

SENATE BILL 2529

By Harper

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 2 and Title 39, Chapter 16, Part 5, 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(a), is amended by adding the following language as a new subdivision (6):

(6) Touches, strikes, or causes bodily injury to a police dog, fire dog, search and rescue dog, service animal or police horse while such animal is assisting in the performance of law enforcement or other official duties;

SECTION 2. Tennessee Code Annotated, Section 39-14-202, is amended by adding the following language as a new, appropriately designated subsection:

() In addition to the penalty imposed by subsection (g), if the police dog, fire dog, search and rescue dog, service animal or police horse can no longer perform such animal's duties due to a violation of subdivision (a)(6), then the defendant shall be liable for the value of the animal including, but not limited to, both the cost of the animal and any specialized training the animal received.

SECTION 3. Tennessee Code Annotated, Section 39-14-205(a)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) In determining the value of a police dog, fire dog, search and rescue dog, service animal or police horse under § 39-14-105, the court shall consider the value of the police dog, fire dog, search and rescue dog, service animal or police horse as including, but not limited to, both the cost of the animal and any specialized training the animal received.

SECTION 4. Tennessee Code Annotated, Section 39-14-205(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b)

(1) A person is justified in killing the animal of another if the person acted under a reasonable belief that the animal was creating an imminent danger of death or serious bodily injury to that person or another or an imminent danger of death to an animal owned by that person.

(2) The justification for killing the animal of another authorized by subdivision (1) shall not apply, and the provisions of subsection (a) shall apply, to a person:

(A) Trespassing upon the property of the owner of the animal; or

(B) Engaging in or attempting to escape from criminal conduct who kills a police dog, fire dog, search and rescue dog, service animal or police horse that is assisting in the performance of law enforcement or other official duties.

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

(a) A person commits aggravated cruelty to animals when, with aggravated cruelty and with no justifiable purpose:

(1) The person intentionally kills or intentionally causes serious bodily injury to a companion animal; or

(2) The person intentionally or knowingly causes serious bodily injury to, or uses a deadly weapon upon, a police dog, fire dog, search and rescue dog, service animal or police horse while such animal is assisting in the performance of law enforcement or other official duties.

SECTION 6. Tennessee Code Annotated, Section 39-14-212(b), is amended by adding the following language as a new, appropriately designated subdivision:

() "Serious bodily injury" means bodily injury that involves:

(A) A substantial risk of death;

(B) Protracted unconsciousness;

(C) Extreme physical pain;

(D) Protracted or obvious disfigurement; or

(E) Protracted loss or substantial impairment of a function of a bodily

member, organ or mental faculty;

SECTION 7. Tennessee Code Annotated, Section 39-14-212, is amended by adding the following language as new, appropriately designated subsections:

() A person, while engaging in or attempting to escape from criminal conduct, shall have no justifiable purpose for committing a violation of subdivision (a)(2) if the police dog, fire dog, search and rescue dog, service animal or police horse is assisting in the performance of law enforcement or other official duties.

() In addition to the penalty imposed by subsection (d), if the police dog, fire dog, search and rescue dog, service animal or police horse can no longer perform such animal's duties caused by a violation of subdivision (a)(2), then the defendant shall be liable for the value of the animal including, but not limited to, both the cost of the animal and any specialized training the animal received.

SECTION 8. Tennessee Code Annotated, Title 39, Chapter 16, Part 5, is amended by adding the following language as a new, appropriately designated section:

(a) It is an offense to intentionally or knowingly interfere with, or attempt to interfere with, a police dog, fire dog, search and rescue dog, service animal or police

horse while such animal is assisting in the performance of law enforcement or other official duties.

(b) A violation of this section is a Class B misdemeanor.

SECTION 9. This act shall take effect July 1, 2010, the public welfare requiring it.