
*** CURRENT THROUGH THE 2011 REGULAR SESSION ***

Title 70 Wildlife Resources
Chapter 1 General and Administrative Provisions
Part 1 General Provisions

Tenn. Code Ann. § 70-1-101 (2011)

70-1-101. Title definitions -- Construction of dates and provisions.

(a) As used in this title, unless the context otherwise indicates, the definitions and rules of construction in this section shall govern the construction of this title, and proclamations and rules and regulations made or adopted by the commission:

(1) "Agency" means the wildlife resources agency;

(2) "Angling" means any effort made to take, kill, injure, capture, or catch any fish and every act of assistance in any effort;

(3) "Bag limit" means the maximum number of wildlife other than fish that may be taken, caught, killed, or possessed, by any person for any particular period of time, as provided by rule and regulation adopted by the commission;

(4) "Big game" means deer, bear, **wild** turkey, and all species of large mammals that may be introduced or transplanted into this state for hunting;

(5) "Bullfrog" means jumbo frog (*rana catesbiana*);

(6) "Carcass" means the dead body of any wildlife or a portion of any such dead body;

(7) "Chumming" means placing fish, parts of fish, or other material upon which fish might feed, in the waters of this state for the purpose of attracting fish to a particular area in order that they may be taken, but "chumming" does not include angling;

(8) "Commission" means the wildlife resources commission, and "commissioner" means a member of the wildlife resources commission;

(9) "Creel limit" means the maximum number of fish that may be taken, caught, killed, or possessed, by any person for any particular period of time, as provided by rule and regulation adopted by the commission;

(10) "Cushion-hold trap" means an approved trap of the spring-loaded type with offset jaws designed to capture an animal by closing upon one (1) of its legs and that is so constructed that the edges designed to touch the animal are composed of a nonmetallic substance that eliminates or mitigates injury to the trapped animal. Specific traps and sizes within this definition shall be identified by the commission in its annual hunting proclamation;

(11) "Executive director" means the executive director of the wildlife resources

agency;

(12) "Falconry" means hunting by means of a trained raptor;

(13) "Fish" means all species of trout, salmon, walleye, northern pike, bass, crappie, bluegill, catfish, perch, sunfish, drum, carp, sucker, shad, minnow, and such other species of fish that are presently found in the state or may be introduced or transplanted into this state for consumptive or nonconsumptive use;

(14) "Fishing" means any effort made to take, kill, injure, capture, or catch any fish and every act of assistance in any effort;

(15) "Fur bearer" means beaver, raccoon, skunk, groundhog, coyote, gray fox, red fox, mink, muskrat, otter, weasel, bobcat, and opossum, and all subspecies or variations of the foregoing, and any other animals that may be declared by the commission under regulation to be a fur bearer;

(16) "Game birds" means all species of grouse, pheasant, woodcock, wilson snipe, crow, quail, waterfowl, gallinules, rails, mourning dove, and all species of birds that may be introduced into this state for hunting;

(17) "Harvest tag" means the certificate that is required either by law or rule or regulation of the commission to be secured to the carcass of wildlife as evidence of legal taking and ownership;

(18) "Hours" means the hours of the day or night when wildlife may be taken lawfully;

(19) "Hunting" means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, trapping, shooting at, stalking, or lying in wait for, any wildlife, whether or not such wildlife is then or subsequently captured, killed, taken, or wounded and every act of assistance to any other person, but "hunting" does not include stalking, attracting, searching for, or lying in wait for, wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures of wildlife;

(20) "Motor vehicle" means any self-propelled vehicle, and any vehicle propelled or drawn by a self-propelled vehicle, wherever operated, but does not include any vessel;

(21) "Nongame birds" means all species of birds not classified as game birds;

(22) "Nongame mammal" means all species of **wild** mammals not classified as big game, small game, or fur bearers. Domestic dogs and cats when running at large and apparently unclaimed and not under human control, whether licensed or unlicensed, shall come within the provisions of this subdivision (a)(22) for control and regulation by law or commission rule or regulation not inconsistent with Tennessee Anti-Rabies Law, compiled in title 68, chapter 8, to the extent such dogs and cats are endangering or harassing wildlife;

(23) "Nonresident" means any person who is not a resident;

(24) "Person" means an individual, association, partnership, or corporation;

(25) "Personally attended rod or line" means a rod or line that is used for fishing or angling, and that is under the personal control of a person who is in proximity to such rod or line;

(26) "Possession" means both actual and constructive possession, and any control of the object or objects referred to;

(27) "Possession limit" means the maximum limit in number or amount of wildlife that may be lawfully in the possession of any one (1) person;

(28) "Public hunting area" means a specific land or water area, or both, not intensively managed that is established for the protection of wildlife species and public use by both consumptive and nonconsumptive users;

(29) "Public road" means the traveled portion of, and the shoulders on each side of, any road or highway maintained for public travel by a county, city, city and county, the state, or the United States government, and includes all bridges, culverts, overpasses, fills, and other structures within the limits of the right-of-way of any such road or highway;

(30) "Raptor" means all birds found in the **wild** that are members of the order of falconiformes, strigiformes, and specifically, but not by way of limitation, means falcons, hawks, owls, and eagles, except the golden and bald eagle;

(31) "Refuge" means a specific land or water area, or both, that is established for the protection of one (1) or more species of wildlife with no, or limited forms of, consumptive uses, and limited nonconsumptive use to the degree compatible with desired wildlife protection;

(32) "Resident" means any person who resides in this state for a period of ninety (90) consecutive days with the genuine intent of making this state that person's place of permanent abode, and who, when absent, intends to return to this state. For the purposes of this subdivision (a)(32), the following are deemed residents of this state:

(A) Members of the armed services of the United States or any nation allied with the United States, who are on active duty in this state under permanent orders;

(B) Personnel in the diplomatic service of any nation recognized by the United States, who are assigned to duty in this state; and

(C) Students who are attending and have been enrolled at least six (6) months in any school, college, or university in this state;

(33) "Sell" includes the offering or possessing for sale, bartering, exchanging or trading;

(34) "Small game" means fur bearers, game birds, swamp rabbits, bullfrogs, cottontail rabbits, fox squirrels, gray squirrels, red squirrels, and all species of small mammals and birds that may be introduced into this state for hunting;

(35) "Snagging" means fishing, without the use of either bait or artificial lure or

any other device designed to attract fish, by snatching with hooks, gang hooks, or similar devices;

(36) "State fishing area" means a body of water where environmental conditions are such that relatively high fish production is possible and where fishing is the principal public use of the water;

(37) "Transport" means to carry or convey from one place to another, and includes an offer to transport, or receipt or possession for transportation;

(38) "Trapping" means taking, killing, and capturing wildlife by the use of any trap, snare, deadfall, or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting, or staking such traps, snares, deadfalls, and other devices, whether or not such acts result in taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls, or other devices;

(39) "Waters of the state" means any waters within the territorial limits of the state of Tennessee;

(40) "Wild bird" means all game birds, nongame birds, and raptors;


(41) "Wildlife" means **wild** vertebrates, mollusks, crustaceans, and fish;

(42) "Wildlife management area" means a specific land or water area, or both, that is established for the intensive management of both habitat and wildlife species for optimum enhancement and use by both consumptive and nonconsumptive users; and

(43) "Zoological institution" or "zoo" means an institution operated wholly or in part by a political subdivision of the state to display wildlife to the public. For the purposes of § 70-4-403(1), permitted permanent and temporary exhibitors are regarded as zoos.

(b) Whenever in this title, or proclamation and rules and regulations adopted under this title, the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time indicated includes both dates specified. The first date specified designates the first day of the period, and the second date designates the last day of the period.

