

**STATE OF TENNESSEE**  
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Opinion No. 08-124

Definition of “Depraved and Sadistic” as it Relates to Aggravated Animal Cruelty

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**QUESTION**

What is the definition of “depraved and sadistic” as it relates to aggravated animal cruelty under Tenn. Code Ann. § 39-14-212(b)(1)?

**OPINION**

The terms “depraved and sadistic” are not defined in Tenn. Code Ann. § 39-14-212(b)(1) or elsewhere in the statutory scheme. Therefore, one must look to the plain language of the statute and apply the ordinary meaning of the words.

**ANALYSIS**

Aggravated cruelty to animals is committed when, “with aggravated cruelty and with no justifiable purpose, such person intentionally kills or intentionally causes serious physical injury to a companion animal.” Tenn. Code Ann. § 39-14-212(a). Aggravated cruelty is defined as, “conduct which is done or carried out in a depraved and sadistic manner and which tortures or maims an animal. . . .” Tenn. Code Ann. § 39-14-212(b)(1). Aggravated cruelty to animals is a Class E felony. Tenn. Code Ann. § 39-14-212(d). The statute does not define what constitutes “depraved and sadistic;” however, it is a basic rule of statutory construction that, when construing or interpreting statutes, courts must “ascertain and carry out the legislature's intent without unduly restricting or expanding a statute beyond its intended scope.” *Lavin v. Jordan*, 16 S.W.3d 362, 365 (Tenn. 2000). In so doing, courts “examine the ‘natural and ordinary meaning of the language used, without a forced or subtle construction that would limit or extend the meaning of the language.’ Where the language of the statute is clear and unambiguous, . . . [courts] will give effect to the statute according to the plain meaning of its terms.” *Id.* at 365 (citations omitted). “Depraved” has been defined as “morally corrupt; perverted.” “Sadistic” has been defined as “deriving of sexual gratification or the tendency to derive sexual gratification from inflicting pain or emotional abuse on others; deriving

of pleasure, or the tendency to derive pleasure, from cruelty; extreme cruelty.” *American Heritage Dictionary*, 4th Edition (2000).

In order to violate the statute with respect to aggravated cruelty, a person must intentionally torture or maim an animal by engaging in conduct in a morally corrupt or perverted manner or by deriving pleasure or sexual gratification from inflicting pain or cruelty on an animal.<sup>1</sup> In a criminal prosecution under § 39-14-212, it would be the duty of the fact-finder to determine whether the defendant’s actions were carried out in a “depraved and sadistic” manner.

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<sup>1</sup>Sexual offenses against animals are prohibited and punished by Tenn. Code Ann. § 39-14-214.