

TENNESSEE CODE ANNOTATED
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*** Current through the 2015 Regular Session and amendments approved at the November 4,
2014 General Election ***

Title 70 Wildlife Resources
Chapter 4 Miscellaneous Regulations
Part 4 Exotic Animals

Tenn. Code Ann. § 70-4-415 (2015)

70-4-415. Authority of officers of agency -- Violations -- Penalties -- Forfeitures.

(a) Any officer of the agency, upon finding a violation of this part, of the terms of the permit or rules and regulations promulgated pursuant to this part, may, as appropriate:

(1) Exercise such officer's arrest authority or, in lieu of exercising the arrest authority, issue a finding of a violation, along with a warning to remedy the violation by a specified date. Each day's continuation after such date constitutes a separate violation;

(2) Give three days' written notice of seizure to the alleged offender, and make application to a court of proper jurisdiction for an order to seize any items or wildlife held, used or transported in violation of this part, the permit or rules or regulations promulgated pursuant to this part; provided, that if such officer determines that the public health, safety or welfare imperatively requires emergency action, the notice requirement shall be suspended and such officer may make immediate application to the court for seizure; and provided further, that if the emergency is such that the wildlife presents a present or imminent life-threatening situation or is likely to do so under the circumstances, then such officer or any member of the agency who may be present and assisting the officer may destroy such wildlife; and

(3) Take any other reasonable and appropriate actions otherwise provided by law, including, but not limited to, the action provided for under § 70-4-405(a).

(b) Any person violating any provision of this part, including a failure to remedy under subdivision (a)(1), or who violated the terms of any permit or rules and regulations promulgated pursuant to this part, commits a Class A misdemeanor; provided, that in the discretion of the court, and in lieu of or in addition to a fine or a jail sentence, or both, the person's permit may be revoked, and such person shall be precluded from applying for or obtaining a permit under this part for a period not to exceed three (3) years.

(c) In the event of revocation of a person's permit, the court shall determine whether or not the items seized pursuant to subdivision (a)(2) shall be ordered forfeited to the state.

(d) When any item or wildlife is forfeited, the court shall enter an order accordingly and the contraband property shall be sold at public sale by the commissioner of general services or as otherwise provided by rules and regulations, or donated to a worthy recipient. However, upon request of the agency at the trial of the matter, the court, as a part of its order, may direct that specific items or wildlife, which the court has ordered forfeited, be awarded to the agency for use as educational or training purposes.

(e) No item or wildlife seized by the agency may be forfeited or disposed of in the discretion of the court, unless the offender has been convicted of the offense charged and all appeals from such conviction have been exhausted. An appeals bond shall be required to cover the cost of holding and maintaining such animals held, pending final disposition of the appeal.

HISTORY: Acts 1991, ch. 487, § 1.