(c) Every provision relating to any fish or wildlife shall be deemed to apply to any part of the fish or wildlife with the same force and effect as it applies to the whole of any fish or wildlife.

HISTORY: Acts 1974, ch. 481, § 3; 1975, ch. 185, §§ 1, 2; 1981, ch. 514, § 2; 1982, ch. 738, § 1; T.C.A., § 51-122; Acts 1985, ch. 148, § 1; 2005, ch. 92, § 1; 2011, ch. 283, § 1. 

Tenn. Code Ann. § 70-2-101 (2011)

70-2-101. Taking wildlife without license -- Migratory waterfowl stamps -- Licenses nontransferable -- Revocation or suspension -- Penalties.

(a) It is unlawful for any person in this state to hunt, chase, trap, kill or take any form of wildlife in the open season, unless the person so hunting, chasing, trapping, killing or taking, or attempting to take, such **wild** animals, **wild** birds, **wild** fowl, or fish at the time possesses the requisite license prescribed by this chapter, such license, of proper color and design, to be on the person of the licensee while hunting, chasing, trapping or fishing.

(b) A valid federal migratory waterfowl stamp must be possessed while hunting migratory waterfowl by any person over sixteen (16) years of age, which stamp shall be cancelled in ink by the signature of the hunting licensee.


(c) No license or permit, required and issued under this chapter, may be loaned or transferred to any other person, firm or corporation.

(d) (1) (A) Upon conviction for any offense against the provisions of this title, any rule or regulation promulgated pursuant to this title, or any proclamation of the wildlife resources commission, the court may revoke the license or suspend any or all of the fishing, hunting, or trapping privileges of the person so convicted, or both revoke the license and revoke any or all of the fishing, hunting or trapping privileges of the person so convicted.

(B) Any license so revoked shall be surrendered to the court and transmitted to the arresting officer, to be made a part of the prosecution record.

(2) Any person whose license has been revoked or whose privileges have been suspended, or both, may be prohibited from fishing, hunting and trapping for a period of time of not less than one (1) year to be fixed by the court.

(e) Any violation of this section is a Class C misdemeanor and punishable by a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00). Any person who violates the revocation order of the court may be fined not less than twenty-five dollars (\$25.00) and may be confined in the county jail or workhouse not less than ten (10) days nor more than eleven (11) months and twenty-nine (29) days, it being mandatory upon the court to impose the prison sentence, and the minimum time may not be subject to suspension.

HISTORY: Acts 1951, ch. 115, §§ 12, 16; 1953, ch. 255, § 2 (Williams, §§ 5178.41, 5178.45); Acts 1955, ch. 152, § 6; 1974, ch. 481, § 21; 1980, ch. 736, §§ 1, 2; T.C.A. (orig. ed.), § 51-201; Acts 1987, ch. 24, § 1; 1990, ch. 891, § 6. 


Title 70 Wildlife Resources
Chapter 2 Licenses and Permits
Part 2 Miscellaneous Licenses and Permits

Tenn. Code Ann. § 70-2-209 (2011)

70-2-209. Unlicensed possession and traffic in hides -- Penalty.

(a) It is unlawful for any person, firm or corporation to purchase, receive for sale or have in its possession for commercial purposes any green hides, raw furs or pelts of **wild** animals without first procuring a license, except as provided in § 70-2-208.

(b) Any violation of this section is a Class A misdemeanor.

HISTORY: Acts 1951, ch. 115, § 49 (Williams, § 5178.78); T.C.A. (orig. ed.), § 51-219; Acts 1989, ch. 591, §§ 1, 6; 1993, ch. 129, § 2. 


Tenn. Code Ann. § 70-2-213 (2011)

70-2-213. Permits for scientific purposes -- Reports required -- Penalty for violation.

(a) The executive director has the power, at the executive director's discretion, to grant permission, under the executive director's seal, to any reliable person to take, capture and transport in Tennessee, **wild** birds, and nests and eggs of **wild** birds, and **wild** animals and fish, when taken and used for purely scientific purposes. The permit so issued shall continue in force for one (1) year after the date of issue and shall specify the number of any species to be taken under the permit.

(b) Each person receiving a permit under the provisions of this section shall report to the wildlife resources agency on blanks furnished by it, at or before the expiration of such permit, the number and disposition of the collections made under the permit.

(c) Any person taking any wildlife in violation of the provisions of this section, or of the permit held by that person, shall be, upon conviction, fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) and the permit held by that person shall become void.

HISTORY: Acts 1951, ch. 115, § 66 (Williams, § 5178.95); impl. am. Acts 1974, ch. 481, §§ 6, 7; Acts 1974, ch. 481, § 21; T.C.A. (orig. ed.), § 51-224. 

Tenn. Code Ann. § 70-2-215 (2011)

70-2-215. Taxidermist permits -- Report of work -- Penalty for violation.

(a) Any person, before engaging in the practice of taxidermy, which includes the stuffing, mounting, and preparing of the skins of **wild** birds, animals, and fish for sale or for hire, must first obtain a permit to do so from the executive director.

(b) The executive director shall collect a fee of fifty dollars (\$50.00) for each permit issued, each permit to expire the last day of February.

(c) Each person obtaining such a permit shall conduct such practice of taxidermy in accordance with rules and regulations promulgated by the commission. Failure to make a report pursuant to the rules and regulations shall bar the person concerned from receiving a renewal of the person's permit or a new permit to engage in taxidermy.

(d) Any person violating the provisions of this section commits a Class C misdemeanor and, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00).

HISTORY: Acts 1951, ch. 115, § 67 (Williams, § 5178.96); 1961, ch. 198, § 1; 1969, ch. 245, § 1; impl. am. Acts 1974, ch. 481, §§ 6, 7; Acts 1975, ch. 241, § 5;

70-2-221. Fish dealers license -- Requirements -- Fees -- Penalties.

(a) Any person, firm or corporation, before engaging in the businesses described in this section, must purchase a fish dealer's license:

(1) (A) A "bait dealer" engages in the business of capturing legal species of fish or other aquatic life for the purpose of sale or the selling of legal species of fish and other aquatic life for bait;

(B) Each bait dealer shall make a monthly report to the executive director on forms provided as to the number of minnows sold and shall indicate the source of supply of such minnows; provided, that the executive director may, in the executive director's discretion, require only those monthly reports that the executive director may deem necessary; and

(C) The wildlife resources agency is empowered to inspect any shipment of live minnows, and if found diseased, may cause the shipment to be destroyed without being liable for damage for such destruction;

(2) "Catch-out operation" is the business of making legal species of fish placed in a pond, tank, or other constructed container available to persons wishing to procure them by purchase;

(3) (A) "Fish farming" is the business of rearing for sale legal species of fish and other aquatic life or the selling of legal species of fish and other aquatic life reared in private facilities; and

(B) Fish used in the catch-out business must be reared fish or must be wild commercial fish species obtained legally by commercial fishers, and must be approved by the agency. Fish to be purchased may be caught by persons using legal fishing methods without the requirement of a fishing license.

(b) These businesses shall be operated under rules and regulations promulgated by the wildlife resources agency.

(c) The fee for a resident license shall be twenty dollars (\$20.00); the fee for a nonresident license shall be two hundred fifty dollars (\$250). The license will expire on the last day of February each year.

(d) Each license issued shall cover all operations of a single business conducted within the exterior boundaries of the same tract of land owned or leased by the person, firm or corporation.


