCAV ranked each state based on a review of state laws in 25 different firearm-related policy areas. Tennessee ranked 20<sup>th</sup> out of 50 – having enacted a modest amount of gun violence prevention laws. Among other things, Tennessee:

- Conducts its own [background checks](#) on firearm purchasers, in some cases allowing 15 days for complete information to be obtained;
- Prohibits [domestic violence](#) abusers from purchasing or possessing firearms, and requires abusers subject to protection orders to surrender all firearms for the duration of the order; and
- Mandatorily submits [mental health records](#) to the database used for firearm purchaser background checks.

Tennessee does **not**, however:

- Require a background check prior to [the transfer of a firearm between unlicensed parties](#);
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#) or [large capacity ammunition magazines](#);
- Require [firearms dealers](#) to obtain a state license;
- Require gun owners to [obtain a license](#), [register their firearms](#), or [report lost or stolen firearms](#);
- Limit the [number of firearms](#) that may be purchased at one time;
- Impose a [waiting period](#) on firearm purchases;
- Regulate unsafe handguns ([“junk guns”](#) or [“Saturday night specials”](#));
- Allow [local governments to regulate](#) firearms; or
- Give local law enforcement discretion to deny a [concealed handgun license](#).

## Tennessee Statistics

### Gun Deaths in Tennessee

Tennessee ranks 8<sup>th</sup> among the states in number of gun deaths per capita. In 2009, 966 people died from firearm-related injuries in Tennessee.<sup>1</sup>

### Crime Guns in Tennessee

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). In 2009 [Tennessee](#) supplied the 22<sup>nd</sup> highest number of crime guns to other states per capita. Tennessee exports more crime guns than it imports.<sup>2</sup>

### Number of Federally Licensed Firearms Dealers in Tennessee

There are 1,304 federally licensed firearms dealers and pawnbrokers in Tennessee.<sup>3</sup>

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<sup>1</sup> National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Fatal Injury Reports, 1999-2009, for National, Regional, and States (RESTRICTED)*, at [http://webappa.cdc.gov/sasweb/ncipc/dataRestriction\\_inj.html](http://webappa.cdc.gov/sasweb/ncipc/dataRestriction_inj.html). (Jan. 2012).

<sup>2</sup> For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

<sup>3</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (Feb. 2012), at <http://www.atf.gov/about/foia/ffl-list.html>.

## Tennessee “Right to Bear Arms”

The Tennessee Constitution provides for the keeping and bearing of arms, but permits firearm-related regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

## **Local Authority to Regulate Firearms in Tennessee**

Tennessee has preempted most areas of local firearms regulation. See [State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

## State Firearms Policies

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

### Persons Prohibited from Firearm Possession

#### Tennessee Prohibited Purchasers Generally

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Tennessee law prohibits the *possession* of a firearm by any person:

- Convicted of a felony involving the use or attempted use of force, violence or a deadly weapon;<sup>4</sup>
- Convicted of a felony drug offense;<sup>5</sup>
- Convicted of a misdemeanor crime of domestic violence while remaining subject to the disabilities of such a conviction;<sup>6</sup>
- Possessing a firearm while subject to an order of protection;<sup>7</sup>
- Under the influence of alcohol or any controlled substance;<sup>8</sup> or
- Prohibited from possessing a firearm under any other provision of federal or state law<sup>9</sup>

Tennessee prohibits anyone convicted of a felony from possessing a handgun.<sup>10</sup>

Tennessee prohibits juveniles (persons under age 18) from knowingly possessing a handgun.<sup>11</sup>

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<sup>4</sup> Tenn. Code Ann. § 39-17-1307(b)(1)(A).

<sup>5</sup> Tenn. Code Ann. § 39-17-1307(b)(1)(B).

<sup>6</sup> Tenn. Code Ann. § 39-17-1307(f)(1)(A). The crime of domestic violence, as applies to this section, is defined under federal law, [18 U.S.C. § 921\(a\)\(33\)](#).

<sup>7</sup> Tenn. Code Ann. § 39-17-1307(f)(1)(B). The order of protection must fully comply with federal law, [18 U.S.C. § 922\(g\)\(8\)](#).

<sup>8</sup> Tenn. Code Ann. § 39-17-1321(a).

<sup>9</sup> Tenn. Code Ann. § 39-17-1307(f)(1)(C).

<sup>10</sup> Tenn. Code Ann. § 39-17-1307(c).

<sup>11</sup> Tenn. Code Ann. § 39-17-1319(b), (a)(2).

In addition, Tennessee prohibits any person from selling a firearm to any person: 1) convicted of stalking;<sup>12</sup> 2) addicted to alcohol; 3) ineligible to receive a firearm under federal law; 4) judicially committed to a mental institution; or 5) adjudicated as a mental defective.<sup>13</sup>

For information on the background check process used to enforce these prohibitions, see the [Tennessee Background Checks](#) section.

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<sup>12</sup> See Tenn. Code Ann. § 39-17-315.

<sup>13</sup> Tenn. Code Ann. § 39-17-1316(a)(1).

## Tennessee Minimum Age to Purchase / Possess Firearms

Tennessee prohibits any juvenile (person under age 18)<sup>14</sup> from knowingly possessing a handgun.<sup>15</sup>

No person may intentionally, knowingly or recklessly sell, loan or make a gift of a firearm to a minor (person under 18 years of age).<sup>16</sup> The transferor may claim as a defense to prosecution that the firearm was loaned or given to a minor for the purposes of hunting, trapping, fishing, camping, sport shooting or any other lawful sporting activity, and the transferor is not required to obtain a license under Tennessee gun dealer laws.<sup>17</sup>

Tennessee also prohibits any person from intentionally, knowingly or recklessly providing a handgun, with or without remuneration, to any person the seller or transferor knows or has reason to believe is a juvenile.<sup>18</sup> [Federal age restrictions](#) impose stricter limits.

There is no minimum age to possess rifles and shotguns in Tennessee.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

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<sup>14</sup> Tenn. Code Ann. § 39-17-1319(a)(2).

