



## **Constitutional Carry**

### **Issue**

Certain legislators in the 2019 session made public their intention to bring “Constitutional Carry” legislation next year. “Constitutional Carry” is a term generally accepted to mean an individual could carry a handgun without a permit. Currently, in Tennessee it is required that individuals have a permit to carry a handgun. Farm Bureau policy supports property rights, Second Amendment rights, and less regulation for business owners. Historically, Farm Bureau has taken the position that a property owner should have the final say regarding firearms on their property. Tennessee allows handgun carry permit holders to store loaded firearms in vehicles no matter where they are parked. The discussion of “Constitutional Carry” could cause a collision of interests between property rights and second amendment rights.

### **Background**

In October of 1996, the Tennessee Department of Safety began issuing handgun carry permits pursuant to Public Chapter 905. Prior to this change, handgun carry permits were issued by local sheriff’s offices. The citizens of the state of Tennessee have the right to keep and bear arms for their common defense but the General Assembly has the power, by law, to regulate the wearing of arms to prevent crime. Any resident of Tennessee who has reached twenty-one years of age, or is at least eighteen and a member of the United States Armed Forces or an honorably discharged/retired veteran, may apply to the Department of Safety for a handgun permit. To obtain a handgun carry permit in Tennessee, you must first successfully complete a handgun safety course offered by a handgun safety school that is certified by the Department of Safety. According to Tennessee Attorney General Opinion 05-154, a holder of a handgun carry permit can conceal or openly carry their handgun.

In addition to airports, military institutions, and any other building/area prohibited by federal law, a carry permit holder cannot carry their weapon during judicial proceedings, on school property, while under the influence of alcohol or drugs, 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, or where property owners have prohibited possession of weapons. Tennessee allows handgun carry permit holders to store loaded firearms in vehicles no matter where they are parked, assuming the permit holder is allowed to be there.

Certain legislators in the 2019 session made public their intention to bring “Constitutional Carry” legislation next year. “Constitutional Carry” is a term generally accepted to mean an individual could carry a handgun without a permit, thus without licensing, training or registration. Advocates for Constitutional Carry believe this is the literal expression of the 2<sup>nd</sup> Amendment, and that by being required to attain a permit to carry a handgun is privilege rather than a right. Opponents of Constitutional Carry believe the permitting process ensures legal carriers are informed and trained.

All 50 states and District of Columbia allow the concealed carry of firearms. Thirty-four states require permits and have “may issue” or “shall issue” permit laws. Fifteen states have Constitutional Carry laws but will also issue permits upon request, those states are Alaska, Arizona, Wyoming, Maine, Kansas, West Virginia, Idaho, Mississippi, Missouri, New Hampshire, North Dakota, South Dakota, Oklahoma and Kentucky. Vermont has constitutional carry but does not issue permits.

### **Questions**

1. Do you believe required handgun permits are necessary for concealed and open weapons?
2. Who has the final say on where a handgun is allowed?
3. What is the best option for Tennessee: Constitutional Carry or permit required?
5. Are there other issues regarding constitutional carry that should be pursued by Farm Bureau?

## **Farm Bureau Policy**

### **Gun Control**

The second amendment to the Constitution gives people the right to keep and bear arms. We strongly oppose any effort to regulate the purchase, ownership or use of firearms and ammunition for law-abiding “mentally competent” citizens. We strongly oppose any attempt to undermine the second amendment through U.N. or international treaties. Treaties of this kind would undermine American sovereignty.

We support firearms safety programs for youth as well as adults.

Private property rights are a bedrock principle to our freedom and prosperity. We are strong advocates of well-defined and enforced private property rights. No law should erode or allow landowners rights to fade to the background.

Carrying a gun on private property by permit holders should be considered acceptable unless and/or until a landowner exercises his or her right to deny guns on the landowner’s property.

Landowners should assume no liability for the action of gun owners.

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