

PET Legal Memorandums: What rights to gun permit holders have to carry at some school events?

Attorney General Opinion 09-129

Firearms in public parks that have athletic fields that are also used by schools.

1. Does Tenn. Code Ann. § 39-17-1309, or any other provision of law, prohibit schools from using athletic fields or other recreational facilities in public parks where holders of handgun carry permits may possess firearms pursuant to Chapter 428 of the 2009 Public Acts of Tennessee?

No. *There is nothing in the plain meaning of Tenn. Code Ann. § 39-17-1309, Chapter 428 of the 2009 Public Acts of Tennessee, or any other provision of law, that prohibits schools from using athletic or other recreational facilities in parks where handgun carry permit holders may lawfully possess their firearms pursuant to Chapter 428 of the 2009 Public Acts of Tennessee.*

2. Would a handgun carry permit holder, who may otherwise lawfully carry his firearm in a public park under Chapter 428 of the 2009 Public Acts of Tennessee, violate Tenn. Code Ann. § 39-17-1309 if he carried his firearm on an athletic field or other recreational facility during a time that such athletic field or recreational facility was being used by a school?

Yes. *Tenn. Code Ann. § 39-17-1309 prohibits handgun carry permit holders from possessing firearms in public parks during times when the athletic fields or other recreational facilities are actually being used by schools. We did note in reading this statutory language reviewed in this opinion that section (c)(1) states in part: "It is not an offense under this subsection (c) for a nonstudent adult to possess a firearm, if the firearm is contained within a private vehicle operated by the adult and is not handles by the adult, or any other person action with the expressed or implied consent of the adult, while the vehicle is on school property." Arguably, this provision could also be applied to a park being used by a school.*

<http://www.tn.gov/attorneygeneral/op/2009/OP/OP129.pdf>