<sup>15</sup> Tenn. Code Ann. § 39-17-1319(b). For a list of affirmative defenses a juvenile may raise when being prosecuted for knowingly possessing a handgun, *see* Tenn. Code Ann. § 39-17-1319(d)(1).

<sup>16</sup> Tenn. Code Ann. § 39-17-1303(a)(1). (Minor is defined under Tenn. Code Ann. § 39-11-106(a)(23).)

<sup>17</sup> Tenn. Code Ann. § 39-17-1303(b).

<sup>18</sup> Tenn. Code Ann. § 39-17-1320(a).

## Domestic Violence and Firearms in Tennessee

*(This section was last updated December 2, 2010.)*

In 2009, Tennessee enacted a [ground-breaking law](#) directly addressing the issue of firearms in the hands of domestic abusers, as described below.

### Firearm Prohibitions for Domestic Violence Misdemeanants

Tennessee prohibits the carrying or possession of a firearm by any person convicted of a misdemeanor crime of domestic violence who is still subject to the disabilities of such a conviction.<sup>19</sup> [Federal law](#) prohibits the purchase and possession of firearms and ammunition by persons who have been convicted in any court of a misdemeanor crime of domestic violence.<sup>20</sup>

Persons convicted of domestic assault must terminate possession of all firearms the person owns or possesses.<sup>21</sup>

### Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders

The 2009 Tennessee law prohibits the carrying or possession of a firearm while subject to an order of protection.<sup>22</sup>

Tennessee law provides that persons obtaining a domestic violence order of protection may seek an order that prohibits a respondent from purchasing or possessing a firearm.<sup>23</sup> The Tennessee Administrative Office of the Courts is required to revise the petition for an order of protection that fully advises the respondent that:

- If the order of protection is granted in a manner that fully complies with [18 U.S.C. § 922\(g\)\(8\)](#), the respondent is required to terminate physical possession of all firearms possessed by respondent by any lawful means, such as transfer to a third party who is not prohibited from possessing firearms, within 48 hours of the granting of the order;
- It is a criminal offense for a person subject to an order of protection that fully complies with [18 U.S.C. § 922\(g\)\(8\)](#) to possess a firearm while that order is in effect; and

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<sup>19</sup> Tenn. Code Ann. § 39-17-1307(f)(1)(A). The crime of domestic violence, as applies to this section, is defined under federal law, [18 U.S.C. § 921\(a\)\(33\)](#). Firearms may not be sold to any person convicted of stalking under Tenn. Code Ann. § 39-17-315. Tenn. Code Ann. § 39-17-1316(a)(1).

<sup>20</sup> [18 U.S.C. § 922\(g\)\(9\)](#).

<sup>21</sup> Tenn. Code Ann. § 39-13-111. Specific procedures for relinquishment of firearms are detailed under Tenn. Code Ann. § 36-3-625.

<sup>22</sup> Tenn. Code Ann. § 39-17-1307(f)(1)(B). The order of protection must fully comply with federal law per [18 U.S.C. § 922\(g\)\(8\)](#).

<sup>23</sup> Tenn. Code Ann. § 36-3-604(b).

- The issuance of an order of protection may terminate, or at least suspend, the individual's ability to purchase or possess a firearm.<sup>24</sup>

In Tennessee, an order of protection must state, on its face:

- That the respondent is required to dispossess himself or herself, by any lawful means, of all firearms in his or her possession within 48 hours of the issuance of the order;
- That the respondent is prohibited from possessing a firearm for so long as the order of protection or any successive order of protection is in effect, and may reassume possession of the dispossessed firearm at such time as the order expires or is otherwise no longer in effect; and
- Notice of the penalty for failing to comply with state laws regarding the possession of firearms when subject to an order of protection for domestic violence.<sup>25</sup>

The court shall then order and instruct the respondent:

- To terminate the respondent's physical possession of the firearms in his or her possession by any lawful means, such as transferring possession to a third party who is not prohibited from possessing firearms, within 48 hours;
- To complete and return the affidavit of firearm dispossession form the court may provide the respondent or direct the respondent to the administrative office of the courts' web site; and
- That if the respondent possesses firearms as business inventory or that are registered under the National Firearms Act,<sup>26</sup> there are additional statutory provisions that may apply which the court must include in the content of its order.<sup>27</sup>

Tennessee prohibits any person subject to an order of protection that fully complies with [18 U.S.C. § 922\(g\)\(8\)](#) to knowingly fail to surrender or transfer all firearms the respondent possesses.<sup>28</sup>

### **Removal or Surrender of Firearms When Domestic Violence Restraining/Protective Orders Are Issued**

The 2009 Tennessee law requires that persons subject to a domestic violence protection order surrender all firearms by, for example, transferring them to a third party who may lawfully

<sup>24</sup> Tenn. Code Ann. § 36-3-604(c).

<sup>25</sup> Tenn. Code Ann. § 36-3-625(a). *See* Tenn. Code Ann. § 39-17-1307(f)(1)(B) for state prohibition on possessing a gun while subject to an order of protection.

<sup>26</sup> 26 U.S.C. §§ 5801 *et seq.*

<sup>27</sup> Tenn. Code Ann. § 36-3-625(b).

<sup>28</sup> Tenn. Code Ann. § 36-3-625(h)(1).

possess firearms.<sup>29</sup> Any such person who knowingly fails to do so is subject to a Class A misdemeanor.<sup>30</sup>

### **Removal or Surrender of Firearms at the Scene of a Domestic Violence Incident**

In Tennessee, law enforcement officers that have probable cause to believe a criminal offense involving domestic abuse against a victim has occurred must seize all firearms that the alleged abuser may have used or threatened to use in the commission of a domestic abuse crime.<sup>31</sup>

During the arrest of an alleged abuser for a crime of domestic abuse against a victim, law enforcement officers may also seize any firearm in plain view of the officer or discovered pursuant to a consensual search if necessary for the protection of the officer or other persons.<sup>32</sup>

If multiple weapons are seized, a prosecuting court has authority to confiscate only the weapon or weapons actually used or threatened to be used by the abuser to commit the crime.<sup>33</sup> All other weapons seized shall be returned upon disposition of the case.<sup>34</sup>

### **Reporting of Domestic Violence Information for Use in Firearm Purchaser Background Checks**

Tennessee has no statutes specifically addressing whether domestic violence-related provisions must be forwarded to the National Instant Criminal Background Check System (NICS) used by the FBI for firearm-related background checks. A state regulation permits information obtained by the Tennessee Bureau of Investigation for denied gun transfers to be retained and entered into a Denial Database, including any investigative materials obtained that confirm the criminal history of the recipient.<sup>35</sup> The FBI NICS Unit and ATF may access this database.<sup>36</sup>

See [\*Regulating Guns in America: Domestic Violence and Firearms\*](#) for a comprehensive discussion of this issue.

