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Sequence Number: 06-08-23
Notice ID(s): 3662
File Date: 6/6/2023

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Safety
Division:	Administrative
Contact Person:	Elizabeth Stroecker
Address:	312 Rosa L. Parks Ave., Nashville, TN 37243
Phone:	615-712-1525
Email:	Elizabeth.Stroecker@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Elizabeth Stroecker
Address:	312 Rosa L. Parks Ave., Nashville, TN 37243
Phone:	615-712-1525
Email:	Elizabeth.Stroecker@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	1150 Foster Avenue		
Address 2:	McCord Hall Building Hearing Room 108		
City:	Nashville		
Zip:	37243		
Hearing Date:	08/08/2023		
Hearing Time:	12:00pm	<input checked="" type="checkbox"/> _X_ CST/CDT <input type="checkbox"/> EST/EDT	

Additional Hearing Information:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTFmMzY1YjYtMTZmNi00OWFkLTgwZjktNjZlODAzOWZjOWFh%40thread.v2/0?context=%7b%22id%22%3a%22f345bebf-0d71-4337-9281-24b941616c36%22%2c%22oid%22%3a%223e65be46-f4e6-4e59-a553-6097b28641fd%22%7d

Revision Type (check all that apply):

☒ X Amendment
☐ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1340-02-04	Handgun Carry Permit Procedures
Rule Number	Rule Title
1340-02-04-.01	Purpose
1340-02-04-.02	Definitions
1340-02-04-.03	Fees
1340-02-04-.04	Criminal History Dispositions

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

These rules are being updated to reflect changes relative to: definitions updates, statutes changes and compliance, fee updates based on Tennessee law changes, and overall updates of grammar and department references.

**RULES OF
TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY
HIGHWAY PATROL DIVISION**

**CHAPTER 1340-02-04
HANDGUN CARRY PERMIT PROCEDURES**

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1340-02-04-.12	Repealed		

1340-02-04-.01 Purpose. To establish uniform standards and systems for administering the issuing of handgun carry permits, as defined herein, under the provisions of T.C.A. § 39-17-1351 through 1366.

Authority: T.C.A. §§ 39-17-1351; 39-17-1360; 39-17-1365; 39-17-1366 and 4-3-2009.

1340-02-04-.02 Definitions.

- (1) Applicant means an individual who applies to obtain, renew, duplicate, upgrade, or reinstate a handgun carry permit.
- (2) Commissioner means the Commissioner of the Tennessee Department of Safety and Homeland Security.
- (3) Conviction means a plea of guilty, a finding of guilt by a court of competent jurisdiction, or the acceptance of a plea of nolo contendere.
- (4) Department means the Tennessee Department of Safety and Homeland Security acting directly or through its duly authorized officers and agents.
- (5) Dishonorable Conditions mean the following:
 - (a) A dishonorable discharge;
 - (b) A bad conduct discharge;
 - (c) A dismissal.
- (6) Employed on a regular basis means a person has been gainfully employed in this state for at least thirty (30) hours a week for six (6) consecutive months not counting any absence from employment caused by the employee's use of sick leave, annual leave, administrative leave or compensatory time.
- (7) Handgun Carry Permit means a permit issued by the Tennessee Department of Safety and Homeland Security.

- (8) Lawful Permanent Resident means the status of having been accorded the privilege of residing permanently in the United States as an immigrant in accordance with immigration laws such status not having changed.
- (9) Non-resident permit means a permit issued to person who is a resident of and handgun permit holder in another state, but is employed in this state on a regular basis.
- (10) Permittee means a person who currently holds a valid handgun carry permit.
- (11) Resident means any person who lives in Tennessee for a period of time exceeding thirty (30) days in which the person's habitation is fixed, and to which, whenever the person is absent, the person has a definite intention to return. Resident also includes any person in the military residing in Tennessee, pursuant to military orders, and presents the department with the necessary documents as determined by the department to prove such residency.
- (12) Sheriff means the chief law enforcement officer of the county.

Authority: T.C.A. §§ 2-2-122, 4-3-2009, 4-5-202, 39-17-1351, 39-17-1360.

1340-02-04-.03 Fees.

- (1) The application fee for an enhanced handgun carry permit will be one hundred dollars (\$100.00). Such fee will cover all aspects of processing the application and issuing a permit.
- (2) The application fee for a concealed handgun carry permit will be sixty-five dollars (\$65.00). Such fee will cover all aspects of processing the application and issuing a permit.
- (3) The application fee for a lifetime enhanced handgun carry permit will be three hundred dollars (\$300.00) for an original applicant.
- (4) The application fee for upgrading a current enhanced handgun carry permit to a lifetime enhanced handgun carry permit will be two hundred dollars (\$200.00) for an existing enhanced handgun carry permit holder.
- (5) The renewal fee for an enhanced handgun carry permit or a concealed carry permit will be fifty dollars (\$50.00).
- (6) The fee for a duplicate enhanced handgun carry permit or a concealed carry permit will be five dollars (\$5.00).
- (7) There is no fee for a temporary handgun carry permit for a person granted an order of protection.
- (8) The acceptable method of payment for all initial fees will be by cash, certified check or credit card. Renewal fees may be paid by cash, personal check, certified check or credit card.
- (9) All fees are non-refundable.

