

SENATE BILL 3239

By Tate

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

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

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 8, is amended by adding the  
following as a new part:

§ 44-8-501. As used in this part, unless the context otherwise requires:

(1) "Animal" means a domesticated living creature or a wild creature  
previously captured;

(2)

(A) Except as provided in subdivision (2)(B), "dangerous animal"  
means:

(i) Any domesticated animal that, without provocation,  
bites, attacks, or endangers the safety of a human or other animal  
on public or private property;

(ii) Any domesticated animal which because of its physical  
nature and vicious propensity is capable of causing serious bodily  
injury, as defined by § 39-11-106, or death to humans or other  
animals and would constitute a danger to human life or property;  
or

(iii) Any domesticated animal which behaves in such a  
manner that the owner knows or should reasonably know that the

animal is possessed of tendencies to attack humans or other animals;

(B) "Dangerous animal" does not include:

(i) Any police dog that bites, attacks, or endangers the safety of a human when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties;

(ii) Any animal that attacks a human in a pen or other enclosure in which the animal is being kept, if such pen or enclosure is designed to prevent with reasonable certainty the animal from leaving the pen or enclosure on its own; or

(iii) Any animal that bites, attacks, or endangers the safety of a human while a human is committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the animal;

(3) "Domesticated animal" means any non-livestock animal of a tamable disposition that normally lives in or about the household of its owner, keeper, or harbinger; contributes to the support of the family; or is by custom devoted to the service of humans at the time and in the place in which it is kept;

(4) "Enclosure" means an area for keeping a dangerous, vicious or wild animal securely confined indoors or in a securely enclosed and locked pen, fence, or structure while on the owner's property that is suitable to prevent the entry of young children and the escape of the animal. A pen or structure is designed to prevent with reasonable certainty an animal's escape if it has secure sides and a secure top, and, if the animal is enclosed within a fence, all sides of

the fence are of sufficient height and the bottom of the fence is constructed or secured in such a manner as to prevent the animal's escape either over or under the fence;

(5) "Harborer or keeper" means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust who temporarily harbors, keeps, possesses, or exercises custody or control of an animal within this state;

(6) "Owner" means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust who is vested with legal ownership or title to an animal and regularly keeps, harbors, possesses, or exercises custody or control of such animal within this state;

(7) "Police dog" means a dog that has been trained, and may be used, to assist one (1) or more law enforcement officers in the performance of official duties;

(8)

(A) Except as provided in subdivision (7)(B), "vicious animal" means:

(i) Any domesticated animal that, without provocation, attacks a person or other animal on public or private property and causes serious bodily injury, as defined by § 39-11-106, or death to humans or other animals; or

(ii) Any domesticated animal that aggressively bites, attacks, or endangers the safety of humans or other animals, without provocation, after the owner has notice or knows that the

dog has previously bitten, attacked, or endangered the safety of a human or other animal;

(B) "Vicious animal" does not include any of the following:

(i) Any police dog that causes serious bodily injury, as defined by § 39-11-106, or death to a human when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties;

(ii) Any animal that attacks a human or other animal in a pen or other enclosure in which the animal is being kept, if such pen or enclosure is designed to prevent with reasonable certainty the animal from leaving the pen or enclosure on its own; or

(iii) Any animal that causes serious bodily injury, as defined by § 39-11-106, or death to any human while a human is committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the animal;

(9) "Wild animal" means any animal of an untamable disposition that was taken from a state of nature, possessed by a human and placed in captivity, and that constitutes a danger to human life and property; and

(10) "Without provocation" means that an animal is not teased, tormented, hit, kicked, or abused by a person with any object or part of a person's body.

§ 44-8-502. Every owner of a dangerous, vicious, or wild animal shall have a policy of insurance in the amount of at least fifteen thousand dollars (\$15,000) issued by an insurer authorized to transact business in this state insuring the owner of the dangerous, vicious, or wild animal against liability for any injuries inflicted by the animal.

Such owner shall within sixty (60) days from the date on which such owner knows or should reasonably know the animal is a dangerous, vicious, or wild animal comply with this section.

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