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<sup>29</sup> Tenn. Code Ann. § 36-3-625(a), (h)(1).

<sup>30</sup> Tenn. Code Ann. § 36-3-625(h)(2).

<sup>31</sup> Tenn. Code Ann. § 36-3-602(a)(1).

<sup>32</sup> Tenn. Code Ann. § 36-3-620(a)(2). A law enforcement officer is not required to remove a weapon such officer believes is needed by the victim for self-defense. *Id.*

<sup>33</sup> Tenn. Code Ann. § 36-3-620(b).

<sup>34</sup> The seizing officer must append an inventory of all seized weapons to the domestic abuse report that the officer files with his or her supervisor. *Id.* See Tenn. Code Ann. § 39-17-1317 for state law governing the confiscation and disposition of confiscated firearms.

<sup>35</sup> Tenn. Comp. R. & Regs. 1395-1-3-.03(3)(b).

<sup>36</sup> *Id.*

## Disarming Prohibited Persons in Tennessee

*(This section was last updated December 2, 2010.)*

Tennessee law states that any weapon that is possessed, used or sold in violation of the law shall be confiscated by a law enforcement officer and declared to be contraband by a court of record exercising criminal jurisdiction.<sup>37</sup>

### Domestic Assault Convictions

Persons convicted of domestic assault must terminate possession of all firearms the person owns or possesses.<sup>38</sup>

### Domestic Violence Orders of Protection

If a domestic violence order of protection is granted in a manner that fully complies with [18 U.S.C. § 922\(g\)\(8\)](#), the person subject to that order must terminate physical possession of all firearms he or she possesses, such as transfer to a third party who is not prohibited from possessing firearms, within 48 hours of the granting of the order.<sup>39</sup> The person subject to the order is prohibited from possessing any firearms as long as the order is in effect.<sup>40</sup> He or she may reassume possession of the dispossessed firearm at such time as the order expires or is otherwise no longer in effect.<sup>41</sup>

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<sup>37</sup> Tenn. Code Ann. § 39-13-1317.

<sup>38</sup> Tenn. Code Ann. § 39-13-111. Specific procedures for relinquishment of firearms are detailed under Tenn. Code Ann. § 36-3-625.

<sup>39</sup> Tenn. Code Ann. § 36-3-604(c).

<sup>40</sup> *Id.*, Tenn. Code Ann. § 36-3-625(a). It is a state crime in fact for any person subject to an order of protection that fully complies with [18 U.S.C. § 922\(g\)\(8\)](#) to knowingly fail to surrender to law enforcement or lawfully transfer all firearms. Tenn. Code Ann. § 36-3-625(h)(1), (2).

<sup>41</sup> Tenn. Code Ann. § 36-3-625(a)(2).

## Sales & Transfers

### Tennessee Background Checks

Federal law requires federally licensed firearms dealers (but not private sellers) to initiate a background check on the purchaser prior to sale of a firearm. Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the National Instant Criminal Background Check System (“NICS”) database. (Note that state files are not always included in the federal database.)

Tennessee is a point of contact state for firearm purchaser background checks. In Tennessee, firearms dealers must initiate the background check required by federal law by contacting the Tennessee Bureau of Investigation (“TBI”). TBI enforces the federal purchaser prohibitions referenced above.<sup>42</sup>

Any person appropriately licensed by the federal government may stock and sell firearms to any potential purchaser not ineligible to receive firearms because such recipient has been convicted of stalking,<sup>43</sup> is addicted to alcohol, is prohibited under the prohibited categories of federal law<sup>44</sup> or has been judicially committed to a mental institution or adjudicated as a mental defective.<sup>45</sup>

Before delivering any firearm to a purchaser, a firearms dealer must:

- Receive from the prospective purchaser current identification;<sup>46</sup>
- Complete a firearm transaction record as required by federal law and obtain the signature of the purchaser on the record;
- Request that TBI conduct a criminal history record check on the purchaser, providing the following information to TBI:
  - The federal firearms license number of the dealer;
  - The business name of the dealer;
  - The place of transfer;
  - The name of the person making the transfer;

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<sup>42</sup> Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map>. See Tenn. Code Ann. §§ 38-6-109 and 39-17-1316 for greater detail on TBI’s processing of criminal background checks.

<sup>43</sup> Tenn. Code Ann. § 39-17-315.

<sup>44</sup> See 18 U.S.C. § 922.

<sup>45</sup> Tenn. Code Ann. § 39-17-1316(a)(1).

<sup>46</sup> See Tenn. Code Ann. § 39-17-1316(f).

- The make, model, caliber and manufacturer's number of the firearm being transferred;
  - The name, gender, race, and date of birth of the purchaser;
  - The social security number of the purchaser, if one has been assigned; and
  - The type, issuer and identification number of the identification presented by the purchaser; and
- Receive a unique approval number for the transfer from TBI and record this number on the firearm transaction record.<sup>47</sup>

TBI may require that the dealer verify the identification of the purchaser if that identity is in question by sending thumbprints of the purchaser to TBI.<sup>48</sup>

Firearm transfers will be denied if TBI finds that the potential purchaser has been charged with a crime for which a conviction would cause that purchaser to be prohibited under state or federal law from purchasing, receiving, or possessing a firearm, and a final disposition of the case has not occurred or is not recorded.<sup>49</sup> However, if TBI has received 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, TBI must immediately reverse a denial and allow the sale to proceed.<sup>50</sup> Alternatively, if the purchaser challenges a denial, TBI must proceed with efforts to obtain the final disposition information, and the purchaser may assist. If neither the purchaser nor TBI is able to obtain the final disposition information within 15 days, TBI must immediately notify the dealer that the transaction that was initially denied is now a "conditional proceed." A "conditional proceed" means that the dealer may lawfully transfer the firearm to the purchaser.<sup>51</sup>

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

Sellers of firearms who are not federally licensed dealers are not required to conduct background checks on purchasers in Tennessee. See [Regulating Guns in America: Private Sales](#).