(e) Any person, firm or corporation violating the provisions of this section commits a Class C misdemeanor punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

Tenn. Code Ann. § 70-4-105 (2011)

70-4-105. Lawful possession of wildlife by legal license holders.

(a) **Wild** animals, **wild** birds, or **wild** fowl lawfully taken may be possessed by legal license holders during any open season for their lawful taking, designated pursuant to the terms of § 70-4-107(b)-(d), but no person shall have in possession or in storage, or both, during any open season or at any other time, more than the possession limit prescribed by the wildlife resources commission.

(b) Any person violating the provisions of this section commits a Class C misdemeanor.

HISTORY: Acts 1941, ch. 127, § 4; C. Supp. 1950, § 5178.35 (Williams, § 5176.22); modified; Acts 1959, ch. 126, § 1; 1961, ch. 198, § 2; Acts 1974, ch. 481, § 21; T.C.A. (orig. ed.), § 51-406; Acts 1989, ch. 591, § 113. 

Tenn. Code Ann. § 70-4-106 (2011)

70-4-106. Permission of owner of land to take wildlife or big game required -- Penalty for violations.

(a) (1) It is unlawful for any person to hunt, take, chase, trap or kill any **wild** animal, **wild** bird, **wild** fowl or fish, upon the land of another without having first obtained the permission or approval of the owners of the land, or of the person or persons in charge of the land and having authority from the owner to give such permission.

(2) A violation of this subsection (a) is a Class C misdemeanor. Upon conviction for any violation of this subsection (a), the court may revoke the license of the person so convicted. Any license so revoked shall be surrendered to the court and transmitted to the arresting officer, to be made a part of the prosecution record.

(b) (1) (A) Notwithstanding the provisions of subsection (a), it is unlawful for any person to hunt, take, chase, trap or kill any game as defined in § 70-1-101 upon lands posted with signs approved by the wildlife resources agency bearing the language "Hunting By Written Permission Only" and bearing the name of the landowner or the person in possession or control of such lands, without having first obtained the written permission of or being accompanied by the landowner or the person in possession or control of such lands and having authority from the owner to give such permission. Every person who hunts, takes, chases, traps or kills any game on such lands shall have such written permission in immediate possession at all times and shall display the same upon demand of an officer of the wildlife resources agency, sheriff or other peace officer charged with the enforcement of the laws of this state. Written permission shall not be required of the landowner, the landowner's dependents, the person in possession or control of such lands, or the dependents of the person in possession or control of such lands.

(B) The signs posted pursuant to this subsection (b) must be posted by either of the following methods:

(i) The signs must be visible at all major points of ingress of the lands being posted, in such manner that the signs are reasonably likely to come to the attention

of intruders; or


(ii) The signs must be visible at all major points of ingress and must be accompanied by fluorescent visual markings, which markings must also be placed at fifty-yard (50 yd) intervals around the perimeter of the lands being posted. Such fluorescent visual markings must be at least one inch (1") wide and four inches (4") long. The division of forestry, in cooperation with the department of agriculture and the wildlife resources agency, shall determine a unique universal paint color or colors, including the color blue, to be used for these property boundary markings.

(C) Any person who posts signs pursuant to this subsection (b) without authorization from the landowner is subject to the penalties imposed by subdivision (b)(2).

(2) (A) A violation of this subsection (b) is a Class C misdemeanor. Upon conviction for any violation of this subsection (b), the court may revoke the license of the person convicted. Any license so revoked shall be surrendered to the court.

(B) The provisions of this subsection (b) are enforceable and may be prosecuted by all officers of the wildlife resources agency, sheriffs and other peace officers charged with the enforcement of the laws of this state.

(C) An affidavit from the landowner or the person in possession or control of such lands stating that the property on which the violation occurred was properly posted in accordance with the provisions of this section shall create an inference that such lands were properly posted.

HISTORY: Acts 1951, ch. 115, § 51 (Williams, § 5178.80); T.C.A. (orig. ed.), § 51-407; Acts 1988, ch. 542, §§ 1, 2; 1989, ch. 569, §§ 1, 2; 1989, ch. 591, § 113; 1995, ch. 145, § 1; 2004, ch. 748, § 1; 2010, ch. 1143, § 1. 

Tenn. Code Ann. § 70-4-107 (2011)

70-4-107. Hunting and fishing seasons -- Bag and creel limits -- Nonprotected wildlife.

(a) There is hereby declared a closed season upon all hunting and fishing in this state upon all wildlife protected by the laws of the state.

(b) Whenever the supply of game or fish, or both, existing in any area, lake or stream shall become adequate to allow the taking or hunting, or both, of the game or fish without material danger of extinction or undue depletion of such game or fish, then it is lawful for any person to hunt or fish, or both, in the area, lake or stream within the creel, size, and bag limits, and in the manner and by the means prescribed by the wildlife resources commission.

(c) (1) The fact as to whether or not the supply of game or fish, or both, is at any time adequate to allow the taking of game or fish without the danger of extinction or undue depletion shall be determined by the commission, after a complete survey of the area in question.

(2) If the commission finds that the supply of game or fish, or both, is sufficient to

allow taking without the danger of extinction or undue depletion, it shall announce such fact by proclamation, in which it shall state the species of the game or fish, or both, that may be taken without the danger as mentioned in this section, and shall likewise ascertain and announce the dates and hours of the day between which such game or fish, or both, may be taken without the dangers set forth. Upon such announcement by the commission, it is lawful for any person within the area so designated by the commission to take game or fish, or both, of the species mentioned by the commission.

(3) The proclamations shall become effective thirty (30) days after filing with the secretary of state. During emergency conditions, seasons may be closed, reopened or extended summarily. A copy of all proclamations issued by the commission shall be immediately filed with the secretary of state and the county clerks for the counties affected.


(4) The commission shall annually publish a list of such wildlife as are deemed destructive or not to be protected by law, or both.

(d) During any such open season as promulgated by the commission, the provisions of all general game and fish laws shall remain in full force and effect with reference to the method and manner of hunting and fishing and all other restrictions and provisions as to the taking of **wild** animals and fish as now or hereafter appear in the general game and fish laws.

(e) The open season on private lakes may be set by the owner and operator thereof, but the creel limits on fish caught from the waters of such lakes shall not exceed that set by law for public waters.

(f) (1) The commission may establish open seasons, bag and creel limits for the taking of game and fish on state lands, including lands leased by the state for wildlife management purposes, and may make any regulations it may deem needful to promote the best interest and enforce these provisions by means of rules and directions.

(2) A violation of this subsection (f) is a Class B misdemeanor.

HISTORY: Acts 1951, ch. 115, §§ 2-4, 27, 53 (Williams, §§ 5178.31-5178.33, 5178.56, 5178.82, 5178.85); Acts 1953, ch. 255, § 4; 1955, ch. 152, § 1; 1974, ch. 481, § 21; 1978, ch. 587, § 2; 1979, ch. 39, § 1; 1982, ch. 738, §§ 13, 14; T.C.A. (orig. ed.), §§ 51-408 -- 51-410, 51-413, 51-414; Acts 1989, ch. 591, § 113; 1990, ch. 981, § 3. 

Tenn. Code Ann. § 70-4-108 (2011)

70-4-108. Hunting from or across public road or near dwelling -- Penalty.


(a) It is unlawful to hunt, shoot at, chase, catch, or kill, with or without dogs, any **wild** animal, **wild** bird, or **wild** fowl from a public road right-of-way, or to shoot any firearms across or on any public road.

(b) It is unlawful to hunt, shoot at, chase, or kill, with or without dogs any **wild** animal, **wild** bird or **wild** fowl on public lands and waters within one hundred yards (100 yds.) of a visible dwelling house, whether or not such dwelling house is on public or private lands, without the owner's permission.

