



STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES

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MEMORANDUM

TO: Julie Rotella
FROM: Doug Dimond
General
Counsel
DATE: August 4, 2016

A handwritten signature in blue ink, appearing to be "DD", is written over the "FROM:" field.

SUBJECT: Carry Permit issues for DCS staff

As a result of an inquiry regarding carry permit issues for DCS staff, the current status of the law and an analysis of prohibitions and exceptions are detailed below.

As a government entity, DCS is authorized pursuant to Tennessee Code Annotated 3917-1359 to "prohibit the possession of weapons by any person, who is at a meeting conducted by, or on property owned, operated, or managed or under the control of the individual, corporation, business entity or government entity." The prohibition applies to any person who has a carry permit.

Notice of the prohibition shall be accomplished by displaying the notice in prominent locations, including all entrances primarily used by persons entering the property, building, or portion of the property or building where weapon possession is prohibited. The sign has specific height and width requirements and requires specific language and a pictorial representation. The Deputy General Counsel provided these specifics on July 27, 2016, and a copy is attached to this memorandum. The existing signs must be replaced by January 1, 2018.

Tennessee Code Annotated 39-17-1313 allows a permit holder to transport and store a firearm or ammunition in the permit holder's motor vehicle, while in any public or private parking area if:

- 1) The permit holder's motor vehicle is parked in a location where it is permitted to be;
AND
- 2) The firearm or ammunition:

- a. Is kept from ordinary observation if the permit holder is in the motor vehicle; or
- b. is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to such motor vehicle if the permit holder is not in the motor vehicle.

The permit holder may never take the weapon out of the car and into the state office building or where state business is being conducted. Nor may the permit holder take the weapon into the residence of any family being served by the Department. The permit holder may not have the weapon in his or her car while visiting the residence of any family being served by the Department. The permit holder may not have anyone else in the vehicle with him or her while on state time or business with a weapon in the vehicle.

The State of Tennessee DOI-IR policy regarding this issue can be found at:
[http://tn.gov/assets/entities/hr/attachments/HR-12-\(\)60 Violence in the Workplace.pdf](http://tn.gov/assets/entities/hr/attachments/HR-12-()60%20Violence%20in%20the%20Workplace.pdf)

The changes in the law require our policy to be changed to be consistent with the statute. Policy 4.29(G)(1) needs to be changed in order to reflect the new language regarding sign usage and Policy 4.29 (G)(2) needs to be clarified to be less confusing. Rachel Rieger in legal will work with our policy folks to accomplish this.