

**CHAPTER NO. 957**

**SENATE BILL NO. 3295**

**By Cooper, Cohen**

**Substituted for: House Bill No. 3320**

**By Curtiss, Coleman, McDonald, Kent, Todd, Godsey, Sontany**

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 13, Part 1; Title 39, Chapter 14, Part 2 and Title 44, Chapter 17, Part 4, relative to injuries or death to guide dogs.

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

SECTION 1. Tennessee Code Annotated, Section 39-14-205(a), is amended by adding the following language as a new subdivision:

(3) In determining the value of a guide dog for purposes of § 39-14-105, the court shall consider the value of the guide dog as both the cost of the dog as well as the cost of any specialized training the guide dog received.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following language as a new section:

§ 39-14-208. A person who intentionally or knowingly unlawfully injures the guide dog of another and, thereby, permanently deprives the owner of the use of the guide dog's services commits theft of that animal and shall be punished under § 39-14-105. In determining the value of the guide dog for purposes of § 39-14-105, the court shall consider the value of the guide dog as both the cost of the dog as well as the cost of any specialized training the guide dog received.

SECTION 3. Tennessee Code Annotated, Title 44, Chapter 17, Part 4, is amended by adding the following language as a new section:

§ 44-17-404. If a person's guide dog is killed or sustains injuries that result in death or permanent disability caused by the unlawful and intentional, or negligent, act of another or the animal of another, then the trier of fact may find the individual causing the death or the owner of the animal causing the death liable for economic damages which shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.

SECTION 4. Tennessee Code Annotated, Section 39-14-212 (i), is amended by designating the existing language as subdivision (i)(1) and by adding the following language as a new subdivision:

(2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.

SECTION 5. Tennessee Code Annotated, Section 44-17-403 (a), is amended by designating the existing language as subdivision (a)(1) and by adding the following language as a new subdivision:

(2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.

SECTION 6. Tennessee Code Annotated, Section 44-17-403, is amended by deleting subsection (f).

SECTION 7. Tennessee Code Annotated, Section 44-17-403, is amended by deleting the language "up to four thousand dollars (\$4,000)" and by substituting instead the language "up to five thousand dollars (\$5,000)".

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 20, 2004**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 15<sup>th</sup> day of June 2004**

  
PHIL BREDESEN, GOVERNOR