Amendment No._____

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Signature of Sponsor

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Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 1275 House Bill No. 409*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-11-622, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) A person who uses or threatens to use force as permitted by §§ 39-11-611 - 39-11-614 and § 29-34-201 is justified in using or threatening to use force and is immune from civil action by the person, personal representative, or heirs of the person against whom the force was used or threatened if the civil action is based upon the use or threatened use of force.

(2) The civil immunity conferred by this section shall not apply if:

(A) The person against whom force was used is a law enforcement officer, as defined in § 39-11-106, who:

(i) Was acting in the performance of the officer's official duties and identified himself or herself as a law enforcement officer; or

(ii) The person using force knew or reasonably should have known that the person was a law enforcement officer; or

(B) The force used by the person resulted in property damage to or the death or injury of an innocent bystander or other person against whom the force used was not justified.

(b)

(1) If a civil action is brought against the person who used or threatened to use force as described in subdivision (a), the action shall be dismissed without prejudice for failure to state a claim unless the person against whom the claim has been made has been convicted of a crime involving the unlawful use of force that resulted from the same events as the civil action.

(2) A civil action may be brought against a person convicted of a crime involving the unlawful use of force and arising from the same incident as the civil action within one (1) year of the date of the conviction for the use of unlawful force resulting from the same events. Notwithstanding any other statute of limitation or statute of repose that might otherwise be applicable, the one-year statute of limitation established by this subdivision (b)(2) shall be tolled from the time force was used or threatened until the conviction for the unlawful use of force.

(c) The court in which the civil action is filed shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that:

(1) The defendant is immune from civil liability as provided in subdivision (a); or

(2) A claim is dismissed as provided in subdivision (b)(1).

SECTION 2. Tennessee Code Annotated, Section 39-17-1322, is amended by adding the following language as a new, appropriately designated subdivision:

( ) A person who possesses, displays, or employs a firearm under circumstances permitted in §§ 39-11-611 - 39-11-614 and § 29-34-201 is justified in possessing, displaying, or employing the firearm and is immune from civil action as provided in § 39-11-622.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.