



## Tennessee Gun Owners

### TGO 2024 State Legislative Candidate Survey

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### Question 1

Emergency Risk Protection Order or 'Red Flag' laws would allow judges to order the confiscation of a citizen's firearm(s) based on hearsay evidence, in court hearings where the accused may not even be allowed to testify on their behalf. In practice, these laws create a process to strip away a citizens' firearms and rights who have not been convicted of any crime with no due process and no ability for them to defend themselves in court of law - as we have seen in states like Indiana, Florida and even attempts to pass them here in Tennessee.

If elected, would you oppose any Emergency Risk Protection Order or 'Red Flag' gun law that violates due process rights, strips gun owners of their Second Amendment freedoms, and does nothing to stop violent criminals?

### Question 1 Answer

Yes

### Question 2

Tennessee's self-defense law leaves much to be desired. Although Tennessee law does not require a duty-to-retreat before taking defensive action against an attacker, Tennessee law still allows anti-gun prosecutors to bring politically motivated charges against a citizen who was forced to use a firearm in self-defense, thus victimizing them a second time (as happened to Kyle Rittenhouse, Mark McCloskey, etc). For example, current law does not provide for pre-trial immunity hearings or provide an enactment clause so that a citizen can invoke stand-your-ground protections. Nor does Tennessee law legally recognize the "threatened use of force," which is an important de-escalation tool in potentially life-threatening situations.

Would you support strengthening Tennessee's Stand-Your-Ground law so that Tennesseans may reasonably defend themselves or threaten the use of force while ensuring that they can't be bankrupted by expensive or frivolous lawsuits from anti-gun prosecutors?

### Question 2 Answer

- Co-Sponsor

### Question 3

Our "Constitutional Carry" law leaves much to be desired. For example, the law fails to allow lawful Tennesseans the ability to carry any legally possessed weapon for self-defense. The law only permits handguns to be carried. A true Constitutional Carry law would restore Tennesseans' ability to carry shotguns and rifles in their vehicles, the same way current EHCP or CHCP may carry firearms in their vehicles currently. Our law also wrongly criminalizes 'carrying with the intent to go armed' unless a gun owner meets the 'defenses' established in law.

If elected, would you support strengthening Tennessee's Constitutional Carry law to restore the right for gun owners in Tennessee to carry whatever legal self-defense tool that they choose, repeal the crime of 'carrying with the intent to go

armed' and allow Tennessee citizens the ability to carry and/or store their legally owned and possessed weapons in their vehicle?

### **Question 3 Answer**

- Co-Sponsor

### **Question 4**

Almost every legislative candidate will say "I support the Second Amendment" but not all will stand firmly against new and invasive forms of gun control, especially when "compromises" are offered.

Will you publicly oppose all methods of gun control, including those that the media calls "reasonable," including but not limited to laws that disallow those with simple misdemeanor convictions from owning and carrying guns, increasing the minimum age of those who carry guns for self-defense, new taxes on ammunition, and new ways to track guns and gun owners?

### **Question 4 Answer**

Yes

### **Question 5**

In May of 2023, a US District Court Judge in Virginia ruled that the federal law denying American adults aged 18-20 years from purchasing handguns is unconstitutional. In recent years, the Tennessee House has passed HB1735 lowering the age to carry a handgun in Tennessee from 21 to 18. It's clear that restrictions on the right to keep and bear arms for 18-20 year old adults are being scaled back at the federal level, but Tennessee must amend our state law to conform.

If elected, will you support, co-sponsor, and vote yes on legislation recognizing the rights of 18-20 year old adults to legally purchase and carry firearms in Tennessee?

### **Question 5 Answer**

- Co-Sponsor

### **Question 6**

To purchase a firearm in Tennessee, a gun owner must pass a federal NCIC background check as well as a TICS background check from the Tennessee Bureau of Investigation. This extra background check process is not required by the federal government and is an extra layer of burden separating gun owners from being able to legally purchase firearms in Tennessee. State law also requires gun dealers to send in fingerprints of prospective gun buyers for the TICS check, going above and beyond federal requirements and creating a state database of gun owners. Most states in America, including all of our neighboring states (with Virginia as the only exception), require only a passing NICS check to purchase a firearm - with no state-level background check required.

