

HOUSE BILL 1185

By Marsh

AN ACT to amend Tennessee Code Annotated, Title 70,
relative to game offenses.

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

SECTION 1. Tennessee Code Annotated, 70-4-116, is amended by deleting subsections (f) and (g) and substituting the following:

(f)

(1) In addition to the punishments authorized by subsections (d) and (e), any court that convicts a person of killing or possessing a white-tailed deer, wild turkey, bear, or wild elk in violation of this section may order that person to pay restitution for the animal to the agency in the following amount:

(A) Not less than one thousand five hundred dollars (\$1,500) for each bear or wild elk illegally killed or possessed; and

(B) Not less than one thousand dollars (\$1,000) for each white-tailed deer or wild turkey illegally killed or possessed.

(2) If the conviction is based on the killing or possession of a wild elk and the court orders restitution pursuant to subdivision (f)(1), in addition to any other relevant factors to consider when determining the amount of restitution, the court shall also include the costs associated with the reintroduction of a wild elk.

Notwithstanding any provision of law to the contrary, a farmland owner, lessee, or designee may take an elk found within a "no elk zone" when the owner, lessee, or designee reasonably believes the elk is causing or has caused damage to the owner's property. In all other situations, the farmland owner,

lessee, or designee shall first provide the agency an opportunity to relocate the elk. The "no elk zone" shall be defined by the commission.

(g) Any person who is ordered to pay restitution pursuant to subsection (f), shall also be ordered to pay additional restitution as follows:

(1) For an antlered wild elk or antlered white-tailed deer with at least eight (8) but not more than ten (10) points, five hundred dollars (\$500) for each point;

(2) For an antlered wild elk or antlered white-tailed deer with eleven (11) or more points, seven hundred fifty dollars (\$750) for each point; and

(3) For a female bear, three thousand dollars (\$3,000).

(h) If two (2) or more defendants are convicted of an offense involving the killing or possession of the same animal or animals for which restitution is ordered pursuant to this section, all of the defendants shall be jointly and severally liable for the full amount of the restitution.

(i) In addition to the punishments authorized by subsections (d) and (e), any court that convicts a person of killing or possessing a white-tailed deer, wild turkey, bear, or wild elk in violation of this section shall revoke any license that was issued to the person under this title until the person has paid in full all restitution that the court ordered the person to pay.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to all offenses that are committed on or after such date.