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Sequence Number: 08-24-15
Notice ID(s): 2368
File Date: 8/26/15

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission: Tennessee Bureau of Investigation
Division: Administrative Services Division
Contact Person: Pam Beck, Deputy General Counsel, Professional Standards Unit
Address: 901 R.S. Gass Blvd., Nashville, TN 37216
Phone: 615-744-4206
Email: Pam.Beck@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact: Pam Busby
Address: 901 R.S. Gass Blvd., Nashville, TN 37216
Phone: 615-744-4118
Email: Pam.Busby@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1: 901 R.S. Gass Blvd.
Address 2:
City: Nashville, TN
Zip: 37216
Hearing Date: 11/2/15
Hearing Time: 10:00 a.m. CST/CDT EST/EDT

Additional Hearing Information:

Training Room, 1st Floor, TBI Headquarters

Revision Type (check all that apply):

Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1395-01-08	Tennessee Animal Abuse Registry
Rule Number	Rule Title
1395-01-08-.01	Definitions
1395-01-08-.02	Scope
1395-01-08-.03	Receipt of Judgements

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

1395-01-08-.01 Definitions

- (1) "Abuser" or "animal abuser" means a person who has been convicted in this state of committing an animal abuse offense or a person who has been convicted of a corresponding offense from another jurisdiction.
- (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; and
 - (c) A criminal offenses against animals, under § 39-14-214.
- (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 also includes equivalent dispositions from other jurisdictions. 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.
- (7) "TBI" means the Tennessee Bureau of Investigation.

Authority: T.C.A. §§ 40-39-402 and 40-39-404.

1395-01-08-.02 Scope

- (1) This law shall apply to every conviction of an animal abuse offense occurring on or after January 1, 2016 or an offense, if committed in another jurisdiction on or after the effective date, that would constitute an animal abuse offense requiring registration in the state of Tennessee.
- (2) The list of offenders shall be a publicly accessible list found on the website of the TBI.
- (3) The list shall contain a photo of the offender, the abuser's full legal name and other identifying data as determined by TBI in order to properly identify the abuser.
- (4) The list shall not contain the social security number of the offender.
- (5) The clerk of the court from which conviction occurs shall forward a copy of the judgment and date of birth of all relevant offenders within sixty (60) days of the entry of the judgment.
- (6) TBI shall keep the name, picture and other identifying information of the abuser on the Registry for two (2) years from the date of the conviction.
- (7) If the abuser commits a subsequent animal abuse offense which results in a conviction, the abuser's identifying information must remain on the Registry for five (5) years from the date of the most recent conviction.
- (8) Any offender who has his conviction expunged must notify TBI of the expunction. TBI shall remove the person from the Registry within five (5) days of notification of the expunction.
- (9) An offender who does not qualify for inclusion in the registry, but is ordered to register as a condition of a sentence shall be removed at the conclusion of the sentence. It shall be the responsibility of the offender to notify TBI that the sentence has expired.

Authority: T.C.A. §§ 40-39-403 and 40-39-404.

1395-01-08-.03 Receipt of Judgements

- (1) The clerk shall mail all qualifying judgments to the following address: TBI, Attention: Professional Standards Unit, 901 R.S. Gass Blvd., Nashville, TN 37216.

- (2) Clerks may send qualifying judgments electronically only if the system used is encrypted so as to protect confidential information.
- (3) Clerks may also fax qualifying judgments to 615-744-4656.
- (4) Qualifying judgments may also be hand-delivered to TBI Headquarters, 901 R.S. Gass Blvd., Nashville, TN 37216.

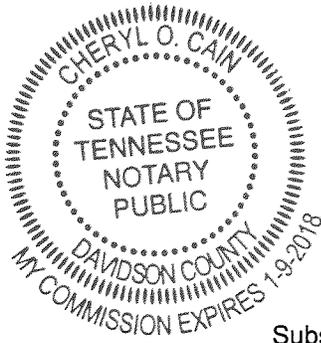
Authority: T.C.A. §§ 40-39-403 and 40-39-404

1395-01-08-.04 Identifying Information

- (1) TBI shall include the following identifying information regarding offenders on the registry: photograph, full legal name, address, county of residence and date of birth.
- (2) Offenders shall notify TBI within seven calendar days of a change of address. Notification shall be made in writing to the address listed in rule 1395-01-08-.03.
- (3) TBI shall send the offender a letter upon receipt of the qualifying judgment from the clerk detailing that changes in address must be submitted to TBI and explaining the length of inclusion on the registry.

Authority: T.C.A. §§ 40-39-403 and 40-39-404

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: 8.24.15

Signature: Pam Beck

Name of Officer: Pam Beck

Title of Officer: Deputy General Counsel, Tennessee Bureau of Investigation

Subscribed and sworn to before me on: 8-24-15

Notary Public Signature: Cheryl O. Cain

My commission expires on: 1-9-18

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Filed with the Department of State on: 8/26/15

Tre Hargett
Secretary of State

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