

Tennessee Cruelty to Animals Statutes

TENNESSEE STATUTES
TITLE 39 CRIMINAL OFFENSES
CHAPTER 14 OFFENSES AGAINST PROPERTY
Part 2– Animals

39-14-201 Definitions for animal offenses.

As used in this part, unless the context otherwise requires:

- (1) "Animal" means a domesticated living creature or a wild creature previously captured;
- (2) "Livestock" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, goats, and poultry;
- (3) "Non-livestock animal" means a pet normally maintained in or near the household(s) of its owner(s), other domesticated animal, previously captured wildlife, an exotic animal, or any other pet, including but not limited to, pet rabbits, a pet chick, duck, or pot bellied pig that is not classified as "livestock" pursuant to this part; and
- (4) "Torture" means every act, omission, or neglect whereby unreasonable physical pain, suffering, or death is caused or permitted, but nothing herein shall be construed as prohibiting the shooting of birds or game for the purpose of human food or the use of animate targets by incorporated gun clubs.

39-14-202 Cruelty to animals.

(a) A person commits an offense who intentionally or knowingly:

- (1) Tortures, maims or grossly overworks an animal;
- (2) Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody;
- (3) Abandons unreasonably an animal in the person's custody;
- (4) Transports or confines an animal in a cruel manner; or
- (5) Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.

(b) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.

(c) Whenever any person is taken into custody by any officer for violation of subdivision (a)(4), the officer may take charge of the vehicle or conveyance, and its contents, used by the person to transport the animal. The officer shall deposit these items in a safe place for custody. Any necessary expense incurred for taking charge of and sustaining the same shall be a lien thereon, to be paid before the same can lawfully be recovered; or the expenses, or any part thereof, remaining unpaid may be recovered by the person incurring the same of the owners of the animal in an action therefor.

(d) In addition to the penalty imposed in subsection (f), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit the animal or animals whose treatment was the basis of the conviction. Custody shall be given to a humane society incorporated under the laws of this state. The court may 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.

(e)(1) Nothing in this section shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of such animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such animal.

(2) It is an offense for a person other than a law enforcement officer acting with probable cause to knowingly interfere with the performance of any such agricultural practices permitted by subdivision (e)(1).

(3) An offense under subdivision (e)(2) is a Class B misdemeanor.

(f) An offense under this section is a Class A misdemeanor.

39-14-205 Intentional killing of animal.

(a)(1) A person who intentionally or knowingly unlawfully kills the animal of another, with the intent to deprive the owner of the right to the animal's life and without the owner's effective consent commits theft of that animal and shall be punished under § 39-14-105.

(2) In determining the value of a police dog under § 39-14-105, the court shall consider the value of the police dog as both the cost and any specialized training for such police dog.

(b) A person is justified in killing the animal of another if such person acted under a reasonable belief that the animal was creating an imminent danger of death or serious bodily injury to such person or another or an imminent danger of death to an animal owned by such person. A person is not justified in killing the animal of another if at the time of the killing such person is trespassing upon the property of the owner of such animal. The justification for killing the animal of another authorized by this subsection

shall not apply to a person who, while engaging in or attempting to escape from criminal conduct, kills a police dog that is acting in its official capacity. In such case the provisions of subsection (a) shall apply to such person.

39-14-207 Feeding of impounded animals – Care provided by humane society – Recovery of expenses.

(a) In case any impounded animal is without necessary food and water for more than twelve (12) successive hours, it is lawful for any person, as often as necessary, to enter any place in which any animal is so confined, and to supply it with necessary food and water so long as it shall remain so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such food and water may be collected from the owner or keeper of the animal. The animal shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

(b) In case any animal is injured, diseased, suffering from the elements, or malnourished, and is found at large by any agent of any humane society chartered by the state, the agent may cause adequate veterinary treatment or shelter or nourishment to be furnished to the animal. The society shall have a right of action against the owner of the animal for all necessary and reasonable expenses so incurred. Within forty-eight (48) hours after taking custody of the animal, the society shall make reasonable efforts to notify the owner of the animal's whereabouts and condition. Nothing in this subsection shall affect the right of action of the veterinarian or furnisher of goods or services against the person or persons with whom he contracted for payment of charges. Any such right of action by a humane society may be voided by an owner who elects to forfeit the animal to the society rather than pay for the goods or services rendered.

39-14-209 Horse shows.

(a) It is the duty of any person designated and acting as a ringmaster of any horse show or similar event to disqualify any horse determined by the ringmaster to be suffering from the causes set out in s 39-14-202(a)(5) from further participation in such show, and to make a report of the same, including the name of the horse, the owner of the horse, and the exhibitor of the horse, to the manager or chairman of the show, who in turn shall report the same in writing to the district attorney general of the county wherein the incident occurred for appropriate action.

(b) A violation of this duty is a Class C misdemeanor.

39-14-210 Societies for prevention of cruelty to animals – Powers.

(a) The agents of any society which is incorporated for the prevention of cruelty to animals, upon being appointed thereto by the president of such society in any county, may, within such county, make arrests, and bring before any court thereof offenders found violating the provisions of this part with regard to non-livestock animals.

(b) Any officers, agents, or members of such society may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in such person's presence. Any person who interferes with or obstructs any such officer, agent, or member in the discharge of this duty commits a Class C misdemeanor.

(c) Any agent or officer of such society may lawfully destroy, or cause to be destroyed, any animal found abandoned or otherwise:

(1) Which is not properly cared for, appearing, in the judgment of two (2) reputable citizens, who are experts, called to view the same in the agent's or officer's presence, to be glandered, injured or diseased past humane recovery; or

(2) After a holding period of not less than seventy-two (72) hours and after having made a reasonable effort to locate and notify the owners, for the purpose of animal population control.

(d) All fines, penalties and forfeitures imposed and collected in any county, under provisions relating to or in any way affecting animals, shall inure to such society in aid of the purpose for which it was incorporated, and no injunction shall be granted against such society or attorney or its officers or agents, except upon motion, after due notice and hearing.

(e) Any humane society chartered by the state, into whose custody shall lawfully come any animal, shall have a lien on that animal for the reasonable value of the goods and services necessarily rendered by, or at the instance of, the society to that animal.

(f) Custody of any animal victimized under this part shall be placed with any humane society chartered by the state immediately upon arrest of the person alleged to have violated this part. The humane society shall assist the animal and preserve evidence for prosecution.

39-14-211 Examination of livestock by county agricultural extension agent.

No entry onto the property of another, arrest, interference with usual and customary agricultural or veterinary practices, confiscation, or any other action authorized by this part or any other provision of law shall be taken in response to an allegation that this part has been violated with regard to livestock unless, prior to or at the same time as such action, the livestock in question is examined by the county agricultural extension agent of such county, a graduate of an accredited college of veterinary medicine specializing in livestock practice or a graduate from an accredited college of agriculture with a specialty in livestock. If the extension agent, veterinary college graduate specializing in livestock practice or livestock specialist does not have probable cause to believe that a violation of this part has occurred with regard to such livestock, no action against the owner of such livestock described above shall be taken. If a person authorized by this section does not make an inspection within twenty-four (24) hours of receipt of a complaint, then a licensed veterinarian may make such inspection.

Amended in 1997.

Reviewed by AAHS in September 2001.

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