

108TH CONGRESS
2D SESSION

H. R. 5242

To amend title 18, United States Code, to prohibit certain interstate conduct relating to captive mammals.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2004

Mr. FARR (for himself, Mr. SHAYS, Mr. LEACH, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Ms. LEE, Mr. WEXLER, Mr. GREENWOOD, Ms. SOLIS, Ms. ESHOO, Mr. SHERMAN, Mr. MORAN of Virginia, Mr. BERMAN, Mr. HONDA, Mr. GRIJALVA, Mr. NADLER, Mrs. MALONEY, Mr. EVANS, Mr. ACKERMAN, and Mr. INSLEE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit certain interstate conduct relating to captive mammals.

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 “Captive Mammal Pro-
5 tection Act of 2004”.

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

7 “§ 49. Captive mammals

8 “(a) PROHIBITION.—Whoever, in or affecting inter-
9 state or foreign commerce, knowingly transfers, trans-
10 ports, or possesses a captive mammal, for the purposes
11 of allowing the killing or injuring of that mammal for en-
12 tertainment or for the collection of a trophy, shall be fined
13 under this title, imprisoned not more than 1 year, or both.

14 “(b) DEFINITIONS.—In this section—

15 “(1) the term ‘captive mammal’ means a mam-
16 mal that has been held in captivity, whether or not
17 the defendant knows the length of the captivity, for
18 the shorter of—

19 “(A) the majority of the animal’s life; or

20 “(B) a period of 1 year; and

“(2) the term ‘captivity’ does not include any period during which an animal lives as it would in the wild—

24 “(A) surviving primarily by foraging for
25 naturally occurring food;

1 “(B) roaming at will over an open area of
2 not less than 1,000 acres; and

3 “(C) having the opportunity to avoid hunt-
4 ers.”.

5 (b) CONFORMING AMENDMENT.—The table of sec-
6 tions at the beginning of chapter 3 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing new item:

 “49 Captive mammals.”.

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