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Authority to Carry Handguns

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Pursuant to T.C.A. § 39-17-1315(a)(1), the sheriff has the authority to authorize the carry of handguns by bonded and sworn deputy sheriffs who have successfully completed and continue to successfully complete on an annual basis a firearm training program of at least eight hours duration. The sheriff's authorization must be made by a written directive, a copy of which must be retained by the sheriff's office. Pursuant to the sheriff's written directive, POST certified deputy sheriffs may carry their handgun at all times, regardless of the deputy's regular duty hours or assignments. Nothing in T.C.A. § 39-17-1315(a)(1) prohibits the sheriff from placing restrictions on when or where a deputy may carry his or her service handgun. *See also* Op. Tenn. Atty. Gen. No. 99-024 (February 16, 1999).

POST-certified deputy sheriffs and commissioned reserve deputy sheriffs may carry firearms at all times and in all places within Tennessee, on-duty or off-duty, regardless of the deputy's regular duty hours or assignments except as provided by T.C.A. § 39-17-1350(c), federal law, lawful orders of court or the written directive of the sheriff. T.C.A. § 39-17-1350(a) and (d).

The authority conferred by T.C.A. § 39-17-1350 does not extend to a deputy sheriff or commissioned reserve deputy sheriff:

1. Who is not engaged in the actual discharge of official duties as a law enforcement officer and carries a firearm onto school grounds or inside a school building during regular school hours unless the officer immediately informs the principal that the officer will be present on school grounds or inside the school building and in possession of a firearm. If the principal is unavailable, the notice may be given to an appropriate administrative staff person in the principal's office;
2. Who is consuming beer or an alcoholic beverage or who is under the influence of beer, an alcoholic beverage, or a controlled substance or controlled substance analogue; or
3. Who is not engaged in the actual discharge of official duties as a law enforcement officer while attending a judicial proceeding.

T.C.A. § 39-17-1350(c). *See* Op. Tenn. Atty. Gen. No. 10-111 (November 3, 2010). *See also* T.C.A. § 39-17-1321 prohibiting the possession of a handgun while under the influence of alcohol or any controlled substance or controlled substance analogue.

Finally, T.C.A. §§ 39-17-1315(b)(2) and 39-17-1359 authorize private entities and governmental entities to prohibit the possession of weapons by any person at meetings conducted by, or on premises owned, operated, managed or under the control of the private entity or governmental entity. Notice of such prohibition must be posted and must be displayed in prominent locations. The attorney general has opined that T.C.A. § 39-17-1359 does not allow private entities or governmental entities to prohibit the possession of weapons by law enforcement officers on their property. The Attorney General has also opined that T.C.A. § 39-17-1315(b)(2) does not allow private entities or governmental entities to prohibit the possession of weapons by state law enforcement officers or POST- certified local law enforcement officers on their property. *See* Op. Tenn. Atty. Gen. No. 00-161 (October 17, 2000). Based upon the attorney general's reasoning, T.C.A. § 39-17-1315(b)(2) does allow private entities or governmental entities to prohibit the possession of weapons by off-duty non-POST certified local law enforcement officers (i.e., reserve, auxiliary, part-time and temporary deputy sheriffs and police officers) on their property.

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