

STATE OF TENNESSEE

OFFICE OF THE
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Opinion No 00-038

Requirement of Handgun Safety Class for Individuals Whose Handgun Carrying Permit Has Expired

QUESTION

Does an individual who allows his handgun carrying permit issued pursuant to Tenn. Code Ann. § 39-17-1351 to expire have to retake a handgun safety course in order to reapply for a handgun carrying permit?

OPINION

Yes. An individual whose handgun carrying permit has expired must retake a handgun safety course when he reapplies for a handgun carrying permit.

ANALYSIS

The Department of Safety's rules on handgun permits require an individual who has allowed his handgun carrying permit to expire to submit proof that the applicant has successfully completed a department approved handgun safety course within the six (6) month period prior to his/her new application for a permit. *See* Tenn. Comp. R. & Regs. chap. 1340- 2 - 4 .09(5) (1999). This rule cites Tenn. Code Ann. § 39-17-1351(m) as authority. That section provides that:

A permit holder shall not be required to complete a handgun safety course to maintain or renew a handgun carry permit. No permit holder shall be required to complete any additional handgun safety course after obtaining a handgun carry permit.

Tenn. Code Ann. § 39-17-1351(m). The language of the statute limits the exemption from attending additional handgun safety courses to "permit holders." The first sentence specifies that when renewing or maintaining a permit a permit holder will not be required to take additional courses. Tenn. Code Ann. § 39-17-1351(m). It does not provide that an individual who is reapplying for a permit after the original permit has expired is exempt from the requirement of taking a handgun safety course as specified in Tenn. Code Ann. §39-17-1351(e). The second sentence limits the exemption from taking additional handgun safety courses to a "permit holder." One who has allowed his/her permit to expire is no longer a "permit holder."

When construing the meaning of a statute, courts must ascertain and give effect to the intent and purpose of the legislation. *Marion County Board of Commissioners v. Marion County Election Commission*, 594 S.W.2d 681 (Tenn. 1980). Courts are to ascertain the legislative intent or purpose primarily from the natural and ordinary meaning of the language used when read in the context of the entire statute and without any forced or subtle construction to limit or extend the import of the language. *Worrall v. Kroger Co.*, 545 S.W.2d 736, 738 (Tenn. 1977). A court should assume that the Legislature used each word in the statute purposely and that the use of these words conveyed some intent and had a meaning and purpose. *Anderson Fish & Oyster Company v. Olds*, 197 Tenn. 604, 277 S.W.2d 344 (1955). Therefore, a court would likely interpret “permit holder” to mean a person who has a valid handgun carrying permit. Individuals who have allowed their handgun carrying permits to expire would no longer hold a valid permit and therefore would not be permit holders.

Based upon the clear language of Tenn. Code Ann. § 39-17-1351(m), the Department of Safety’s interpretation as contained in Tenn. Comp. R. & Regs. chap. 1340- 2 - 4 .09(5) (1999) is correct. A court would most likely interpret Tenn. Code Ann. 39-17-1351(m) to require that an individual who has allowed his handgun carrying permit to expire and who is not exempt must complete a handgun safety course if he has not successfully completed one within the six (6) months prior to his reapplication.

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