Tennessee

Overall Ranking: Middle Tier

Tennessee Research Facility Protection Law

**TENN. CODE ANN. § 39-14-801 (2010). Short title.**

This part shall be known and may be cited as the “Tennessee Farm Animal and Research Facilities Protection Act.”

**TENN. CODE ANN. § 39-14-802 (2010). Definitions.**

As used in this part, unless the context otherwise requires:

1. “Actor” means a person accused of any of the offenses defined in this part;

2. “Animal” means any warm-blooded or cold-blooded animal or insect which is being used in food or fiber production, agriculture, research, testing, or education, including, but not limited to, hogs, equines, mules, cattle, sheep, goats, dogs, rabbits, poultry, fish, and bees. “Animal” does not include any animal held primarily as a pet;

3. “Animal facility” means any vehicle, building, structure, pasture, paddock, pond, impoundment, or premises where an animal is kept, handled, housed, exhibited, bred, or offered for sale and any office, building, or structure where records or documents relating to an animal or to animal research, testing, production, or education are maintained;

4. “Commissioner” means the commissioner of agriculture;

5. “Consent” means assent in fact, whether express or implied, by the owner or by a person legally authorized to
act for the owner which is not:

(A) Induced by force, threat, false pretenses, or fraud;

(B) Given by a person the actor knows, or should have known, is not legally authorized to act for the owner;

(C) Given by a person who by reason of youth, mental disease or defect, if intoxication is known, or should have been known, by the actor to be unable to make reasonable decisions; or

(D) Given solely to detect the commission of an offense;

(6) “Deprive” means unlawfully to withhold from the owner, interfere with the possession of, free, or dispose of an animal or other property;

(7) “Owner” means a person who has title to the property, lawful possession of the property, or a greater right to possession of the property than the actor;

(8) “Person” means any individual, corporation, association, nonprofit corporation, joint-stock company, firm, trust, partnership, two (2) or more persons having a joint or common interest, or other legal entity;

(9) “Possession” means actual care, custody, control, or management;

(10) “Property” means any real or personal property and includes any document, record, research data, paper, or computer storage medium; and

(11) “State” means the state of Tennessee.


(a) A person commits an offense if, without the consent of the owner, the person acquires or otherwise exercises control over an animal facility, an animal from an animal facility, or other property from an animal facility with the intent to deprive the owner of the facility, animal, or property and to disrupt the enterprise conducted at the animal facility.

(b) A person commits an offense if, without the consent of the owner, the person damages or destroys an animal facility or damages, frees, or destroys any animal or property in or on an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility and the damage or loss thereto exceeds five hundred dollars ($500).

(c)(1) A person commits an offense if, without the consent of the owner, the person damages or destroys an animal facility or damages, frees, or destroys any animal or property in or on an animal facility and the damage or loss
thereto is five hundred dollars ($500) or less, or enters or remains on an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility, and the person:

(A) Had notice that the entry was forbidden;

(B) Knew or should have known that the animal facility was or had closed to the public; or

(C) Received notice to depart but failed to do so.

(2) For purposes of this subsection (c), “notice” means:

(A) Oral or written communication by the owner or someone with actual or apparent authority to act for the owner;

(B) The presence of fencing or other type of enclosure or barrier designed to exclude intruders or to contain animals; or

(C) A sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

(d) This part does not apply to, affect, or otherwise prohibit actions taken by the department of agriculture, any other federal, state, or local department or agency, or any official, employee or agent thereof while in the exercise or performance of any power or duty imposed by law or by rule and regulation.


(a) A person found to be in violation of any of the offenses defined in § 39-14-803(a) and (b) commits a Class C felony.

(b) Any person violating § 39-14-803(c) commits a Class B misdemeanor.


For purposes of enforcing the provisions of this part, the commissioner:

(1) May investigate any offense under this part;

(2) May seek the assistance of any law enforcement agency of the United States, the state, or any local government in the conduct of the investigations; and

(3) Shall coordinate the investigation to the maximum extent practicable, with the investigations of any law enforcement agency of the United States, the state, or any local government.
(a) Any person who has been damaged by reason of a violation of this part may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys’ fees, from the person causing the damage.

