

108TH CONGRESS  
2D SESSION

# S. 2731

To amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 2004

Mr. LAUTENBERG (for himself, Mr. BIDEN, Mr. KENNEDY, Mr. LEVIN, Mr. CORZINE, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. KOHL, Mr. DURBIN, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

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 Exotic Animal  
5       Protection Act of 2004”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) The ethic of hunting involves the consider-  
2           ation of fair chase, which allows the animal the op-  
3           portunity to avoid the hunter.

4           (2) At more than 1,000 commercial canned  
5           hunt operations across the country, trophy hunters  
6           pay a fee to shoot captive exotic animals, from Afri-  
7           can lions to giraffes and blackbuck antelope, in  
8           fenced-in enclosures.

9           (3) Clustered in a captive setting at unusually  
10          high densities, confined exotic animals attract dis-  
11          ease more readily than more widely dispersed native  
12          species who roam freely.

13          (4) The transportation of captive exotic animals  
14          to commercial canned hunt operations can facilitate  
15          the spread of disease across great distances.

16          (5) The regulation of the transport and treat-  
17          ment of exotic animals on shooting preserves falls  
18          outside the traditional domains of State agriculture  
19          departments and State fish and game agencies.

20          (6) This Act is limited in its purpose and will  
21          not limit the licensed hunting of any native mam-  
22          mals or any native or exotic birds.

23          (7) This Act does not aim to criticize those  
24          hunters who pursue animals that are not enclosed  
25          within a fence.

1           (8) This Act does not attempt to prohibit  
 2           slaughterhouse activities, nor does it aim to prohibit  
 3           the routine euthanasia of domesticated farm ani-  
 4           mals.

5 **SEC. 3. TRANSPORT OR POSSESSION OF EXOTIC ANIMALS**  
 6 **FOR PURPOSES OF KILLING OR INJURING**  
 7 **THEM.**

8           (a) IN GENERAL.—Chapter 3 of title 18, United  
 9 States Code, is amended by adding at the end the fol-  
 10 lowing:

11 **“§ 49. Exotic animals**

12           “(a) PROHIBITION.—Whoever, in or substantially af-  
 13 fecting interstate or foreign commerce, knowingly trans-  
 14 fers, transports, or possesses a confined exotic animal, for  
 15 the purposes of allowing the killing or injuring of that ani-  
 16 mal for entertainment or for the collection of a trophy,  
 17 shall be fined under this title, imprisoned not more than  
 18 1 year, or both.

19           “(b) DEFINITIONS.—In this section—

20           “(1) the term ‘confined exotic animal’ means a  
 21 mammal of a species not historically indigenous to  
 22 the United States, that has been held in captivity,  
 23 whether or not the defendant knows the length of  
 24 the captivity, for the shorter of—

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

1 “(B) a period of 1 year; and

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

5 “(A) surviving primarily by foraging for  
6 naturally occurring food;

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

9 “(C) having the opportunity to avoid hunt-  
10 ers.

11 “(c) ENFORCEMENT.—

12 “(1) IN GENERAL.—Any person authorized by  
13 the Secretary of the Interior, acting through the Di-  
14 rector of the United States Fish and Wildlife Serv-  
15 ice, may—

16 “(A) without a warrant, arrest any person  
17 that violates this section (including regulations  
18 promulgated under this section) in the presence  
19 or view of the arresting person;

20 “(B) execute any warrant or other process  
21 issued by an officer or court of competent juris-  
22 diction to enforce this section; and

23 “(C) with a search warrant, search for and  
24 seize any animal taken or possessed in violation  
25 of this section.

1           “(2) FORFEITURE.—Any animal seized with or  
2           without a search warrant shall be held by the Sec-  
3           retary or by a United States marshal, and upon con-  
4           viction, shall be forfeited to the United States and  
5           disposed of by the Secretary of the Interior in ac-  
6           cordance with law.

7           “(3) ASSISTANCE.—The Director of the United  
8           States Fish and Wildlife Service may use by agree-  
9           ment, with or without reimbursement, the personnel  
10          and services of any other Federal or State agency  
11          for the purpose of enforcing this section.”.

12          (b) TECHNICAL AMENDMENT.—The analysis for  
13          chapter 3 of title 18, United States Code, is amended by  
14          adding at the end the following:

“Sec. 49. Exotic animals”.

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