Authority: T.C.A. §§ 4-3-2009; 39-17-1351; 39-17-1356; 39-17-1360 and 39-17-1366.

1340-02-04-.04 Criminal History Dispositions.

- (1) In cases where a permit has been issued prior to the department's receipt of the Tennessee Bureau of Investigation and the Federal Bureau of Investigation criminal history fingerprint record checks and such record checks are returned to the department without dispositions, the permittee will have sixty (60) days from the date appearing in the Notice of Proposed Revocation to furnish the department with a disposition of such charge.

- (2) If the permittee does not submit to the department the requested information showing the disposition of charges on the permittee's criminal history, the permit will be revoked pursuant to T.C.A. § 39-17-1352.

Authority: T.C.A. §§ 4-3-2009; 39-17-1352; 39-17-1353; 39-17-1354; 39-17-1355 and 39-17-1360.

1340-02-04-.05 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.06 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.07 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.08 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.09 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.10 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.11 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.12 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.13 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.14 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.15 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.16 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.17 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.18 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.19 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.20 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.21 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360.

1340-02-04-.22 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360

1340-02-04-.23 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: June 6, 2023

Signature: *Elizabeth R. Stroecker*

Name of Officer: Elizabeth Stroecker

Title of Officer: Director of Legislation

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Filed with the Department of State on: 6/6/2023



Tre Hargett
Secretary of State

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**RULES
OF
TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY
HIGHWAY PATROL DIVISION**

**CHAPTER 1340-02-04
HANDGUN CARRY PERMIT PROCEDURES**

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1340-02-04-.10	Repealed	1340-02-04-.22	Repealed
1340-02-04-.11	Repealed	1340-02-04-.23	Repealed
1340-02-04-.12	Repealed		

1340-02-04-.01 PURPOSE Purpose. To establish uniform standards and systems for administering the issuing of handgun carry permits, as defined herein, under the provisions of T.C.A. § 39-17-1351 through 1366.

Authority: T.C.A. §§ 39-17-1351; 39-17-1360; 39-17-1365; 39-17-1366 and 4-3-2009. **Administrative History:** ~~Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.~~

1340-02-04-.02 DEFINITIONS
Definitions.

- (1) Applicant means an individual who applies to obtain, renew, duplicate, upgrade, or reinstate a handgun carry permit.
- (2) Commissioner means the Commissioner of the Tennessee Department of Safety and Homeland Security.
- (3) Conviction means a plea of guilty, a finding of guilt by a court of competent jurisdiction, or the acceptance of a plea of nolo contendere.
- (4) Department means the Tennessee Department of Safety and Homeland Security acting directly or through its duly authorized officers and agents.
- (5) Dishonorable Conditions mean the following:
 - (a) A dishonorable discharge;
 - (b) A bad conduct discharge;
 - (c) A dismissal.
- (6) Employed on a regular basis means a person has been gainfully employed in this state for at least thirty (30) hours a week for six (6) consecutive months not counting any absence from employment caused by the employee's use of sick leave, annual leave, administrative leave or compensatory time.
- ~~(6) (7) Handgun Carry Permit means a permit issued by the Tennessee Department of Safety and Homeland Security.~~
- ~~(7) Permittee means a person who currently holds a valid handgun carry permit.~~

~~(10)~~ (8) Lawful Permanent Resident means the status of having been accorded the privilege of residing permanently in the United States as an immigrant in accordance with immigration laws such status not having changed.

(9) Non-resident permit means a permit issued to person who is a resident of and handgun permit holder in another state, but is employed in this state on a regular basis.

(10) Permittee means a person who currently holds a valid handgun carry permit.

~~(8)~~ (11) Resident means any person who lives in Tennessee for a period of time exceeding thirty (30) days in which the person's habitation is fixed, and to which, whenever the person is absent, the person has a definite intention to return. Resident also includes any person in the military residing in Tennessee, pursuant to military orders, and presents the department with the necessary documents as determined by the department to prove such residency.

~~(9)~~ (12) Sheriff ~~shall~~ means the chief law enforcement officer of the county.

Authority: T.C.A. §§ 2-2-122, 4-3-2009, 4-5-202, 39-17-1351, 39-17-1360. **Administrative History:** ~~Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed October 20, 2003; effective February 27, 2004. Amendment filed December 15, 2006; effective date April 30, 2007. Amendments filed July 19, 2012; effective December 29, 2012.~~

1340-02-04-.03 FEES

Fees.

