

SENATE BILL 1137

By Marrero

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, Chapter 17, Part 4, is amended by adding the following language as a new section:

44-17-405.

(a) For purposes of this section:

(1) "Animal control agency" means a county of municipal animal shelter, dog pound or animal control agency, private humane society, state, county or municipal law enforcement agency, or any combination thereof, that temporarily houses stray, unwanted or injured animals;

(2) "Owner" means a person who, at the time of the offense, regularly harbors, keeps or exercises control over a potentially vicious or vicious dog. "Owner" does not include a person who, at the time of the offense, is temporarily harboring, keeping or exercising control over the potentially vicious or vicious dog, including but not limited to animal control agencies or veterinary clinics;

(3) "Potentially vicious dog" means a dog that may reasonably be assumed to pose a threat to public safety because such dog has inflicted a bite causing bodily injury, as defined in § 39-11-106, to a person or domestic animal on two (2) or more separate occasions, unprovoked and off the property of the owner; and

(4) "Vicious dog" means any dog that without provocation and off the property of the owner, has attacked a person causing death or serious bodily injury, as defined by § 39-11-106, to such person.

(b) The owner of a potentially vicious or vicious dog commits an offense if such dog is not micro chipped for permanent identification within thirty (30) days of such dog's behavior meeting the classification of a potentially vicious or vicious dog as defined by this section.

(c) A violation of this section is a Class C misdemeanor, punishable by fine only.

(d)

(1) It is an affirmative defense to prosecution under subsection (b), which must be proven by a preponderance of the evidence, that the dog in question is micro chipped prior to the dog's behavior meeting the classification of a potentially vicious or vicious dog as defined by this section.

(2) Medical records from, or a certificate by, a person who is licensed by the person's state of residence as a doctor of veterinary medicine, whose license is in good standing and who has personally examined, inserted a microchip in or operated upon the dog, indicating that the dog in question has been micro chipped, shall be sufficient evidence that the dog in question has been micro chipped.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to all potentially vicious or vicious dogs as determined by the dog's behavior occurring on or after July 1, 2011.