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<sup>47</sup> Tenn. Code Ann. § 39-17-1316(c).

<sup>48</sup> Tenn. Code Ann. § 39-17-1316(g).

<sup>49</sup> Tenn. Code Ann. § 39-17-1316(n).

<sup>50</sup> Tenn. Code Ann. § 39-17-1316(p).

<sup>51</sup> Tenn. Code Ann. § 39-17-1316(o).

## Tennessee Mental Health Reporting

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”<sup>52</sup> No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

A [2009 Tennessee law](#) requires submission of mental health records to NICS. The state’s circuit courts, criminal courts, general sessions courts, county/probate courts and chancery courts that have ordered a commitment to a mental institution or that have adjudicated a person as mentally defective are required to report this fact to NICS and the Tennessee Department of Safety.<sup>53</sup>

This reporting must include the:

- Complete name and all aliases of the individual judicially committed or adjudicated as a mental defective, including any names that the individual may have had or currently has by reason of marriage or otherwise;
- Case or docket number of the judicial commitment or adjudication as a mental defective;
- Date judicial commitment was ordered or adjudication as a mental defective was made;
- Private or state hospital or treatment resource to which the individual was judicially committed; and
- Date of birth of the individual judicially committed or adjudicated as a mental defective, if such information has been provided to the clerk.<sup>54</sup>

The aforementioned information is confidential and not subject to public inspection except if necessary for any proceedings for the suspension or revocation of handgun carry permits.<sup>55</sup> Reports to NICS must be made on January 1, April 1, July 1 and October 1 of each year.<sup>56</sup>

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Tennessee Background Checks](#) and [Tennessee Prohibited Purchasers Generally](#) sections.

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

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<sup>52</sup> [18 U.S.C. § 922\(d\)\(4\)](#).

<sup>53</sup> Tenn. Code Ann. §§ 16-10-213(b), (c), 16-11-206(b), (c), 16-15-303(g)(2), 16-16-120(b). The documentation and reporting requirements of mental health adjudications and judicial commitments to mental institutions discussed in this section apply to any clerk of court that maintains such records. Tenn. Code Ann. § 33-3-115.

<sup>54</sup> Tenn. Code Ann. §§ 16-10-213(c), 16-11-206(c), 16-15-303(g)(3), 16-16-120(c).

<sup>55</sup> Tenn. Code Ann. §§ 16-10-213(d), 16-11-206(d), 16-15-303(g)(4), 16-16-120(d).

<sup>56</sup> Tenn. Code Ann. §§ 16-10-213(b), 16-11-206(b), 16-15-303(g)(2), 16-16-120(b).

## **Multiple Purchases / Sales of Firearms in Tennessee**

Tennessee imposes no restrictions on purchases or sales of multiple firearms.

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

## Retention of Sales / Background Check Records in Tennessee

Tennessee law provides that, before a firearm is delivered to a purchaser, a gun dealer must complete a firearms transaction record in accordance with federal law.<sup>57</sup> Tennessee law does not specify how long these records must be retained. A law enforcement agency may inspect the records of a gun dealer relating to transfers of firearms in the course of a reasonable inquiry during a criminal investigation or under the authority of a properly authorized subpoena or search warrant.<sup>58</sup>

The gun dealer must transmit information regarding each firearm sale to the Tennessee Bureau of Investigation (TBI) in the course of running a background check on the purchaser.<sup>59</sup> However, Tennessee law requires that for all approved background checks, TBI must destroy all records associating a particular individual with a particular purchase of firearms.<sup>60</sup>

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

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<sup>57</sup> Tenn. Code Ann. § 39-17-1316(c).

<sup>58</sup> Tenn. Code Ann. § 39-17-1316(k).

<sup>59</sup> Tenn. Code Ann. § 39-17-1316(c).

<sup>60</sup> Tenn. Code Ann. § 39-17-1316(j). TBI is required to keep only the unique identifying number and date it was assigned. *Id.*

## Tennessee Waiting Periods

Tennessee has no law imposing a waiting period prior to purchase of a firearm. See the [Tennessee Background Checks](#) section for information about how long the Tennessee Bureau of Investigation may delay a firearm sale during an incomplete background check.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

## Gun Dealers & Other Sellers

### Tennessee Dealer Regulations

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent the ATF from properly overseeing all its licensees.

Tennessee does not require firearms dealers to obtain a state license.

For laws:

- Applicable to both licensed and private firearm sellers, please see the [Tennessee Private Sales](#) section;
- Requiring firearm dealers to conduct a background check on purchasers, see the [Tennessee Background Checks](#) section;
- Requiring firearm dealers to ensure that purchasers possess a locking device, see the [Tennessee Locking Devices](#) section; and
- Requiring firearm dealers to retain records of sales, see the section entitled [Retention of Sales / Background Checks Records in Tennessee](#).

A law enforcement agency may inspect the records of a dealer relating to transfers of firearms in the course of a reasonable inquiry during a criminal investigation or under the authority of a properly authorized subpoena or search warrant.<sup>61</sup>

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

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<sup>61</sup> Tenn. Code Ann. § 39-17-1316(k).

## Private Sales in Tennessee

Private firearm transfers (*i.e.*, transfers by non-firearms dealers) are not subject to a background check requirement in Tennessee.

See the [Tennessee Minimum Age to Purchase or Possess Firearms](#) section for age restrictions.

No person may intentionally, knowingly or recklessly sell a firearm or ammunition to a person who is intoxicated.<sup>62</sup>

Finally, any person who gives or sells a firearm to a service recipient (defined as a person who is receiving service, has applied for service, or for whom someone has applied for or proposed service because the person has a mental illness, serious emotional disturbance, or a developmental disability)<sup>63</sup> in a hospital or developmental center, whether on the premises of the facility or elsewhere, knowing such person to be suffering from a mental illness, serious emotional disturbance, or developmental disability, is criminally liable for a felony.<sup>64</sup>

See the section entitled [Firearms Trafficking in Tennessee](#) for laws aimed at gun trafficking.

