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Opinion No. 08-65

Definition of “Shelter” as it Relates to Animal Cruelty

QUESTION

What is the definition of “shelter” as it relates to animal cruelty under Tenn. Code Ann. § 39-14-202?

OPINION

The term “shelter” is not defined in Tenn. Code Ann. § 39-14-202 or elsewhere in the statutory scheme. Therefore, one must look to the plain language of the statute and apply the ordinary meaning of the word.

ANALYSIS

Section 39-14-202 (a)(2), Tennessee Code Annotated, provides that “[a] person commits an offense who intentionally or knowingly fails unreasonably to provide necessary food, water, care or shelter for an animal in the person’s custody.” The term “shelter” is not defined in the statute involved or elsewhere in the statutory scheme; therefore, one must look to the plain language of the statute and apply the ordinary meaning of the word. *Cohen v. Cohen*, 937 S.W.2d 823, 827 (Tenn. Ct. App. 1996). “Shelter” has been defined as “something that covers or affords protection especially from the elements: something that provides refuge or defense (as from injury, exposure, observation, attack, pursuit, danger, or annoyance): a means or place of protection: an area of safety: refuge, screen.” *Webster’s Third New International Dictionary* 2093 (1986).

In order to violate the statute with respect to shelter, a person must intentionally or knowingly fail unreasonably to provide “necessary” shelter for the animal. It is impossible to define with any precision what would constitute “necessary” shelter, as this would vary depending upon the circumstances relating to a particular animal’s situation. In a criminal prosecution under § 39-14-202(a), it would be the duty of the fact-finder to determine whether the animal was provided with “necessary” shelter.

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