

115TH CONGRESS 1ST SESSION S. 654

## 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.					
2	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					
10	0 person to purposely engage in animal crushing in					
11	affecting interstate or foreign commerce or with					
12	the special maritime and territorial jurisdiction of					
13	the United States.					
14	"(2) Creation of Animal Crush Videos.—I					
15	shall be unlawful for any person to knowingly create					
16	an animal crush video, if—					
17	"(A) the person intends or has reason to					
18	know that the animal crush video will be dis					
19	tributed in, or using a means or facility o					
20	interstate or foreign commerce; or					
21	"(B) the animal crush video is distributed					
22	in, or using a means or facility of, interstate or					
23	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

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1	an animal crush video in, or using a means or facil					
2	ity of, interstate or foreign commerce.					
3	"(b) Extraterritorial Application.—This se					
4	tion applies to the knowing sale, marketing, advertising					
5	exchange, distribution, or creation of an animal cru					
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 crus					
9	video will be transported into the United States of					
10	its territories or possessions; or					
11	"(2) the animal crush video is transported int					
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 Act					
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 purposel					
5	crushed, burned, drowned, suffocated, impaled, o					
6	otherwise subjected to serious bodily injury (as de					
7	fined in section 1365 and including conduct that, i					
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 an					
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 of					
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.".

Passed the Senate December 14, 2017.

Attest:

Secretary.

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