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

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<sup>62</sup> Tenn. Code Ann. § 39-17-1303(a)(2).

<sup>63</sup> See Tenn. Code Ann. § 33-1-101.

<sup>64</sup> Tenn. Code Ann. § 33-3-904(a)(4).

## Gun Shows in Tennessee

Tennessee does not regulate gun shows. In fact, an exception to the prohibition on possessing certain proscribed weapons with the intent to go armed (not including most handguns and long guns)<sup>65</sup> allows individuals to possess such firearms when conducting or attending “gun and knife shows” where the program has been approved by the administrator of the recreational building or property.<sup>66</sup>

See the [Tennessee Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

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<sup>65</sup> See Tenn. Code Ann. §§ 39-17-1302(a), 39-17-1311(a) (prohibited weapons include machine guns, short-barreled rifles or shotguns, and any other implements “for infliction of serious bodily injury or death” which have no lawful purpose).

<sup>66</sup> Tenn. Code Ann. § 39-17-1311(b)(1)(J)(iii).

## Tennessee Immunity Statutes

*(This section was last updated December 2, 2010.)*

The Tennessee General Assembly has declared that the lawful design, marketing, manufacture and sale of firearms and ammunition to the public are not unreasonably dangerous activities and do not constitute a nuisance per se.<sup>67</sup>

The authority to bring suit and right to recover against any firearms or ammunition manufacturer, trade association or dealer by or on behalf of any state entity, county, municipality or metropolitan government for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing or sale of firearms or ammunition to the public is reserved exclusively to the state.<sup>68</sup>

Tennessee's immunity provisions do not prohibit a county, municipality, or metropolitan government, however, from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the county, municipality, or metropolitan government.<sup>69</sup> Individual persons are not precluded from bringing a cause of action for breach of a written contract, breach of an express warranty, or for injuries resulting from defects in the materials or workmanship in the manufacture of a firearm.<sup>70</sup> These exceptions to immunity do not apply in any other litigation brought by an individual against a firearms or ammunition manufacturer, trade association or dealer.<sup>71</sup>

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

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<sup>67</sup> Tenn. Code Ann. § 39-17-1314(b).

<sup>68</sup> Tenn. Code Ann. § 39-17-1314(c)(1).

<sup>69</sup> Tenn. Code Ann. § 39-17-1314(c)(2).

<sup>70</sup> Tenn. Code Ann. § 39-17-1314(c)(3).

<sup>71</sup> Tenn. Code Ann. § 39-17-1314(d).

## **Gun Owner Responsibilities**

### **Tennessee Licensing of Gun Owners or Purchasers**

Tennessee has no law requiring gun owners or purchasers to obtain a license.

See [\*Regulating Guns in America: Licensing of Gun Owners or Purchasers\*](#) for a comprehensive discussion of this issue.

## Tennessee Registration of Firearms

Tennessee does not require the registration of firearms.

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

## **Reporting Lost or Stolen Firearms in Tennessee**

Tennessee does not require firearms owners to report the loss or theft of a firearm.

See [\*Regulating Guns in America: Reporting Lost or Stolen Firearms\*](#) for a comprehensive discussion of this issue.

## Firearms in Public Places

### Tennessee Concealed Weapons Permitting

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Tennessee prohibits the possession of a firearm “with the intent to go armed.”<sup>72</sup> Persons with handgun carry permits are exempt.<sup>73</sup> It is also a defense if the possession or carrying was at the person's place of residence, place of business, or premises.<sup>74</sup>

Tennessee is a “shall issue” state, meaning that the Tennessee Department of Safety (“TDS”) must issue a handgun carry permit if the applicant meets certain qualifications. TDS shall issue a handgun carry permit to any resident or “permanent lawful resident” of Tennessee who is at least 21 years of age and is not prohibited from purchasing or possessing a firearm under federal or state law.<sup>75</sup> Handgun carry permits will not be issued to any person who:<sup>76</sup>

- Has been convicted of a criminal offense or is currently under indictment or information for any criminal offense that is designated as a felony, or that is a disqualifying misdemeanor for driving under the influence,<sup>77</sup> stalking,<sup>78</sup> or domestic violence,<sup>79</sup> except for any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulations of business practices;
- Is currently subject to any order of protection;
- Is a fugitive from justice;
- Is an unlawful user of or addicted to alcohol or any controlled substance and has been a patient in a rehabilitation program or hospitalized for alcohol or controlled substance abuse or addiction within ten years from the date of application;
- Has been convicted of driving under the influence of an intoxicant in this or any other state two or more times within ten years from the date of application and the convictions occurred within five years from the date of application or renewal;
- Has been adjudicated as a mental defective;

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<sup>72</sup> Tenn. Code § 39-17-1307(a)(1).

<sup>73</sup> Tenn. Code Ann. § 39-17-1308(a)(2).

<sup>74</sup> Tenn. Code Ann. § 39-17-1308(a)(3).

<sup>75</sup> Tenn. Code Ann. § 39-17-1351(b).

<sup>76</sup> These listed prohibitions can be found under Tenn. Code Ann. § 39-17-1351(c)(6)–(18).

<sup>77</sup> Tenn. Code Ann. § 39-17-1351(c)(11).

<sup>78</sup> Tenn. Code Ann. § 39-17-1351(c)(18).

<sup>79</sup> Tenn. Code Ann. § 39-17-1351(c)(16).