(c) A violation of the provisions of subsection (a) or (b) is a Class C misdemeanor.

(d) (1) It is unlawful to hunt, shoot at, chase, catch, or kill, with or without dogs, any **wild** animal, **wild** bird, or **wild** fowl from a motor vehicle on either a public road or right-of-way, or from a public road or right-of-way after leaving a motor vehicle specifically for such purpose with the immediate intent to return to the vehicle.

(2) A violation of the provisions of this subsection (d) is a Class A misdemeanor.

HISTORY: Acts 1951, ch. 115, § 35 (Williams, § 5178.64); Acts 1979, ch. 254, § 1; T.C.A. (orig. ed.), § 51-415; Acts 1983, ch. 280, §§ 1, 2; 1984, ch. 670, § 1; 1984, ch. 898, § 1; 1989, ch. 591, § 113; 2005, ch. 124, §§ 1, 2. 


Tenn. Code Ann. § 70-4-109 (2011)

70-4-109. Hunting from aircraft, watercraft or motor vehicles unlawful -- Penalty -- Exception for persons confined to wheelchairs.

(a) It is unlawful to chase, hunt, or kill any **wild** birds, **wild** animals or **wild** fowl in the state of Tennessee from any craft propelled by electric, gasoline, steam or sail power, or airplane or hydroplane or from any automobile or motor vehicle, unless otherwise provided by law, rule and regulation or by proclamation; provided, that under no circumstance shall this subsection (a) be construed as authorizing the legalization of hunting from an automobile or motor vehicle while under power.

(b) Notwithstanding subsection (a), any person totally and permanently confined to a wheelchair as certified by appropriate documentation to the executive director may hunt or kill any wildlife from a stationary automobile or motor vehicle during the lawful hunting seasons; provided, that it is unlawful for such person to shoot directly across or over any road, path or other right-of-way; and provided further, that any such persons shall be accompanied by another person who is not so confined at all times when hunting, and that such person shall retrieve all game taken in such hunt.

(c) A violation of this section is a Class C misdemeanor.


HISTORY: Acts 1951, ch. 115, § 36 (Williams, § 5178.65); 1979, ch. 237, § 1; T.C.A. (orig. ed.), § 51-416; Acts 1989, ch. 591, § 113; 2005, ch. 109, § 1. 

Tenn. Code Ann. § 70-4-114 (2011)

70-4-114. Destruction of dens or nests -- Spotlighting -- Use of spears, explosives, chemicals or other devices unlawful -- Penalty.

(a) It is unlawful to disturb, mutilate, or destroy the home, nest, or den of any protected **wild** animals or birds, to use spears or any like device in the hunting or taking of protected **wild** animals, to blind with lights, except as provided in § 70-4-113, or to use explosives, chemicals, mechanical devices, or smokers of any kind to drive protected **wild** animals out of their dens, holes, or houses.

(b) A violation of this section is a Class C misdemeanor.

HISTORY: Acts 1951, ch. 115, § 38 (Williams, § 5178.67); impl. am. Acts 1974, ch. 481, §§ 6, 7; Acts 1974, ch. 481, § 21; 1982, ch. 738, § 18; T.C.A. (orig. ed.), § 51-423; Acts 1989, ch. 591, § 113. 

Tenn. Code Ann. § 70-4-115 (2011)


70-4-115. Destruction and disposal of wildlife -- Permit -- Penalty.

(a) The owner of lands may destroy any **wild** animals, **wild** birds, or **wild** fowl when such **wild** animals, **wild** birds, or **wild** fowl are destroying property upon such lands. Any person, before destroying any big game under the conditions provided for in this section, is required to obtain a permit for destroying such big game. Such permit shall be issued by an officer of the wildlife resources agency.

(b) Any big game killed or destroyed under the conditions provided for in this section shall remain the property of this state and may be disposed of by the officer of the commission by gift to any worthy recipient; provided, that any **wild** birds or **wild** animals killed accidentally or illegally shall be disposed of in the same manner and a receipt for the same obtained from the person or agency receiving such game.

(c) Motorists are not required to report game accidentally killed by the operation of a motor vehicle. Notwithstanding any other provision of the law to the contrary, **wild** animals accidentally killed by a motor vehicle may be possessed by any person for personal use and consumption; except that, first, personal possession of a deer accidentally killed by a motor vehicle is permitted only if the person notifies the wildlife resources agency or any law enforcement officer within a reasonable time not to exceed forty-eight (48) hours and supplies that person's name and address; and second, personal possession of a bear accidentally killed by a motor vehicle is permitted only when authorized by an enforcement officer of the wildlife resources agency and the person is issued a kill tag. In deer-kill notification situations where a law enforcement officer rather than someone with the wildlife resources agency is notified, the law enforcement officer or the officer's designee shall be responsible for notifying someone with the wildlife resources agency and supplying the information relevant to the deer-kill. Nothing in this section authorizes possession of federally protected wildlife or wildlife protected by the state under chapter 8 of this title.

(d) A violation of this section is a Class C misdemeanor.

HISTORY: Acts 1951, ch. 115, § 33 (Williams, § 5178.62); 1959, ch. 145, § 4; Acts 1974, ch. 481, § 21; 1979, ch. 193, § 1; 1982, ch. 738, § 19; T.C.A. (orig. ed.), § 51-424; Acts 1989, ch. 591, § 113; 1990, ch. 891, § 13; 1999, ch. 285, § 1. 

Tenn. Code Ann. § 70-4-116 (2011)

70-4-116. Hunting, killing and possession of deer, bear, wild elk and wild turkey -- Transporting -- Tagging -- Penalties.

(a) Notwithstanding any law or any public or private act to the contrary, it is unlawful for any person to hunt or take deer, bear or **wild** elk with any shotgun using ammunition loaded with more than one (1) solid ball or rifled slug, or with any rifle using rim-fire cartridges. Bows and arrows are prohibited except as prescribed

by the wildlife resources commission.

(b) It is unlawful to hunt, pursue, capture, possess, transport or store any deer, **wild** turkey, bear or **wild** elk either male or female, in this state, at any time or in any area other than at times and within the area designated by the commission in its promulgation of open seasons, as provided by this title.

(c) Subsections (a)-(c) do not apply when such deer, **wild** turkey, bear or **wild** elk has been killed outside the boundaries of this state. Possession of such game in any closed season or boundary, except as provided in subsection (e), is prima facie evidence of guilt under this section. Any person found in possession of a deer, **wild** turkey, bear or **wild** elk and claiming that it was killed outside the state shall present to the executive director, or to any court hearing a cause pursuant to this title, sufficient proof to establish that the animal was so killed.

(d) (1) Any person killing or possessing, or both, a deer, **wild** turkey, bear or **wild** elk shall tag the animal in accordance with procedures set out in the proclamation. Any deer, **wild** turkey, bear or **wild** elk that has not been tagged in accordance with the provisions of this chapter or any proclamation promulgated in accordance with this title may be confiscated and disposed of as provided by law.

(2) The commission is authorized to issue special quota harvest tags for certain species, or sexes of species, requiring limited harvest. The commission is authorized to adopt rules and regulations that would permit granting to landowners special consideration in the issuance of special quota harvest tags.

(3) A violation of this subsection (d) is a Class C misdemeanor.


(e) (1) A violation of subsections (a)-(c) is a Class B misdemeanor except that a violation of any of these subsections relative to **wild** elk shall be a Class A misdemeanor. It is mandatory upon the court to impose the prison sentence, upon conviction for a second or subsequent offense, and the prison sentence is not subject to suspension.

