

HOUSE BILL 1010

By Marsh

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, Section 39-14-201, is amended by deleting subdivisions (2), (3), and (4) and substituting instead the following:

(2) "Livestock" means all equine and animals that 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 an animal that is not classified as livestock pursuant to this part, including, but not limited to, any:

(A) Pet normally maintained in or near the household of its owner, including, but not limited to, a dog, cat, pet rabbit, pet chick, pet duck, or pet pot-bellied pig;

(B) Wild creature previously captured; or

(C) Exotic animal;

(4) "Torture" means every act, omission, or neglect whereby death, unreasonable physical pain, or suffering is caused or permitted. "Torture" does not mean the shooting of birds or game for the purpose of human food or the use of animate targets by incorporated gun clubs.

SECTION 2. Tennessee Code Annotated, Section 39-14-202, is amended by deleting the section and substituting instead the following:

**39-14-202.**

(a) A person commits the offense of cruelty to non-livestock animals who intentionally or knowingly:

(1) Tortures, maims, or grossly overworks a non-livestock animal;

(2) Fails unreasonably to provide necessary food, water, care, or shelter for a non-livestock animal in the person's custody;

(3) Abandons unreasonably a non-livestock animal in the person's custody;

(4) Transports or confines a non-livestock animal in a cruel manner; or

(5) Ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury as defined in § 39-11-106.

(b) 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.

(c) Whenever a person is taken into custody by an 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 items shall constitute a lien against the items, to be paid before the items can lawfully be recovered; or the expenses, or any part of the expenses, remaining unpaid may be recovered by the person incurring the expenses from the owners of the animal in an action to recover the expenses.

(d) In addition to the penalty imposed in subsection (e), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit any non-livestock animal 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.

(e)

(1) Cruelty to a non-livestock animal is a Class A misdemeanor.

(2) A second or subsequent conviction for cruelty to a non-livestock animal is a Class E felony.

(3) A violation of any prohibition or restriction imposed by the sentencing court pursuant to subsection (d) is a Class A misdemeanor.

(f) This section does not apply to livestock. Section 44-1-104 applies exclusively to cruelty to livestock.

SECTION 3. Tennessee Code Annotated, Section 39-14-209, is amended by deleting the section.

SECTION 4. Tennessee Code Annotated, Section 39-14-210(f), is amended by deleting the language "under this part" and substituting instead the language "under this part or title 44, chapter 1, part 1,".

SECTION 5. Tennessee Code Annotated, Section 39-14-210(g)(1)(A), is amended by deleting the language "under this part" and substituting instead the language "under this part or title 44, chapter 1, part 1,".

SECTION 6. Tennessee Code Annotated, Section 39-14-211, is amended by deleting the section.

SECTION 7. Tennessee Code Annotated, Section 39-14-212(c), is amended by deleting subdivision (8).

SECTION 8. Tennessee Code Annotated, Section 39-14-212, is amended by deleting subsection (n) and substituting instead the following:

(n) This section does not apply to livestock. Section 44-1-105 applies exclusively to aggravated cruelty to livestock.

SECTION 9. Tennessee Code Annotated, Section 39-14-215(a), is amended by deleting subdivisions (4) and (5).

SECTION 10. Tennessee Code Annotated, Section 39-14-217, is amended by deleting the section.

SECTION 11. Tennessee Code Annotated, Title 44, Chapter 1, is amended by adding the following language as a new part:

**44-1-101.** This part shall be known and may be cited as the “Prevention of Cruelty to Livestock Act.”

**44-1-102.** As used in this part, unless the context otherwise requires:

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

(2) “Equine” means a horse, pony, mule, donkey, or hinny;

(3) “Livestock” means all equine and animals that 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;

(4) “Non-livestock animal” means an animal that is not classified as livestock pursuant to this part, including, but not limited to, any:

(A) Pet normally maintained in or near the household of its owner, including, but not limited to, a dog, cat, pet rabbit, pet chick, pet duck, or pet pot-bellied pig;

(B) Wild creature previously captured; or

(C) Exotic animal; and

(5) "Torture" means every act, omission, or neglect whereby death, unreasonable physical pain, or suffering is caused or permitted. "Torture" does not mean the shooting of birds or game for the purpose of human food or the use of animate targets by incorporated gun clubs.

**44-1-103.** This part applies to livestock. Unless otherwise specifically provided in this part, no provision shall be construed to affect the treatment of non-livestock animals.

**44-1-104.**

(a) A person commits the offense of cruelty to livestock who intentionally or knowingly:

- (1) Tortures, maims, or grossly overworks livestock;
- (2) Fails unreasonably to provide necessary food, water, care, or shelter for livestock in the person's custody;
- (3) Abandons unreasonably livestock in the person's custody;
- (4) Transports or confines livestock 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 equine in order to make them sore for any purpose including, but not limited to, competition in shows and similar events.

