

115TH CONGRESS
1ST SESSION

S. 654

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

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2017

Mr. TOOMEY (for himself, Mr. BLUMENTHAL, Mr. DURBIN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Animal
5 Cruelty and Torture Act” or the “PACT Act”.

6 **SEC. 2. REVISION OF SECTION 48.**

7 (a) IN GENERAL.—Section 48 of title 18, United
8 States Code, is amended to read as follows:

9 **“§ 48. Animal crushing**

10 **“(a) OFFENSES.—**

1 “(1) CRUSHING.—It shall be unlawful for any
2 person to purposely engage in animal crushing in or
3 affecting interstate or foreign commerce or within
4 the special maritime and territorial jurisdiction of
5 the United States.

6 “(2) CREATION OF ANIMAL CRUSH VIDEOS.—It
7 shall be unlawful for any person to knowingly create
8 an animal crush video, if—

9 “(A) the person intends or has reason to
10 know that the animal crush video will be dis-
11 tributed in, or using a means or facility of,
12 interstate or foreign commerce; or

13 “(B) the animal crush video is distributed
14 in, or using a means or facility of, interstate or
15 foreign commerce.

16 “(3) DISTRIBUTION OF ANIMAL CRUSH VID-
17 EOS.—It shall be unlawful for any person to know-
18 ingly sell, market, advertise, exchange, or distribute
19 an animal crush video in, or using a means or facil-
20 ity of, interstate or foreign commerce.

21 “(b) EXTRATERRITORIAL APPLICATION.—This sec-
22 tion applies to the knowing sale, marketing, advertising,
23 exchange, distribution, or creation of an animal crush
24 video outside of the United States, if—

1 “(1) the person engaging in such conduct in-
2 tends or has reason to know that the animal crush
3 video will be transported into the United States or
4 its territories or possessions; or

5 “(2) the animal crush video is transported into
6 the United States or its territories or possessions.

7 “(c) PENALTIES.—Whoever violates this section shall
8 be fined under this title, imprisoned for not more than
9 7 years, or both.

10 “(d) EXCEPTIONS.—

11 “(1) IN GENERAL.—This section does not apply
12 with regard to any conduct, or a visual depiction of
13 that conduct, that is—

14 “(A) a customary and normal veterinary,
15 agricultural husbandry, or other animal man-
16 agement practice;

17 “(B) the slaughter of animals for food;

18 “(C) hunting, trapping, fishing, a sporting
19 activity not otherwise prohibited by Federal
20 law, predator control, or pest control;

21 “(D) medical or scientific research;

22 “(E) necessary to protect the life or prop-
23 erty of a person; or

24 “(F) performed as part of euthanizing an
25 animal.

1 “(2) GOOD-FAITH DISTRIBUTION.—This section
 2 does not apply to the good-faith distribution of an
 3 animal crush video to—

4 “(A) a law enforcement agency; or

5 “(B) a third party for the sole purpose of
 6 analysis to determine if referral to a law en-
 7 forcement agency is appropriate.

8 “(3) UNINTENTIONAL CONDUCT.—This section
 9 does not apply to unintentional conduct that injures
 10 or kills an animal.

11 “(4) CONSISTENCY WITH RFRA.—This section
 12 shall be enforced in a manner that is consistent with
 13 section 3 of the Religious Freedom Restoration Act
 14 of 1993 (42 U.S.C. 2000bb–1).

15 “(e) NO PREEMPTION.—Nothing in this section shall
 16 be construed to preempt the law of any State or local sub-
 17 division thereof to protect animals.

18 “(f) DEFINITIONS.—In this section—

19 “(1) the term ‘animal crushing’ means actual
 20 conduct in which one or more living non-human
 21 mammals, birds, reptiles, or amphibians is purposely
 22 crushed, burned, drowned, suffocated, impaled, or
 23 otherwise subjected to serious bodily injury (as de-
 24 fined in section 1365 and including conduct that, if
 25 committed against a person and in the special mari-

1 time and territorial jurisdiction of the United States,
 2 would violate section 2241 or 2242);

3 “(2) the term ‘animal crush video’ means any
 4 photograph, motion-picture film, video or digital re-
 5 cording, or electronic image that—

6 “(A) depicts animal crushing; and

7 “(B) is obscene; and

8 “(3) the term ‘euthanizing an animal’ means
 9 the humane destruction of an animal accomplished
 10 by a method that—

11 “(A) produces rapid unconsciousness and
 12 subsequent death without evidence of pain or
 13 distress; or

14 “(B) uses anesthesia produced by an agent
 15 that causes painless loss of consciousness and
 16 subsequent death.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 18 The table of sections for chapter 3 of title 18, United
 19 States Code, is amended by striking the item relating to
 20 section 48 and inserting the following:

“48. Animal crushing.”.