(2) In the prosecution of second or subsequent offenders, the indictment or presentment must allege the prior conviction for violating any of the provisions of subsections (a)-(c), setting forth the time and place of each such prior conviction. The court shall prohibit such convicted person, either a first or subsequent offender, from hunting, fishing or trapping in this state for a period of one (1) year.

(f) When any person illegally or improperly kills or possesses a dead deer, **wild** turkey, bear, **wild** elk or **wild** hog, the agency may, in its discretion, also seek civil damages against such person in the appropriate court. All damages so recovered shall be payable to the agency and shall not be less than two hundred dollars (\$200) for each deer, **wild** turkey, bear or **wild** hog so killed or possessed nor less than one thousand dollars (\$1,000) for each **wild** elk so killed or possessed.

(g) The court shall have authority to order payment of restitution to the wildlife resources agency as part of punishment for any person convicted of illegally or improperly killing or possessing a **wild** elk. In addition to any other relevant factors to consider when determining the amount of restitution, the court shall include the costs associated with the reintroduction of a **wild** elk. Notwithstanding any provision of law to the contrary, a farmland owner, lessee or designee may take an elk found

within a "no elk zone" when such owner, lessee or designee reasonably believes the elk is causing or has caused damage to such owner's property. In all other situations, the farmland owner, lessee or designee shall first provide the agency an opportunity to relocate the elk. The "no elk zone" shall be defined by the commission.

HISTORY: Acts 1951, ch. 115, §§ 42, 43, 47; 1953, ch. 226, § 3 (Williams, §§ 5178.71, 5178.72, 5178.76); Acts 1957, ch. 382, § 6; 1957, ch. 384, § 1; 1959, ch. 145, § 4; 1961, ch. 198, §§ 2, 3; 1970, ch. 597, § 1; 1973, ch. 288, § 1; impl. am. Acts 1974, ch. 481, §§ 6, 7; Acts 1974, ch. 481, § 21; 1975, ch. 244, § 1; 1976, ch. 681, § 1; 1978, ch. 626, § 1; 1979, ch. 198, § 1; 1980, ch. 644, § 1; 1982, ch. 701, §§ 4-6; 1982, ch. 738, § 20; T.C.A. (orig. ed.), §§ 51-425, 51-426, 51-429; Acts 1983, ch. 385, § 4; 1984, ch. 551, § 1; 1985, ch. 310, § 1; 1988, ch. 592, §§ 1-3; 1989, ch. 591, § 113; 1990, ch. 891, § 14; 1990, ch. 981, § 3; 1999, ch. 91, § 1; 2001, ch. 103, §§ 1-4; 2006, ch. 615, § 1; 2008, ch. 715, § 1; 2011, ch. 283, §§ 2-5. 

Tenn. Code Ann. § 70-4-120 (2011)

70-4-120. Trapping, snaring or baiting regulations -- Penalties for violations -- Snare traps -- Use of tamed quail to train bird dogs.

(a) (1) It is unlawful for any person, except as provided in this chapter, to set or place any trap or snare, or bait any trap or device, upon the lands of, or in the waters adjoining the lands of, any person, for the purpose of catching or killing any **wild** animal upon the lands of another, except during the open season on such animals, and then only after such person has obtained the written consent of the owner of the lands, which written consent shall be upon the person who may be using or setting the devices; provided, that nets, spring poles and deadfalls are prohibited at all times and all places.

(A) Steel traps placed about a hole, cave or den or about a hollow log, hollow stump or any like place shall be placed twelve (12) or more inches from the entrance of any like place, and it is unlawful to place steel traps in the open, except for water sets. Nothing in this subdivision (a)(1)(A) prohibits the placement of cushion-hold traps in the open when the person so trapping has specific permission in the form of written consent of the owner to place the trap on the top of the ground.

(B) All traps shall be inspected within each thirty-six (36) hours and any animal or fowl caught in the traps shall be removed.

(C) Persons trapping upon the lands of another shall at once make to the owner of the lands a full written report of the head of fowl, stock, or dog caught in the steel trap or other trapping device set by such person, giving the date the fowl, stock or dog was caught, with a full description of the fowl, stock or dog.

(D) When damage is done to any person's fowl, stock, dogs or the like by reason of being caught by the device, the one setting or placing the device shall be liable for all damages done by such device.

(E) All traps set or used for the purpose of taking any **wild** animals shall be stamped with the owner's name in such manner that the same shall be legible at all times. Any trap or traps found that are not stamped may be confiscated or

destroyed.


(F) [Deleted by 2008 amendment.]

(G) Any person violating this section commits a Class C misdemeanor and also is prohibited from trapping or engaging in the business of buying or selling furs for a period of time of not less than one (1) year, or both. Any person who traps or engages in the business of buying or selling furs during the period commits a Class C misdemeanor.

(2) (A) Notwithstanding the provisions of this section or any other law to the contrary, in Dyer County at all times and in all places, it is unlawful for any person to set or place a snare trap for the purpose of catching or killing any **wild** animal. This subdivision (a)(2) does not apply to a landowner who sets or places a snare trap within the boundaries of such owner's own land or to any person who is acting as the duly appointed agent or representative of the Obion-Forked Deer Basin authority. A violation of this subdivision (a)(2) is punishable in accordance with the provisions of subdivision (a)(1)(G).

(B) This subdivision (a)(2) has no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Dyer County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by such officer to the secretary of state.

(b) It is lawful at all times for any person to train bird dogs through the use of release pens and tamed and identified quail. The tamed quail shall be identified through the use of tags or dye and the training of the bird dogs shall be conducted under such rules and regulations as may be promulgated by the wildlife resources commission.

HISTORY: Acts 1951, ch. 115, § 48 (Williams, § 5178.77); Acts 1971, ch. 381, §§ 1, 2; 1974, ch. 481, § 21; 1980, ch. 655, § 1; 1981, ch. 197, § 3; T.C.A. (orig. ed.), § 51-439; Acts 1985, ch. 148, § 2; 1985, ch. 253, § 1; 1988, ch. 772, § 1; 1988, ch. 915, §§ 1, 2; 1989, ch. 591, § 113; 1997, ch. 158, §§ 1, 2; 2003, ch. 46, § 1; 2008, ch. 675, § 1. 

Tenn. Code Ann. § 70-4-201 (2011)

70-4-201. Possession of or traffic in protected wildlife illegal -- Exception -- Penalty.


(a) It is unlawful for any person, firm or corporation, any restaurant, club, or hotel in this state to barter, sell, transfer or offer for sale, or to purchase, or offer to purchase, any of the wildlife except as provided within this title or in rules and regulations promulgated by the commission.

(b) Each unlawful sale, purchase, offer for sale or purchase, transfer, or possession with the intent to sell, barter or transfer for any consideration of a **wild** animal or **wild** bird, **wild** fowl or game fish, or part thereof, is a separate offense.

(c) Any person hiring another to kill or capture wildlife and receiving the wildlife is deemed to be buying the wildlife and is subject to the penalties of this title. Officers of the wildlife resources agency or persons specially employed or designated by the executive director or by the United States fish and wildlife service may capture, buy,

sell, or offer to capture, buy or sell **wild** birds or **wild** animals, or parts thereof, for the sole purpose of obtaining evidence of violation of this title. The carcass of a lawful possession limit of opossum, raccoon or beaver may be bought, sold or shipped for sale during the open hunting or trapping season.

(d) A violation of this section is a Class A misdemeanor; except that any violation of this section involving wildlife valued at five hundred (\$500) dollars or more is a Class E felony.

