

## ANIMAL PROTECTION LAWS OF TENNESSEE



# Animal Protection Laws of Tennessee

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*This chapter contains Tennessee’s general animal protection and related statutes with an effective date on or before September 1, 2020. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*Tennessee may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

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| <p>1. <u>DEFINITION OF "ANIMAL"</u></p> | <p>"[A] domesticated living creature or a wild creature previously captured"<br/> TENN. CODE ANN. § 39-14-201(1)</p> <p>"Livestock' means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, goats, and poultry."<br/> TENN. CODE ANN. § 39-14-201(2)</p> <p>"Non-livestock animal" means a pet normally maintained in or near the household(s) of its owner(s), other domesticated animal, previously captured wildlife, an exotic animal, or any other pet, including but not limited to, pet rabbits, a pet chick, duck, or pot bellied pig that is not classified as "livestock" pursuant to this part.<br/> TENN. CODE ANN. § 39-14-201(3)</p> |
| <p>2. <u>GENERAL CRUELTY *</u></p>      | <p>Torture means every act, omission or neglect whereby unreasonable physical pain, suffering, or death is caused or permitted.<br/> TENN. CODE ANN. § 39-14-201(4)</p> <p>General cruelty<br/> TENN. CODE ANN. § 39-14-202(a),(b)<br/> 1<sup>st</sup> offense: Class A misdemeanor<br/> Subsequent offenses: Class E felony</p> <p>Dying baby fowl or rabbits<br/> TENN. CODE ANN. § 39-14-204<br/> Class C misdemeanor</p> <p>Intentional killing of an animal<br/> TENN. CODE ANN. § 39-14-205(a)<br/> Class A misdemeanor - Class B felony (depending upon value of animal)</p> <p>Aggravated cruelty<br/> TENN. CODE ANN. § 39-14-212(a),(b)<br/> Class E felony</p>  |

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|   | <p>Aggravated cruelty to livestock<br/> TENN. CODE ANN. § 39-14-217(b)-(c)<br/> <i>Class E felony</i></p>  |
| <p><b>3. <u>EXEMPTIONS</u></b></p>                  | <p>Wildlife<br/> TENN. CODE ANN. § 39-14-201(4)</p> <p>Veterinary practice, research animals, accepted farm animal husbandry practices, other<br/> TENN. CODE ANN. § 39-14-202(c),(f)</p> <p>Other<br/> TENN. CODE ANN. § 39-14-205(b)</p> <p>Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, other<br/> TENN. CODE ANN. § 39-14-212(c),(l),(m),(n)</p> <p>Veterinary practice, accepted farm animal husbandry practices<br/> TENN. CODE ANN. § 39-14-214(d)</p> <p>Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices<br/> TENN. CODE ANN. § 39-14-217(d),(e)</p> |
| <p><b>4. <u>FIGHTING &amp; RACKETEERING</u></b></p> | <p>Various animal fighting activities (cockfighting excluded)<br/> TENN. CODE ANN. § 39-14-203(c)(1)<br/> <i>Class E felony</i></p> <p>Various cockfighting activities<br/> TENN. CODE ANN. § 39-14-203(c)(2)<br/> <i>Class A misdemeanor</i></p> <p>Spectatorship at a dogfight<br/> TENN. CODE ANN. § 39-14-203(d)<br/> <i>Class B misdemeanor</i></p>   |

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|   | <p>Spectatorship at other animal fights (not dogfights)<br/> <b>TENN. CODE ANN. § 39-14-203(d)</b><br/> <i>Class C misdemeanor</i></p>  |
| <b>5. <u>SEXUAL ASSAULT</u></b>                                   | <p>Sexual assault of an animal<br/> <b>TENN. CODE ANN. § 39-14-214</b><br/> <i>Class E felony</i></p>   |
| <b>6. <u>CRUELTY TO WORKING ANIMALS</u></b>                       | <p>Injuring a guide dog constitutes theft<br/> <b>TENN. CODE ANN. § 39-14-208</b></p> <p>Cruelty to service animals<br/> <b>TENN. CODE ANN. § 39-14-216(a)-(d)</b><br/> <i>Maiming a service animal: Class A misdemeanor</i><br/> <i>Interfering with a service animal: Class C misdemeanor</i></p>   |
| <b>7. <u>MAXIMUM PENALTIES &amp; STATUTE OF LIMITATIONS**</u></b> | <p>Class C misdemeanor<br/> <i>30 days imprisonment and/or \$50 fine</i><br/> <b>TENN. CODE ANN. § 40-35-111(e)(3)</b></p> <p>Class B misdemeanor<br/> <i>6 months imprisonment and/or \$500 fine</i><br/> <b>TENN. CODE ANN. § 40-35-111(e)(2)</b></p> <p>Class A misdemeanor<br/> <i>11 months, 29 days imprisonment and/or \$2,500 fine</i><br/> <b>TENN. CODE ANN. § 40-35-111(e)(1)</b></p> <p>Class E felony<br/> <i>6 years imprisonment and \$3,000 fine</i><br/> <b>TENN. CODE ANN. § 40-35-111(b)(5)</b></p> <p>Class B felony<br/> <i>30 years imprisonment and \$25,000 fine</i><br/> <b>TENN. CODE ANN. § 40-35-111(b)(2)</b></p> <p>Statute of Limitations<br/> <i>Misdemeanor: 1 year</i><br/> <b>TENN. CODE ANN. § 40-2-102</b><br/> <i>Class E felony: 2 years</i></p> |

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|   | <p>TENN. CODE ANN. § 40-2-101<br/> <i>Class B felony: 8 years</i><br/> TENN. CODE ANN. § 40-2-101</p>  |
| <p><b>8. <u>CROSS ENFORCEMENT &amp; REPORTING</u></b></p>     | <p>Child and adult protective services employees shall report suspected animal cruelty.<br/> TENN. CODE ANN. §§ 38-1-401, 38-1-402, 38-1-403</p> <p>If a defendant convicted of aggravated cruelty resides in a household with minor children or elderly individuals, the court may send notification of the conviction to the appropriate protective agencies.<br/> TENN. CODE ANN. § 39-14-212(g)</p>                        |
| <p><b>9. <u>VETERINARIAN REPORTING &amp; IMMUNITY</u></b></p> | <p>-----</p>   |
| <p><b>10. <u>LAW ENFORCEMENT POLICIES</u></b></p>             | <p>Appointed humane agents may make arrests within their county with regard to non-livestock animals.<br/> TENN. CODE ANN. § 39-14-210(a)</p> <p>Agents may interfere to prevent acts of cruelty.<br/> TENN. CODE ANN. § 39-14-210(b)</p> <p>Tennessee Animal Abuser Registration Act<br/> TENN. CODE ANN. §§ 40-39-101; 40-39-102; 40-39-103; 40-39-104</p>   |
| <p><b>11. <u>SEIZURE</u></b></p>                              | <p>Animals may be seized if they are being cruelly transported.<br/> TENN. CODE ANN. § 39-14-202(d)</p> <p>Custody of any animal victimized shall be placed with any governmental animal control agency, law enforcement agency, or their designee.<br/> TENN. CODE ANN. § 39-14-210(f)</p> <p>If sexual assault of an animal is reasonably suspected, court may order seizure of animals<br/> TENN. CODE ANN. § 39-14-214</p> |

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| <p><b>12. <u>COURTROOM ANIMAL ADVOCATE PROGRAM</u></b></p> | <p>-----</p>   |
| <p><b>13. <u>PROTECTION ORDERS†</u></b></p>                | <p>Animal cruelty is included in the definition of “abuse” in the context of domestic violence<br/> <b>TENN. CODE ANN. § 36-3-601(1)</b></p> <p>The court may grant the petition exclusive care/custody/control of an animal, and the animal shall not be placed in possession of the respondent<br/> <b>TENN. CODE ANN. § 36-3-606(a)(9)</b></p>  |
| <p><b>14. <u>RESTITUTION †</u></b></p>                     | <p>Any necessary expense incurred for animals taken into custody for cruel transport or confinement shall be a lien thereon, to be paid before they can lawfully be recovered.<br/> <b>TENN. CODE ANN. § 39-14-202(d)</b></p> <p>Owner is liable for costs of care of impounded animals.<br/> <b>TENN. CODE ANN. § 39-14-207(a)</b></p> <p>Humane society shall have a right of action against the owner of the animal for all necessary and reasonable expenses so incurred unless owner elects to forfeit animal.<br/> <b>TENN. CODE ANN. § 39-14-207(b)</b></p> <p>All fines, penalties and forfeitures imposed and collected in any county, under provisions relating to or in any way affecting animals, shall inure to such society in aid of the purpose for which it was incorporated.<br/> <b>TENN. CODE ANN. § 39-14-210(d)</b></p> <p>Humane society has lien on animals over which it legally obtains custody.<br/> <b>TENN. CODE ANN. § 39-14-210(e)</b></p> <p>The agency having custody of the seized animal may petition the court requesting that the person from whom the animal is seized post security, in an amount sufficient to secure payment of reasonable expenses, determined by the court.<br/> <b>TENN. CODE ANN. § 39-14-210(g)(1)</b></p> |

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|   | <p>Defendant may be held liable to the impounding officer or agency for all costs of impoundment, or to the owner of the animal for damages.<br/> <b>TENN. CODE ANN. § 39-14-212(h), (i)</b></p> <p>Upon conviction for sexual assault of animals the court may order the defendant reimburse the animal shelter or humane society for all reasonable costs incurred<br/> <b>TENN. CODE ANN. § 39-14-214(c)(1)(C)</b></p>  |
| <p><b>15. <u>FORFEITURE &amp; POSSESSION</u></b><br/> <u>BANS †</u></p> | <p>Persons convicted must forfeit the animals whose treatment was the basis of the conviction; the court may also prohibit the person from having custody of other animals.<br/> <b>TENN. CODE ANN. § 39-14-202(e)</b></p> <p>Persons convicted shall not have custody of a companion animal for at least two years, and the court may impose a lifetime prohibition; for a second conviction, the court shall order a lifetime prohibition on having custody of any companion animal.<br/> <b>TENN. CODE ANN. § 39-14-203(c)(1)</b></p> <p>Under certain circumstances, any agent or officer of such society may lawfully destroy, or cause to be destroyed, any animal found abandoned or otherwise.<br/> <b>TENN. CODE ANN. § 39-14-210(c)</b></p> <p>If the animal owner fails to post a court-ordered security within 10 days, the animal shall be deemed abandoned and forfeited to the agency.<br/> <b>TENN. CODE ANN. § 39-14-210(g)(2)</b></p> <p>The owner of a seized animal can always voluntarily and permanently relinquish the animal to the agency.<br/> <b>TENN. CODE ANN. § 39-14-210(g)(4)</b></p> <p>The court may order the defendant to surrender custody and forfeit all companion animals; shall prohibit the defendant from having custody of companion animals for at least two years up to a lifetime ban; and may impose any other reasonable restrictions on the person's custody</p> |

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|   | <p>of animals. In the case of a second conviction, the court shall impose a lifetime prohibition on having custody of any companion animal.</p> <p>TENN. CODE ANN. § 39-14-212(e)</p> <p>Upon conviction for the sexual assault of an animal the court may prohibit the defendant from harboring, owning, or residing in a household with any animals; shall prohibit the defendant from having custody of companion animals for at least two years up to a lifetime ban; and in the case of a second conviction shall impose a lifetime ban on having custody of companion animals.</p> <p>TENN. CODE ANN. § 39-14-214(c)</p> |
| <p><b>16. <u>COURT-ORDERED TREATMENT†</u></b></p>   | <p>Upon conviction for aggravated cruelty or aggravated cruelty to livestock, the court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. Court may also order evaluation and treatment for a juvenile who, if he/she were an adult, would have been convicted of animal cruelty.</p> <p>TENN. CODE ANN. §§ 39-14-212(f), 39-14-217(h),(j)</p> <p>Upon a conviction for sexual assault of an animal, the court may order the defendant to participate in appropriate counseling</p> <p>TENN. CODE ANN. § 39-14-214</p>                                      |
| <p><b>17. <u>HOT CARS</u></b></p>                   | <p>Immunity from civil liability for damage caused from forcibly removing an animal from a vehicle.</p> <p>TENN. CODE ANN. § 29-34-209</p>   |
| <p><b>18. <u>CIVIL NUISANCE ABATEMENT</u></b></p>   | -----  |
| <p><b>19. <u>AG-GAG LAWS</u></b></p>                | -----  |
| <p><b>20. <u>BREED SPECIFIC LEGISLATION</u></b></p> | -----  |

\* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.



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- \*\* Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.
- † This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

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### 1. DEFINITION OF “ANIMAL”

#### TENN. CODE ANN. § 39-14-201. Definitions for animal offenses.

*As used in this part, unless the context otherwise requires:*

- (1) *“Animal” means a domesticated living creature or a wild creature previously captured;*
- (2) *“Livestock” means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, goats, and poultry;*
- (3) *“Non-livestock animal” means a pet normally maintained in or near the household(s) of its owner(s), other domesticated animal, previously captured wildlife, an exotic animal, or any other pet, including but not limited to, pet rabbits, a pet chick, duck, or pot bellied pig that is not classified as “livestock” pursuant to this part; and*
- (4) *“Torture” means every act, omission, or neglect whereby unreasonable physical pain, suffering, or death is caused or permitted, but nothing herein shall be construed as prohibiting the shooting of birds or game for the purpose of human food or the use of animate targets by incorporated gun clubs.*

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### 2. GENERAL CRUELTY

#### TENN. CODE ANN. § 39-14-201. Definitions for animal offenses.

*As used in this part, unless the context otherwise requires:*

- (1) "Animal" means a domesticated living creature or a wild creature previously captured;
- (2) "Livestock" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, goats, and poultry;
- (3) "Non-livestock animal" means a pet normally maintained in or near the household(s) of its owner(s), other domesticated animal, previously captured wildlife, an exotic animal, or any other pet, including but not limited to, pet rabbits, a pet chick, duck, or pot bellied pig that is not classified as "livestock" pursuant to this part; and
- (4) "Torture" means every act, omission, or neglect whereby unreasonable physical pain, suffering, or death is caused or permitted, but nothing herein shall be construed as prohibiting the shooting of birds or game for the purpose of human food or the use of animate targets by incorporated gun clubs.

#### TENN. CODE ANN. § 39-14-202. Cruelty to animals.

- (a) *A person commits an offense who intentionally or knowingly:*
  - (1) *Tortures, maims or grossly overworks an animal;*
  - (2) *Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody;*
  - (3) *Abandons unreasonably an animal in the person's custody;*
  - (4) *Transports or confines an animal in a cruel manner; or*
  - (5) *Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.*
- (b) *A person commits an offense who knowingly ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury as defined in § 39-11-106.*
- (c) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.
- (d) Whenever any person is taken into custody by any officer for violation of subdivision (a)(4), the officer may take charge of the vehicle or conveyance, and its contents, used by the person to transport the animal. The officer shall deposit these items in a safe place for custody. Any necessary expense incurred for taking charge of and sustaining the same shall be a lien thereon, to be paid before the same can lawfully be recovered; or the expenses, or any part thereof, remaining unpaid may be recovered by the person

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incurring the same of the owners of the animal in an action therefor.

