

116TH CONGRESS
1ST SESSION

H. R. 724

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2019

Mr. DEUTCH (for himself, Mr. BUCHANAN, Mr. NADLER, Mr. AGUILAR, Ms. BARRAGÁN, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BROWNLEY of California, Mr. BEYER, Mr. CHABOT, Mr. CARTWRIGHT, Mr. CLAY, Mr. CONNOLLY, Mr. CRIST, Mr. CALVERT, Mr. BUDD, Ms. DELAURO, Mrs. DEMINGS, Mr. SWALWELL of California, Ms. ESHOO, Mr. CICILLINE, Mr. FOSTER, Mr. FITZPATRICK, Mr. GARAMENDI, Mr. GRIJALVA, Ms. JACKSON LEE, Mr. ENGEL, Ms. JAYAPAL, Mr. JONES, Mr. GONZALEZ of Texas, Ms. KAPTUR, Mr. LIPINSKI, Ms. MCCOLLUM, Mrs. MURPHY, Mr. HIGGINS of New York, Mr. MAST, Mr. ESPAILLAT, Mr. O'HALLERAN, Mr. MEADOWS, Ms. NORTON, Mr. PAYNE, Mr. MOULTON, Ms. MENG, Mr. KRISHNAMOORTHY, Mr. KHANNA, Ms. MATSUI, Mr. KEATING, Mr. KING of New York, Mr. PANETTA, Mr. QUIGLEY, Mr. CURTIS, Mr. POCAN, Mr. SHERMAN, Mr. SERRANO, Mr. SCHRADER, Mr. TIPTON, Mr. TONKO, Mr. THOMPSON of California, Mr. RYAN, Ms. FRANKEL, Mr. PRICE of North Carolina, Ms. BASS, Mr. SUOZZI, Ms. SCHAKOWSKY, Mr. MEEKS, Mrs. KIRKPATRICK, Mrs. BEATTY, Ms. KUSTER of New Hampshire, Mr. JOHN W. ROSE of Tennessee, Ms. SHALALA, Mr. LOEBSACK, Mr. KILMER, Mrs. LOWEY, Mr. CORREA, Ms. GABBARD, Mr. MARSHALL, Mr. JOHNSON of Georgia, Mr. GAETZ, Mr. BUCK, Mr. SCHWEIKERT, Mr. GALLEG0, Mr. YARMUTH, Mr. ZELDIN, Mr. TURNER, Ms. HERRERA BEUTLER, Mr. COLLINS of New York, Mr. YOHO, Miss RICE of New York, Mr. SABLON, Mr. WELCH, Mr. DESAULNIER, Ms. STEFANIK, Mr. LANGEVIN, Ms. WASSERMAN SCHULTZ, Mr. POSEY, Ms. ROYBAL-ALLARD, Mr. PASCRELL, Mr. VARGAS, Mr. UPTON, Ms. CLARK of Massachusetts, Mr. RUPPERSBERGER, Mr. KATKO, Mr. COLE, Mr. SMITH of Washington, Mr. PETERS, Ms. TITUS, Mr. KENNEDY, Mr. CÁRDENAS, Mrs. AXNE, Mr. BERA, Ms. LEE of California, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. TED LIEU of California, Mr. RODNEY DAVIS of Illinois, Mr. PERRY, Mr. RASKIN, Mr. GOMEZ, Ms. HILL of California, Ms. PINGREE, Mr. JOYCE of Ohio, Mr. NEAL, Ms. SPEIER, Mrs. DAVIS of California, Mr. WITTMAN, Ms. VELÁZQUEZ, Mrs. TORRES of California, Mr. WILLIAMS, Mr. COHEN, Ms. BONAMICI, Mr. LEVIN of California, Mr. LEWIS, Mr. PALLONE, Mr. GOTTHEIMER, Mr. MCEACHIN, Mr. HECK, Mr. LOUDERMILK,

Mr. VELA, Mrs. BUSTOS, Mr. KILDEE, Ms. SLOTKIN, Ms. JUDY CHU of California, Ms. WILSON of Florida, Mr. SIRES, Mr. SEAN PATRICK MALONEY of New York, Mr. SCHNEIDER, Mr. DEFazio, and Ms. PLASKETT) introduced the following bill; which was 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.—

11 “(1) CRUSHING.—It shall be unlawful for any
12 person to purposely engage in animal crushing in or
13 affecting interstate or foreign commerce or within
14 the special maritime and territorial jurisdiction of
15 the United States.

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

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

5 “(B) the animal crush video is distributed
6 in, or using a means or facility of, interstate or
7 foreign commerce.

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

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

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

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

23 “(c) PENALTIES.—Whoever violates this section shall
24 be fined under this title, imprisoned for not more than
25 7 years, or both.

1 “(d) EXCEPTIONS.—

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

5 “(A) a customary and normal veterinary,
6 agricultural husbandry, or other animal man-
7 agement practice;

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

9 “(C) hunting, trapping, fishing, a sporting
10 activity not otherwise prohibited by Federal
11 law, predator control, or pest control;

12 “(D) medical or scientific research;

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

15 “(F) performed as part of euthanizing an
16 animal.

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

20 “(A) a law enforcement agency; or

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

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

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

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

11 “(f) DEFINITIONS.—In this section—

12 “(1) the term ‘animal crushing’ means actual
13 conduct in which one or more living non-human
14 mammals, birds, reptiles, or amphibians is purposely
15 crushed, burned, drowned, suffocated, impaled, or
16 otherwise subjected to serious bodily injury (as de-
17 fined in section 1365 and including conduct that, if
18 committed against a person and in the special mari-
19 time and territorial jurisdiction of the United States,
20 would violate section 2241 or 2242);

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

24 “(A) depicts animal crushing; and

25 “(B) is obscene; and

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

4 “(A) produces rapid unconsciousness and
5 subsequent death without evidence of pain or
6 distress; or

7 “(B) uses anesthesia produced by an agent
8 that causes painless loss of consciousness and
9 subsequent death.”.

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

 “48. Animal crushing.”.

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