

116TH CONGRESS 1ST SESSION

H.R.724

AN ACT

To revise section 48 of title 18, United States Code, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

1 SECTION 1. SHORT TITLE.

- This Act may be cited as the "Preventing Animal
- 3 Cruelty and Torture Act" or the "PACT Act".
- 4 SEC. 2. REVISION OF SECTION 48.
- 5 (a) In General.—Section 48 of title 18, United
- 6 States Code, is amended to read as follows:

7 "§ 48. Animal crushing

- 8 "(a) Offenses.—
- 9 "(1) Crushing.—It shall be unlawful for any
- person to purposely engage in animal crushing in or
- affecting interstate or foreign commerce or within
- the special maritime and territorial jurisdiction of
- the United States.
- 14 "(2) Creation of Animal Crush Videos.—It
- shall be unlawful for any person to knowingly create
- an animal crush video, if—
- 17 "(A) the person intends or has reason to
- 18 know that the animal crush video will be dis-
- tributed in, or using a means or facility of,
- interstate or foreign commerce; or
- 21 "(B) the animal crush video is distributed
- in, or using a means or facility of, interstate or
- foreign commerce.
- 24 "(3) Distribution of Animal Crush Vid-
- 25 Eos.—It shall be unlawful for any person to know-
- ingly sell, market, advertise, exchange, or distribute

1	an animal crush video in, or using a means or facil					
2	ity of, interstate or foreign commerce.					
3	"(b) Extraterritorial Application.—This see					
4	tion applies to the knowing sale, marketing, advertising					
5	exchange, distribution, or creation of an animal crush					
6	video outside of the United States, if—					
7	"(1) the person engaging in such conduct in					
8	tends or has reason to know that the animal crush					
9	video will be transported into the United States or					
10	its territories or possessions; or					
11	"(2) the animal crush video is transported into					
12	the United States or its territories or possessions.					
13	"(c) Penalties.—Whoever violates this section shall					
14	be fined under this title, imprisoned for not more than					
15	7 years, or both.					
16	"(d) Exceptions.—					
17	"(1) In general.—This section does not apply					
18	with regard to any conduct, or a visual depiction of					
19	that conduct, that is—					
20	"(A) a customary and normal veterinary,					
21	agricultural husbandry, or other animal man					
22	agement practice;					
23	"(B) the slaughter of animals for food;					

1	"(C) hunting, trapping, fishing, a sporting					
2	activity not otherwise prohibited by Federal					
3	law, predator control, or pest control;					
4	"(D) medical or scientific research;					
5	"(E) necessary to protect the life or prop					
6	erty of a person; or					
7	"(F) performed as part of euthanizing an					
8	animal.					
9	"(2) GOOD-FAITH DISTRIBUTION.—This section					
10	does not apply to the good-faith distribution of ar					
11	animal crush video to—					
12	"(A) a law enforcement agency; or					
13	"(B) a third party for the sole purpose of					
14	analysis to determine if referral to a law en-					
15	forcement agency is appropriate.					
16	"(3) Unintentional conduct.—This section					
17	does not apply to unintentional conduct that injures					
18	or kills an animal.					
19	"(4) Consistency with Rfra.—This section					
20	shall be enforced in a manner that is consistent with					
21	section 3 of the Religious Freedom Restoration Ac					
22	of 1993 (42 U.S.C. 2000bb-1).					
23	"(e) No Preemption.—Nothing in this section shall					
24	be construed to preempt the law of any State or local sub					
25	division thereof to protect animals.					

1	"(f) DEFINITIONS.—In this section—
2	"(1) the term 'animal crushing' means actual
3	conduct in which one or more living non-human
4	mammals, birds, reptiles, or amphibians is purposely
5	crushed, burned, drowned, suffocated, impaled, or
6	otherwise subjected to serious bodily injury (as de-
7	fined in section 1365 and including conduct that, if
8	committed against a person and in the special mari-
9	time and territorial jurisdiction of the United States,
10	would violate section 2241 or 2242);
11	"(2) the term 'animal crush video' means any
12	photograph, motion-picture film, video or digital re-
13	cording, or electronic image that—
14	"(A) depicts animal crushing; and
15	"(B) is obscene; and
16	"(3) the term 'euthanizing an animal' means
17	the humane destruction of an animal accomplished
18	by a method that—
19	"(A) produces rapid unconsciousness and
20	subsequent death without evidence of pain or
21	distress; or
22	"(B) uses anesthesia produced by an agent
23	that causes painless loss of consciousness and
24	subsequent death.".

- 1 (b) Technical and Conforming Amendment.—
- 2 The table of sections for chapter 3 of title 18, United
- 3 States Code, is amended by striking the item relating to
- 4 section 48 and inserting the following: "48. Animal crushing.".

5 SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

- 6 The budgetary effects of this Act, and the amend-
- 7 ments made by this Act, for the purpose of complying with
- 8 the Statutory Pay-As-You-Go Act of 2010, shall be deter-
- 9 mined by reference to the latest statement titled "Budg-
- 10 etary Effects of PAYGO Legislation" for this Act, sub-
- 11 mitted for printing in the Congressional Record by the
- 12 Chairman of the House Budget Committee, provided that
- 13 such statement has been submitted prior to the vote on
- 14 passage.

Passed the House of Representatives October 22, 2019.

Attest:

Clerk.

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