- (e) In addition to the penalty imposed in subsection (g), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit the animal or animals whose treatment was the basis of the conviction. Custody shall be given to a humane society incorporated under the laws of this state. The court may prohibit the person convicted from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals.
- (f)
- (1) Nothing in this section shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of that animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal.
  - (2) It is an offense for a person other than a law enforcement officer acting with probable cause to knowingly interfere with the performance of any agricultural practices permitted by subdivision (f)(1).
  - (3) An offense under subdivision (f)(2) is a Class B misdemeanor.
- (g)
- (1) *Cruelty to animals is a Class A misdemeanor.*
  - (2) *A second or subsequent conviction for cruelty to animals is a Class E felony.*
  - (3) *Violation of any prohibition or restriction imposed by the sentencing court pursuant to subdivision (e) is a Class A misdemeanor.*

### TENN. CODE ANN. § 39-14-204. Dyed baby fowl or rabbits.

- (a)
- (1) *It is unlawful for any person to:*
    - (A) *Sell, offer for sale, barter or give away baby chickens, ducklings or goslings of any age, or rabbits under two (2) months of age, as pets, toys, premiums or novelties, if those fowl or rabbits have been colored, dyed, stained or otherwise had their natural color changed; or*
    - (B) *Bring or transport such fowl or rabbits into the state for the purposes mentioned in subdivision (a)(1)(A).*
  - (2) This section shall not be construed to prohibit the sale or display of baby chickens, ducklings, or other fowl or rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising or laboratory testing.
  - (3) Each baby chicken, duckling, other fowl or rabbit sold, offered for sale, bartered or given away in violation of this section constitutes a separate offense.
- (b) *A violation of this section is a Class C misdemeanor.*

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### TENN. CODE ANN. § 39-14-205. Intentional killing of animal.

- (a)
  - (1)
    - (A) *It is an offense to knowingly and unlawfully kill the animal of another without the owner's effective consent.*
    - (B) A violation of subdivision (a)(1)(A) is theft of property, graded according to the value of the animal, and punished in accordance with § 39-14-105.
  - (2)
    - (A) In determining the value of a police dog, fire dog, search and rescue dog, service animal or police horse under § 39-14-105, the court shall consider the value of the police dog, fire dog, search and rescue dog, service animal or police horse as both the cost of the animal and any specialized training the animal received.
    - (B) Notwithstanding subdivision (a)(1)(B), a violation of subdivision (a)(1)(A) with respect to a police dog, fire dog, search and rescue dog, or police horse shall be a Class E felony, unless the offense would be a higher classification based on the animal's value, in which case the violation shall be graded pursuant to subdivision (a)(1)(B).
- (b) A person is justified in killing the animal of another if the person acted under a reasonable belief that the animal was creating an imminent danger of death or serious bodily injury to that person or another or an imminent danger of death to an animal owned by that person. *A person is not justified in killing the animal of another if at the time of the killing the person is trespassing upon the property of the owner of the animal.* The justification for killing the animal of another authorized by this subsection (b) shall not apply to a person who, while engaging in or attempting to escape from criminal conduct, kills a police dog that is acting in its official capacity. In that case the provisions of subsection (a) shall apply to the person.

### TENN. CODE ANN. § 39-14-212. Aggravated cruelty to animals; definitions; penalties.

- (a) *A person commits aggravated cruelty to animals when, with aggravated cruelty and with no justifiable purpose, such person intentionally kills or intentionally causes serious physical injury to a companion animal.*
- (b) *For purposes of this section:*
  - (1) *“Aggravated cruelty” means conduct which is done or carried out in a depraved and sadistic manner and which tortures or maims an animal including the failure to provide food and water to a companion animal resulting in a substantial risk of death or death;*
  - (2) *“Companion animal” means any non-livestock animal as defined in § 39-14-201(3);*

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- (3) *“Elderly” means any person sixty-five (65) years of age or older; and*
- (4) *“Minor” means any person under eighteen (18) years of age.*
- (c) Subsection (a) is not to be construed to prohibit or interfere with the following endeavors:
- (1) Dispatching an animal in any manner absent of aggravated cruelty;
  - (2) Engaging in lawful hunting, trapping, or fishing activities, including activities commonly associated with the hunting of small game as defined in § 70-1-101(a);
  - (3) Dispatching rabid or diseased animals;
  - (4) Dispatching animals posing a clear and immediate threat to human safety;
  - (5) Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;
  - (6) Performing accepted veterinary medical practices or treatments;
  - (7) Dispatching animals in accordance with § 44-17-403(e);
  - (8) Engaging, with the consent of the owner of a farm animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such animal;
  - (9) Dispatching wild or abandoned animals on a farm or residential real property; or
  - (10) Applying methods and equipment used to train animals.
- (d) *Aggravated cruelty to animals is a Class E felony.*
- (e) In addition to the penalty imposed by subsection (d), the sentencing court shall order the defendant to surrender custody and forfeit all companion animals as defined in subdivision (b)(2), and may award custody of the animals to the agency presenting the case. Notwithstanding § 40–35–111, the court shall prohibit the defendant from having custody of companion animals for at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court may also impose any other reasonable restrictions on the person's custody of other animals as is necessary for the protection of the animals. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.
- (f) In addition to the penalty imposed by subsection (d), the court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.
- (g) If a defendant convicted of a violation of this section resides in a household with minor children or elderly individuals, the court may, within fifteen (15) days, send notification of the conviction to the appropriate protective agencies.
- (h) In addition to the penalty imposed by subsection (d), the defendant may be held liable to the impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case.
- (i)
- (1) In addition to the penalty imposed by subsection (d), the defendant may be held

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liable to the owner of the animal for damages.

- (2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.
- (j) If a juvenile is found to be within the court's jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals or would be a criminal violation involving arson, then the court may order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court may order that treatment.
- (k) This section does not preclude the court from entering any other order of disposition allowed under this chapter.
- (l) This section is not to be construed to change, modify, or amend any provision of title 70, involving fish and wildlife;
- (m) This section does not apply to activities or conduct that are prohibited by § 39-14-203;
- (n) This section does not apply to equine animals or to animals defined as livestock by § 39-14-201;

### TENN. CODE ANN. § 39-14-217. Aggravated Cruelty to Livestock Animal.

- (a) *As used in this section only, "livestock" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, and goats.*
- (b) *Except as provided in subsections (d) and (e), a person commits aggravated cruelty to a livestock animal who, in a depraved and sadistic manner, intentionally engages in any of the conduct described in subdivisions (c)(1) - (12), the conduct results in serious bodily injury to the animal or the death of the animal, and is without justifiable or lawful purpose.*
- (c) *The following conduct constitutes aggravated cruelty to livestock animals if accomplished in the manner described in subsection (b):*
  - (1) *Setting an animal on fire;*
  - (2) *Burning an animal with any hot object;*
  - (3) *Cutting or stabbing an animal with any object;*
  - (1) *Causing blunt force trauma to an animal;*
  - (2) *Securing an animal to a vehicle and dragging it;*
  - (3) *Blinding an animal;*
  - (4) *Applying acid or other caustic substance or chemical to any exposed area of an animal or forcing the animal to ingest the substance;*
  - (5) *Hanging a living animal;*
  - (6) *Skinning an animal while it is still alive;*
  - (7) *Administering electric shock to an animal;*

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- (8) *Drowning an animal; or*
- (9) *Shooting an animal with a weapon.*
- (d) Subsections (b) and (c) shall not be construed to apply to, prohibit or interfere with the following:
  - (1) Any provision of Title 70, involving fish and wildlife, or any hunting, trapping, or fishing activities lawful under such title;
  - (2) Activities or conduct that are prohibited by Section 39-14-203; or
  - (3) Dispatching an animal in any manner not prohibited by this section.
- (e) The following shall not be construed as aggravated cruelty to a livestock animal as defined in this section:
  - (1) Dispatching rabid, diseased, sick or injured livestock animals;
  - (2) Dispatching livestock animals posing a clear and immediate threat to human safety;
  - (3) Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;
  - (4) Performing accepted veterinary medical practices or treatments;
  - (5) Engaging, with the consent of the owner of a livestock animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal;
  - (6) Dispatching wild or abandoned livestock animals on a farm or residential real property; or
  - (7) Applying methods and equipment used to train livestock animals.
- (f) In addition to the penalty imposed by subsection (j), the defendant may be held liable to:
  - (1) The owner of the livestock animal for damages; and
  - (2) The impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case.
- (g) In addition to the penalty imposed by subsection (j), the sentencing court may order the defendant to surrender custody and forfeit all livestock animals, and may award custody of the animals to the agency presenting the case. The court may prohibit the defendant from having custody of other livestock animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of livestock animals as is necessary for the protection of the animals.
- (h) In addition to the penalty imposed by subsection (j), the court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.
- (i) This section does not preclude the court from entering any other order of disposition allowed under this chapter.
- (j) *Aggravated cruelty to a livestock animal is a Class E felony.*



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### 3. EXEMPTIONS

#### TENN. CODE ANN. § 39-14-201. Definitions for animal offenses.

As used in this part, unless the context otherwise requires:

- (1) "Animal" means a domesticated living creature or a wild creature previously captured;
- (2) "Livestock" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, goats, and poultry;
- (3) "Non-livestock animal" means a pet normally maintained in or near the household(s) of its owner(s), other domesticated animal, previously captured wildlife, an exotic animal, or any other pet, including but not limited to, pet rabbits, a pet chick, duck, or pot bellied pig that is not classified as "livestock" pursuant to this part; and
- (4) "Torture" means every act, omission, or neglect whereby unreasonable physical pain, suffering, or death is caused or permitted, but *nothing herein shall be construed as prohibiting the shooting of birds or game for the purpose of human food or the use of animate targets by incorporated gun clubs.*

#### TENN. CODE ANN. § 39-14-202. Cruelty to animals.

- (a) A person commits an offense who intentionally or knowingly:
  - (1) Tortures, maims or grossly overworks an animal;
  - (2) Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody;
  - (3) Abandons unreasonably an animal in the person's custody;
  - (4) Transports or confines an animal in a cruel manner; or
  - (5) Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.
- (b) A person commits an offense who knowingly ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury as defined in § 39-11-106.
- (c) *It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.*
- (d) Whenever any person is taken into custody by any officer for violation of subdivision (a)(4), the officer may take charge of the vehicle or conveyance, and its contents, used by the person to transport the animal. The officer shall deposit these items in a safe place for custody. Any necessary expense incurred for taking charge of and sustaining the same shall be a lien thereon, to be paid before the same can lawfully be recovered; or the expenses, or any part thereof, remaining unpaid may be recovered by the person

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incurring the same of the owners of the animal in an action therefor.

- (e) In addition to the penalty imposed in subsection (g), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit the animal or animals whose treatment was the basis of the conviction. Custody shall be given to a humane society incorporated under the laws of this state. The court may prohibit the person convicted from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals.
- (f)
- (1) *Nothing in this section shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of that animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal.*
  - (2) *It is an offense for a person other than a law enforcement officer acting with probable cause to knowingly interfere with the performance of any agricultural practices permitted by subdivision (f)(1).*
  - (3) *An offense under subdivision (f)(2) is a Class B misdemeanor.*
- (g)
- (1) Cruelty to animals is a Class A misdemeanor.
  - (2) A second or subsequent conviction for cruelty to animals is a Class E felony.
  - (3) Violation of any prohibition or restriction imposed by the sentencing court pursuant to subdivision (e) is a Class A misdemeanor.

### TENN. CODE ANN. § 39-14-205. Intentional killing of animal.

- (a)
- (1)
    - (A) It is an offense to knowingly and unlawfully kill the animal of another without the owner's effective consent.
    - (B) A violation of subdivision (a)(1)(A) is theft of property, graded according to the value of the animal, and punished in accordance with § 39-14-105.
  - (2)
    - (A) In determining the value of a police dog, fire dog, search and rescue dog, service animal or police horse under § 39-14-105, the court shall consider the value of the police dog, fire dog, search and rescue dog, service animal or police horse as both the cost of the animal and any specialized training the animal received.
    - (B) Notwithstanding subdivision (a)(1)(B), a violation of subdivision (a)(1)(A) with respect to a police dog, fire dog, search and rescue dog, or police horse shall be a Class E felony, unless the offense would be a

## ANIMAL PROTECTION LAWS OF TENNESSEE

higher classification based on the animal's value, in which case the violation shall be graded pursuant to subdivision (a)(1)(B).

- (b) *A person is justified in killing the animal of another if the person acted under a reasonable belief that the animal was creating an imminent danger of death or serious bodily injury to that person or another or an imminent danger of death to an animal owned by that person. A person is not justified in killing the animal of another if at the time of the killing the person is trespassing upon the property of the owner of the animal. The justification for killing the animal of another authorized by this subsection (b) shall not apply to a person who, while engaging in or attempting to escape from criminal conduct, kills a police dog that is acting in its official capacity. In that case the provisions of subsection (a) shall apply to the person.*

### TENN. CODE ANN. § 39-14-212. Aggravated cruelty to animals; definitions; penalties.

- (a) A person commits aggravated cruelty to animals when, with aggravated cruelty and with no justifiable purpose, such person intentionally kills or intentionally causes serious physical injury to a companion animal.
- (b) For purposes of this section:
- (1) "Aggravated cruelty" means conduct which is done or carried out in a depraved and sadistic manner and which tortures or maims an animal including the failure to provide food and water to a companion animal resulting in a substantial risk of death or death;
  - (2) "Companion animal" means any non-livestock animal as defined in § 39-14-201(3);
  - (3) "Elderly" means any person sixty-five (65) years of age or older; and
  - (4) "Minor" means any person under eighteen (18) years of age.
- (c) *Subsection (a) is not to be construed to prohibit or interfere with the following endeavors:*
- (1) *Dispatching an animal in any manner absent of aggravated cruelty;*
  - (2) *Engaging in lawful hunting, trapping, or fishing activities, including activities commonly associated with the hunting of small game as defined in § 70-1-101(a);*
  - (3) *Dispatching rabid or diseased animals;*
  - (4) *Dispatching animals posing a clear and immediate threat to human safety;*
  - (5) *Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;*
  - (6) *Performing accepted veterinary medical practices or treatments;*
  - (7) *Dispatching animals in accordance with § 44-17-403(e);*
  - (8) *Engaging, with the consent of the owner of a farm animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such animal;*
  - (9) *Dispatching wild or abandoned animals on a farm or residential real property; or*
  - (10) *Applying methods and equipment used to train animals.*

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- (d) Aggravated cruelty to animals is a Class E felony.
- (e) In addition to the penalty imposed by subsection (d), the sentencing court shall order the defendant to surrender custody and forfeit all companion animals as defined in subdivision (b)(2), and may award custody of the animals to the agency presenting the case. Notwithstanding § 40–35–111, the court shall prohibit the defendant from having custody of companion animals for at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court may also impose any other reasonable restrictions on the person's custody of other animals as is necessary for the protection of the animals. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.
- (f) In addition to the penalty imposed by subsection (d), the court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.
- (g) If a defendant convicted of a violation of this section resides in a household with minor children or elderly individuals, the court may, within fifteen (15) days, send notification of the conviction to the appropriate protective agencies.
- (h) In addition to the penalty imposed by subsection (d), the defendant may be held liable to the impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case.
- (i)
  - (1) In addition to the penalty imposed by subsection (d), the defendant may be held liable to the owner of the animal for damages.
  - (2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.
- (j) If a juvenile is found to be within the court's jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals or would be a criminal violation involving arson, then the court may order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court may order that treatment.
- (k) This section does not preclude the court from entering any other order of disposition allowed under this chapter.
- (l) *This section is not to be construed to change, modify, or amend any provision of title 70, involving fish and wildlife;*
- (m) *This section does not apply to activities or conduct that are prohibited by § 39-14-203;*
- (n) *This section does not apply to equine animals or to animals defined as livestock by § 39-14-201;*

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### TENN. CODE ANN. § 39-14-214. Sexual activity with animals.