If elected, will you publicly support legislation making gun owners and gun buyers only have to pass a NICS check in order to purchase a firearm, with no fingerprinting required?

### **Question 6 Answer**

- Co-Sponsor

### **Question 7**

Gun control advocates hype the false idea that certain cosmetic features make some semi-automatic firearms or high-

capacity magazines "different" than others. Media hysteria has led to the misperception that semi-automatic firearms are so-called "assault weapons." All semi-automatic firearms function essentially the same, as do all magazines. The federal ban on "assault weapons" expired in September 2004, and Tennessee has eliminated its own restrictions on magazine capacity. But some in Tennessee are trying to make these firearms and accessories illegal here by state law.

Do you oppose legislation banning the manufacture, sale or possession of semi-automatic firearms and/or standard-capacity magazines, recognizing that these restrictions do nothing to stop crime but only serve to harass gun owners?

### **Question 7 Answer**

Yes

### **Question 8**

In 2021, the State of Missouri passed the Second Amendment Preservation Act, otherwise known as SAPA, which prohibits the Federal government from 'commandeering' state and local law enforcement to enforce federal gun laws. A SAPA law, House Bill 2752, was introduced in Tennessee this General Assembly by Representative Bryan Richey and has major support within the House Republican Caucus. Interest in this legislation has exploded across the grassroots gun owner community, and states across America are moving this legislation.

Would you support legislation like the Second Amendment Protection Act (HB2752), which simply prohibits the federal commandeering of state and local law enforcement resources for gun control enforcement and imposes civil penalties on those departments that violate SAPA?

### **Question 8 Answer**

- Co-Sponsor

### **Question 9**

Anti-gun organizations, often funded with out of state resources, have been clamoring for legislation to end all private party sales in Tennessee - and go so far as to make it a felony for family members to pass firearms down to the next generation without submitting to a federal NCIC check, thereby adding themselves and the firearm to a federal list.

Do you oppose Bloomberg's "Universal Gun Registration" legislation that would ban all private party sales and label offenders as felons for simply passing down a family firearm to a descendant or sharing a firearm with a friend while on a hunting trip?

### **Question 9 Answer**

Yes

### **Question 10**

Mental health has become a back door for gun control by expanding the criteria for voluntary and involuntary mental health commitments, adding more and more people to the NCIC 'prohibited persons' list often without due process and full adjudication by a court of law. Once a person's name is placed on this list, it is virtually impossible to have it removed. Legislation has been introduced multiple times in recent years that would greatly expand the range of people who would be able to add a person's name to the prohibited person's list, including "Red Flag" legislation that would strip gun owners of their Second Amendment Rights without due process.

Would you oppose all so-called "mental health" legislation that would deny law abiding Tennesseans their gun rights without due process through a court of law?

**Question 10 Answer**

Yes

**Question 11**

Most mass shootings happen in so-called "Gun-Free" areas where law-abiding citizens are forced to disarm, which quite literally has resulted in violent criminals targeting these sites. This prevents otherwise law-abiding citizens from defending themselves, their loved ones and innocent citizens around them.

If elected, would you support legislation to eliminate restrictions on law-abiding gun owners from carrying a firearm in certain so-called "Gun-Free" areas, otherwise known as "Criminal Safe Zones?"

**Question 11 Answer**

- Co-Sponsor

**Name (As it will appear on the ballot)**

Elaine Davis

**Email Address**

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**District Number**

18

**Chamber**

Tennessee House

**Party Affiliation**

Republican

**E-Signature**

✓ I have truthfully answered the questions above and they accurately reflect my positions on the Second Amendment.

**Signature**



**Date**