

SENATE BILL 1359

By Johnson

AN ACT to amend Tennessee Code Annotated, Section
39-14-202, 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(b), is amended by
deleting subsection (b) and by substituting instead the following:

(b) A person commits an offense who knowingly ties, tethers, or restrains a dog:

(1) In a manner that results in the dog suffering bodily injury as defined in
§ 39-11-106; or

(2)

(A) In violation of the following requirements:

(i) The tether used to restrain a dog shall be more than ten feet (10') in length and the weight of the tether shall not be reasonably expected to prevent the animal from moving about freely. The tether shall have swivels on both ends and be attached to a properly fitted collar or harness. A dog shall not be tethered while wearing a choke, pinch, or prong-type collar. A dog under six (6) months old or a female dog nursing a litter shall not be tethered;

(ii) The tether shall allow the dog convenient access to shade, appropriate shelter with adequate bedding, food, and a spill-proof water container with potable water. The dog shall also have access to a dry area free of mud, debris, and feces; and

(iii) A dog shall not be left tethered outdoors if the national weather service issues a heat warning, winter weather warning, or wind chill warning.

(B) The requirements of subdivision (b)(2)(A) shall not apply to a dog that is temporarily tied or tethered outside a public place which dogs are prohibited from entering while the dog's owner enters the public place for less than ten (10) minutes.

SECTION 2. Tennessee Code Annotated, Section 39-14-202(e), is amended by adding the following language to the end of the subsection:

This subsection (e) shall not apply to a person who has been convicted for a first offense under subdivision (b)(2).

SECTION 3. Tennessee Code Annotated, Section 39-14-202(g), is amended by deleting subdivisions (1) and (2) and substituting instead the following:

(1) Cruelty to animals under subsection (a) or subdivision (b)(1) is a Class A misdemeanor. A second or subsequent conviction for cruelty to animals under subsection (a) or subdivision (b)(1) is a Class E felony.

(2) Cruelty to animals under subdivision (b)(2) is a Class C misdemeanor. A second or subsequent conviction for cruelty to animals under subdivision (b)(2) is a Class B misdemeanor.

SECTION 4. This act shall take effect July 1, 2013, the public welfare requiring it.