- (a) A person commits an offense who knowingly:
  - (1) Engages in any sexual activity with an animal;
  - (2) Causes, aids, or abets another person to engage in any sexual activity with an animal;
  - (3) Permits any sexual activity with an animal to be conducted on any premises under the person's charge or control;
  - (4) Engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual activity with an animal for a commercial or recreational purpose; or
  - (5) Photographs or films, for purposes of sexual gratification, a person engaged in a sexual activity with an animal.
- (b) A violation of this section is a Class E felony.
- (c) In addition to the penalty imposed in subsection (b):
  - (1) The court may order that the convicted person do any of the following:
    - (A) Not harbor or own animals or reside in any household where animals are present;
    - (B) Participate in appropriate counseling at the defendant's expense; or,
    - (C) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in subsection (a); and
  - (2) Notwithstanding § 40-35-111, the court shall prohibit the convicted person from having custody of any companion animal, as defined in § 39-14-212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.
- (c) *Nothing in this section may be considered to prohibit accepted animal husbandry practices or accepted veterinary medical practices.*
- (d) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (e) For purposes of this section:
  - (1) "Animal" has the same meaning as the term is defined in § 63-12-103;
  - (2) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image; and
  - (3) "Sexual activity" means physical sexual contact between the person and the animal.

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### TENN. CODE ANN. § 39-14-217. Aggravated Cruelty to Livestock Animal.

- (a) As used in this section only, "livestock" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, and goats.
- (b) Except as provided in subsections (d) and (e), a person commits aggravated cruelty to a livestock animal who, in a depraved and sadistic manner, intentionally engages in any of the conduct described in subdivisions (c)(1) - (12), the conduct results in serious bodily injury to the animal or the death of the animal, and is without justifiable or lawful purpose.
- (c) The following conduct constitutes aggravated cruelty to livestock animals if accomplished in the manner described in subsection (b):
  - (1) Setting an animal on fire;
  - (2) Burning an animal with any hot object;
  - (3) Cutting or stabbing an animal with any object;
  - (4) Causing blunt force trauma to an animal;
  - (5) Securing an animal to a vehicle and dragging it;
  - (6) Blinding an animal;
  - (7) Applying acid or other caustic substance or chemical to any exposed area of an animal or forcing the animal to ingest the substance;
  - (8) Hanging a living animal;
  - (9) Skinning an animal while it is still alive;
  - (10) Administering electric shock to an animal;
  - (11) Drowning an animal; or
  - (12) Shooting an animal with a weapon.
- (d) *Subsections (b) and (c) shall not be construed to apply to, prohibit or interfere with the following:*
  - (1) *Any provision of Title 70, involving fish and wildlife, or any hunting, trapping, or fishing activities lawful under such title;*
  - (2) *Activities or conduct that are prohibited by Section 39-14-203; or*
  - (3) *Dispatching an animal in any manner not prohibited by this section.*
- (e) *The following shall not be construed as aggravated cruelty to a livestock animal as defined in this section:*
  - (1) *Dispatching rabid, diseased, sick or injured livestock animals;*
  - (2) *Dispatching livestock animals posing a clear and immediate threat to human safety;*
  - (3) *Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;*
  - (4) *Performing accepted veterinary medical practices or treatments;*
  - (5) *Engaging, with the consent of the owner of a livestock animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal;*
  - (6) *Dispatching wild or abandoned livestock animals on a farm or residential real*

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*property; or*

*(7) Applying methods and equipment used to train livestock animals.*

- (f) In addition to the penalty imposed by subsection (j), the defendant may be held liable to:
- (1) The owner of the livestock animal for damages; and
  - (2) The impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case.
- (g) In addition to the penalty imposed by subsection (j), the sentencing court may order the defendant to surrender custody and forfeit all livestock animals, and may award custody of the animals to the agency presenting the case. The court may prohibit the defendant from having custody of other livestock animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of livestock animals as is necessary for the protection of the animals.
- (h) In addition to the penalty imposed by subsection (j), the court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.
- (i) This section does not preclude the court from entering any other order of disposition allowed under this chapter.
- (j) Aggravated cruelty to a livestock animal is a Class E felony.



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## 4. FIGHTING AND RACKETEERING

## TENN. CODE ANN. § 39-14-203. Cock and animal fighting.

- (a) *It is unlawful for any person to:*
- (1) *Own, possess, keep, use or train any bull, bear, dog, cock, swine or other animal, for the purpose of fighting, baiting or injuring another such animal, for amusement, sport or gain;*
  - (2) *Cause, for amusement, sport or gain, any animal referenced in subdivision (a)(1) to fight, bait or injure another animal, or each other;*
  - (3) *Permit any acts stated in subdivisions (a)(1) and (2) to be done on any premises under the person's charge or control, or aid or abet those acts;*
  - (4) *Be knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition for the fighting, baiting or injuring of any animal, with the intent to be present at the exhibition, fighting, baiting or injuring;*
  - (5) *Knowingly cause a person under eighteen (18) years of age to attend an animal fight; or*
  - (6) *Possess, own, buy, sell, transfer, or manufacture cock fighting paraphernalia with the intent that the paraphernalia be used in promoting, facilitating, training for, or furthering cock fighting.*
- (b) *It is the legislative intent that the provisions of this section shall not apply to the training or use of hunting dogs for sport or to the training or use of dogs for law enforcement purposes.*
- (c)
- (1) *Except for any offense involving a cock, an offense under subdivisions (a)(1)-(3) is a Class E felony. Notwithstanding § 40-35-111, in addition to any other penalty imposed, the court shall prohibit the defendant from having custody of any companion animal, as defined in § 39-14-212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this subdivision (c)(1) from having custody of any companion animal for the person's lifetime.*
  - (2) *An offense involving a cock under subdivisions (a)(1)-(3) is a Class A misdemeanor.*
- (d)
- (1) *An offense under subdivision (a)(4) or (a)(6) is a Class A misdemeanor.*
  - (2) *A violation of subdivision (a)(5) is a Class A misdemeanor. Notwithstanding § 40-35-111(e)(1), the fine for a violation of subdivision (a)(5) shall be not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500).*
- (e) *It is not an offense to own, possess or keep cocks, or aid or abet the ownership,*



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*possession or keeping of cocks, for the sole purpose of selling or transporting cocks to a location in which possession or keeping of cocks is legal, as long as it does not violate any other part of this section or federal law.*

(f)

- (1) For purposes of this section, “cock fighting paraphernalia” means gaffs, slashers, heels, or any other sharp implement designed to be attached in place of the natural spur of a cock or game fowl.
- (2) In determining whether a particular object is cock fighting paraphernalia, the court or other authority making that determination may, in addition to all other logically relevant factors, consider the following:
  - (A) Statements by the owner or anyone in control of the object concerning its use;
  - (B) Prior convictions, if any, of the owner or of anyone in control of the object for violation of any state or federal law relating to cock fighting or any other violation of this part;
  - (C) The presence and condition of any animal on the same property;
  - (D) Instructions, oral or written, provided with the object concerning its use;
  - (E) Descriptive materials accompanying the object that explain or depict its use;
  - (F) The manner in which the object is displayed for sale;
  - (G) The existence and scope of legitimate uses for the object in the community; and
  - (H) Expert testimony concerning its use.

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### 5. SEXUAL ASSAULT

#### TENN. CODE ANN. § 39-14-214. Sexual activity with animals.

- (a) *A person commits an offense who knowingly:*
- (1) *Engages in any sexual activity with an animal;*
  - (2) *Causes, aids, or abets another person to engage in any sexual activity with an animal;*
  - (3) *Permits any sexual activity with an animal to be conducted on any premises under the person's charge or control;*
  - (4) *Engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual activity with an animal for a commercial or recreational purpose; or*
  - (5) *Photographs or films, for purposes of sexual gratification, a person engaged in a sexual activity with an animal.*
- (b) *A violation of this section is a Class E felony.*
- (c) In addition to the penalty imposed in subsection (b):
- (1) The court may order that the convicted person do any of the following:
    - (A) Not harbor or own animals or reside in any household where animals are present;
    - (B) Participate in appropriate counseling at the defendant's expense; or,
    - (C) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in subsection (a); and
  - (2) Notwithstanding § 40-35-111, the court shall prohibit the convicted person from having custody of any companion animal, as defined in § 39-14-212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.
- (d) Nothing in this section may be considered to prohibit accepted animal husbandry practices or accepted veterinary medical practices.
- (e) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (f) *For purposes of this section:*
- (1) *"Animal" has the same meaning as the term is defined in § 63-12-103;*
  - (2) *"Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image; and*

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- (3) *“Sexual activity” means physical sexual contact between the person and the animal.*

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### 6. CRUELTY TO WORKING ANIMALS

#### TENN. CODE ANN. § 39-14-208. Injury to and value of guide dogs.

*A person who intentionally or knowingly unlawfully injures the guide dog of another and, thereby, permanently deprives the owner of the use of the guide dog's services commits theft of that animal and shall be punished under § 39-14-105. In determining the value of the guide dog for purposes of § 39-14-105, the court shall consider the value of the guide dog as both the cost of the dog as well as the cost of any specialized training the guide dog received.*

#### TENN. CODE ANN. § 39-14-216. Cruelty to service animals.

(a)

(1) *As used in this section, "service animal" means:*

(A) *Any animal that is individually trained, or being trained by an employee or puppy raiser from a recognized training agency or school to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability; and*

(B) *Any police dog, fire dog, search and rescue dog, or police horse.*

(2) *Other species of animals not specified in this subsection, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.*

(3) *For purposes of a service animal as defined under subdivision (a)(1)(A), the work or tasks performed by the service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of the animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of subdivision (a)(1)(A).*

(b) *It is an offense to knowingly:*

(1) *Maim or otherwise inflict harm upon a service animal;*

(2) *Attempt to maim or otherwise inflict harm upon a service animal; or*

(3) *Permit an animal that the person owns or is in the immediate control of to maim*

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*or otherwise inflict harm upon a service animal.*

(c) *It is an offense to recklessly maim or otherwise inflict harm upon a service animal or permit an animal that the person owns or is in the immediate control of to maim or otherwise inflict harm upon a service animal.*

(d) *It is an offense to knowingly interfere with a service animal in the performance of its duties, or permit an animal that the person owns or is in control of to interfere with a service animal in the performance of its duties.*

(e)

(1) *A violation of subsection (b) or (c) is a Class A misdemeanor.*

(2) *A violation of subsection (d) is a Class C misdemeanor.*

(f)

(1) In addition to any other penalty provided by this section, a person convicted of a violation of subsection (b), (c) or (d) shall be ordered by the court to make full restitution for all damages that arise out of or are related to the offense, including incidental and consequential damages incurred by the service animal's handler or the recognized training agency or school.

(2) Restitution, for purposes of this section, includes:

(A) The value of the service animal if the animal is disabled or can no longer perform service animal duties;

(B) Replacement and training or retraining expenses of the service animal or handler if necessary to restore the animal to service animal capabilities;

(C) Veterinary and other medical and boarding expenses for the service animal;

(D) Medical expenses for the handler; and

(E) Lost wages or income incurred by the handler during any period that the handler is without the services of the service animal.

(g) If the violation of this section involves a guide dog and the offense results in injury to the dog that permanently deprives the owner of the use of the guide dog's services, nothing in this section shall preclude prosecution and conviction for such conduct under § 39-14-208.

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### 7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

#### TENN. CODE ANN. § 40-2-101. Felonies.

- (a) A person may be prosecuted, tried and punished for an offense punishable with death or by imprisonment in the penitentiary during life, at any time after the offense is committed.
- (b) Prosecution for a felony offense shall begin within:
  - (1) Fifteen (15) years for a Class A felony;
  - (2) *Eight (8) years for a Class B felony;*
  - (3) Four (4) years for a Class C or Class D felony; and
  - (4) *Two (2) years for a Class E felony.*
- (c) Notwithstanding subsections (a) and (b), offenses arising under the revenue laws of the state shall be commenced within the three (3) years following the commission of the offense, except that the period of limitation of prosecution shall be six (6) years in the following instances:
  - (1) Offenses involving the defrauding or attempting to defraud the state of Tennessee or any agency of the state, whether by conspiracy or not, and in any manner;
  - (2) The offense of willfully attempting in any manner to evade or defeat any tax or the payment of a tax;
  - (3) The offense of willfully aiding or abetting, or procuring, counseling or advising, the preparation or presentation under, or in connection with, any matter arising under the revenue laws of the state, or a false or fraudulent return, affidavit, claim or document, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim or document; and
  - (4) The offense of willfully failing to pay any tax, or make any return at the time or times required by law or regulation.
- (d) Notwithstanding the provisions of subdivision (b)(3) to the contrary, prosecution for the offense of arson as prohibited by § 39-14-301 shall commence within eight (8) years from the date the offense occurs.
- (e) Prosecutions for any offense committed against a child prior to July 1, 1997, that constitutes a criminal offense under § 39-2-601 [repealed], § 39-2-603 [repealed], § 39-2-604 [repealed], § 39-2-606 [repealed], § 39-2-607 [repealed], § 39-2-608 [repealed], § 39-2-612 [repealed], § 39-4-306 [repealed], § 39-4-307 [repealed], § 39-6-1137 [repealed], or § 39-6-1138 [repealed], or under §§ 39-13-502 -- 39-13-505, § 39-15-302 or § 39-17-902 shall commence no later than the date the child attains the age of majority or within four (4) years after the commission of the offense, whichever occurs later; provided, that pursuant to subsection (a), an offense punishable by life imprisonment may be prosecuted at any time after the offense has been committed.
- (f) For offenses committed prior to November 1, 1989, the limitation of prosecution in

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effect at that time shall govern.

