

Amendment No. 1 to HB3122

DeBerry J
Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 2714*

House Bill No. 3122

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding sections 2 through 4 as a new part 5 thereto.

SECTION 2.

§38-1-501.

As used in this part:

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

(2) "Cruelty," "abuse," and "neglect" means every act, omission, or neglect whereby unreasonable physical pain, suffering, or death is caused or permitted;

(3) "Reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect animal cruelty, abuse, or neglect; and

(4) "Owner" means any person who is the legal owner, keeper, harbinger, possessor, or the actual custodian of an animal. "Owner" includes corporations as well as individuals.

SECTION 3.

§38-1-502.

(a) Any state, county or municipal employee of a child or adult protective services agency, while acting in a professional capacity or within the scope of employment, who has knowledge of or observes an animal whom the person knows or reasonably suspects has been the victim of cruelty, abuse, or neglect, shall report the

known or reasonably suspected animal cruelty, abuse, or neglect to the entity or entities that investigate reports of animal cruelty, abuse, and neglect in that county.

(b) The report required under subsection (a) may be made within two (2) working days of receiving the information concerning the animal by facsimile transmission of a written report presented in the form described in §38-1-503 or by telephone if all of the information that is required to be provided pursuant to §38-1-503 is furnished. In cases where an immediate response may be necessary in order to protect the health and safety of the animal or others, the report may be made by telephone as soon as possible.

(c) Unless a duty exists under current law, nothing in this section shall be construed to impose a duty to investigate known or reasonably suspected animal cruelty, abuse, or neglect.

(d) Nothing in this part shall expand or limit confidentiality requirements under existing law relative to child or adult protective services. The name of any employee of a child or adult protective services agency who reports known or reasonably suspected animal cruelty, abuse or neglect shall remain confidential.

SECTION 4.

§38-1-503.

(a) If not made by telephone, reports made pursuant to §38-1-502 (a) may be made on a preprinted form prepared by the entity or entities that investigate reports of animal cruelty, abuse, and neglect in that county that includes the definitions contained in §38-1-501 and a space for the reporter to include each of the following:

- (1) His or her name and title;
- (2) His or her business address and telephone number;
- (3) The name, if known, of the animal owner or custodian;
- (4) The location of the animal and the premises on which the known or reasonably suspected animal cruelty, abuse, or neglect took place;
- (5) A description of the location of the animal and the premises;

- (6) Type and numbers of animals involved;
- (7) A description of the animal and its condition; and
- (8) The date, time, and a description of the observation or incident which led the reporter to suspect animal cruelty, abuse, or neglect and any other information the reporter believes may be relevant.

(b) Any employee making a report or telephone call pursuant to this part shall make all reasonable efforts to include the information delineated in subsection (a). Nothing in this section shall be construed to impose a duty to investigate known or reasonably suspected animal cruelty, abuse, or neglect.

(c) When two (2) or more employees of a state, county or municipal child or adult protective services agency are present and jointly have knowledge of known or reasonably suspected animal cruelty, abuse, or neglect, and where there is agreement among them, by mutual agreement, a report may be made by one person. Any reporter who has knowledge that the person designated to report has failed to do so may thereafter make the report.

(d)

(1) Nothing in this part shall be construed as prohibiting the owner of livestock as defined in §39-14-201 or someone acting with the consent of the owner of such livestock from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such livestock, nor shall any provision of this part be construed as requiring the reporting of such practices.

(2) Nothing in this part shall be construed to apply to a veterinarian or veterinary technician engaged in accepted veterinary practices.

SECTION 5. This act shall take effect July 1, 2006, the public welfare requiring it.