

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
P.O. BOX 20207
NASHVILLE, TENNESSEE 37202-0207

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Opinion No. 05-014

Persons licensed as manufacturers, importers or dealers in weapons

QUESTION

To what persons licensed by the state of Tennessee as manufacturers, importers or dealers in weapons does Tenn. Code Ann. §39-17-1302(b)(6) refer?

OPINION

With regard to firearms, the persons licensed by the state of Tennessee as manufacturers, importers or dealers in weapons referred to in Tenn. Code Ann. §39-17-1302(b)(6) are those persons “appropriately licensed by the federal government” referred to in Tenn. Code Ann. §39-17-1316(a)(1).

ANALYSIS

The intentional or knowing possession, manufacture, transportation, repair or sale of various implements for infliction of serious bodily injury or death is a criminal offense. Tenn. Code Ann. §39-17-1302(a). Persons “licensed by the state of Tennessee as a manufacturer, importer or dealer in weapons” have a defense to the statute under certain circumstances. Tenn. Code Ann. §39-17-1302(b)(6).

A cardinal rule of statutory construction is that the intent of the legislature must prevail. *Boarman v. Jaynes*, 109 S.W.3d 286, 290 (Tenn. 2003). Legislative intent should be ascertained from the natural and ordinary meaning of the language used. *Id.* at 290-91. If the statutory language is clear and unambiguous, the plain language is applied in its normal and accepted use. *Id.* Tennessee does not issue documents labeled licenses to manufacturers, importers or dealers in weapons. However, “license” is defined more broadly as “[a] revocable permission to commit some act that would otherwise be unlawful.” *Black’s Law Dictionary* 931 (7th ed. 1999).

Tenn. Code Ann. §39-17-1316(a)(1) provides that “[a]ny person appropriately licensed by the federal government may stock and sell firearms to [qualified] persons desiring them.” By way of Tenn. Code Ann. §39-17-1316(a)(1) the state of Tennessee has thus given permission to persons appropriately licensed by the federal government to stock and sell firearms under certain conditions.

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The federal government licenses persons engaged in the business of importing, manufacturing or dealing in firearms pursuant to 18 U.S.C. §923.

PAUL G. SUMMERS
Attorney General

MICHAEL E. MOORE
Solicitor General

KIMBERLY J. DEAN
Deputy Attorney General

Requested by:

Representative Joe McCord
State Representative
8th Legislative District
214 War Memorial Blvd.
Nashville, TN 37243-0118