(g)

- (1) Prosecutions for any offense committed against a child on or after July 1, 1997, that constitutes a criminal offense under § 39-17-902 shall commence no later than the date the child reaches twenty-one (21) years of age; provided, that if subsection (a) or (b) provides a longer period of time within which prosecution may be brought than this subsection (g), the applicable provision of subsection (a) or (b) shall prevail.
- (2) Prosecutions for any offense committed against a child on or after July 1, 1997, but prior to June 20, 2006, that constitutes a criminal offense under §§ 39-13-502 -- 39-13-505, § 39-13-522 or § 39-15-302 shall commence no later than the date the child reaches twenty-one (21) years of age; provided, that if subsection (a) or (b) provides a longer period of time within which prosecution may be brought than this subsection (g), the applicable provision of subsection (a) or (b) shall prevail.

(h)

- (1) A person may be prosecuted, tried and punished for any offense committed against a child on or after June 20, 2006, that constitutes a criminal offense under § 39-13-504, § 39-13-505, § 39-13-527 or § 39-15-302, no later than twenty-five (25) years from the date the child becomes eighteen (18) years of age.
- (2) A person may be prosecuted, tried and punished for any offense committed against a child on or after June 20, 2006, that constitutes a criminal offense under § 39-13-502, § 39-13-503 or § 39-13-522 no later than twenty-five (25) years from the date the child becomes eighteen (18) years of age.

(i)

- (1) A person may be prosecuted, tried and punished for any offense committed against a child on or after July 1, 2007, that constitutes a criminal offense under § 39-13-532, no later than twenty-five (25) years from the date the child becomes eighteen (18) years of age.
- (2) A person may be prosecuted, tried and punished for any offense committed against a child on or after July 1, 2007, that constitutes a criminal offense under § 39-13-531, no later than twenty-five (25) years from the date the child becomes eighteen (18) years of age.

(j) A person may be prosecuted, tried and punished for any offense committed against a child on or after July 1, 2012, that constitutes a criminal offense under § 39-17-902, § 39-17-1003, § 39-17-1004, or § 39-17-1005, no later than twenty-five (25) years from the date the child becomes eighteen (18) years of age.

(k)

- (1) A person may be prosecuted, tried and punished for any offense committed against a child on or after July 1, 2013, that constitutes a criminal offense under § 39-13-309 or § 39-13-529, no later than fifteen (15) years from the date the child becomes eighteen (18) years of age.

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- (2) A person may be prosecuted, tried, and punished for any offense committed against a child on or after July 1, 2013, that constitutes a criminal offense under § 39-13-514 no later than ten (10) years from the date the child becomes eighteen (18) years of age.
- (3)
  - (A) A person may be prosecuted, tried, and punished for any offense committed against a child on or after July 1, 2013, but prior to July 1, 2015, that constitutes a criminal offense under § 39-13-515 no later than ten (10) years from the date the child becomes eighteen (18) years of age.
  - (B) A person may be prosecuted, tried, and punished for any offense committed against a child on or after July 1, 2015, that constitutes a criminal offense under § 39-13-515 no later than twenty-five (25) years from the date the child becomes eighteen (18) years of age.
- (l)
  - (1) Notwithstanding subsections (b), (g), (h) and (i) to the contrary, a person may be prosecuted, tried and punished for an act that constitutes the offense if:
    - (A) The offense was one (1) of the following:
      - i. Aggravated rape, as prohibited by § 39-13-502; or
      - ii. Rape, as prohibited by § 39-13-503;
    - (B) The victim was an adult at the time of the offense;
    - (C) The victim notifies law enforcement or the office of the district attorney general of the offense within three (3) years of the offense; and
    - (D) The offense is committed:
      - i. On or after July 1, 2014; or
      - ii. Prior to July 1, 2014, unless prosecution for the offense is barred because the applicable time limitation set out in this section for prosecution of the offense expired prior to July 1, 2014.
  - (2) If subdivision (l)(1) does not apply to the specified offenses, prosecution shall be commenced within the times otherwise provided by this section.
- (m) A person may be prosecuted, tried, and punished for any offense committed against a child on or after July 1, 2016, that constitutes the offense of aggravated statutory rape under § 39-13-506(c), no later than fifteen (15) years from the date the child becomes eighteen (18) years of age.
- (n) Notwithstanding subsection (b), prosecutions for any offense committed on or after July 1, 2016, that constitutes the offense of aggravated child abuse, or aggravated child neglect or endangerment, under § 39-15-402, shall commence by the later of:
  - (1) Ten (10) years after the child reaches eighteen (18) years of age; or
  - (2) The time within which prosecution must be commenced pursuant to subsection (b).
- (o) A person may be prosecuted, tried and punished for any offense committed against a child on or after July 1, 2019, that constitutes the offense of female genital mutilation, under § 39-13-110, no later than twenty-five (25) years from the date the child becomes



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eighteen (18) years of age.

(p) Notwithstanding subsection (b), a person may be prosecuted, tried, and punished for second degree murder, as prohibited by § 39-13-210, that is committed on or after July 1, 2019, at any time after the offense is committed.

(q)

(1) Notwithstanding subsections (b), (g), (h), (i), (j), (k), or (m), prosecution for the following offenses, when committed against a minor under eighteen (18) years of age shall commence as provided by the subsection (q):

- (A) Trafficking for a commercial sex act, as prohibited by § 39-13-309;
- (B) Aggravated rape, as prohibited by § 39-13-502;
- (C) Rape, as prohibited by § 39-13-503;
- (D) Aggravated sexual battery, as prohibited by § 39-13-504;
- (E) Sexual battery, as prohibited by § 39-13-505;
- (F) Mitigated statutory rape, as prohibited by § 39-13-506;
- (G) Statutory rape, as prohibited by § 39-13-506;
- (H) Aggravated statutory rape, as prohibited by § 39-13-506(c);
- (I) Indecent exposure, as prohibited by § 39-13-511, when the offense is classified as a felony offense;
- (J) Patronizing prostitution, as prohibited by § 39-13-514;
- (K) Promotion of prostitution, as prohibited by § 39-13-515;
- (L) Continuous sexual abuse of a child, as prohibited by § 39-13-518;
- (M) Rape of a child, as prohibited by § 39-13-522;
- (N) Sexual battery by an authority figure, as prohibited by § 39-13-527;
- (O) Solicitation of a minor, as prohibited by § 39-13-528, when the offense is classified as a felony offense;
- (P) Soliciting sexual exploitation of a minor—exploitation of a minor by electronic means, as prohibited by § 39-13-529;
- (Q) Aggravated rape of a child, as prohibited by § 39-13-531;
- (R) Statutory rape by an authority figure, as prohibited by § 39-13-532;
- (S) Unlawful photographing, as prohibited by § 39-13-605, when the offense is classified as a felony offense;
- (T) Observation without consent, as prohibited § 39-13-607, when the offense is classified as a felony offense;
- (U) Incest, as prohibited by § 39-15-302;
- (V) Sexual exploitation of a minor, as prohibited by § 39-17-1003;
- (W) Aggravated sexual exploitation of a minor, as prohibited by § 39-17-1004;
- (X) Especially aggravated sexual exploitation of a minor, as prohibited by § 39-17-1005.

(2) A person may be prosecuted, tried, and punished for an offense listed in subdivision (q)(1) at any time after the commission of an offense if:

- (A) The victim was under thirteen (13) years of age at the time of the offense; or

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- (B)
  - i. The victim was at least thirteen (13) years of age but no more than seventeen (17) years of age at the time of the offense; and
  - ii. The victim reported the offense to another person prior to the victim attaining twenty-three (23) years of age.
- (3)
  - (A) Except as provided in subdivision (q)(3)(B), a person may be prosecuted, tried, and punished for an offense listed in subdivision (q)(1) at any time after the commission of an offense if:
    - i. The victim was at least thirteen (13) years of age but no more than seventeen (17) years of age at the time of the offense; and
    - ii. The victim did not meet the reporting requirements of subdivision (q)(2)(B)(ii).
  - (B) In order to commence prosecution for an offense listed in subdivision (q)(1) under the circumstances described in subdivision (q)(3)(A), at a date that is more than twenty-five (25) years from the date the victim becomes eighteen (18) years of age, the prosecution is required to offer admissible and credible evidence corroborating the allegations or similar acts by the defendant.
- (4) This subsection (q) applies to offenses:
  - (A) Committed on or after July 1, 2019; or
  - (B) Committed prior to July 1, 2019, unless prosecution for the offense is barred because the applicable time limitation set out in this section for prosecution of the offense expired prior to July 1, 2019.

### TENN. CODE ANN. § 40-2-102. Misdemeanors.

- (a) *Except as provided in § 62-18-120(g) and subsection (b) of this section, all prosecutions for misdemeanors shall be commenced within the twelve (12) months after the offense has been committed, except gaming, which shall be commenced within six (6) months.*
- (b) Prosecutions under § 39-16-301 for criminal impersonation accomplished through the use of a fraudulently obtained driver license shall be commenced within one (1) year of the date the driver license expires or within three (3) years of the date the non-expired driver license was last used to falsely impersonate the person in whose name the driver license was issued, whichever is longer.

### TENN. CODE ANN. § 40-35-111. Authorized terms of imprisonment and fines for felonies and misdemeanors.

- (a) *A sentence for a felony is a determinate sentence.*
- (b) *The authorized terms of imprisonment and fines for felonies are:*

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- (1) Class A felony, not less than fifteen (15) nor more than sixty (60) years. In addition, the jury may assess a fine not to exceed fifty thousand dollars (\$50,000), unless otherwise provided by statute;
  - (2) *Class B felony, not less than eight (8) nor more than thirty (30) years. In addition, the jury may assess a fine not to exceed twenty-five thousand dollars (\$25,000), unless otherwise provided by statute;*
  - (3) *Class C felony, not less than three (3) years nor more than fifteen (15) years. In addition, the jury may assess a fine not to exceed ten thousand dollars (\$10,000), unless otherwise provided by statute;*
  - (4) *Class D felony, not less than two (2) years nor more than twelve (12) years. In addition, the jury may assess a fine not to exceed five thousand dollars (\$5,000), unless otherwise provided by statute; and*
  - (5) *Class E felony, not less than one (1) year nor more than six (6) years. In addition, the jury may assess a fine not to exceed three thousand dollars (\$3,000), unless otherwise provided by statute.*
- (c)
- (1) A sentence to pay a fine, when imposed on a corporation for an offense defined in title 39 or for any offense defined in any other title for which no special corporate fine is specified, is a sentence to pay an amount, not to exceed:
    - (A) Three hundred fifty thousand dollars (\$350,000) for a Class A felony;
    - (B) Three hundred thousand dollars (\$300,000) for a Class B felony;
    - (C) Two hundred fifty thousand dollars (\$250,000) for a Class C felony;
    - (D) One hundred twenty-five thousand dollars (\$125,000) for a Class D felony; and
    - (E) Fifty thousand dollars (\$50,000) for a Class E felony.
  - (2) If a special fine for a corporation is expressly specified in the statute which defines an offense, the fine fixed shall be within the limits specified in the statute.
- (d) *A sentence for a misdemeanor is a determinate sentence.*
- (e) *The authorized terms of imprisonment and fines for misdemeanors are:*
- (1) *Class A misdemeanor, not greater than eleven (11) months twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars (\$2,500), or both, unless otherwise provided by statute;*
  - (2) *Class B misdemeanor, not greater than six (6) months or a fine not to exceed five hundred dollars (\$500), or both, unless otherwise provided by statute; and*
  - (3) *Class C misdemeanor, not greater than thirty (30) days or a fine not to exceed fifty dollars (\$50.00), or both, unless otherwise provided by statute.*
- (f) In order to furnish the general assembly with information necessary to make an informed determination as to whether the increase in the cost of living and changes in income for residents of Tennessee has resulted in the minimum and maximum authorized fine ranges no longer being commensurate with the amount of fine deserved for the offense committed, every five (5) years, on or before January 15, the fiscal review committee shall report to the chief clerks of the senate and house of

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representatives of the general assembly the percentage of change in the average consumer price index (all items-city average) as published by the United States department of labor, bureau of labor statistics and shall inform the general assembly what the statutory minimum and maximum authorized fine for each offense classification would be if adjusted to reflect the compounded cost-of-living increases during such five-year period.

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### 8. CROSS ENFORCEMENT & REPORTING

#### TENN. CODE ANN. § 38-1-401. Definitions.

As used in this part, unless the context otherwise requires:

- (1) “Animal” means a domesticated living creature or a wild creature previously captured;
- (2) “Cruelty”, “abuse”, and “neglect” mean every act, omission, or neglect whereby unreasonable physical pain, suffering, or death is caused or permitted;
- (3) “Owner” means any person who is the legal owner, keeper, harbinger, possessor, or the actual custodian of an animal. “Owner” includes corporations as well as individuals; and
- (4) “Reasonable suspicion” means that it is objectively reasonable for a person to entertain a suspicion, based upon facts, that could cause a reasonable person in a like position, drawing, when appropriate, on the person’s training and experience, to suspect animal cruelty, abuse, or neglect.

#### TENN. CODE ANN. § 38-1-402. Reports by protective services agency employees; confidentiality.

- (a) Any state, county or municipal employee of a child or adult protective services agency, while acting in a professional capacity or within the scope of employment, who has knowledge of or observes an animal that the person knows or reasonably suspects has been the victim of cruelty, abuse, or neglect, shall report the known or reasonably suspected animal cruelty, abuse, or neglect to the entity or entities that investigate reports of animal cruelty, abuse, and neglect in that county.
- (b) The report required under subsection (a) may be made within two (2) working days of receiving the information concerning the animal, by facsimile transmission of a written report presented in the form described in § 38-1-403, or by telephone, if all of the information that is required to be provided pursuant to § 38-1-403 is furnished. In cases where an immediate response may be necessary in order to protect the health and safety of the animal or others, the report may be made by telephone as soon as possible.
- (c) Unless a duty exists under current law, nothing in this section shall be construed to impose a duty to investigate known or reasonably suspected animal cruelty, abuse, or neglect.
- (d) Nothing in this part shall expand or limit confidentiality requirements under existing law relative to child or adult protective services. The name of any employee of a child or adult protective services agency who reports known or reasonably suspected animal cruelty, abuse or neglect shall remain confidential.