(b) 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.

(c) Whenever a person is taken into custody by an 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 livestock. The officer shall deposit these items in a safe place for custody. Any necessary expense incurred for taking charge of

and sustaining the items shall constitute a lien against the items, to be paid before the items can lawfully be recovered; or the expenses, or any part of the expenses, remaining unpaid may be recovered by the person incurring the expenses from the owners of the animal in an action to recover the expenses.

(d) In addition to the penalty imposed in subsection (f), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit any livestock whose treatment was the basis of the conviction. Custody shall be given to a humane society incorporated in 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.

(e)

(1) Nothing in this section shall be construed as prohibiting the owner of livestock 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.

(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 (e)(1).

(3) An offense under subdivision (e)(2) is a Class B misdemeanor.

(f)

(1) Cruelty to livestock is a Class A misdemeanor.

(2) A second or subsequent conviction for cruelty to livestock is a Class E felony.

(3) A violation of any prohibition or restriction imposed by the sentencing court pursuant to subsection (d) is a Class A misdemeanor.

**44-1-105.**

(a) Except as provided in subsections (c) and (d), a person commits aggravated cruelty to livestock who, in a depraved and sadistic manner, intentionally engages in any of the conduct described in subsection (b), the conduct results in serious bodily injury to the livestock or the death of the livestock, and is without justifiable or lawful purpose.

(b) The following conduct constitutes aggravated cruelty to livestock if accomplished in the manner described in subsection (a):

- (1) Setting livestock on fire;
- (2) Burning livestock with any hot object;
- (3) Cutting or stabbing livestock with any object;
- (4) Causing blunt force trauma to livestock;
- (5) Securing livestock to a vehicle and dragging it;
- (6) Blinding livestock;
- (7) Applying acid or other caustic substance or chemical to any exposed area of livestock, or forcing the livestock to ingest the substance;
- (8) Hanging living livestock;
- (9) Skinning livestock while it is still alive;
- (10) Administering electric shock to livestock;
- (11) Drowning livestock; or
- (12) Shooting livestock with a weapon.

(c) Subsections (a) and (b) 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 that title;

(2) Activities or conduct that are prohibited by § 39-14-203; or

(3) Dispatching livestock in any manner not prohibited by this section.

(d) The following shall not be construed as aggravated cruelty to livestock as defined in this section:

(1) Dispatching rabid, diseased, sick, or injured livestock;

(2) Dispatching livestock 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 livestock, in usual and customary practices that are accepted by colleges of agriculture or veterinary medicine with respect to the livestock;

(6) Dispatching wild or abandoned livestock on a farm or residential real property; or

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

(e) In addition to the penalty imposed by subsection (i), the defendant may be held liable to:

(1) The owner of the livestock 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.

(f) In addition to the penalty imposed by subsection (i), the sentencing court may order the defendant to surrender custody and forfeit all livestock, and may award



custody of the livestock to the agency presenting the case. The court may prohibit the defendant 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 is necessary for the protection of the animals.

(g) In addition to the penalty imposed by subsection (i), 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.

(h) This section does not preclude the court from entering any other order of disposition allowed under law.

(i) Aggravated cruelty to livestock is a Class E felony.

**44-1-106.**

(a) It is the duty of any person designated and acting as a ringmaster of any horse show or similar event to disqualify any horse determined by the ringmaster to be suffering from the causes set out in § 44-1-104(a)(5) from further participation in the event, and to make a report of the same, including the name of the horse, the owner of the horse, and the exhibitor of the horse, to the manager or chair of the event, who in turn shall report the same in writing to the district attorney general of the judicial district where the incident occurred for appropriate action.

(b) A violation of this duty is a Class C misdemeanor.

**44-1-107.** No entry onto the property of another, arrest, interference with usual and customary agricultural or veterinary practices, confiscation, or any other action authorized by this part or title 39, chapter 14, part 2, shall be taken in response to an allegation that this part or title 39, chapter 14, part 2, has been violated with regard to livestock unless, prior to or at the

same time as such action, the livestock in question is inspected by the county agricultural extension agent of the county, a graduate of an accredited college of veterinary medicine specializing in livestock practice, or a graduate from an accredited college of agriculture with a specialty in livestock. If the extension agent, veterinary college graduate specializing in livestock practice, or livestock specialist does not have probable cause to believe that a violation of this part or title 39, chapter 14, part 2, has occurred with regard to the livestock, no action against the owner of the livestock described in this section shall be taken. If a person authorized by this section does not make an inspection within twenty-four (24) hours of receipt of a complaint, then a licensed veterinarian may make the inspection.

SECTION 12. The Tennessee Farm Animal and Research Facilities Protection Act compiled in title 39, chapter 14, part 8, is transferred to title 44, chapter 1, part 2.

SECTION 13. This act shall take effect July 1, 2015, the public welfare requiring it.