From: John Harris
Sent: Thursday, September 20, 2012 11:01 AM
To: Locker, Richard
Subject: Re: Question about gun "buyback" programs and Tennessee law

As I understand it, TCA 39-17-1317 only applies to weapons that were "possessed, used or sold in violation of the law" and, based on that use, "confiscated by a law enforcement officer and declared to be contraband by a court of record exercising criminal jurisdiction." (section a)

The prohibition on the destruction of such weapons under this statute (with limited exceptions) thus only applies to those weapons that were specifically "confiscated" and "declared to be contraband".

I do not think that the statute would apply on its face to firearms "buy back" programs conduct by state or local agencies. However, it is clear that the statute does reflect the policy intent of the General Assembly and that the intentional destruction of functional weapons violates the spirit of the law. This, I anticipate, will now have to be added to the list of "to do" statutory changes that the TFA will need to address because while it might appear to be "politically correct" to destroy legal items with material value, its foolish and government should not be doing foolish things.

John Harris

Harris Law Office
501 Union Street, 7th Floor
P.O. Box 190676
Nashville, Tennessee 37219

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