#### TENN. CODE ANN. § 38-1-403. Report forms; telephone reports; reporting exceptions.

- (a) If not made by telephone, reports made pursuant to § 38-1-402(a) may be made on a

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*preprinted form prepared by the entity or entities that investigate reports of animal cruelty, abuse, and neglect in that county, that includes the definitions contained in § 38-1-401 and a space for the reporter to include each of the following:*

- (1) *The reporter's name and title;*
  - (2) *The reporter's business address and telephone number;*
  - (3) *The name, if known, of the animal's owner or custodian;*
  - (4) *The location of the animal and the premises on which the known or reasonably suspected animal cruelty, abuse, or neglect took place;*
  - (5) *A description of the location of the animal and the premises;*
  - (6) *The type and numbers of animals involved;*
  - (7) *A description of the animal and its condition; and*
  - (8) *The date, time, and a description of the observation or incident that led the reporter to suspect animal cruelty, abuse, or neglect and any other information the reporter believes may be relevant.*
- (b) *Any employee making a report or telephone call pursuant to this part shall make all reasonable efforts to include the information delineated in subsection (a). Nothing in this section shall be construed to impose a duty to investigate known or reasonably suspected animal cruelty, abuse, or neglect.*
- (c) *When two (2) or more employees of a state, county or municipal child or adult protective services agency are present and jointly have knowledge of known or reasonably suspected animal cruelty, abuse, or neglect, and where there is agreement among them, by mutual agreement, a report may be made by one (1) person. Any reporter who has knowledge that the person designated to report has failed to do so may thereafter make the report.*
- (d)
- (1) *Nothing in this part shall be construed as prohibiting legal hunting and fishing activities.*
  - (2) *Nothing in this part shall be construed as prohibiting the owner of livestock as defined in § 43-1-114(b), or someone acting with the consent of the owner of livestock, from engaging in usual and customary practices that are accepted by colleges of agriculture or veterinary medicine with respect to livestock, nor shall any provision of this part be construed as requiring the reporting of those practices.*
  - (3) *Nothing in this part shall be construed to apply to a veterinarian or veterinary technician engaged in accepted veterinary practices.*

### **TENN. CODE ANN. § 39-14-212. Aggravated cruelty to animals; definitions; penalties.**

- (a) **A person commits aggravated cruelty to animals when, with aggravated cruelty and with no justifiable purpose, such person intentionally kills or intentionally causes serious physical injury to a companion animal.**
- (b) **For purposes of this section:**

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- (1) “Aggravated cruelty” means conduct which is done or carried out in a depraved and sadistic manner and which tortures or maims an animal including the failure to provide food and water to a companion animal resulting in a substantial risk of death or death;
  - (2) “Companion animal” means any non-livestock animal as defined in § 39-14-201(3);
  - (3) “Elderly” means any person sixty-five (65) years of age or older; and
  - (4) “Minor” means any person under eighteen (18) years of age.
- (c) Subsection (a) is not to be construed to prohibit or interfere with the following endeavors:
- (1) Dispatching an animal in any manner absent of aggravated cruelty;
  - (2) Engaging in lawful hunting, trapping, or fishing activities, including activities commonly associated with the hunting of small game as defined in § 70-1-101(a);
  - (3) Dispatching rabid or diseased animals;
  - (4) Dispatching animals posing a clear and immediate threat to human safety;
  - (5) Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;
  - (6) Performing accepted veterinary medical practices or treatments;
  - (7) Dispatching animals in accordance with § 44-17-403(e);
  - (8) Engaging, with the consent of the owner of a farm animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such animal;
  - (9) Dispatching wild or abandoned animals on a farm or residential real property; or
  - (10) Applying methods and equipment used to train animals.
- (d) Aggravated cruelty to animals is a Class E felony.
- (e) In addition to the penalty imposed by subsection (d), the sentencing court shall order the defendant to surrender custody and forfeit all companion animals as defined in subdivision (b)(2), and may award custody of the animals to the agency presenting the case. Notwithstanding § 40–35–111, the court shall prohibit the defendant from having custody of companion animals for at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court may also impose any other reasonable restrictions on the person's custody of other animals as is necessary for the protection of the animals. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.
- (f) In addition to the penalty imposed by subsection (d), the court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.
- (g) *If a defendant convicted of a violation of this section resides in a household with minor children or elderly individuals, the court may, within fifteen (15) days, send notification*



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*of the conviction to the appropriate protective agencies.*

- (h) In addition to the penalty imposed by subsection (d), the defendant may be held liable to the impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case.
- (i)
  - (1) In addition to the penalty imposed by subsection (d), the defendant may be held liable to the owner of the animal for damages.
  - (2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.
- (j) If a juvenile is found to be within the court's jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals or would be a criminal violation involving arson, then the court may order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court may order that treatment.
- (k) This section does not preclude the court from entering any other order of disposition allowed under this chapter.
- (l) This section is not to be construed to change, modify, or amend any provision of title 70, involving fish and wildlife;
- (m) This section does not apply to activities or conduct that are prohibited by § 39-14-203;
- (n) This section does not apply to equine animals or to animals defined as livestock by § 39-14-201;



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**9. VETERINARY REPORTING & IMMUNITY**

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## ANIMAL PROTECTION LAWS OF TENNESSEE

### 10. LAW ENFORCEMENT POLICIES

#### TENN. CODE ANN. § 39-14-210. Societies for prevention of cruelty to animals— Power of governmental agencies working with victimized animals.

- (a) *The agents of any society which is incorporated for the prevention of cruelty to animals, upon being appointed thereto by the president of such society in any county, may, within such county, make arrests, and bring before any court thereof offenders found violating the provisions of this part with regard to non-livestock animals.*
- (b) *Any officers, agents, or members of such society may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in such person's presence. Any person who interferes with or obstructs any such officer, agent, or member in the discharge of this duty commits a Class C misdemeanor.*
- (c) Any agent or officer of such society may lawfully destroy, or cause to be destroyed, any animal found abandoned or otherwise:
  - (1) Which is not properly cared for, appearing, in the judgment of two (2) reputable citizens, who are experts, called to view the same in the agent's or officer's presence, to be glandered, injured or diseased past humane recovery; or
  - (2) After a holding period of not less than seventy-two (72) hours and after having made a reasonable effort to locate and notify the owners, for the purpose of animal population control. If the animal bears any notification information on an identification tag or collar, or on a chip, if the agent or officer of the society has the use of a chip reader, the reasonable effort to locate and notify the animal's owners must be made within forty-eight (48) hours of the time that the society takes custody of the animal or, if the animal is taken into custody on a Friday, within two (2) business days of the date that the society takes custody of the animal.
- (d) All fines, penalties and forfeitures imposed and collected in any county, under provisions relating to or in any way affecting animals, shall inure to such society in aid of the purpose for which it was incorporated, and no injunction shall be granted against such society or attorney or its officers or agents, except upon motion, after due notice and hearing.
- (e) Any humane society chartered by the state, into whose custody shall lawfully come any animal, shall have a lien on that animal for the reasonable value of the goods and services necessarily rendered by, or at the instance of, the society to that animal.
- (f) Upon seizure by law enforcement, custody of any animal victimized under this part shall be placed with any governmental animal control agency, law enforcement agency, or their designee. The governmental animal control agency, law enforcement agency, or their designee shall assist the animal and preserve evidence for prosecution.
- (g)
  - (1)
    - (A) Any governmental animal control agency, law enforcement agency, or

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their designee into whose custody any animal victimized under this part is placed, may petition the court requesting that the person from whom the animal is seized, or the owner of the seized animal, be ordered to post security.

- (B) The security shall be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the governmental animal control agency, law enforcement agency, or their designee in caring and providing for the animal pending disposition of the criminal charges.
  - (C) Reasonable expenses include, but are not necessarily limited to, the estimated costs of veterinary care and treatment for the animal as well as the estimated costs of boarding and otherwise caring for the animal.
  - (D) The amount of security shall be determined by the court after taking into consideration all of the facts and circumstances of the case. If the posting of security is ordered pursuant to this subsection (g), then the governmental animal control agency, law enforcement agency, or their designee may draw from the security the actual costs incurred in caring and providing for the seized animal pending disposition of criminal charges.
- (2) If the person from whom the animal is seized is the owner of the animal and the person has not posted the security ordered pursuant to subdivision (g)(1) within ten (10) business days following the issuance of a security order, the animal shall be deemed to have been abandoned and shall be forfeited to the governmental animal control agency, law enforcement agency, or their designee for disposition in accordance with reasonable practices for the humane treatment of animals. However, if the person from whom the animal was seized is not the owner of the animal and the person has not posted the court-ordered security within fifteen (15) days, the court shall order the governmental animal control agency, law enforcement agency, or their designee to make all reasonable efforts to determine who the owner of the animal is and to notify the owner of the pending proceeding.
- (3) No animal shall be deemed to have been abandoned and forfeited to the governmental animal control agency, law enforcement agency, or their designee until reasonable attempts to determine and notify the owner have been made. If the owner of the animal cannot be located after reasonable efforts or the owner is located and notified but does not post, within ten (10) business days, the court-ordered security plus the costs reasonably incurred by the governmental animal control agency, law enforcement agency, or their designee for housing and caring for the animal since its seizure, the animal shall be deemed to have been abandoned and shall be forfeited to the governmental animal control agency, law enforcement agency, or their designee for disposition in accordance with reasonable practices for the humane treatment of animals.
- (4) Nothing in this subsection (g) shall be construed to prevent the voluntary,

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permanent relinquishment of any animal by its owner to a governmental animal control agency, law enforcement agency, or their designee in lieu of posting security. The voluntary relinquishment has no effect on the outcome of the criminal charges.

### TENN. CODE ANN. § 40-39-101. Short title.

This part shall be known and may be cited as the “Tennessee Animal Abuser Registration Act.”

### TENN. CODE ANN. § 40-39-102. Definitions.

As used in this part:

- (1) “Abuser” or “animal abuser” means a person who has been convicted in this state of committing an animal abuse offense;
- (2) “Animal” means a companion animal, and a “non-livestock animal”, as defined in § 39-14-201. “Animal” does not mean “livestock”, as defined in § 39-14-201, or “wildlife”, as defined in § 70-1-101;
- (3) “Animal abuse offense” means:
  - (A) Aggravated cruelty to animals, under § 39-14-212;
  - (B) Animal fighting, under § 39-14-203, where the defendant's act constitutes a felony; and
  - (C) A criminal offense against animals, under § 39-14-214;
- (4) “Companion animal” means any dog, defined as any live dog of the species *Canis familiaris*, or cat, defined as any live cat of the species *Felis catus*;
- (5) “Conviction” means a judgment entered by a Tennessee court upon a plea of guilty, a plea of *nolo contendere*, or a finding of guilt by a jury or the court, notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes a disposition of pretrial diversion under § 40-15-105, a disposition of judicial diversion under § 40-35-313, or the equivalent dispositions from other jurisdictions;
- (6) “Director” means the director of the TBI; and
- (7) “TBI” means the Tennessee bureau of investigation.

### TENN. CODE ANN. § 40-39-103. Convicted animal abusers list.

- (a) Beginning January 1, 2016, the TBI shall post a publicly accessible list on its web site of any person convicted of an animal abuse offense on and after that date.
- (b)
  - (1) The list shall include a photograph taken of the convicted animal abuser as part of the booking process, the animal abuser's full legal name, and other identifying data as the TBI determines is necessary to properly identify the animal abuser and to exclude innocent persons.

## ANIMAL PROTECTION LAWS OF TENNESSEE

- (2) The list shall not include the abuser's social security number, driver license number, or any other state or federal identification number.
- (c) The court clerks shall forward a copy of the judgment and date of birth of all persons convicted of an animal abuse offense to the TBI within sixty (60) calendar days of the date of judgment.
- (d)
  - (1) Upon a person's first conviction for an animal abuse offense, the TBI shall maintain the person's name and other identifying information, described in subsection (b), on the list published under subsection (a) for two (2) years following the date of conviction, after which time the TBI shall remove the person's name and identifying information from the list; provided, that the person is not convicted of another animal abuse offense during that two-year period.
  - (2) Upon a person's subsequent conviction for an animal abuse offense, the TBI shall maintain the person's name and other identifying information, described in subsection (b), on the list published under subsection (a) for five (5) years following the date of the most recent conviction, after which time the TBI shall remove the person's name and identifying information from the list; provided, that the person is not convicted of another animal abuse offense during that five-year period.
- (e) The list shall remain on the TBI web site for such time as determined by the director.
- (f) The TBI shall remove the person's name and identifying information from the registry list if the sole offense for which the person is required to be subject to the mandates of the registry is expunged, pursuant to § 40-32-101.

### **TENN. CODE ANN. § 40-39-104. Promulgation of rules.**

*The TBI may promulgate rules to effectuate the purposes of this part. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.*

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### 11. SEIZURE

#### TENN. CODE ANN. § 39-14-202. Cruelty to animals.

- (a) A person commits an offense who intentionally or knowingly:
  - (1) Tortures, maims or grossly overworks an animal;
  - (2) Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody;
  - (3) Abandons unreasonably an animal in the person's custody;
  - (4) Transports or confines an animal in a cruel manner; or
  - (5) Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.
- (b) A person commits an offense who knowingly ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury as defined in § 39-11-106.
- (c) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.
- (d) *Whenever any person is taken into custody by any officer for violation of subdivision (a)(4), the officer may take charge of the vehicle or conveyance, and its contents, used by the person to transport the animal. The officer shall deposit these items in a safe place for custody. Any necessary expense incurred for taking charge of and sustaining the same shall be a lien thereon, to be paid before the same can lawfully be recovered; or the expenses, or any part thereof, remaining unpaid may be recovered by the person incurring the same of the owners of the animal in an action therefor.*
- (e) In addition to the penalty imposed in subsection (g), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit the animal or animals whose treatment was the basis of the conviction. Custody shall be given to a humane society incorporated under the laws of this state. The court may prohibit the person convicted from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals.
- (f)
  - (1) Nothing in this section shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of that animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal.
  - (2) It is an offense for a person other than a law enforcement officer acting with probable cause to knowingly interfere with the performance of any agricultural practices permitted by subdivision (f)(1).

## ANIMAL PROTECTION LAWS OF TENNESSEE

- (3) An offense under subdivision (f)(2) is a Class B misdemeanor.
- (g)
  - (1) Cruelty to animals is a Class A misdemeanor.
  - (2) A second or subsequent conviction for cruelty to animals is a Class E felony.
  - (3) Violation of any prohibition or restriction imposed by the sentencing court pursuant to subdivision (e) is a Class A misdemeanor.

### TENN. CODE ANN. § 39-14-210. Societies for prevention of cruelty to animals— Power of governmental agencies working with victimized animals.

