

108TH CONGRESS
2D SESSION

S. 2908

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2004

Mr. SPECTER (for himself, Mrs. FEINSTEIN, Mr. ENSIGN, Ms. CANTWELL, Mr. DEWINE, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Animal Fighting Pro-
5 hibition Enforcement Act of 2004”.

6 **SEC. 2. ENFORCEMENT OF ANIMAL FIGHTING PROHIBI-**
7 **TIONS.**

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

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

2 “(a) SPONSORING OR EXHIBITING AN ANIMAL IN AN
3 ANIMAL FIGHTING VENTURE.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), it shall be unlawful for any person to
6 knowingly sponsor or exhibit an animal in an animal
7 fighting venture, if any animal in the venture was
8 moved in interstate or foreign commerce.

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

19 “(b) BUYING, SELLING, DELIVERING, OR TRANS-
20 PORTING ANIMALS FOR PARTICIPATION IN ANIMAL
21 FIGHTING VENTURE.—It shall be unlawful for any person
22 to knowingly sell, buy, transport, or deliver, or receive for
23 purposes of transportation, in interstate or foreign com-
24 merce, any dog or other animal for purposes of having
25 the dog or other animal participate in an animal fighting
26 venture.

1 “(c) USE OF POSTAL SERVICE OR OTHER INTER-
2 STATE INSTRUMENTALITY FOR PROMOTING ANIMAL
3 FIGHTING VENTURE.—It shall be unlawful for any person
4 to knowingly use the mail service of the United States
5 Postal Service or any instrumentality of interstate com-
6 merce for commercial speech promoting an animal fighting
7 venture except as performed outside the limits of the
8 States of the United States.

9 “(d) VIOLATION OF STATE LAW.—Notwithstanding
10 subsection (c), the activities prohibited by such subsection
11 shall be unlawful with respect to fighting ventures involv-
12 ing live birds only if the fight is to take place in a State
13 where it would be in violation of the laws thereof.

14 “(e) SHARP INSTRUMENTS.—It shall be unlawful for
15 any person to knowingly sell, buy, transport, or deliver in
16 interstate or foreign commerce a knife, a gaff, or any
17 other sharp instrument attached, or designed or intended
18 to be attached, to the leg of a bird for use in an animal
19 fighting venture.

20 “(f) PENALTIES.—Any person who violates sub-
21 section (a), (b), (c), or (e) shall be fined under this title
22 or imprisoned for not more than 2 years, or both, for each
23 such violation.

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

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

10 “(2) the term ‘instrumentality of interstate
11 commerce’ means any written, wire, radio, television
12 or other form of communication in, or using a facil-
13 ity of, interstate commerce;

14 “(3) the term ‘State’ means any State of the
15 United States, the District of Columbia, the Com-
16 monwealth of Puerto Rico, and any territory or pos-
17 session of the United States; and

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

20 “(h) CONFLICT WITH STATE LAW.—The provisions
21 of this section do not supersede or otherwise invalidate
22 any such State, local, or municipal legislation or ordinance
23 relating to animal fighting ventures except in case of a
24 direct and irreconcilable conflict between any requirements

1 thereunder and this section or any rule, regulation, or
2 standard hereunder.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 for chapter 3 of title 18, United States Code, is amended
5 by inserting after the item relating to section 48 the fol-
6 lowing:

“49. Animal fighting prohibition”.

7 (c) REPEAL OF CRIMINAL PENALTY IN THE ANIMAL
8 WELFARE ACT.—Section 26 of the Animal Welfare Act
9 (7 U.S.C. 2156) is amended by striking subsection (e).

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