(1) The application fee for an enhanced handgun carry permit will be one hundred ~~and fifteen~~ dollars (~~\$145.00~~ 100.00). Such fee will cover all aspects of processing the application and issuing a permit.

~~(2)~~ The application fee for a concealed handgun carry permit will be sixty-five dollars (\$65.00). Such fee will cover all aspects of processing the application and issuing a permit.

~~(3)~~ The application fee for a lifetime (enhanced) carry permit will be three hundred dollars (\$300.00) for an original applicant.

~~(4)~~ The application fee for upgrading a current enhanced handgun carry permit to a lifetime permit will be two hundred dollars (\$200.00) for an existing enhanced permit holder upgrading to a lifetime permit.

~~(2)~~ (5) The renewal fee for a permit will be fifty dollars (\$50.00).

~~(3)~~ (6) The fee for a duplicate permit will be five dollars (\$5.00).

~~(7)~~ There is no fee for a temporary handgun carry permit by person granted an order of protection.

~~(4)~~ (8) The acceptable method of payment for all initial fees will be by cash, certified check or credit card. Renewal fees may be paid by cash, personal check, certified check or credit card.

~~(5)~~ (9) All fees are non-refundable.

Authority: T.C.A. §§ 4-3-2009; 39-17-1351; 39-17-1356; 39-17-1360 and 39-17-1366. **Administrative History:** ~~Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed December 15, 2006; effective April 30, 2007. Repeal and new rule filed July 19, 2012; effective December 29, 2012. Rule was previously numbered 1340-02-04-.12. See 1340-02-04-.12 administrative history for more information.~~

1340-02-04-.04 CRIMINAL HISTORY DISPOSITIONS**Criminal History Dispositions.**

- (1) In cases where a permit has been issued prior to the department's receipt of the Tennessee Bureau of Investigation and the Federal Bureau of Investigation criminal history fingerprint record checks and such record checks are returned to the department without dispositions, the permittee will have sixty (60) days from the date appearing in the Notice of Proposed Revocation to furnish the department with a disposition of such charge.
- (2) If the permittee does not submit to the department the requested information showing the disposition of charges on the permittee's criminal history, the permit will be revoked pursuant to T.C.A. § 39-17-1352.

Authority: T.C.A. §§ 4-3-2009; 39-17-1352; 39-17-1353; 39-17-1354; 39-17-1355 and 39-17-1360.

Administrative History: ~~Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal and new rule filed July 19, 2012; effective December 29, 2012. Rule was previously numbered 1340-02-04-.15. See 1340-02-04-.16 administrative history for more information.~~

1340-02-04-.05 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** ~~Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed December 15, 2006; effective April 30, 2007. Repeal filed July 19, 2012; effective December 29, 2012.~~

1340-02-04-.06 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** ~~Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.~~

1340-02-04-.07 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** ~~Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.~~

1340-02-04-.08 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** ~~Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed December 15, 2006; effective April 30, 2007. Repeal filed July 19, 2012; effective December 29, 2012.~~

1340-02-04-.09 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** ~~Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed September 30, 2002; effective January 28, 2003. Amendment filed October 20, 2003; effective February 27, 2004. Repeal filed July 19, 2012; effective December 29, 2012.~~

1340-02-04-.10 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** ~~Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.~~

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.

1340-02-04-.12 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed September 30, 2002; effective January 28, 2003. Repeal filed July 19, 2012; effective December 29, 2012. Rule was renumbered 1340-02-04-.03.

1340-02-04-.11 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.

1340-02-04-.12 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed September 30, 2002; effective January 28, 2003. Repeal filed July 19, 2012; effective December 29, 2012. Rule was renumbered 1340-02-04-.03.

1340-02-04-.13 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed October 20, 2003; effective February 27, 2004. Repeal filed July 19, 2012; effective December 29, 2012.

1340-02-04-.14 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.

1340-02-04-.15 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.

1340-02-04-.16 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012. Rule was renumbered 1340-02-04-.04.

1340-02-04-.17 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. ~~**Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.~~

1340-02-04-.19 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. ~~**Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.~~

1340-02-04-.20 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. ~~**Administrative History:** Original rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.~~

1340-02-04-.21 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. ~~**Administrative History:** Original rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.~~

1340-02-04-.22 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. ~~**Administrative History:** Original rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.~~

1340-02-04-.23 REPEALED.

Authority: T.C.A. §§ 4-3-2009 and 39-17-1360. ~~**Administrative History:** Original rule filed February 23, 1999; effective June 28, 1999. Repeal filed July 19, 2012; effective December 29, 2012.~~