- (a) The agents of any society which is incorporated for the prevention of cruelty to animals, upon being appointed thereto by the president of such society in any county, may, within such county, make arrests, and bring before any court thereof offenders found violating the provisions of this part with regard to non-livestock animals.
- (b) Any officers, agents, or members of such society may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in such person's presence. Any person who interferes with or obstructs any such officer, agent, or member in the discharge of this duty commits a Class C misdemeanor.
- (c) Any agent or officer of such society may lawfully destroy, or cause to be destroyed, any animal found abandoned or otherwise:
  - (1) Which is not properly cared for, appearing, in the judgment of two (2) reputable citizens, who are experts, called to view the same in the agent's or officer's presence, to be glandered, injured or diseased past humane recovery; or
  - (2) After a holding period of not less than seventy-two (72) hours and after having made a reasonable effort to locate and notify the owners, for the purpose of animal population control. If the animal bears any notification information on an identification tag or collar, or on a chip, if the agent or officer of the society has the use of a chip reader, the reasonable effort to locate and notify the animal's owners must be made within forty-eight (48) hours of the time that the society takes custody of the animal or, if the animal is taken into custody on a Friday, within two (2) business days of the date that the society takes custody of the animal.
- (d) All fines, penalties and forfeitures imposed and collected in any county, under provisions relating to or in any way affecting animals, shall inure to such society in aid of the purpose for which it was incorporated, and no injunction shall be granted against such society or attorney or its officers or agents, except upon motion, after due notice and hearing.
- (e) Any humane society chartered by the state, into whose custody shall lawfully come any animal, shall have a lien on that animal for the reasonable value of the goods and services necessarily rendered by, or at the instance of, the society to that animal.
- (f) *Upon seizure by law enforcement, custody of any animal victimized under this part shall be placed with any governmental animal control agency, law enforcement agency, or*

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*their designee. The governmental animal control agency, law enforcement agency, or their designee shall assist the animal and preserve evidence for prosecution.*

(g)

(1)

- (A) Any governmental animal control agency, law enforcement agency, or their designee into whose custody any animal victimized under this part is placed, may petition the court requesting that the person from whom the animal is seized, or the owner of the seized animal, be ordered to post security.
- (B) The security shall be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the governmental animal control agency, law enforcement agency, or their designee in caring and providing for the animal pending disposition of the criminal charges.
- (C) Reasonable expenses include, but are not necessarily limited to, the estimated costs of veterinary care and treatment for the animal as well as the estimated costs of boarding and otherwise caring for the animal.
- (D) The amount of security shall be determined by the court after taking into consideration all of the facts and circumstances of the case. If the posting of security is ordered pursuant to this subsection (g), then the governmental animal control agency, law enforcement agency, or their designee may draw from the security the actual costs incurred in caring and providing for the seized animal pending disposition of criminal charges.

(2) If the person from whom the animal is seized is the owner of the animal and the person has not posted the security ordered pursuant to subdivision (g)(1) within ten (10) business days following the issuance of a security order, the animal shall be deemed to have been abandoned and shall be forfeited to the governmental animal control agency, law enforcement agency, or their designee for disposition in accordance with reasonable practices for the humane treatment of animals. However, if the person from whom the animal was seized is not the owner of the animal and the person has not posted the court-ordered security within fifteen (15) days, the court shall order the governmental animal control agency, law enforcement agency, or their designee to make all reasonable efforts to determine who the owner of the animal is and to notify the owner of the pending proceeding.

(3) No animal shall be deemed to have been abandoned and forfeited to the governmental animal control agency, law enforcement agency, or their designee until reasonable attempts to determine and notify the owner have been made. If the owner of the animal cannot be located after reasonable efforts or the owner is located and notified but does not post, within ten (10) business days, the court-ordered security plus the costs reasonably incurred by the governmental animal control agency, law enforcement agency, or their designee for housing



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and caring for the animal since its seizure, the animal shall be deemed to have been abandoned and shall be forfeited to the governmental animal control agency, law enforcement agency, or their designee for disposition in accordance with reasonable practices for the humane treatment of animals.

- (4) Nothing in this subsection (g) shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to a governmental animal control agency, law enforcement agency, or their designee in lieu of posting security. The voluntary relinquishment has no effect on the outcome of the criminal charges.

### TENN. CODE ANN. § 39-14-214. Sexual activity with animals.

- (a) A person commits an offense who knowingly:
- (1) Engages in any sexual activity with an animal;
  - (2) Causes, aids, or abets another person to engage in any sexual activity with an animal;
  - (3) Permits any sexual activity with an animal to be conducted on any premises under the person's charge or control;
  - (4) Engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual activity with an animal for a commercial or recreational purpose; or
  - (5) Photographs or films, for purposes of sexual gratification, a person engaged in a sexual activity with an animal.
- (b) A violation of this section is a Class E felony.
- (c) In addition to the penalty imposed in subsection (b):
- (1) The court may order that the convicted person do any of the following:
    - (A) Not harbor or own animals or reside in any household where animals are present;
    - (B) Participate in appropriate counseling at the defendant's expense; or,
    - (C) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in subsection (a); and
  - (2) Notwithstanding § 40-35-111, the court shall prohibit the convicted person from having custody of any companion animal, as defined in § 39-14-212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.
- (d) Nothing in this section may be considered to prohibit accepted animal husbandry practices or accepted veterinary medical practices.
- (e) *If the court has reasonable grounds to believe that a violation of this section has*

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*occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.*

(f) For purposes of this section:

- (1) “Animal” has the same meaning as the term is defined in § 63-12-103;
- (2) “Photographs” or “films” means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image; and
- (3) “Sexual activity” means physical sexual contact between the person and the animal.

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**ANIMAL PROTECTION LAWS OF TENNESSEE**

**12. COURTROOM ANIMAL ADVOCATE PROGRAM**

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## ANIMAL PROTECTION LAWS OF TENNESSEE

### 13. PROTECTION ORDERS

#### TENN. CODE ANN. § 36-3-601. Definitions.

As used in this part, unless the context otherwise requires:

- (1) *“Abuse” means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor;*
- (2) *“Adult” means any person eighteen (18) years of age or older, or who is otherwise emancipated;*
- (3)
  - (A) *“Court,” in counties having a population of not less than two hundred sixty thousand (260,000) nor more than eight hundred thousand (800,000), according to the 1980 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters;*
  - (B) *Notwithstanding the provisions of subdivision (3)(A), “court,” in counties with a metropolitan form of government with a population of more than one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters and the general sessions court. In such county having a metropolitan form of government, a judicial commissioner may issue an ex parte order of protection. Nothing in this definition may be construed to grant jurisdiction to the general sessions court for matters relating to child custody, visitation, or support;*
  - (C) *“Court,” in all other counties, means any court of record with jurisdiction over domestic relation matters or the general sessions court;*
  - (D) *“Court” also includes judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge for purposes of issuing ex parte orders of protection when a judge of one of the courts listed in subdivisions (3)(A), (3)(B) or (3)(C) is not available;*
  - (E) *In counties having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, “court” means any court of record with jurisdiction over domestic relations matters or the general sessions criminal court. In such counties, “court” also includes judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge for purposes of issuing any order of protection pursuant to this part when a judge of one (1) of the courts listed in subdivisions (3)(A), (3)(B) or (3)(C) is not available. Nothing in this definition may be construed to grant jurisdiction to the general sessions court, both criminal*

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- and civil, for matters relating to child custody, visitation, or support;
- (F) Any appeal from a final ruling on an order of protection by a general sessions court or by any official authorized to issue an order of protection under this subdivision (3) shall be to the circuit or chancery court of the county. Such appeal shall be filed within ten (10) days and shall be heard de novo;
- (4) “Domestic abuse” means committing abuse against a victim, as defined in subdivision (5);
- (5) “Domestic abuse victim” means any person who falls within the following categories:
- (A) Adults or minors who are current or former spouses;
  - (B) Adults or minors who live together or who have lived together;
  - (C) Adults or minors who are dating or who have dated or who have or had a sexual relationship, as used herein “dating” and “dated” do not include fraternization between two (2) individuals in a business or social context;
  - (D) Adults or minors related by blood or adoption;
  - (E) Adults or minors who are related or were formerly related by marriage; or
  - (F) Adult or minor children of a person in a relationship that is described in subdivisions (5)(A)-(E);
- (6) “Firearm” means any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use;
- (7) “Petitioner” means the person alleging domestic abuse, sexual assault or stalking in a petition for an order for protection;
- (8) “Preferred response” means law enforcement officers shall arrest a person committing domestic abuse unless there is a clear and compelling reason not to arrest;
- (9) “Respondent” means the person alleged to have abused, stalked or sexually assaulted another in a petition for an order for protection;
- (10) “Sexual assault victim” means any person, regardless of the relationship with the perpetrator, who has been subjected to, threatened with, or placed in fear of any form of rape, as defined in §§ 39-13-502, 39-13-503, 39- 13-506 or 39-13-522, or sexual battery, as defined in §§ 39-13-504, 39-13-505, or 39-13-527;
- (11) “Stalking victim” means any person, regardless of the relationship with the perpetrator, who has been subjected to, threatened with, or placed in fear of the offense of stalking, as defined in § 39-17-315; and
- (12) “Weapon” means a firearm or a device listed in § 39-17-1302(a)(1)-(7).

### TENN. CODE ANN. § 36-3-606. Protection orders; contents.

- (a) A protection order granted under this part to protect the petitioner from domestic abuse, stalking or sexual assault may include, but is not limited to:
- (1) Directing the respondent to refrain from committing domestic abuse, stalking or sexual assault or threatening to commit domestic abuse, stalking or sexual assault against the petitioner or the petitioner’s minor children;
  - (2) Prohibiting the respondent from coming about the petitioner for any purpose,

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- from telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;
- (3) Prohibiting the respondent from stalking the petitioner, as defined in § 39-17-315;
  - (4) Granting to the petitioner possession of the residence or household to the exclusion of the respondent by evicting the respondent, by restoring possession to the petitioner, or by both;
  - (5) Directing the respondent to provide suitable alternate housing for the petitioner when the respondent is the sole owner or lessee of the residence or household;
  - (6) Awarding temporary custody of, or establishing temporary visitation rights with regard to, any minor children born to or adopted by the parties;
  - (7) Awarding financial support to the petitioner and such persons as the respondent has a duty to support. Except in cases of paternity, the court shall not have the authority to order financial support unless the petitioner and respondent are legally married. Such order may be enforced pursuant to chapter 5 of this title;
  - (8) Directing the respondent to attend available counseling programs that address violence and control issues or substance abuse problems. A violation of a protection order or part of such order that directs counseling pursuant to this subpart may be punished as criminal or civil contempt. The provisions of § 36-3-610(a) apply with respect to a non-lawyer general sessions judge who holds a person in criminal contempt for violating this subdivision (a)(8); or
  - (9) *Directing the care, custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor residing in the household. In no instance shall the animal be placed in the care, custody, or control of the respondent, but shall instead be placed in the care, custody or control of the petitioner or in an appropriate animal foster situation;*
  - (10) Directing the respondent to immediately and temporarily vacate a residence shared with the petitioner, pending a hearing on the matter, notwithstanding any provision of this part to the contrary;
  - (11) Directing the respondent to pay the petitioner all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property if the petitioner is a party to the lease or rental agreement and if the court finds that continuing to reside in the rented or leased premises may jeopardize the life, health and safety of the petitioner or the petitioner's children. Nothing in this subdivision shall be construed as altering the terms of, liability for, or parties to such lease or rental agreement; or
  - (12) Ordering a wireless service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to a petitioner pursuant to § 36-3-621.
- (b) Relief granted pursuant to subdivisions (a)(4)-(8) shall be ordered only after the petitioner and respondent have been given an opportunity to be heard by the court.
  - (c) Any order of protection issued under this part shall include the statement of the maximum penalty that may be imposed pursuant to § 36-3-610 for violating such order.

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- (d) No order of protection made under this part shall in any manner affect title to any real property.
- (e) An order of protection issued pursuant to this part shall be valid and enforceable in any county of this state.
- (f) An order of protection issued pursuant to this part that fully complies with 18 U.S.C. § 922(g)(8) shall contain disclosures set out in § 36-3-625(a).

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### 14. RESTITUTION

#### TENN. CODE ANN. § 39-14-202. Cruelty to animals.

- (a) A person commits an offense who intentionally or knowingly:
- (1) Tortures, maims or grossly overworks an animal;
  - (2) Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody;
  - (3) Abandons unreasonably an animal in the person's custody;
  - (4) Transports or confines an animal in a cruel manner; or
  - (5) Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.
- (b) A person commits an offense who knowingly ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury as defined in § 39-11-106.
- (c) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.
- (d) Whenever any person is taken into custody by any officer for violation of subdivision (a)(4), the officer may take charge of the vehicle or conveyance, and its contents, used by the person to transport the animal. The officer shall deposit these items in a safe place for custody. *Any necessary expense incurred for taking charge of and sustaining the same shall be a lien thereon, to be paid before the same can lawfully be recovered; or the expenses, or any part thereof, remaining unpaid may be recovered by the person incurring the same of the owners of the animal in an action therefor.*
- (e) In addition to the penalty imposed in subsection (g), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit the animal or animals whose treatment was the basis of the conviction. Custody shall be given to a humane society incorporated under the laws of this state. The court may prohibit the person convicted from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals.
- (f)
- (1) Nothing in this section shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of that animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal.
  - (2) It is an offense for a person other than a law enforcement officer acting with probable cause to knowingly interfere with the performance of any agricultural practices permitted by subdivision (f)(1).



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- (3) An offense under subdivision (f)(2) is a Class B misdemeanor.
- (g)
  - (1) Cruelty to animals is a Class A misdemeanor.
  - (2) A second or subsequent conviction for cruelty to animals is a Class E felony.
  - (3) Violation of any prohibition or restriction imposed by the sentencing court pursuant to subdivision (e) is a Class A misdemeanor.

