

Union Calendar No. 468

108TH CONGRESS
2D SESSION

H. R. 4264

[Report No. 108-756]

To amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2004

Mr. GREEN of Wisconsin (for himself, Mr. GALLEGLY, Mr. COBLE, Mr. BARTLETT of Maryland, Mr. ANDREWS, Mr. MEEHAN, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 7, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on May 4, 2004]

A BILL

To amend title 18, United States Code, to strengthen prohibitions against animal fighting, 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 “Animal Fighting Prohi-*
 3 *bition Enforcement Act of 2004”.*

4 **SEC. 2. ENFORCEMENT OF ANIMAL FIGHTING PROHIBI-**
 5 **TIONS.**

6 *(a) IN GENERAL.—Chapter 3 of title 18, United States*
 7 *Code, is amended by adding at the end the following:*

8 **“§ 49. Animal fighting prohibition**

9 *“(a) SPONSORING OR EXHIBITING AN ANIMAL IN AN*
 10 *ANIMAL FIGHTING VENTURE.—*

11 *“(1) IN GENERAL.—Except as provided in para-*
 12 *graph (2), it shall be unlawful for any person to*
 13 *knowingly sponsor or exhibit an animal in an ani-*
 14 *mal fighting venture, if any animal in the venture*
 15 *was moved in interstate or foreign commerce.*

16 *“(2) SPECIAL RULE FOR CERTAIN STATES.—*
 17 *With respect to fighting ventures involving live birds*
 18 *in a State where it would not be in violation of the*
 19 *law, it shall be unlawful under this subsection for a*
 20 *person to sponsor or exhibit a bird in the fighting*
 21 *venture only if the person knew that any bird in the*
 22 *fighting venture was knowingly bought, sold, deliv-*
 23 *ered, transported, or received in interstate or foreign*
 24 *commerce for the purpose of participation in the*
 25 *fighting venture.*

1 “(b) *BUYING, SELLING, DELIVERING, OR TRANS-*
 2 *PORTING ANIMALS FOR PARTICIPATION IN ANIMAL FIGHT-*
 3 *ING VENTURE.*—*It shall be unlawful for any person to*
 4 *knowingly sell, buy, transport, or deliver, or receive for pur-*
 5 *poses of transportation, in interstate or foreign commerce,*
 6 *any dog or other animal for purposes of having the dog*
 7 *or other animal participate in an animal fighting venture.*

8 “(c) *USE OF POSTAL SERVICE OR OTHER INTERSTATE*
 9 *INSTRUMENTALITY FOR PROMOTING ANIMAL FIGHTING*
 10 *VENTURE.*—*It shall be unlawful for any person to know-*
 11 *ingly use the mail service of the United States Postal Serv-*
 12 *ice or any instrumentality of interstate commerce for com-*
 13 *mercial speech promoting an animal fighting venture except*
 14 *as performed outside the limits of the States of the United*
 15 *States.*

16 “(d) *VIOLATION OF STATE LAW.*—*Notwithstanding*
 17 *subsection (c), the activities prohibited by such subsection*
 18 *shall be unlawful with respect to fighting ventures involving*
 19 *live birds only if the fight is to take place in a State where*
 20 *it would be in violation of the laws thereof.*

21 “(e) *SHARP INSTRUMENTS.*—*It shall be unlawful for*
 22 *any person to knowingly sell, buy, transport, or deliver in*
 23 *interstate or foreign commerce a knife, a gaff, or any other*
 24 *sharp instrument attached, or designed or intended to be*

1 *attached, to the leg of a bird for use in an animal fighting*
2 *venture.*

3 “(f) *PENALTIES.*—*Any person who violates subsection*
4 *(a), (b), (c), or (e) shall be fined under this title or impris-*
5 *oned for not more than 2 years, or both, for each such viola-*
6 *tion.*

7 “(g) *DEFINITIONS.*—*For purposes of this section—*

8 “(1) *the term ‘animal fighting venture’ means*
9 *any event which involves a fight between at least two*
10 *animals and is conducted for purposes of sport, wa-*
11 *gering, or entertainment except that the term ‘animal*
12 *fighting venture’ shall not be deemed to include any*
13 *activity the primary purpose of which involves the*
14 *use of one or more animals in hunting another ani-*
15 *mal or animals, such as waterfowl, bird, raccoon, or*
16 *fox hunting;*

17 “(2) *the term ‘instrumentality of interstate com-*
18 *merce’ means any written, wire, radio, television or*
19 *other form of communication in, or using a facility*
20 *of, interstate commerce;*

21 “(3) *the term ‘State’ means any State of the*
22 *United States, the District of Columbia, the Common-*
23 *wealth of Puerto Rico, and any territory or possession*
24 *of the United States; and*

1 “(4) the term ‘animal’ means any live bird, or
2 any live dog or other mammal, except man.

3 “(h) *CONFLICT WITH STATE LAW.*—The provisions of
4 this section do not supersede or otherwise invalidate any
5 such State, local, or municipal legislation or ordinance re-
6 lating to animal fighting ventures except in case of a direct
7 and irreconcilable conflict between any requirements there-
8 under and this section or any rule, regulation, or standard
9 hereunder.”.

10 (b) *CLERICAL AMENDMENT.*—The table of contents for
11 chapter 3 of title 18, is amended by inserting after the item
12 relating to section 48 the following:

“49. Animal fighting prohibition.”.

13 (c) *REPEAL OF CRIMINAL PENALTY IN THE ANIMAL*
14 *WELFARE ACT.*—Section 26 of the Animal Welfare Act (7
15 U.S.C. 2156) is amended by striking subsection (e).

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