(b) In addition to the remedies provided in this part or elsewhere in the laws of this state, and notwithstanding the existence of an adequate remedy at law, any person who has been damaged by reason of a violation of this part is authorized to apply to the chancery courts for an injunction or restraining order. The courts shall have jurisdiction, and for good cause shown, shall grant a temporary or permanent injunction or a temporary restraining order restraining or enjoining any person from violating or continuing to violate this part. The injunction or restraining order shall be issued without bond and may be granted, notwithstanding the fact that the violation constitutes a criminal act and notwithstanding the pendency of any criminal prosecution for the same violation.

(c) Nothing in this part shall be construed to limit the exercise of any other rights arising out of or relating to a violation of this part.

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**Tennessee Animal Cruelty Law**


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(c) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner’s consent, or bona fide experimentation for scientific research.

(f)(1) Nothing in this section shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of that animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal.

**Tenn. Code Ann. § 39-14-212 (2010). Aggravated cruelty to animals; definitions; penalties.**

...  

(c) The provisions of subsection (a) are not to be construed to prohibit or interfere with the following endeavors:

(1) The provisions of this section are not to be construed to change, modify, or amend any provision of title 70, involving fish and wildlife;

(2) The provisions of this section do not apply to activities or conduct that are prohibited by § 39-14-203;

(3) The provisions of this section do not apply to equine animals or to animals defined as livestock by the
provisions of § 39-14-201;

(4) Dispatching an animal in any manner absent of aggravated cruelty;

(5) Engaging in lawful hunting, trapping, or fishing activities, including activities commonly associated with the hunting of small game as defined in § 70-1-101(a)(34);

(6) Dispatching rabid or diseased animals;

(7) Dispatching animals posing a clear and immediate threat to human safety;

(8) Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;

(9) Performing accepted veterinary medical practices or treatments;

(10) Dispatching animals in accordance with § 44-17-403(e);

(11) Engaging, with the consent of the owner of a farm animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal;

(12) Dispatching wild or abandoned animals on a farm or residential real property; or

(13) Applying methods and equipment used to train animals.

**Tennessee Open Records Law**

*No specific exemption for research records.


The county records commission has the power to establish charges for and to collect such charges for making and furnishing or enlarging copies of records.

**Tenn. Code Ann. § 10-7-503 (2010). Inspection by citizens; confidentiality; availability; law enforcement personnel records.**

(a)(1) As used in this part and title 8, chapter 4, part 6, “public record or records” or “state record or records” means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.

(2)(A) All state, county and municipal records shall, at all times during business hours, which for public hospitals
shall be during the business hours of their administrative offices, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.

Tennessee Harassment Law


(a) A person commits an offense who intentionally:

(1) Threatens, by telephone, in writing or by electronic communication, including, but not limited to, text messaging, facsimile transmissions, electronic mail or Internet services, to take action known to be unlawful against any person and by this action knowingly annoys or alarms the recipient;

(2) Places one (1) or more telephone calls anonymously, or at an hour or hours known to be inconvenient to the victim, or in an offensively repetitious manner, or without a legitimate purpose of communication, and by this action knowingly annoys or alarms the recipient;

(3) Communicates by telephone to another that a relative or other person has been injured, killed or is ill when the communication is known to be false; or

(4) Communicates with another person by any method described in subdivision (a)(1), without legitimate purpose:

   (A)(i) With the malicious intent to frighten, intimidate or cause emotional distress; or

      (ii) In a manner the defendant knows, or reasonably should know, would frighten, intimidate or cause emotional distress to a similarly situated person of reasonable sensibilities; and

   (B) As the result of the communication, the person is frightened, intimidated or emotionally distressed.

(b)(1) A person convicted of a criminal offense commits an offense if, while incarcerated, on pre-trial diversion, probation, community correction or parole, the person intentionally communicates in person with the victim of the person's crime if the communication is:

   (A) Anonymous or threatening or made in an offensively repetitious manner or at hours known to be inconvenient to the victim;

   (B) Made for no legitimate purpose; and

   (C) Made knowing that it will alarm or annoy the victim.

(2) If the victim of the person's offense died as the result of the offense, the provisions of this subsection (b) shall
apply to the deceased victim's next-of-kin.

(c) A violation of subsection (a) is a Class A misdemeanor. A violation of subsection (b) is a Class E felony.