### Tenn. Code Ann. § 39-14-207. Impounding animals; care.

- (a) In case any impounded animal is without necessary food and water for more than twelve (12) successive hours, it is lawful for any person, as often as necessary, to enter any place in which any animal is so confined, and to supply it with necessary food and water so long as it remains so confined. Such person shall not be liable to any action for such entry, *and the reasonable cost of such food and water may be collected from the owner or keeper of the animal. The animal shall not be exempt from levy and sale upon execution issued upon a judgment therefor.*
- (b) In case any animal is injured, diseased, suffering from the elements, or malnourished, and is found at large by any agent of any humane society chartered by the state, the agent may cause adequate veterinary treatment or shelter or nourishment to be furnished to the animal. *The society shall have a right of action against the owner of the animal for all necessary and reasonable expenses so incurred.* Within forty-eight (48) hours after taking custody of the animal, the society shall make reasonable efforts to notify the owner of the animal's whereabouts and condition. Nothing in this subsection shall affect the right of action of the veterinarian or furnisher of goods or services against the person or persons with whom such veterinarian or furnisher of goods or services contracted for payment of charges. *Any such right of action by a humane society may be voided by an owner who elects to forfeit the animal to the society rather than pay for the goods or services rendered.*

### TENN. CODE ANN. § 39-14-210. Humane societies.

- (a) The agents of any society which is incorporated for the prevention of cruelty to animals, upon being appointed thereto by the president of such society in any county, may, within such county, make arrests, and bring before any court thereof offenders found violating the provisions of this part with regard to non-livestock animals.
- (b) Any officers, agents, or members of such society may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in such person's presence. Any person who interferes with or obstructs any such officer, agent, or member in the discharge of this duty commits a Class C misdemeanor.
- (c) Any agent or officer of such society may lawfully destroy, or cause to be destroyed, any animal found abandoned or otherwise:

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- (1) Which is not properly cared for, appearing, in the judgment of two (2) reputable citizens, who are experts, called to view the same in the agent's or officer's presence, to be glandered, injured or diseased past humane recovery; or
  - (2) After a holding period of not less than seventy-two (72) hours and after having made a reasonable effort to locate and notify the owners, for the purpose of animal population control. If the animal bears any notification information on an identification tag or collar, or on a chip, if the agent or officer of the society has the use of a chip reader, the reasonable effort to locate and notify the animal's owners must be made within forty-eight (48) hours of the time that the society takes custody of the animal or, if the animal is taken into custody on a Friday, within two (2) business days of the date that the society takes custody of the animal.
- (d) *All fines, penalties and forfeitures imposed and collected in any county, under provisions relating to or in any way affecting animals, shall inure to such society in aid of the purpose for which it was incorporated, and no injunction shall be granted against such society or attorney or its officers or agents, except upon motion, after due notice and hearing.*
- (e) *Any humane society chartered by the state, into whose custody shall lawfully come any animal, shall have a lien on that animal for the reasonable value of the goods and services necessarily rendered by, or at the instance of, the society to that animal.*
- (f) Upon seizure by law enforcement, custody of any animal victimized under this part shall be placed with any governmental animal control agency, law enforcement agency, or their designee. The governmental animal control agency, law enforcement agency, or their designee shall assist the animal and preserve evidence for prosecution.
- (g)
- (1)
    - (A) *Any governmental animal control agency, law enforcement agency, or their designee into whose custody any animal victimized under this part is placed, may petition the court requesting that the person from whom the animal is seized, or the owner of the seized animal, be ordered to post security.*
    - (B) *The security shall be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the governmental animal control agency, law enforcement agency, or their designee in caring and providing for the animal pending disposition of the criminal charges.*
    - (C) *Reasonable expenses include, but are not necessarily limited to, the estimated costs of veterinary care and treatment for the animal as well as the estimated costs of boarding and otherwise caring for the animal.*
    - (D) *The amount of security shall be determined by the court after taking into consideration all of the facts and circumstances of the case. If the posting of security is ordered pursuant to this subsection (g), then the governmental animal control agency, law enforcement agency, or their designee may draw from the security the actual costs incurred in caring*

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*and providing for the seized animal pending disposition of criminal charges.*

- (2) the person from whom the animal is seized is the owner of the animal and the person has not posted the security ordered pursuant to subdivision (g)(1) within ten (10) business days following the issuance of a security order, the animal shall be deemed to have been abandoned and shall be forfeited to the governmental animal control agency, law enforcement agency, or their designee for disposition in accordance with reasonable practices for the humane treatment of animals. However, if the person from whom the animal was seized is not the owner of the animal and the person has not posted the court-ordered security within fifteen (15) days, the court shall order the governmental animal control agency, law enforcement agency, or their designee to make all reasonable efforts to determine who the owner of the animal is and to notify the owner of the pending proceeding.
- (3) No animal shall be deemed to have been abandoned and forfeited to the governmental animal control agency, law enforcement agency, or their designee until reasonable attempts to determine and notify the owner have been made. If the owner of the animal cannot be located after reasonable efforts or the owner is located and notified but does not post, within ten (10) business days, the court-ordered security plus the costs reasonably incurred by the governmental animal control agency, law enforcement agency, or their designee for housing and caring for the animal since its seizure, the animal shall be deemed to have been abandoned and shall be forfeited to the governmental animal control agency, law enforcement agency, or their designee for disposition in accordance with reasonable practices for the humane treatment of animals.
- (4) Nothing in this subsection (g) shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to a governmental animal control agency, law enforcement agency, or their designee in lieu of posting security. The voluntary relinquishment has no effect on the outcome of the criminal charges.

### **TENN. CODE ANN. § 39-14-212. Aggravated cruelty to animals; definitions; penalties.**

- (a) A person commits aggravated cruelty to animals when, with aggravated cruelty and with no justifiable purpose, such person intentionally kills or intentionally causes serious physical injury to a companion animal.
- (b) For purposes of this section:
  - (1) “Aggravated cruelty” means conduct which is done or carried out in a depraved and sadistic manner and which tortures or maims an animal including the failure to provide food and water to a companion animal resulting in a substantial risk of death or death;
  - (2) “Companion animal” means any non-livestock animal as defined in § 39-14-

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201(3);

(3) “Elderly” means any person sixty-five (65) years of age or older; and

(4) “Minor” means any person under eighteen (18) years of age.

(c) Subsection (a) is not to be construed to prohibit or interfere with the following endeavors:

(1) Dispatching an animal in any manner absent of aggravated cruelty;

(2) Engaging in lawful hunting, trapping, or fishing activities, including activities commonly associated with the hunting of small game as defined in § 70-1-101(a);

(3) Dispatching rabid or diseased animals;

(4) Dispatching animals posing a clear and immediate threat to human safety;

(5) Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;

(6) Performing accepted veterinary medical practices or treatments;

(7) Dispatching animals in accordance with § 44-17-403(e);

(8) Engaging, with the consent of the owner of a farm animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such animal;

(9) Dispatching wild or abandoned animals on a farm or residential real property; or

(10) Applying methods and equipment used to train animals.

(d) Aggravated cruelty to animals is a Class E felony.

(e) In addition to the penalty imposed by subsection (d), the sentencing court shall order the defendant to surrender custody and forfeit all companion animals as defined in subdivision (b)(2), and may award custody of the animals to the agency presenting the case. Notwithstanding § 40–35–111, the court shall prohibit the defendant from having custody of companion animals for at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court may also impose any other reasonable restrictions on the person's custody of other animals as is necessary for the protection of the animals. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.

(f) In addition to the penalty imposed by subsection (d), the court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.

(g) If a defendant convicted of a violation of this section resides in a household with minor children or elderly individuals, the court may, within fifteen (15) days, send notification of the conviction to the appropriate protective agencies.

(h) *In addition to the penalty imposed by subsection (d), the defendant may be held liable to the impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case.*

(i)

## ANIMAL PROTECTION LAWS OF TENNESSEE

- (1) *In addition to the penalty imposed by subsection (d), the defendant may be held liable to the owner of the animal for damages.*
- (2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.
- (j) If a juvenile is found to be within the court's jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals or would be a criminal violation involving arson, then the court may order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court may order that treatment.
- (k) This section does not preclude the court from entering any other order of disposition allowed under this chapter.
- (l) This section is not to be construed to change, modify, or amend any provision of title 70, involving fish and wildlife;
- (m) This section does not apply to activities or conduct that are prohibited by § 39-14-203;
- (n) This section does not apply to equine animals or to animals defined as livestock by § 39-14-201;

### TENN. CODE ANN. § 39-14-214. Sexual activity with animals.

- (a) A person commits an offense who knowingly:
  - (1) Engages in any sexual activity with an animal;
  - (2) Causes, aids, or abets another person to engage in any sexual activity with an animal;
  - (3) Permits any sexual activity with an animal to be conducted on any premises under the person's charge or control;
  - (4) Engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual activity with an animal for a commercial or recreational purpose; or
  - (5) Photographs or films, for purposes of sexual gratification, a person engaged in a sexual activity with an animal.
- (b) A violation of this section is a Class E felony.
- (c) *In addition to the penalty imposed in subsection (b):*
  - (1) *The court may order that the convicted person do any of the following:*
    - (A) Not harbor or own animals or reside in any household where animals are present;
    - (B) Participate in appropriate counseling at the defendant's expense; or,
    - (C) *Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in*

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*subsection (a); and*

- (2) Notwithstanding § 40–35–111, the court shall prohibit the convicted person from having custody of any companion animal, as defined in § 39–14–212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.
- (d) Nothing in this section may be considered to prohibit accepted animal husbandry practices or accepted veterinary medical practices.
- (e) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (f) For purposes of this section:
  - (1) “Animal” has the same meaning as the term is defined in § 63-12-103;
  - (2) “Photographs” or “films” means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image; and
  - (3) “Sexual activity” means physical sexual contact between the person and the animal.

## ANIMAL PROTECTION LAWS OF TENNESSEE

## 15. FORFEITURE &amp; POSSESSION BANS

## TENN. CODE ANN. § 39-14-202. Cruelty to animals.

- (a) A person commits an offense who intentionally or knowingly:
- (1) Tortures, maims or grossly overworks an animal;
  - (2) Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody;
  - (3) Abandons unreasonably an animal in the person's custody;
  - (4) Transports or confines an animal in a cruel manner; or
  - (5) Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.
- (b) A person commits an offense who knowingly ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury as defined in § 39-11-106.
- (c) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.
- (d) Whenever any person is taken into custody by any officer for violation of subdivision (a)(4), the officer may take charge of the vehicle or conveyance, and its contents, used by the person to transport the animal. The officer shall deposit these items in a safe place for custody. Any necessary expense incurred for taking charge of and sustaining the same shall be a lien thereon, to be paid before the same can lawfully be recovered; or the expenses, or any part thereof, remaining unpaid may be recovered by the person incurring the same of the owners of the animal in an action therefor.
- (e) *In addition to the penalty imposed in subsection (g), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit the animal or animals whose treatment was the basis of the conviction. Custody shall be given to a humane society incorporated under the laws of this state. The court may prohibit the person convicted from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals.*
- (f)
- (1) Nothing in this section shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of that animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal.
  - (2) It is an offense for a person other than a law enforcement officer acting with probable cause to knowingly interfere with the performance of any agricultural practices permitted by subdivision (f)(1).



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- (3) An offense under subdivision (f)(2) is a Class B misdemeanor.
- (g)
  - (1) Cruelty to animals is a Class A misdemeanor.
  - (2) A second or subsequent conviction for cruelty to animals is a Class E felony.
  - (3) Violation of any prohibition or restriction imposed by the sentencing court pursuant to subdivision (e) is a Class A misdemeanor.

### TENN. CODE ANN. § 39-14-203. Cock and animal fighting.

- (a) It is unlawful for any person to:
  - (1) Own, possess, keep, use or train any bull, bear, dog, cock, swine or other animal, for the purpose of fighting, baiting or injuring another such animal, for amusement, sport or gain;
  - (2) Cause, for amusement, sport or gain, any animal referenced in subdivision (a)(1) to fight, bait or injure another animal, or each other;
  - (3) Permit any acts stated in subdivisions (a)(1) and (2) to be done on any premises under the person's charge or control, or aid or abet those acts;
  - (4) Be knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition for the fighting, baiting or injuring of any animal, with the intent to be present at the exhibition, fighting, baiting or injuring;
  - (5) Knowingly cause a person under eighteen (18) years of age to attend an animal fight; or
  - (6) Possess, own, buy, sell, transfer, or manufacture cock fighting paraphernalia with the intent that the paraphernalia be used in promoting, facilitating, training for, or furthering cock fighting.
- (b) It is the legislative intent that the provisions of this section shall not apply to the training or use of hunting dogs for sport or to the training or use of dogs for law enforcement purposes.
- (c)
  - (1) Except for any offense involving a cock, an offense under subdivisions (a)(1)-(3) is a Class E felony. *Notwithstanding § 40-35-111, in addition to any other penalty imposed, the court shall prohibit the defendant from having custody of any companion animal, as defined in § 39-14-212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this subdivision (c)(1) from having custody of any companion animal for the person's lifetime.*
  - (2) An offense involving a cock under subdivisions (a)(1)-(3) is a Class A misdemeanor.
- (d)
  - (1) An offense under subdivision (a)(4) or (a)(6) is a Class A misdemeanor.



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- (2) A violation of subdivision (a)(5) is a Class A misdemeanor. Notwithstanding § 40-35-111(e)(1), the fine for a violation of subdivision (a)(5) shall be not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500).
- (e) It is not an offense to own, possess or keep cocks, or aid or abet the ownership, possession or keeping of cocks, for the sole purpose of selling or transporting cocks to a location in which possession or keeping of cocks is legal, as long as it does not violate any other part of this section or federal law.
- (f)
- (1) For purposes of this section, “cock fighting paraphernalia” means gaffs, slashers, heels, or any other sharp implement designed to be attached in place of the natural spur of a cock or game fowl.
  - (2) In determining whether a particular object is cock fighting paraphernalia, the court or other authority making that determination may, in addition to all other logically relevant factors, consider the following:
    - (A) Statements by the owner or anyone in control of the object concerning its use;
    - (B) Prior convictions, if any, of the owner or of anyone in control of the object for violation of any state or federal law relating to cock fighting or any other violation of this part;
    - (C) The presence and condition of any animal on the same property;
    - (D) Instructions, oral or written, provided with the object concerning its use;
    - (E) Descriptive materials accompanying the object that explain or depict its use;
    - (F) The manner in which the object is displayed for sale;
    - (G) The existence and scope of legitimate uses for the object in the community; and
    - (H) Expert testimony concerning its use.

### TENN. CODE ANN. § 39-14-210. Humane societies.

- (a) The agents of any society which is incorporated for the prevention of cruelty to animals, upon being appointed thereto by the president of such society in any county, may, within such county, make arrests, and bring before any court thereof offenders found violating the provisions of this part with regard to non-livestock animals.
- (b) Any officers, agents, or members of such society may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in such person’s presence. Any person who interferes with or obstructs any such officer, agent, or member in the discharge of this duty commits a Class C misdemeanor.
- (c) *Any agent or officer of such society may lawfully destroy, or cause to be destroyed, any animal found abandoned or otherwise:*
  - (1) *Which is not properly cared for, appearing, in the judgment of two (2) reputable*

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*citizens, who are experts, called to view the same in the agent's or officer's presence, to be glandered, injured or diseased past humane recovery; or*

- (2) *After a holding period of not less than seventy-two (72) hours and after having made a reasonable effort to locate and notify the owners, for the purpose of animal population control. If the animal bears any notification information on an identification tag or collar, or on a chip, if the agent or officer of the society has the use of a chip reader, the reasonable effort to locate and notify the animal's owners must be made within forty-eight (48) hours of the time that the society takes custody of the animal or, if the animal is taken into custody on a Friday, within two (2) business days of the date that the society takes custody of the animal.*
- (d) All fines, penalties and forfeitures imposed and collected in any county, under provisions relating to or in any way affecting animals, shall inure to such society in aid of the purpose for which it was incorporated, and no injunction shall be granted against such society or attorney or its officers or agents, except upon motion, after due notice and hearing.
- (e) Any humane society chartered by the state, into whose custody shall lawfully come any animal, shall have a lien on that animal for the reasonable value of the goods and services necessarily rendered by, or at the instance of, the society to that animal.
- (f) Upon seizure by law enforcement, custody of any animal victimized under this part shall be placed with any governmental animal control agency, law enforcement agency, or their designee. The governmental animal control agency, law enforcement agency, or their designee shall assist the animal and preserve evidence for prosecution.
- (g)
- (1)
- (A) Any governmental animal control agency, law enforcement agency, or their designee into whose custody any animal victimized under this part is placed, may petition the court requesting that the person from whom the animal is seized, or the owner of the seized animal, be ordered to post security.
- (B) The security shall be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the governmental animal control agency, law enforcement agency, or their designee in caring and providing for the animal pending disposition of the criminal charges.
- (C) Reasonable expenses include, but are not necessarily limited to, the estimated costs of veterinary care and treatment for the animal as well as the estimated costs of boarding and otherwise caring for the animal.
- (D) The amount of security shall be determined by the court after taking into consideration all of the facts and circumstances of the case. If the posting of security is ordered pursuant to this subsection (g), then the governmental animal control agency, law enforcement agency, or their designee may draw from the security the actual costs incurred in caring

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and providing for the seized animal pending disposition of criminal charges.

