

HOUSE BILL 147

By Jernigan

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 44, to create the “Tennessee
Animal Abuser Registration Act.”

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following as a new part:

40-39-401. This part shall be known and may be cited as the “Tennessee Animal Abuser Registration Act.”

40-39-402. As used in this part:

(1) “Abuser” or “animal abuser” means a person who has been convicted in this state of committing an animal abuse offense;

(2) “Animal” means a companion animal, and a “non-livestock animal”, as defined in § 39-14-201. “Animal” does not mean “livestock”, as defined in § 39-14-201, or “wildlife”, as defined in § 70-1-101;

(3) “Animal abuse offense” means:

(A) Aggravated cruelty to animals, under § 39-14-212;

(B) Animal fighting, under § 39-14-203, where the defendant’s act constitutes a felony;

(C) A criminal offense against animals, under § 39-14-214;

and

(D) Cruelty to animals, under § 39-14-202;

(4) "Companion animal" means any dog, defined as any live dog of the species *Canis familiaris*, or cat, defined as any live cat of the species *Felis catus*;

(5) "Conviction" means a judgment entered by a Tennessee court upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes a disposition of pretrial diversion under § 40-15-105, a disposition of judicial diversion under § 40-35-313, or the equivalent dispositions from other jurisdictions;

(6) "Director" means the director of the TBI; and

(7) "TBI" means the Tennessee bureau of investigation.

40-39-403.

(a) Beginning January 1, 2016, the TBI shall post a publicly accessible list on its web site of any person convicted of an animal abuse offense on and after that date.

(b)

(1) The list shall include a photograph taken of the convicted animal abuser as part of the booking process, the animal abuser's full legal name, and other identifying data as the TBI determines is necessary to properly identify the animal abuser and to exclude innocent persons.

(2) The list shall not include the abuser's social security number, driver license number, or any other state or federal identification number.

(c) The court clerks shall forward a copy of the judgment and date of birth of all persons convicted of an animal abuse offense to the TBI within twenty-one (21) calendar days of the date of judgment.

(d)

(1) Upon a person's first conviction for an animal abuse offense, the TBI shall maintain the person's name and other identifying information, described in subsection (b), on the list published under subsection (a) for two (2) years following the date of conviction, after which time the TBI shall remove the person's name and identifying information from the list; provided, that the person is not convicted of another animal abuse offense during that two-year period.

(2) Upon a person's subsequent conviction for an animal abuse offense, the TBI shall maintain the person's name and other identifying information, described in subsection (b), on the list published under subsection (a) for five (5) years following the date of the most recent conviction, after which time the TBI shall remove the person's name and identifying information from the list; provided, that the person is not convicted of another animal abuse offense during that five-year period.

(e) The list shall remain on the TBI web site for such time as determined by the director.

40-39-404. The TBI may promulgate rules to effectuate the purposes of this part.

The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2016, the public welfare requiring it.