

Amendment No. 1 to SB0205

Southerland
Signature of Sponsor

AMEND Senate Bill No. 205

House Bill No. 135*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 4, Part 1, is amended by adding the following language as a new section:

(a) As used in this section:

(1) "Enter" means the intrusion of any part of the body of a wild animal into the interior space of a structure;

(2) "Serious bodily injury" means bodily injury that involves:

(A) A substantial risk of death;

(B) Protracted unconsciousness;

(C) Extreme physical pain;

(D) Protracted or obvious disfigurement; or

(E) Protracted loss or substantial impairment of a function of a bodily member, organ, or mental faculty; and

(3) "Wild animal" means all wild vertebrates, mollusks, crustaceans, and fish presently occurring within the state.

(b) A person who is charged with taking, attempting to take, or harming a wild animal in violation of this title may assert the defense of self-defense if the wild animal taken, attempted to be taken, or harmed acted in a manner that caused:

(1) The person to have a reasonable belief that the animal's action placed the person in imminent danger of death or serious bodily injury;

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(2) The person to believe the danger creating the threat of imminent death or serious bodily injury is real, or is honestly believed to be real at the time; and

(3) The belief of danger to be founded upon reasonable grounds.

(c)

(1)

(A) A person shall notify the agency within twelve (12) hours after killing or seriously injuring a wild animal pursuant to this section if the person is reasonably able to notify the agency.

(B) No wild animal killed shall be removed from the site, repositioned, retained, sold, or transferred without authorization from the agency.

(2) A violation of subdivision (c)(1) is a Class C misdemeanor.

(d) The defense of self-defense shall not be available to a person who takes, attempts to take, or harms a wild animal if the person:

(1) Has the ability to safely retreat from the threatening animal and fails to do so, except when the animal enters a home, tent, camper, or other permanent or temporary living structure occupied at the time by the person or any other individual; or

(2) Recklessly provokes or attracts the wild animal into a situation in which it is reasonable to expect the wild animal will threaten the person or another individual.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.