- (2) *If the person from whom the animal is seized is the owner of the animal and the person has not posted the security ordered pursuant to subdivision (g)(1) within ten (10) business days following the issuance of a security order, the animal shall be deemed to have been abandoned and shall be forfeited to the governmental animal control agency, law enforcement agency, or their designee for disposition in accordance with reasonable practices for the humane treatment of animals. However, if the person from whom the animal was seized is not the owner of the animal and the person has not posted the court-ordered security within fifteen (15) days, the court shall order the governmental animal control agency, law enforcement agency, or their designee to make all reasonable efforts to determine who the owner of the animal is and to notify the owner of the pending proceeding.*
- (3) No animal shall be deemed to have been abandoned and forfeited to the governmental animal control agency, law enforcement agency, or their designee until reasonable attempts to determine and notify the owner have been made. If the owner of the animal cannot be located after reasonable efforts or the owner is located and notified but does not post, within ten (10) business days, the court-ordered security plus the costs reasonably incurred by the governmental animal control agency, law enforcement agency, or their designee for housing and caring for the animal since its seizure, the animal shall be deemed to have been abandoned and shall be forfeited to the governmental animal control agency, law enforcement agency, or their designee for disposition in accordance with reasonable practices for the humane treatment of animals.
- (4) *Nothing in this subsection (g) shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to a governmental animal control agency, law enforcement agency, or their designee in lieu of posting security. The voluntary relinquishment has no effect on the outcome of the criminal charges.*

### TENN. CODE ANN. § 39-14-212. Aggravated cruelty to animals; definitions; penalties.

- (a) A person commits aggravated cruelty to animals when, with aggravated cruelty and with no justifiable purpose, such person intentionally kills or intentionally causes serious physical injury to a companion animal.
- (b) For purposes of this section:
- (1) “Aggravated cruelty” means conduct which is done or carried out in a depraved and sadistic manner and which tortures or maims an animal including the failure to provide food and water to a companion animal resulting in a substantial risk of death or death;
  - (2) “Companion animal” means any non-livestock animal as defined in § 39-14-

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201(3);

(3) “Elderly” means any person sixty-five (65) years of age or older; and

(4) “Minor” means any person under eighteen (18) years of age.

(c) Subsection (a) is not to be construed to prohibit or interfere with the following endeavors:

(1) Dispatching an animal in any manner absent of aggravated cruelty;

(2) Engaging in lawful hunting, trapping, or fishing activities, including activities commonly associated with the hunting of small game as defined in § 70-1-101(a);

(3) Dispatching rabid or diseased animals;

(4) Dispatching animals posing a clear and immediate threat to human safety;

(5) Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;

(6) Performing accepted veterinary medical practices or treatments;

(7) Dispatching animals in accordance with § 44-17-403(e);

(8) Engaging, with the consent of the owner of a farm animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such animal;

(9) Dispatching wild or abandoned animals on a farm or residential real property; or

(10) Applying methods and equipment used to train animals.

(d) Aggravated cruelty to animals is a Class E felony.

(e) *In addition to the penalty imposed by subsection (d), the sentencing court shall order the defendant to surrender custody and forfeit all companion animals as defined in subdivision (b)(2), and may award custody of the animals to the agency presenting the case. Notwithstanding § 40–35–111, the court shall prohibit the defendant from having custody of companion animals for at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court may also impose any other reasonable restrictions on the person's custody of other animals as is necessary for the protection of the animals. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.*

(f) In addition to the penalty imposed by subsection (d), the court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.

(g) If a defendant convicted of a violation of this section resides in a household with minor children or elderly individuals, the court may, within fifteen (15) days, send notification of the conviction to the appropriate protective agencies.

(h) In addition to the penalty imposed by subsection (d), the defendant may be held liable to the impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case.

(i)

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- (1) In addition to the penalty imposed by subsection (d), the defendant may be held liable to the owner of the animal for damages.
- (2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.
- (j) If a juvenile is found to be within the court's jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals or would be a criminal violation involving arson, then the court may order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court may order that treatment.
- (k) This section does not preclude the court from entering any other order of disposition allowed under this chapter.
- (l) This section is not to be construed to change, modify, or amend any provision of title 70, involving fish and wildlife;
- (m) This section does not apply to activities or conduct that are prohibited by § 39-14-203;
- (n) This section does not apply to equine animals or to animals defined as livestock by § 39-14-201;

### TENN. CODE ANN. § 39-14-214. Sexual activity with animals.

- (a) A person commits an offense who knowingly:
  - (1) Engages in any sexual activity with an animal;
  - (2) Causes, aids, or abets another person to engage in any sexual activity with an animal;
  - (3) Permits any sexual activity with an animal to be conducted on any premises under the person's charge or control;
  - (4) Engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual activity with an animal for a commercial or recreational purpose; or
  - (5) Photographs or films, for purposes of sexual gratification, a person engaged in a sexual activity with an animal.
- (b) A violation of this section is a Class E felony.
- (c) *In addition to the penalty imposed in subsection (b):*
  - (1) *The court may order that the convicted person do any of the following:*
    - (A) *Not harbor or own animals or reside in any household where animals are present;*
    - (B) *Participate in appropriate counseling at the defendant's expense; or,*
    - (C) *Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed*

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- in subsection (a); and
- (2) *Notwithstanding § 40–35–111, the court shall prohibit the convicted person from having custody of any companion animal, as defined in § 39–14–212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.*
- (d) Nothing in this section may be considered to prohibit accepted animal husbandry practices or accepted veterinary medical practices.
- (e) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (f) For purposes of this section:
- (1) “Animal” has the same meaning as the term is defined in § 63-12-103;
  - (2) “Photographs” or “films” means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image; and
  - (3) “Sexual activity” means physical sexual contact between the person and the animal.

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### 16. COURT-ORDERED TREATMENT

#### TENN. CODE ANN. § 39-14-212. Aggravated cruelty to animals; definitions; penalties.

- (a) A person commits aggravated cruelty to animals when, with aggravated cruelty and with no justifiable purpose, such person intentionally kills or intentionally causes serious physical injury to a companion animal.
- (b) For purposes of this section:
- (1) “Aggravated cruelty” means conduct which is done or carried out in a depraved and sadistic manner and which tortures or maims an animal including the failure to provide food and water to a companion animal resulting in a substantial risk of death or death;
  - (2) “Companion animal” means any non-livestock animal as defined in § 39-14-201(3);
  - (3) “Elderly” means any person sixty-five (65) years of age or older; and
  - (4) “Minor” means any person under eighteen (18) years of age.
- (c) Subsection (a) is not to be construed to prohibit or interfere with the following endeavors:
- (1) Dispatching an animal in any manner absent of aggravated cruelty;
  - (2) Engaging in lawful hunting, trapping, or fishing activities, including activities commonly associated with the hunting of small game as defined in § 70-1-101(a);
  - (3) Dispatching rabid or diseased animals;
  - (4) Dispatching animals posing a clear and immediate threat to human safety;
  - (5) Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;
  - (6) Performing accepted veterinary medical practices or treatments;
  - (7) Dispatching animals in accordance with § 44-17-403(e);
  - (8) Engaging, with the consent of the owner of a farm animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such animal;
  - (9) Dispatching wild or abandoned animals on a farm or residential real property; or
  - (10) Applying methods and equipment used to train animals.
- (d) Aggravated cruelty to animals is a Class E felony.
- (e) In addition to the penalty imposed by subsection (d), the sentencing court shall order the defendant to surrender custody and forfeit all companion animals as defined in subdivision (b)(2), and may award custody of the animals to the agency presenting the case. Notwithstanding § 40-35-111, the court shall prohibit the defendant from having custody of companion animals for at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court may also impose any other reasonable restrictions on the person's custody of other animals as is necessary for the protection of the animals. The court shall prohibit any person convicted of a second or subsequent



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offense under this section from having custody of any companion animal for the person's lifetime.

- (f) *In addition to the penalty imposed by subsection (d), the court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.*
- (g) If a defendant convicted of a violation of this section resides in a household with minor children or elderly individuals, the court may, within fifteen (15) days, send notification of the conviction to the appropriate protective agencies.
- (h) In addition to the penalty imposed by subsection (d), the defendant may be held liable to the impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case.
- (i)
  - (1) In addition to the penalty imposed by subsection (d), the defendant may be held liable to the owner of the animal for damages.
  - (2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.
- (j) *If a juvenile is found to be within the court's jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals or would be a criminal violation involving arson, then the court may order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court may order that treatment.*
- (k) This section does not preclude the court from entering any other order of disposition allowed under this chapter.
- (l) This section is not to be construed to change, modify, or amend any provision of title 70, involving fish and wildlife;
- (m) This section does not apply to activities or conduct that are prohibited by § 39-14-203;
- (n) This section does not apply to equine animals or to animals defined as livestock by § 39-14-201;

### TENN. CODE ANN. § 39-14-214. Sexual activity with animals.

- (a) A person commits an offense who knowingly:
  - (1) Engages in any sexual activity with an animal;
  - (2) Causes, aids, or abets another person to engage in any sexual activity with an animal;
  - (3) Permits any sexual activity with an animal to be conducted on any premises under the person's charge or control;



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- (4) Engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual activity with an animal for a commercial or recreational purpose; or
  - (5) Photographs or films, for purposes of sexual gratification, a person engaged in a sexual activity with an animal.
- (b) A violation of this section is a Class E felony.
- (c) *In addition to the penalty imposed in subsection (b):*
- (1) *The court may order that the convicted person do any of the following:*
    - (A) Not harbor or own animals or reside in any household where animals are present;
    - (B) *Participate in appropriate counseling at the defendant's expense; or,*
    - (C) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in subsection (a); and
  - (2) Notwithstanding § 40–35–111, the court shall prohibit the convicted person from having custody of any companion animal, as defined in § 39–14–212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.
- (d) Nothing in this section may be considered to prohibit accepted animal husbandry practices or accepted veterinary medical practices.
- (e) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (f) For purposes of this section:
- (1) “Animal” has the same meaning as the term is defined in § 63-12-103;
  - (2) “Photographs” or “films” means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image; and
  - (3) “Sexual activity” means physical sexual contact between the person and the animal.

### TENN. CODE ANN. § 39-14-217. Aggravated Cruelty to Livestock Animal.

- (a) As used in this section only, “livestock” means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, and goats.
- (b) Except as provided in subsections (d) and (e), a person commits aggravated cruelty to a livestock animal who, in a depraved and sadistic manner, intentionally engages in any of the conduct described in subdivisions (c)(1) - (12), the conduct results in serious bodily

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injury to the animal or the death of the animal, and is without justifiable or lawful purpose.

- (c) The following conduct constitutes aggravated cruelty to livestock animals if accomplished in the manner described in subsection (b):
- (1) Setting an animal on fire;
  - (2) Burning an animal with any hot object;
  - (3) Cutting or stabbing an animal with any object;
  - (4) Causing blunt force trauma to an animal;
  - (5) Securing an animal to a vehicle and dragging it;
  - (6) Blinding an animal;
  - (7) Applying acid or other caustic substance or chemical to any exposed area of an animal or forcing the animal to ingest the substance;
  - (8) Hanging a living animal;
  - (9) Skinning an animal while it is still alive;
  - (10) Administering electric shock to an animal;
  - (11) Drowning an animal; or
  - (12) Shooting an animal with a weapon.
- (d) Subsections (b) and (c) shall not be construed to apply to, prohibit or interfere with the following:
- (1) Any provision of Title 70, involving fish and wildlife, or any hunting, trapping, or fishing activities lawful under such title;
  - (2) Activities or conduct that are prohibited by Section 39-14-203; or
  - (3) Dispatching an animal in any manner not prohibited by this section.
- (e) The following shall not be construed as aggravated cruelty to a livestock animal as defined in this section:
- (1) Dispatching rabid, diseased, sick or injured livestock animals;
  - (2) Dispatching livestock animals posing a clear and immediate threat to human safety;
  - (3) Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;
  - (4) Performing accepted veterinary medical practices or treatments;
  - (5) Engaging, with the consent of the owner of a livestock animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal;
  - (6) Dispatching wild or abandoned livestock animals on a farm or residential real property; or
  - (7) Applying methods and equipment used to train livestock animals.
- (f) In addition to the penalty imposed by subsection (j), the defendant may be held liable to:
- (1) The owner of the livestock animal for damages; and
  - (2) The impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case.
- (g) In addition to the penalty imposed by subsection (j), the sentencing court may order the

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defendant to surrender custody and forfeit all livestock animals, and may award custody of the animals to the agency presenting the case. The court may prohibit the defendant from having custody of other livestock animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of livestock animals as is necessary for the protection of the animals.

- (h) *In addition to the penalty imposed by subsection (j), the court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.*
- (i) This section does not preclude the court from entering any other order of disposition allowed under this chapter.
- (j) Aggravated cruelty to a livestock animal is a Class E felony.

**ANIMAL PROTECTION LAWS OF TENNESSEE****17. HOT CARS****TENN. CODE ANN. § 29-34-209. Forcible entry of a motor vehicle for purposes of removing a minor or an animal.**

- (a) *A person whose conduct conforms to the requirements of subsection (b) shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal from the vehicle.*
- (b) *Subsection (a) applies if the person:*
- (1) *Determines the vehicle is locked or there is otherwise no reasonable method for the minor or animal to exit the vehicle;*
  - (2) *Has a good faith belief that forcible entry into the vehicle is necessary because the minor or animal is in imminent danger of suffering harm if not immediately removed from the vehicle and, based upon the circumstances known to the person at the time, the belief is a reasonable one;*
  - (3) *Has contacted either the local law enforcement agency, the fire department, or a 911 operator prior to forcibly entering the vehicle;*
  - (4) *Places a notice on the vehicle's windshield with the person's contact information, the reason the entry was made, the location of the minor or animal, and the fact that the authorities have been notified;*
  - (5) *Remains with the minor or animal in a safe location, out of the elements but reasonably close to the vehicle, until law enforcement, fire, or another emergency responder arrives; and*
  - (6) *Used no more force to enter the vehicle and remove the child or animal from the vehicle than was necessary under the circumstances.*
- (c) *Nothing in this section shall affect the person's civil liability if the person attempts to render aid to the minor or animal in addition to what is authorized by this section.*

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**ANIMAL PROTECTION LAWS OF TENNESSEE**

**18. CIVIL NUISANCE ABATEMENT**

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**ANIMAL PROTECTION LAWS OF TENNESSEE**

**19. AG-GAG LAWS**

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**ANIMAL PROTECTION LAWS OF TENNESSEE**

**20. BREED SPECIFIC LEGISLATION**

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