

HOUSE BILL 1207

By Matheny

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14; Title 44, Chapter 17 and Title 63, Chapter 12, relative to humane societies.

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

SECTION 1. Tennessee Code Annotated, Section 39-14-201, is amended by adding the following language as a new, appropriately designated subdivision:

( ) "Authorized humane society" means a society that is incorporated for the prevention of cruelty to animals that has been authorized by the sheriff of the county in which the society is located to exercise authority pursuant to § 39-14-210.

SECTION 2. Tennessee Code Annotated, Section 39-14-207(b), is amended by deleting the language "humane society chartered by the state," from the first sentence and substituting instead the language "authorized humane society,".

SECTION 3. Tennessee Code Annotated, Section 39-14-207(b), is further amended by deleting the language "The society shall have a right of action" from the second sentence and substituting instead the language "The authorized humane society shall have a right of action".

SECTION 4. Tennessee Code Annotated, Section 39-14-207(b), is further amended by deleting the language "the society shall make reasonable efforts" from the third sentence and substituting instead the language "the authorized humane society shall make reasonable efforts".

SECTION 5. Tennessee Code Annotated, Section 39-14-207(b), is further amended by deleting the language "action by a humane society may be voided by an owner who elects to forfeit the animal to the society" from the final sentence and substituting instead the language

“action by an authorized humane society may be voided by an owner who elects to forfeit the animal to the authorized humane society”.

SECTION 6. Tennessee Code Annotated, Section 39-14-210, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) The sheriff of any county may, at the sheriff's discretion, authorize any society that is incorporated for the prevention of cruelty to animals and located in the county in which the sheriff has jurisdiction as an authorized humane society. A humane society authorized pursuant to this subdivision (a)(1) is an authorized humane society only within the county in which the sheriff authorizing the society has jurisdiction.

(2) The sheriff of any county may, at the sheriff's discretion, revoke the authorization of any authorized humane society.

(3) Any authorized humane society exercising authority pursuant to subsections (b)–(d) shall do so under the supervision of the county sheriff and, for the purposes of exercising the authority granted in this section, comply with all lawful instructions of the sheriff.

(4) Notwithstanding subdivision (a)(1), no sheriff shall authorize a humane society in a county in which a governmental animal control agency operates so that the presence of an authorized humane society would be duplicative.

(b) The agents of any authorized humane society, upon being appointed thereto by the president of such a society in any county, may, within that county, make arrests and bring before any court thereof offenders found violating this part with regard to nonlivestock animals.

(c) Any officer, agent, or member of an authorized humane society may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in that

person's presence. Any person who interferes with or obstructs any officer, agent, or member in the discharge of this duty commits a Class C misdemeanor.

(d) Any agent or officer of an authorized humane 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.

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

(f) 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.

(g) Upon seizure by law enforcement, custody of any animal victimized under this part shall be placed with any governmental animal control agency, law enforcement agency, or their designee. The governmental animal control agency, law enforcement agency, or their designee shall assist the animal and preserve evidence for prosecution.

(h)

(1)

(A) Any governmental animal control agency, law enforcement agency, or their designee into whose custody any animal victimized under this part is placed, may petition the court requesting that the person from whom the animal is seized, or the owner of the seized animal, be ordered to post security.

(B) The security shall be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the governmental animal control agency, law enforcement agency, or their designee in caring and providing for the animal pending disposition of the criminal charges.

(C) Reasonable expenses include, but are not necessarily limited to, the estimated costs of veterinary care and treatment for the animal as well as the estimated costs of boarding and otherwise caring for the animal.

(D) The amount of security shall be determined by the court after taking into consideration all of the facts and circumstances of the case. If the posting of security is ordered pursuant to this subsection (h), then the governmental animal control agency, law enforcement agency, or their designee may draw from the security the actual costs incurred in caring and providing for the seized animal pending disposition of criminal charges.

(2) If the person from whom the animal is seized is the owner of the animal and the person has not posted the security ordered pursuant to subdivision (h)(1) within ten (10) business days following the issuance of a security order, the animal shall be deemed to have been abandoned and shall be

forfeited to the governmental animal control agency, law enforcement agency, or their designee for disposition in accordance with reasonable practices for the humane treatment of animals. However, if the person from whom the animal was seized is not the owner of the animal and the person has not posted the court-ordered security within fifteen (15) days, the court shall order the governmental animal control agency, law enforcement agency, or their designee to make all reasonable efforts to determine who the owner of the animal is and to notify the owner of the pending proceeding.

(3) No animal shall be deemed to have been abandoned and forfeited to the governmental animal control agency, law enforcement agency, or their designee until reasonable attempts to determine and notify the owner have been made. If the owner of the animal cannot be located after reasonable efforts or the owner is located and notified but does not post, within ten (10) business days, the court-ordered security plus the costs reasonably incurred by the governmental animal control agency, law enforcement agency, or their designee for housing and caring for the animal since its seizure, the animal shall be deemed to have been abandoned and shall be forfeited to the governmental animal control agency, law enforcement agency, or their designee for disposition in accordance with reasonable practices for the humane treatment of animals.

(4) Nothing in this subsection (h) shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to a governmental animal control agency, law enforcement agency, or their designee in lieu of posting security. The voluntary relinquishment has no effect on the outcome of the criminal charges.

SECTION 7. This act shall take effect July 1, 2015, the public welfare requiring it.