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Local Opt-out Prohibiting Handguns in Municipal Parks

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RESOLUTION NO. _____

**A RESOLUTION TO PROHIBIT HANDGUNS IN PUBLIC MUNICIPAL PARKS,
NATURAL AREAS, HISTORIC PARKS, NATURE TRAILS,
CAMPGROUNDS, FORESTS, GREENWAYS, WATERWAYS,
OR OTHER SIMILAR PUBLIC PLACES.**

WHEREAS, prior to September 1, 2009, *Tennessee Code Annotated*, § 39-17-1311, essentially made carrying weapons in municipally owned parks, playgrounds, civic centers, or other building facilities a Class A misdemeanor; and

WHEREAS, Public Chapter No. 428 (House Bill 716 and Senate Bill 976) of the 106th General Assembly, as adopted, removed the above mentioned prohibitions in public parks for persons authorized to carry handguns pursuant to *Tennessee Code Annotated*, § 39-17-1351; and

WHEREAS, Public Chapter No. 428 of the 106th General Assembly permits municipal and county governments to prohibit, by resolution, the carrying of handguns while within a public park that is owned or operated by a county, a municipality, or their instrumentalities; and

WHEREAS, the _____ of the city/town of _____
(*governing body*)
desires to continue prohibiting the carrying of handguns in municipal parks;
now, therefore:

BE IT RESOLVED BY THE _____
(*governing body*)

OF THE CITY/TOWN OF _____ **THAT:**

SECTION 1. Any person authorized¹ to carry a handgun under *Tennessee Code Annotated*, § 39-17-1351, is prohibited from possessing any handgun while within a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place that is owned or operated by the city/town of _____ or any of its instrumentalities. This prohibition of handguns within any municipal park applies to the entire park, notwithstanding the provisions of T.C.A. § 39-17-1311(b)(1)(I).² However, this resolution does not prohibit lawful possession of any handgun in accordance with T.C.A. § 39-17-1311(b)(1)(A)-(H).³

SECTION 2. The city/town of _____ shall display signs in prominent locations about the public recreational property, at least six inches (6”) high and fourteen inches (14”) wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

SECTION 3. If a part of this Resolution is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Resolution is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SECTION 4. This resolution takes effect from and after its passage, the welfare of the city/town of _____ requiring it.

Adopted: _____

Mayor

City Recorder

¹Any person who is not authorized to carry a handgun under state law and who possesses a handgun in a park or other public area with the intent to go armed would be in possible violation of T.C.A. § 39-17-1307, which is a Class E felony.

²The state statute requires the prohibition of handguns to apply to the entire park. The statute does not mention the other recreational areas in this proviso.

³The state statute allows for the lawful possession of handguns in numerous circumstances, including but not limited to military personnel, civil officers, reserve officer training corps pupils and law enforcement officers in discharge of their official duties; private police employed by the municipality; persons who are either hunting on municipal land designated as open to hunting, traversing municipal property to gain access to hunting lands, conducting or attending a gun show, picking up or delivering passengers who do not use the weapon in any way, or a person permitted to sport or target shoot; or a security guard who meets the requirements of T.C.A. Title 62, Chapter 35.