

PUBLIC CHAPTER NO. 949

HOUSE BILL NO. 238

By Representatives John DeBerry, Hardaway, Shaw, Lollar, Coley, McManus, McDaniel, Ford, West, Fincher, Lundberg, Todd, Sontany, Towns, Faulkner, Maggart, Eldridge, Dean, Litz, Richardson, Bass, Watson, Moore, Phillip Johnson, Pitts, Shipley, Halford, Floyd, White, Bone

Substituted for: Senate Bill No. 555

By Senators Norris, Ketron, Burchett, Henry, Tate, Marrero, McNally, Ford

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17 and Title 44, Chapter 8, relative to vicious animals.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following new section thereto:

§ 39-17-1363.

(a) For purposes of this section:

(1) "Potentially vicious dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

(A) When unprovoked and off the property of the owner or keeper of the dog, inflicts a bite causing bodily injury, as defined in § 39-11-106, to a person or domestic animal; or

(B) When unprovoked and off the property of the owner or keeper of the dog, on two (2) or more separate occasions, chases, menaces or approaches a person or domestic animal in an aggressive manner or apparent attitude of attack; and

(2) "Vicious dog" means any dog that without provocation and off the property of the owner or keeper of the dog, has attacked a person causing death or serious bodily injury, as defined by § 39-11-106, to such person; and

(3) "Violent felony" means:

(A) Any felony involving the use or attempted use of force, violence or a deadly weapon;

(B) A violation of §§ 39-17-417, 39-17-433 or 39-17-435; or

(C) A violation of §§ 39-14-203(a)(1)—(3), 39-14-205, 39-14-212 or 39-14-214.

(b) It is an offense for any person convicted of a violent felony to knowingly own, possess, have custody or control of a potentially vicious dog or a vicious dog for a period of ten (10) years after such person has been released from custody following completion of sentence or is no longer under active probation, community correction or parole supervision for such violent felony, whichever date is later.

(c) It is an offense for any person convicted of a violent felony to own, possess, have custody or control of a dog that:

(1) Is not micro chipped for permanent identification; and

(2) Is not spayed or neutered and is older than twelve (12) weeks of age.

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

(e)

(1) It is an affirmative defense to prosecution under subsection (c), which must be proven by a preponderance of the evidence, that the dog in question is microchipped and neutered or spayed, or that the dog in question was microchipped and neutered or spayed within thirty (30) days of the defendant being charged with a violation of this section.

(2) Medical records from, or a certificate by, a person who is licensed by the person's state of residence as a doctor of veterinary medicine, whose license is in good standing and who has personally examined, inserted a microchip in, or operated upon the dog, indicating that the dog in question has been microchipped or spayed or neutered, shall be sufficient evidence that the dog in question has been microchipped or spayed or neutered.

(3) If the dog in question is microchipped by a different doctor than the doctor who spayed or neutered the dog, medical records or a certificate indicating that both procedures have been performed are required for purposes of this defense.

(f) The provisions of this section shall only apply if a person's conviction for a violent felony occurs on or after July 1, 2010.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

PASSED: May 12, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 26th day of May 2010


PHIL BREDESEN, GOVERNOR