

HOUSE BILL 94

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 44, relative to animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, is amended by adding the following language as a new, appropriately designated chapter:

44-21-101.

As used in this chapter:

(1) "Animal" means a domesticated living creature or a wild creature previously captured;

(2)

(A) Except as provided in subdivision (2)(B), "dangerous animal" means:

(i) Any domesticated animal that, without provocation, bites, attacks, or endangers the safety of a human or other animal on public or private property;

(ii) Any domesticated animal which because of its physical nature and vicious propensity is capable of causing serious bodily injury, as defined by § 39-11-106, or death to humans or other animals and would constitute a danger to human life or property;
or

(iii) Any domesticated animal that behaves in such a manner that the owner knows or should reasonably know that the

animal is possessed of tendencies to attack humans or other animals;

(B) "Dangerous animal" does not include:

(i) Any police animal that bites, attacks, or endangers the safety of a human when the animal is being used by a law enforcement officer to carry out official duties;

(ii) Any animal that attacks a human in an enclosure in which the animal is being kept, if such enclosure is designed to prevent with reasonable certainty the animal from leaving the enclosure on its own; or

(iii) Any animal that bites, attacks, or endangers the safety of a human while a human is committing or attempting to commit a trespass or other criminal offense on the property of the owner of the animal;

(3) "Domesticated animal" means any non-livestock animal of a tamable disposition that normally lives in or about the household of its owner; contributes to the support of the owner or the owner's family; or is by custom devoted to the service of humans at the time and in the place in which it is kept;

(4) "Enclosure" means an area for keeping a dangerous, vicious, or wild animal securely confined indoors or in a securely enclosed and locked pen, fence, or structure while on the owner's property that is suitable to prevent the entry of young children and the escape of the animal. A pen or structure is designed to prevent with reasonable certainty an animal's escape if it has secure sides and a secure top, and, if the animal is enclosed within a fence, all sides of the fence are of sufficient height and the bottom of the fence is constructed or

secured in such a manner as to prevent the animal's escape either over or under the fence;

(5) "Owner" means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust who is vested with legal ownership or title to an animal and regularly keeps, harbors, possesses, or exercises custody or control of such animal within this state;

(6) "Police animal" means an animal that has been trained, and may be used, to assist a law enforcement officer in the performance of official duties;

(7)

(A) Except as provided in subdivision (7)(B), "vicious animal" means:

(i) Any domesticated animal that, without provocation, attacks a person or other animal on public or private property and causes serious bodily injury, as defined by § 39-11-106, or death to humans or other animals; or

(ii) Any domesticated animal that aggressively bites, attacks, or endangers the safety of humans or other animals, without provocation, after the owner has notice or knows that the dog has previously bitten, attacked, or endangered the safety of a human or other animal;

(B) "Vicious animal" does not include any of the following:

(i) Any police animal that causes serious bodily injury, as defined by § 39-11-106, or death to a human when the animal is being used by a law enforcement officer to carry out official duties;

(ii) Any animal that attacks a human or other animal in a enclosure in which the animal is being kept, if such enclosure is designed to prevent with reasonable certainty the animal from leaving the enclosure on its own; or

(iii) Any animal that causes serious bodily injury, as defined by § 39-11-106, or death to any human while a human is committing or attempting to commit a trespass or other criminal offense on the property of the owner of the animal;

(8) "Wild animal" means any animal of an untamable disposition that was taken from a state of nature, possessed by a human and placed in captivity, and that constitutes a danger to human life and property; and

(9) "Without provocation" means that an animal is not teased, tormented, hit, kicked, or abused by a person with any object or part of a person's body.

44-21-102.

(a) The department of agriculture, in consultation with the department of health, is authorized to organize and conduct an educational course on responsible ownership for owners of dangerous, vicious, or wild animals.

(b) Upon successful completion of the educational course described in subsection (a), the department of agriculture shall give the participant a certificate of completion.

(c) The department of agriculture is authorized to charge a fee to participants in the educational course sufficient to defray the costs of administering this chapter.

(d) The commissioner of agriculture and the commissioner of health are authorized to promulgate rules and regulations to effectuate the purposes of this

chapter. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

44-21-103.

(a) On or after July 1, 2012, it is an offense for any person to own a dangerous, vicious, or wild animal in this state without obtaining a certificate of completion of the educational course described in § 44-21-102 within sixty (60) days after the person knows or should have known that the animal is a dangerous, vicious, or wild animal.

(b) A violation of subsection (a) is a Class C misdemeanor, subject only to a fine of fifty dollars (\$50.00). Each day an owner is in violation of subsection (a) shall constitute a separate offense.

(c) Nothing in this section shall preclude prosecution under any other applicable offense.

(d) Nothing in this section shall limit any other requirements or restrictions imposed by law on owners of dangerous, vicious, or wild animals.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.