

HOUSE BILL 42

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 14; Title 44 and Title 70, relative to
offenses against animals.

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

SECTION 1. Tennessee Code Annotated, Section 39-14-202(d), is amended by deleting in its entirety the first sentence of the subsection and by substituting instead the following:

Whenever any person is taken into custody by any officer for violation of subdivision (a)(4), the officer shall take charge of the vehicle or conveyance, and its contents, used by the person to transport the animal.

SECTION 2. Tennessee Code Annotated, Section 39-14-202(e), is amended by deleting in its entirety the last sentence of the subsection and by substituting instead the following:

The court shall 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.

SECTION 3. Tennessee Code Annotated, Section 39-14-202(g), is amended by deleting in its entirety the subsection and by substituting instead the following:

(g)

(1) Cruelty to animals is a Class A misdemeanor. Notwithstanding the statutory range for fines for a Class A misdemeanor, the fine for a violation of this subdivision shall not exceed three thousand dollars (\$3,000) nor be less than two thousand five hundred dollars (\$2,500).

(2) A second or subsequent conviction for cruelty to animals is a Class E felony. Notwithstanding the statutory range for fines for a Class E felony, the fine for a violation of this subdivision shall not exceed three thousand five hundred dollars (\$3,500) nor be less than three thousand dollars (\$3,000).

(3) Violation of any prohibition or restriction imposed by the sentencing court pursuant to subdivision (e) is a Class A misdemeanor. Notwithstanding the statutory range for fines for a Class A misdemeanor, the fine for a violation of this subdivision shall not exceed three thousand dollars (\$3,000) nor be less than two thousand five hundred dollars (\$2,500).

SECTION 4. Tennessee Code Annotated, Section 39-14-212(d), is amended by deleting in its entirety the subsection and by substituting instead the following:

(d) Aggravated cruelty to animals is a Class E felony. Notwithstanding the statutory range for fines for a Class E felony, the fine for a violation of this subdivision shall not exceed three thousand five hundred dollars (\$3,500) nor be less than three thousand dollars (\$3,000).

SECTION 5. Tennessee Code Annotated, Section 39-14-212(e), is amended by deleting in its entirety the subsection and by substituting instead the following:

(e) In addition to the penalty imposed by subsection (d), the sentencing court shall order the defendant to surrender custody and forfeit all companion animals as defined in subdivision (b)(2), and shall award custody of the animals to the agency presenting the case. The court shall 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.

SECTION 6. Tennessee Code Annotated, Section 39-14-212(f), is amended by deleting in its entirety the first sentence of the subsection and by substituting instead the following:

In addition to the penalty imposed by subsection (d), the court shall require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant.

SECTION 7. Tennessee Code Annotated, Section 39-14-212(g), is amended by deleting in its entirety the subsection and by substituting instead the following:

If a defendant convicted of a violation of this section resides in a household with minor children or elderly individuals, the court shall, within fifteen (15) days, send notification of the conviction to the appropriate protective agencies.

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

If a juvenile is found to be within the court's jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals or would be a criminal violation involving arson, then the court shall order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court shall order that treatment. If the juvenile's guardian is indigent, the court may, where practicable, direct the juvenile's guardian to locate and enroll the juvenile in a counseling or treatment program with an appropriate agency.

SECTION 9. Tennessee Code Annotated, Section 39-14-214(c), is amended by deleting in its entirety the language "the court may order that the convicted person do any" and by substituting instead the language "the court shall order that the convicted person do all".

SECTION 10. Tennessee Code Annotated, Section 39-14-214(e), is amended by deleting in its entirety the language "the court may order" and by substituting instead the language "the court shall order".

SECTION 11. This act shall take effect July 1, 2011, the public welfare requiring it.