

HOUSE BILL 741
By Williams (Wil)

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter
14, relative to cruelty to animals.

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

SECTION 1. Tennessee Code Annotated, Section 39-14-202(a)(1), is amended by deleting the language and punctuation "Tortures,".

SECTION 2. Tennessee Code Annotated, Section 39-14-202 is further amended by adding the following as new subsection (b) and by relettering the existing subsection (b) and subsequent subsections accordingly:

(b) "Torture" shall be defined as any act or omission that results in unreasonable and extreme physical pain, suffering or death and for which the person has no lawful or legitimate purpose or justification. A person commits the offense of aggravated cruelty who intentionally or knowingly tortures any animal.

SECTION 3. Tennessee Code Annotated, Section 39-14-202, is further amended by adding the following new subsections thereto:

() Nothing in this section shall be construed as prohibiting the owner of birds used for commercial purposes or someone acting on behalf of such owner from engaging in customary practices to ensure that the commercial properties of such birds are maintained.

() (1) It is the legislative intent that nothing in this section shall change, modify or amend in any way, any Title 70 fish and wildlife provision or any rule and regulation or

proclamation promulgated pursuant thereto nor shall this section apply to or interfere with any conduct or activity permitted or regulated pursuant thereto such as hunting, fishing, possessing, taking, killing, eating, or capturing fish and wildlife except that this section shall apply to persons in possession of captive wildlife pursuant to Title 70, Chapter 4, Part 4 in situations where there are no conflicts with the live wildlife provisions or with any rules or regulations or proclamations promulgated pursuant thereto.

(2) Should any court of competent jurisdiction determine any provision of this section to be a change, modification or amendment to Title 70 or to any rule and regulation or proclamation promulgated pursuant thereto, or should the court determine there to be an interference with any activity or to any rule and regulation or proclamation promulgated pursuant thereto, or should the court determine there to be an interference with any activity or conduct as described in subdivision (a), such provision shall be unenforceable as applied thereto.

() In no way shall the provisions of this section apply to normal and customary agricultural practices such as breeding programs, research facilities or the production, marketing and disposal of farm animals, livestock or exotic animals, including but not limited to, poultry, fish, shellfish or any other agricultural commodity produced in the state.

() The provisions of this section shall not apply to activities or conduct that is prohibited by Sections 39-14-203 and 39-14-204.

SECTION 4. Tennessee Code Annotated, Section 39-14-202, is further amended by deleting the existing subsection (f) in its entirety and by substituting instead the following new subsection:

(f)(1) Any person or persons who commit the offense of aggravated cruelty, upon conviction thereof, shall be guilty of a Class E felony.

(2) Except as otherwise provided in this section, an offense under this section is a Class A misdemeanor.

SECTION 5. This act shall take effect July 1, 1999, the public welfare requiring it.