- Has been committed to or hospitalized in a mental institution;
- Has had a court-appointed conservator by reason of a mental defect;
- Has been judicially determined to be disabled by reason of mental illness, developmental disability or other mental incapacity;
- Has, within seven years from the date of application, been found by a court to pose an immediate substantial likelihood of serious harm because of mental illness;
- Is an alien and is illegally in the United States;
- Has been discharged from the armed forces under dishonorable conditions;
- Has renounced his or her United States citizenship;
- Has been convicted of a misdemeanor crime of domestic violence as defined in federal law;
- Is receiving social security disability benefits by reason of alcohol dependence, drug dependence or mental disability; or
- Has been convicted of stalking.<sup>80</sup>

### **Firearm Safety Training**

TDS requires applicants to submit proof of successful completion of a TDS-approved handgun safety course as a prerequisite to obtaining a handgun carry permit.<sup>81</sup> The qualifying course must include both classroom hours and firing range instruction.<sup>82</sup> A component of the classroom portion of all department-approved handgun safety courses must be instruction on alcohol and drugs, the effects of those substances on a person's reflexes, judgment and ability to safely handle a firearm, and the Tennessee prohibition against possession of a handgun while under the influence.<sup>83</sup> An applicant is not required to comply with the classroom hours and firing range provisions, however, if he or she submits proof to TDS that within five years from the application filing date, the applicant has:

- Been certified by the peace officer standards and training commission;
- Successfully completed training at the law enforcement training academy;

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<sup>80</sup> Tenn. Code Ann. § 39-17-1351(p)(1). Additional application and background check requirements and other permit-related information are detailed throughout Tenn. Code Ann. § 39-17-1351. Permit suspension and revocation provisions are set forth at Tenn. Code Ann. §§ 39-17-1352, 39-17-1353 and 39-17-1354.

<sup>81</sup> Tenn. Code Ann. § 39-17-1351(e).

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

- Successfully completed the firearm training course required for armed security guards or officer registration; or
- Successfully completed all handgun training of not less than four hours as required by any branch of the military.<sup>84</sup>

Permit holders are not required to complete a handgun safety course to maintain or renew a handgun carry permit, or to complete any additional handgun safety course after obtaining a permit.<sup>85</sup> In addition, no permit holder is required to complete any additional handgun safety course if he or she applies for a permit renewal within six months from the date of expiration.<sup>86</sup>

### **Duration & Renewal**

Handgun carry permits are valid for four years.<sup>87</sup> Permit holders may renew a permit by submitting a renewal application and a fee of \$50.<sup>88</sup>

### **Disclosure or Use of Information**

TDS is required to make available to the public a statistical report that includes the number of permits issued, denied, revoked or suspended by TDS during the preceding month, listed by age, gender and zip code of the applicant or permit holder, and the reason for any permit revocation or suspension.<sup>89</sup> The report must include the cost of the program, the revenues derived from fees, the number of violations of the provisions of the handgun carry permit law, and the average time for issuance of a handgun carry permit.<sup>90</sup> By January 1 of each year, a copy of such statistical reports for the preceding calendar year shall be provided to each member of the Tennessee General Assembly.<sup>91</sup>

TDS is also required to maintain statistics related to responses by law enforcement agencies to incidents in which a person who has a handgun carry permit is arrested for any offense.<sup>92</sup>

### **Reciprocity**

Any handgun permit, firearm permit, weapons permit or license issued by another state is valid in Tennessee according to its terms and shall be treated as if it is a handgun permit issued by

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<sup>84</sup> *Id.*

<sup>85</sup> Tenn. Code Ann. § 39-17-1351(m).

<sup>86</sup> *Id.*

<sup>87</sup> Tenn. Code Ann. § 39-17-1351(n).

<sup>88</sup> Tenn. Code Ann. § 39-17-1351(q)(1).

<sup>89</sup> Tenn. Code Ann. § 39-17-1351(s)(1).

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> Tenn. Code Ann. § 39-17-1351(s)(2)(A).

Tennessee.<sup>93</sup> This provision shall not be construed, however, to authorize the holder of any out-of-state permit or license to carry any firearm or weapon other than a handgun.<sup>94</sup>

The Tennessee Commissioner of Safety shall enter into written reciprocity agreements regarding the carrying of concealed firearms with other states that require the execution of such agreements.<sup>95</sup> If another state imposes conditions on Tennessee permit holders in a reciprocity agreement, such conditions shall also become a part of the agreement and apply to the other state's permit holders when they carry a handgun in Tennessee.<sup>96</sup>

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<sup>93</sup> Tenn. Code Ann. § 39-17-1351(r)(1).

<sup>94</sup> *Id.*

<sup>95</sup> Tenn. Code Ann. § 39-17-1351(r)(3)(A).

<sup>96</sup> *Id.* Additional provisions regarding the reciprocity of concealed weapons permit holders are detailed under Tenn. Code Ann. § 39-17-1351(r).

## Open Carrying in Tennessee

Tennessee prohibits the possession of a firearm “with the intent to go armed.”<sup>97</sup> Persons with handgun carry permits are exempt, and may carry loaded handguns openly.<sup>98</sup> The state also allows possession of an unloaded rifle, shotgun or handgun on or about the person where the ammunition for such weapon is not in the immediate vicinity of the person or the weapon.<sup>99</sup>

*For a comprehensive discussion of this issue, see [LCAV's policy page on the Open Carrying of Firearms in Public](#).*

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<sup>97</sup> Tenn. Code § 39-17-1307(a)(1).

<sup>98</sup> Tenn. Code Ann. § 39-17-1308(a)(2).

<sup>99</sup> Tenn. Code Ann. § 39-17-1308(a)(1).

## Location Restrictions

### Guns in Vehicles in Tennessee

*(This section was last updated December 2, 2010.)*

Tennessee generally prohibits carrying a firearm with the intent to go armed.<sup>100</sup> However, persons with handgun carry permits are generally exempt, and may carry loaded handguns openly.<sup>101</sup> Tennessee also expressly allows handgun carry permittees to transport unloaded long guns in privately-owned motor vehicles.<sup>102</sup> Persons without a valid handgun carry license may transport unloaded long guns in motor vehicles if there is no clip or magazine containing ammunition inserted into the rifle or shotgun or otherwise in close proximity to both the long gun and any person.<sup>103</sup>

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<sup>100</sup> Tenn. Code Ann. § 39-17-1307(a).

<sup>101</sup> Tenn. Code Ann. § 39-17-1308(a)(2).

<sup>102</sup> Tenn. Code Ann. § 39-17-1307(e)(1).

<sup>103</sup> Tenn. Code Ann. § 39-17-1307(e)(2).