HISTORY: Acts 1951, ch. 115, § 62 (Williams, § 5178.91); Acts 1959, ch. 145, § 4; 1973, ch. 174, §§ 2, 3; impl. am. Acts 1974, ch. 481, §§ 6, 7; Acts 1974, ch. 481, § 21; 1979, ch. 194, § 1; 1981, ch. 197, § 2; 1982, ch. 738, § 26; T.C.A. (orig. ed.), § 51-501; Acts 1984, ch. 552, § 1; 1986, ch. 531, § 2; 1986, ch. 882, §§ 17, 18; 1989, ch. 591, § 113; 1990, ch. 891, § 19; 1990, ch. 981, § 3; 1998, ch. 909, §§ 2, 4. 

Tenn. Code Ann. § 70-4-202 (2011)

70-4-202. Use or possession of wildlife, hides or parts thereof illegally taken unlawful.

Any person who makes any use of or has in possession any **wild** animals, **wild** animals' green hides, **wild** birds, **wild** fowl or fish or parts thereof that have been caught, taken, killed or destroyed contrary to any of the provisions of this title shall be equally liable under the provisions of this title for the penalties imposed against the person who caught, took, killed, or destroyed such **wild** animals, **wild** animals' green hides, **wild** birds, **wild** fowl or fish who was formerly in possession of same.

HISTORY: Acts 1951, ch. 115, § 58 (Williams, § 5178.87); 1982, ch. 738, § 27; T.C.A. (orig. ed.), § 51-502. 


Tenn. Code Ann. § 70-4-204 (2011)

70-4-204. Cold storage of wildlife -- Penalty for violations.

(a) (1) No person, firm or corporation shall place in cold storage at any one (1) time more than two (2) days' bag or creel limit of any **wild** animals, **wild** birds, **wild** fowl, or game fish.

(2) No person shall place in commercial cold storage any **wild** animals, **wild** birds, **wild** fowl, or game fish without first filling out and filing with the storage company an affidavit stating that the same has been lawfully killed or caught and is stored for the affiant's own use and benefit and not for sale. No person, firm or corporation engaged in the business of cold storage shall receive any **wild** animals, **wild** birds, **wild** fowl or game fish, unless such affidavit has been made by the person storing and delivering to the storage concern. The storage concern shall post the affidavit upon a book kept for this purpose, which book shall be open at all times to the executive director or officers of the wildlife resources agency.

(b) A violation of this section is a Class C misdemeanor. Each **wild** bird, **wild** animal, or **wild** fowl or game fish stored in violation of this section is a separate offense.

HISTORY: Acts 1951, ch. 115, § 61 (Williams, § 5178.90); 1959, ch. 145, § 4; impl. am. Acts 1974, ch. 481, §§ 6, 7; 1974, ch. 481, § 21; T.C.A. (orig. ed.), § 51-505; Acts 1989, ch. 591, § 113. 

Tenn. Code Ann. § 70-4-301 (2011)

70-4-301. Part definitions.

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

(1) "Taking" means the capture or killing of a **wild** animal and includes travel, camping, and other acts preparatory to taking that occur on lands or waters upon which the affected person has the right or privilege to take such **wild** animal; and

(2) "**Wild** animal" means any **wild** creature, the taking of which is authorized by the fish and game laws of the state.

Tenn. Code Ann. § 70-4-302 (2011)

70-4-302. Violations -- Penalty.

Any person who performs any of the following commits a Class C misdemeanor:

(1) Interferes with the lawful taking of a **wild** animal by another with intent to prevent the taking;

(2) Disturbs or engages in an activity that will tend to disturb **wild** animals, with intent to prevent their lawful taking;

(3) Disturbs another person who is engaged in the lawful taking of a **wild** animal or who is engaged in the process of taking, with intent to dissuade or otherwise prevent the taking;

(4) Enters or remains upon public lands, or upon private lands without permission of the owner or the owner's agent, with intent to violate this section; or

(5) Fails to obey the order of a peace officer to desist from conduct in violation of this section if the officer observes such conduct, or has reasonable grounds to believe that the person has engaged in such conduct that day or that the person plans or intends to engage in such conduct that day on a specific premises.

HISTORY: Acts 1985, ch. 100, § 3; 1989, ch 591, § 113. 

Tenn. Code Ann. § 70-4-303 (2011)

70-4-303. Injunctions -- Damages -- Construction.

(a) Any court may enjoin conduct that would be in violation of § 70-4-302 upon petition by a person affected or who reasonably may be affected by such conduct, upon a showing that such conduct is threatened or that it has occurred on a

particular premises in the past and that it is not unreasonable to expect that under similar circumstances it will be repeated.

(b) A court may award damages to any person adversely affected by a violation of § 70-4-302, which may include an award for punitive damages. In addition to other items of special damage, the measure of damages may include expenditures of the affected person for license and permit fees, travel, guides, special equipment and supplies, to the extent that such expenditures were rendered futile by prevention of the taking of a **wild** animal.

(c) No provision of this part shall be construed to prohibit or otherwise restrict any landowner, tenant, or employee of a landowner from engaging in normal activities on or normal use of the land or property, and such activities or use shall not be deemed unlawful pursuant to any provision of this part. No provision of this part shall be construed so as to interfere with the right of the landowner to prohibit trespass upon the landowner's property by any person.

HISTORY: Acts 1985, ch. 100, § 4. 

Tenn. Code Ann. § 70-4-402 (2011)

70-4-402. Part definitions.

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

- (1) "Agency" means the Tennessee wildlife resources agency;
- (2) "Cage" means the primary enclosure in which an animal is held;
- (3) "Circus" means a public entertainment consisting typically of a variety of performances by acrobats, clowns, and trained animals, but does not include wrestling bears or any type of show in which there is direct contact between the public and a Class I animal, except as otherwise provided for in this part;
- (4) "Commercial propagator" means any person or entity that may sell, barter, trade, propagate or transfer Class I wildlife, excluding transfers to other commercial propagators located within the boundaries of Tennessee, and that meets all other applicable license, permit, zoning and other requirements necessary to conduct business in the city, county and state where located;
- (5) "Commission" means the Tennessee wildlife resources commission;
- (6) "Mobile facility" means a facility designed for the transporting of animals or for the holding of animals on a temporary basis;
- (7) "Native wildlife" means those species presently occurring in the **wild** in Tennessee and those extirpated species that could reasonably be expected to survive in the **wild** if reintroduced;
- (8) "Perimeter fence" means a secondary fence that prevents the public from touching the cage in which the animal is held;

(9) "Permanent exhibitors" means those exhibits that are housed the entire year in facilities located within the state of Tennessee;

(10) "Personal possession permit" means a noncommercial type permit issued to private citizens for ownership or possession of nonbreeding animals in small numbers;

(11) "Stationary facility" means the primary holding facility, including cage and barriers that remain in a fixed location; and

(12) "Temporary exhibitors" means those transient animal acts not permanently located within the boundaries of the state of Tennessee.

HISTORY: Acts 1991, ch. 487, § 1. 

Tenn. Code Ann. § 70-4-403 (2011)

70-4-403. Classifications of wildlife.