## Guns in Schools in Tennessee

Tennessee prohibits the carrying, whether openly or concealed and with the intent to go armed, of any firearm that is not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.<sup>104</sup>

Moreover, no person may possess or carry any firearm, whether openly or concealed, that is not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.<sup>105</sup> Notwithstanding this prohibition, adults who are not students may possess a firearm if contained within a private vehicle operated by the adult and it is not handled by the adult or by any other person acting with the expressed or implied consent of such adult, while the vehicle is on school property.<sup>106</sup>

Chief administrators of a public or private school must display in prominent locations at the school a sign, at least six inches high and fourteen inches wide, stating:

FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF SIX (6) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED THREE THOUSAND DOLLARS (\$3,000) FOR CARRYING WEAPONS ON SCHOOL PROPERTY.<sup>107</sup>

See [LCAV's policy page on Guns in Schools](#) for further information.

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<sup>104</sup> Tenn. Code Ann. § 39-17-1309(b)(1).

<sup>105</sup> Tenn. Code Ann. § 39-17-1309(c)(1).

<sup>106</sup> *Id.*

<sup>107</sup> Tenn. Code Ann. § 39-17-1309(d). Limited exceptions and affirmative defenses to the school property possession restrictions are listed under Tenn. Code Ann. §§ 39-17-1309(e), 39-17-1310.

## Other Location Restrictions in Tennessee

Tennessee generally prohibits the possession of a firearm within the confines of an establishment open to the public where liquor, wine, beer or other alcoholic beverages are served for on-premises consumption while the possessor is consuming any such alcoholic beverages.<sup>108</sup> Handgun carry permit holders violating this provision will have their permits suspended for three years.<sup>109</sup>

Tennessee prohibits any person from intentionally, knowingly, or recklessly carrying a firearm on or about the person while inside any room in which judicial proceedings are in progress.<sup>110</sup>

In addition, Tennessee generally prohibits any person from possessing a firearm in, on, or while traversing any refuge, public hunting area or wildlife management area frequented or inhabited by big game, except during specified or lawful open hunting seasons in these areas.<sup>111</sup> Handgun carry permit holders are generally exempt from this possession restriction, regardless of whether such area is frequented or inhabited by big game.<sup>112</sup>

Any municipality or county may, at its option, prohibit handgun possession by handgun carry permittees while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by a county or municipality.<sup>113</sup>

An individual, corporation, business entity or local, state or federal government entity is authorized to prohibit the possession of firearms by any person attending a meeting conducted by, or on property owned, operated, or managed by or under the control of such individual, corporation, business entity or government entity.<sup>114</sup> Handgun carry permit holders are subject to this prohibition.<sup>115</sup> Notice of such prohibition shall be posted in prominent areas of the building, premises or property and shall contain either the international circle and slash symbolizing the prohibition of the item within the circle, or language substantially similar to the following:

AS AUTHORIZED BY T.C.A. § 39-17-1359, POSSESSION OF A WEAPON ON POSTED PROPERTY OR IN A POSTED BUILDING IS PROHIBITED AND IS A CRIMINAL OFFENSE.<sup>116</sup>

In 2011, [Tennessee passed a law](#) stating that the decision not to post property in this manner, thereby allowing persons with handgun permits to carry a handgun on the property, does not

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<sup>108</sup> Tenn. Code Ann. § 39-17-1321(b)(1).

<sup>109</sup> Tenn. Code Ann. § 39-17-1321(c)(2).

<sup>110</sup> Tenn. Code Ann. § 39-17-1306(a).

<sup>111</sup> Tenn. Code Ann. § 70-4-117(a).

<sup>112</sup> Tenn. Code Ann. §§ 70-4-117(d), 70-5-101.

<sup>113</sup> Tenn. Code Ann. § 39-17-1311(d).

<sup>114</sup> Tenn. Code Ann. § 39-17-1359(a)(1).

<sup>115</sup> Tenn. Code Ann. § 39-17-1359(a)(2).

<sup>116</sup> Tenn. Code Ann. § 39-17-1359(b)(3).

constitute an occupational safety and health hazard within the jurisdiction of the Tennessee Occupational Safety and Health Act.<sup>117</sup>

Tennessee generally prohibits the possession or carrying, openly or concealed and with the intent to go armed, any of a specified list of prohibited weapons (*not* including most handguns and long guns)<sup>118</sup> in or on the grounds of any public park, playground, civic center or other building facility, area or property owned, used or operated by any municipal, county or state government for recreational purposes.<sup>119</sup>

Tennessee has no statutes prohibiting firearms in the following places:

- Hospitals;
- Places of worship;
- Sports arenas;
- Gambling facilities; or
- Polling places.

State administrative regulations may govern the possession of firearms in these or other locations.

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<sup>117</sup> Tenn. Code Ann. § 50-3-201.

<sup>118</sup> See Tenn. Code Ann. § 39-17-1302(a) (the prohibited weapons include machine guns, short-barreled rifles or shotguns, and any other implements “for infliction of serious bodily injury or death” which have no lawful purpose).

<sup>119</sup> Tenn. Code Ann. § 39-17-1311(a).

## Consumer & Child Safety

### Tennessee Design Safety Standards for Handguns

Tennessee does not specifically regulate junk guns or unsafe firearms.

See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

## Locking Devices in Tennessee

Tennessee does not require a locking device to accompany the sale of a firearm (although [federal law](#) applies), and no state statutes require firearm owners to lock their weapons.

State administrative regulations may govern the storage of firearms in certain locations.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

## **Personalized / Owner-Authorized Firearms in Tennessee**

Tennessee does not require firearms to be personalized.

See [Regulating Guns in America: Personalized Firearms](#) for a comprehensive discussion of this issue.

## Tennessee Child Access Prevention

Tennessee prohibits a parent or guardian from intentionally, knowingly or recklessly providing a handgun to a juvenile<sup>120</sup> or permitting a juvenile to possess a handgun, if such parent or guardian knows of a substantial risk that such juvenile will use the handgun to commit a felony.<sup>121</sup>

Tennessee also prohibits any person age 18 or older, including a parent or legal guardian, who knows that a minor or student is in illegal possession of a firearm in or upon the premises of a public or private school, in or on such school's athletic stadium or other facility or building where school sponsored athletic events are conducted, or a public park, playground or civic center, from failing to prevent the possession or failing to report the possession to the appropriate school or law enforcement officials.<sup>122</sup>

Tennessee does not otherwise impose criminal liability on adults who allow children access to firearms.

See [\*Regulating Guns in America: Child Access Prevention\*](#) for a comprehensive discussion of this issue.

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<sup>120</sup> "Juvenile" is defined as any person under age 18. Tenn. Code Ann. § 39-17-1319(a)(2).

<sup>121</sup> Tenn. Code Ann. § 39-17-1320(b).

<sup>122</sup> Tenn. Code Ann. § 39-17-1312(a).

## **Classes of Weapons / Ammunition**

### **Assault Weapons in Tennessee**

Tennessee has no law regulating assault weapons.

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

## **Large Capacity Ammunition Magazines in Tennessee**

Tennessee has no law regulating large capacity ammunition magazines.

See [\*Regulating Guns in America: Large Capacity Ammunition Magazines\*](#) for a comprehensive discussion of this issue.

## **Fifty Caliber Rifles in Tennessee**

Tennessee has no law regulating fifty caliber firearms.

See [\*Regulating Guns in America: Fifty Caliber Rifles\*](#) for a comprehensive discussion of this issue.

## Machine Guns/Automatic Firearms in Tennessee

*(This section was last updated December 2, 2010.)*

Tennessee law generally penalizes anyone who intentionally or knowingly possesses, manufactures, transports, repairs or sells a machine gun.<sup>123</sup> However, it is a defense to prosecution that the person's conduct involved acquisition or possession of a machine gun that is validly registered to the person under federal law in the National Firearms Registration and Transfer Records.<sup>124</sup> Federal law generally allows private citizens to acquire and possess machine guns manufactured prior to May 19, 1986 so long as they are registered. Tennessee law simply requires a person who acquires or possesses a firearm registered as required under federal law to retain proof of registration.<sup>125</sup>

Tennessee law requires the sheriff or chief of police of the city where a person purchasing any machine gun (or other firearm required to be registered under the National Firearms Act) resides to execute within 15 business days all documents required to be submitted by the purchaser if the purchaser is not prohibited from possessing firearms pursuant to Tennessee law.<sup>126</sup>

See [LCAV's policy page on Machine Guns](#) for further information.

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<sup>123</sup> Tenn. Code Ann. § 39-17-1302.

<sup>124</sup> Tenn. Code Ann. § 39-17-1302.

<sup>125</sup> Tenn. Code Ann. § 39-17-1302.

<sup>126</sup> Tenn. Code Ann. § 39-17-1361.

## Non-Powder Guns in Tennessee

*(This section was last updated December 2, 2010.)*

Tennessee has no laws regulating non-powder guns.<sup>127</sup>

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

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<sup>127</sup> See Tenn. Code Ann. § 39-17-1362 regarding imitation firearms.

## Tennessee Ammunition Regulation

Tennessee does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of purchasers;
- Require persons purchasing or possessing ammunition to obtain a license; or
- Require the safe storage of ammunition in the home.

### Regulation of Unreasonably Dangerous Ammunition

Tennessee prohibits the sale, offer for sale, display for sale, manufacture and use of any ammunition cartridge containing a bullet with explosive material designed to detonate upon impact.<sup>128</sup> [Federal prohibitions on certain kinds of armor-piercing ammunition](#) also apply.

### Persons Prohibited from Purchasing/Possessing Ammunition

Tennessee prohibits any person from intentionally, knowingly or recklessly selling ammunition to an intoxicated person.<sup>129</sup> Tennessee does not otherwise prohibit the transfer of ammunition to, or the purchase and possession of ammunition by, [persons who are ineligible to possess firearms under state law](#), although [federal ammunition purchaser prohibitions](#) apply.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

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<sup>128</sup> Tenn. Code Ann. § 39-17-1304(b). Tennessee also prohibits the possession, use or attempted use of “restricted firearm ammunition” in the commission or attempted commission of a crime of violence. Tenn. Code Ann. § 39-17-1304(a), (b). “Restricted firearm ammunition” is any cartridge containing a bullet coated with a plastic substance other than a lead or lead alloy core, or a jacketed bullet with other than a lead or lead alloy core, or a cartridge of which the bullet itself is wholly composed of a metal or metal alloy other than lead. Tenn. Code Ann. § 39-17-1301(13). This definition does not include shotgun shells or solid plastic bullets.

<sup>129</sup> Tenn. Code Ann. § 39-17-1303(a)(2).

## **Crime Gun Investigation**

### **Microstamping/Ballistic Identification in Tennessee**

Tennessee has no laws regarding firearm microstamping or ballistic identification.

See [Regulating Guns in America: Ballistic Identification](#) and LCAV's policy page on [Firearm Microstamping](#) for comprehensive discussions of these issues.

## Firearms Trafficking in Tennessee

*(This section was last updated December 2, 2010.)*

See [LCAV's policy page on Firearms Trafficking](#) for further information on this topic.

Tennessee prohibits any person from purchasing or attempting to purchase a firearm knowing that he or she is prohibited by state or federal law from owning, possessing or purchasing a gun.<sup>130</sup>

Tennessee also prohibits any person from selling or offering to sell a firearm to a person with knowledge that the prospective purchaser is prohibited by state or federal law from owning, possessing or purchasing a firearm.<sup>131</sup>

Tennessee penalizes a gun dealer who fails to initiate the federally required background check.<sup>132</sup> Tennessee law also requires a person who is purchasing a gun from a dealer to present valid identification.<sup>133</sup>

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<sup>130</sup> Tenn. Code Ann. § 39-17-1316(q)(1).

<sup>131</sup> Tenn. Code Ann. § 39-17-1316(2).

<sup>132</sup> Tenn. Code Ann. § 39-17-1316(c).

<sup>133</sup> Tenn. Code Ann. § 39-17-1316(c), (f).

## State Links

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Nashville Field Division \(AL, TN\)](#)

[Tennessee, Office of the Attorney General and Reporter](#)