Live wildlife, kept and maintained for any purpose, shall be classified in the following five (5) classes:

(1) Class I -- This class includes all species inherently dangerous to humans. These species may only be possessed by zoos, circuses and commercial propagators, except as otherwise provided in this part. The commission, in conjunction with the commissioner of agriculture, may add or delete species from the list of Class I wildlife by promulgating rules and regulations. The following is a listing of animals considered inherently dangerous:

(A) Mammals:

(i) Primates -- Gorillas, orangutans, chimpanzees, gibbons, siamangs, mandrills, drills, baboons, Gelada baboons;

(ii) Carnivores:

(a) Wolves -- All species;

(b) Bears -- All species; and

(c) Lions, tigers, leopards, jaguars, cheetahs, cougars -- All species;

(iii) Order Proboscidea: Elephants -- All species;

(iv) Order Perissodactyla: Rhinoceroses -- All species; and

(v) Order Artiodactyla: Hippopotamus, African buffalo;

(B) Reptiles:

(i) Order Crocodylia: Crocodiles and alligators -- All species; and

(ii) Order Serpentes: Snakes -- All poisonous species; and

(C) Amphibians: All poisonous species;

(2) Class II -- This class includes native species, except those listed in other classes;

(3) Class III -- This class requires no permits except those required by the department of agriculture, and includes all species not listed in other classes and includes, but is not limited to, those listed in subdivisions (3)(A)-(Q). The commission, in conjunction with the commissioner of agriculture, may add or delete species from the list of Class III wildlife by promulgating rules and regulations:

(A) Nonpoisonous reptiles and amphibians except caimans and gavials;

(B) Rodents -- Gerbils, hamsters, guinea pigs, rats, mice, squirrels and chipmunks;

(C) Rabbits, hares, moles and shrews;

(D) Ferrets and chinchillas;

(E) Llamas, alpacas, guanacos, vicunas, camels, giraffes and bison;

(F) Avian species not otherwise listed, excluding North American game birds, ostriches and cassowary;

(G) Semi-domestic hogs, sheep and goats;

(H) All fish held in aquaria;

(I) Bovidae not otherwise listed;

(J) Marsupials;

(K) Common domestic farm animals;

(L) Equidae;

(M) Primates not otherwise listed;

(N) Bobcat/domestic cat hybrids;

(O) Hybrids resulting from a cross between a Class II species and a domestic animal or Class III species;

(P) Cervidae except white-tailed deer and **wild** elk. Elk originating from a legal source while held in captivity for the purpose of farming shall be regarded as Class III wildlife. All other elk shall be **wild** elk and shall be regarded as Class II wildlife. No person shall possess elk in captivity within the eastern grand division of the state as defined in § 4-1-202 without having documentary evidence indicating the origin of the elk being held. This documentary evidence will be presented to the agents of the department of agriculture or the wildlife resource agency upon request. Sale

documentation of offspring of purchased elk is not required; and

(Q) Furbearing mammals, including those native to Tennessee, raised solely for the sale of fur;

(4) Class IV -- This class includes those native species that may be possessed only by zoos and temporary exhibitors; provided, that rehabilitation facilities may possess Class IV wildlife as provided by rules established by the commission if authorized by a letter from the director of the agency:

(A) Black bear (*Ursus americanus*);

(B) White-tailed deer (*Odocoileus virginianus*);

(C) Wild turkey (*Meleagris gallapavo*), including the eggs of **wild** turkey;

(D) Hybrids of a Class IV species other than bobcat shall be Class IV; and

(E) Animals that are morphologically indistinguishable from native Class IV wildlife shall be Class IV; and

(5) Class V -- This class includes such species that the commission, in conjunction with the commissioner of agriculture, may designate by rules and regulations as injurious to the environment. Species so designated may only be held in zoos under such conditions as to prevent the release or escape of such wildlife into the environment.

HISTORY: Acts 1991, ch. 487, § 1; 1996, ch. 992, § 1; 2001, ch. 103, § 5. 


Tenn. Code Ann. § 70-5-108 (2011)

70-5-108. Acquisition of game and fish rights on private property -- Nature of rights acquired -- Penalty for violations.

(a) The executive director is authorized and empowered to acquire by gift, devise, lease, purchase or otherwise the exclusive game and fish rights on any privately owned lands or waters in the state of Tennessee, which game and fish rights shall include the right to manage, administer, protect, stock, and propagate **wild** birds, **wild** animals and fish upon these areas, and the right to permit hunting and fishing upon these areas in accordance with rules and regulations proclaimed by the commission.

(b) Any violation of such rules and regulations proclaimed by the commission is a Class C misdemeanor.

(c) The game and fish rights authorized to be acquired in this section shall be acquired for any period of years that the private owner may agree to by appropriate instruments in writing, signed and acknowledged by the owner or owners of the areas, and the executive director is hereby authorized to have these leases duly recorded in the office of the register of deeds for the county or counties in which the land is located.

HISTORY: Acts 1941, ch. 103, §§ 1, 2; C. Supp. 1950, §§ 5193.4, 5193.5 (Williams, §§ 5193.3, 5193.4); impl. am. Acts 1974, ch. 481, §§ 6, 7, 17; T.C.A. (orig. ed.), §§ 51-613, 51-614; Acts 1989, ch. 591, § 113. 

Tenn. Code Ann. § 70-6-101 (2011)

70-6-101. Enforcement authority -- Inspection of game -- Penalty for refusing to allow inspection -- Regulations.


(a) The executive director or the officers of the wildlife resources agency, or officers of any other state or of the federal government who are full-time wildlife enforcement personnel designated by the executive director, shall enforce all laws now enacted or that may hereafter be enacted for the propagation and preservation of all wildlife in this state, and shall prosecute all persons, firms and corporations who violate any of such laws. The executive director or officers of the agency shall seize any and all **wild** animals, **wild** fowl, **wild** birds, fishes, frogs and other aquatic animal life, or parts of such wildlife, that have been killed, caught, or taken at a time, in a manner or for a purpose, or that are in possession, or that have been shipped, transported, carried or taken in this state or brought into this state from another state, contrary to the laws of this state.

(b) (1) It is the duty of every person participating in the privileges of taking or possessing such wildlife as permitted by this title to permit the executive director or officers of the agency to ascertain whether the requirements of this title are being faithfully complied with, including the possession of a proper license.

(2) Any person who refuses such inspection and count by any authorized officer of the state, or who interferes with such officer or obstructs such inspection or count commits a Class C misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

(c) Nothing in this section shall be construed to permit search or inspection of a person's dwelling or place of business without a search warrant.

(d) The commission is authorized to provide by duly promulgated regulations a system for issuing warning citations under such conditions as may be deemed proper.


HISTORY: Acts 1951, ch. 115, § 5 (Williams, § 5178.34); 1959, ch. 145, § 4; 1970, ch. 494, § 1; impl. am. Acts 1974, ch. 481, §§ 6, 7; Acts 1974, ch. 481, § 21; T.C.A. (orig. ed.), § 51-701; Acts 1990, ch. 891, §§ 22, 23. 

Tenn. Code Ann. § 70-6-102 (2011)

70-6-102. Each unlawful taking and device deemed separate offense -- Penalty.

Each **wild** animal, **wild** bird, **wild** fowl, or fish caught, taken, killed, captured, destroyed, shipped, offered or received for shipment, transported, bought, sold or bartered, or had in possession, and each trap, snare, net or other device used or attempted to be used in violation of the provisions of this title constitutes a separate

offense and, unless a specific penalty is otherwise provided, is punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense.

HISTORY: Acts 1951, ch. 115, § 52 (Williams, § 5178.81); T.C.A. (orig. ed.), § 51-702. 

Tenn. Code Ann. § 70-6-201 (2011)

70-6-201. Confiscation and disposal of wildlife and other articles illegally taken or used.


(a) All officers of the wildlife resources agency, sheriffs and their deputies shall seize and take possession of any and all furs, fish, **wild** animals, **wild** birds, guns, rods, reels, nets, creels, boats or other instruments, tackle or devices that have been used, transported or possessed contrary to any laws or regulations promulgated by the wildlife resources commission, and impound and take them before the court trying the person arrested.

(b) Upon complaint showing probable cause for believing that any of the **wild** animals, **wild** birds or fish protected by any law or regulation are being illegally kept in any building, car or receptacle, any court having jurisdiction may issue a search warrant and cause such building, car or receptacle to be searched. Any **wild** bird, **wild** animal, fish, articles, instruments, or devices seized in accordance with this section, shall be impounded by the arresting officer and taken before the court trying the person arrested.

(c) (1) Upon conviction, the court or jury trying the case shall, except as provided in §§ 70-4-116 -- 70-4-118, determine whether or not the things seized shall be declared contraband.

(2) When any item is declared contraband, the court shall enter an order accordingly and the contraband property shall be placed in the custody of the arresting officer, to be delivered to the executive director for disposition. The executive director shall destroy or cause to be destroyed any prohibited device or any device deemed by the executive director to be in a dangerous condition. Any contraband property that is not destroyed shall be transferred to the commissioner of general services to be sold at public sale in the manner authorized for surplus property by title 12, chapter 2.

(3) All proceeds from the sale of confiscated articles shall be deposited in the wildlife resources fund.

HISTORY: Acts 1951, ch. 115, § 39 (Williams, § 5178.68); 1959, ch. 145, § 4; impl. am. Acts 1974, ch. 481, §§ 6, 7, 9; Acts 1974, ch. 481, § 21; T.C.A. (orig. ed.), § 51-706; Acts 2007, ch. 65, § 1; 2009, ch. 213, § 1. 

Tenn. Code Ann. § 70-8-103 (2011)

70-8-103. Part definitions.

As used in this part unless the context requires otherwise:

(1) "Agency" means the primary agency within the state that has statutory authority to manage wildlife populations;

(2) "Ecosystem" means a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life;

(3) "Endangered species" means:

(A) Any species or subspecies of wildlife whose prospects of survival or recruitment within the state are in jeopardy or are likely within the foreseeable future to become so due to any of the following factors:

(i) The destruction, drastic modification, or severe curtailment of its habitat;

(ii) Its overutilization for scientific, commercial or sporting purposes;

(iii) The effect on it of disease, pollution, or predation;

(iv) Other natural or man-made factors affecting its prospects of survival or recruitment within the state; or

(v) Any combination of the foregoing factors; or

(B) Any species or subspecies of fish or wildlife appearing on the United States' List of Endangered Native Fish and Wildlife as it appears on April 5, 1974 (Part 17 of Title 50, Code of Federal Regulations, Appendix D), as well as any species or subspecies of fish and wildlife appearing on the United States' List of Endangered Foreign Fish and Wildlife (Part 17 of Title 50 of the Code of Federal Regulations, Appendix A), as such list may be modified hereafter;

(4) "Executive director" means the director of the state agency that has statutory authority to manage wildlife populations;

(5) "Management" means the collection and application of biological information for the purposes of increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining such levels. "Management" includes the entire range of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, habitat acquisition and improvement, and education. "Management" includes, when and where appropriate, the periodic or total protection of species or populations as well as regulated taking;

(6) "Nongame species" means any **wild** mammal, bird, amphibian, reptile, fish, mollusk, crustacean or other wildlife not ordinarily taken for sport, fur, food or other commercial use;

(7) "Optimum carrying capacity" means that point at which a given habitat can support healthy populations of wildlife species, having regard to the total ecosystem, without diminishing the ability of the habitat to continue that function;

(8) "Person" means any individual, corporation, association or partnership;


(9) "Take" means to harass, hunt, capture, or kill, or to attempt to harass, hunt,

capture, or kill wildlife;

(10) "Threatened" means any species or subspecies of wildlife that is likely to become an endangered species within the foreseeable future;

(11) "Watchable wildlife" is any species or subspecies that is defined in this section as nongame, endangered, threatened or wildlife in need of management. It further includes any wildlife species or subspecies when their use is nonconsumptive to the extent that such activities are consistent with their legal taking and welfare; and

(12) "Wildlife in need of management" means any species or subspecies of wildlife that needs specific management to prevent it from becoming a threatened species within the state in the foreseeable future.

HISTORY: Acts 1974, ch. 769, § 3; 1982, ch. 738, § 33; T.C.A., § 51-903; Acts 1986, ch. 882, § 19; 1990, ch. 891, § 24; 1993, ch. 97, § 1. 

Tenn. Code Ann. § 70-8-202 (2011)

70-8-202. Part definitions.

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

(1) "Cultivated ginseng" means ginseng growing in tilled beds under shade of artificial structures or under natural shade where shrubs or other competing vegetation have been removed and the soil has been prepared to enhance the growth of the ginseng;

(2) "Export" means to transport, cause to be transported or deliver to any person for the purpose of transportation from any place in this state to any place outside of this state;


(3) "Ginseng" means the plant *panax quinquefolius* of the araliaceae family;

(4) "Landowner" means the owner or lessee of land or the duly authorized agent of such owner or lessee;

(5) "Prong" means a ginseng leaf with three (3) to five (5) leaflets;

(6) "Sale" means any transfer of possession or ownership for money or other consideration; and

(7) "**Wild** ginseng" means ginseng occurring in its native woodland habitat, and includes the ginseng that is growing naturally in that habitat or that was introduced or increased in abundance in its natural habitat by sowing ginseng seed or by transplanting ginseng plants from other woodland areas.

HISTORY: Acts 1985, ch. 177, § 2; T.C.A., § 11-26-102. 

Tenn. Code Ann. § 70-8-203 (2011)

70-8-203. Dates of harvest season.

The harvest season for **wild** ginseng shall be from August 15 through December 31, inclusive, of each year.

HISTORY: Acts 1985, ch. 177, § 3; T.C.A., § 11-26-103. 

Tenn. Code Ann. § 70-8-204 (2011)

70-8-204. Prohibited activities.

(a) It is unlawful for any person to dig, harvest, collect or remove **wild** ginseng from any land for the purpose of sale or export, on any date not within the **wild** ginseng harvest season established by § 70-8-203.

(b) It is unlawful for any person to dig, harvest, collect or remove from any land, for the purpose of sale or export, any **wild** ginseng plant that has green berries or that has less than three (3) prongs.

(c) It is unlawful for any person who has dug, harvested, collected or removed **wild** ginseng from any land for the purpose of sale or export to:

(1) Remove the berries of the **wild** ginseng from the approximate location from which the **wild** ginseng was dug, harvested, collected or removed; or

(2) Fail, immediately after such digging, harvest, collection or removal, to plant the berries of the **wild** ginseng in the approximate location from which the **wild** ginseng was dug, harvested, collected or removed.

(d) It is unlawful to sell or offer for sale **wild** or cultivated ginseng that was harvested or collected from any state other than Tennessee unless such ginseng has been certified or otherwise approved for export by the state from which the ginseng was harvested, collected, or removed. A certificate shall accompany all **wild** and cultivated ginseng from other states showing that it has been certified and approved for export.

(e) It is unlawful for any person, without permission of the landowner, to enter the property of the landowner and dig, harvest, collect, or remove **wild** or cultivated ginseng. This subsection (e) shall not apply to any employee or contractor of the federal government or of the state or of any political subdivision of the state engaged in any type of planning, construction, or maintenance work upon any proposed or existing federal, state, county, or other public road or highway, or highway right-of-way, while performing such work in the course of employment or contract work with the federal, state, or local government.

HISTORY: Acts 1985, ch. 177, §§ 4-8; T.C.A., § 11-26-104. 