

Calendar No. 87

110TH CONGRESS
1ST SESSION

S. 261

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

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2007

Ms. CANTWELL (for herself, Mr. ENSIGN, Mr. SPECTER, Mr. DURBIN, Mr. ALLARD, Mr. VITTER, Mr. LEVIN, Ms. COLLINS, Mr. KYL, Mrs. FEINSTEIN, Mr. OBAMA, Mr. REED, Mr. WYDEN, Mr. FEINGOLD, Ms. MIKULSKI, Mr. CONRAD, Mrs. BOXER, Mr. LUGAR, Mrs. DOLE, Mr. HAGEL, Mr. BROWN, Mr. COLEMAN, Mr. KOHL, Mr. BAYH, Mr. KENNEDY, Mr. NELSON of Florida, Mr. HARKIN, Mr. BIDEN, Mr. MENENDEZ, Mrs. MURRAY, Mr. KERRY, Ms. STABENOW, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 26, 2007

Reported by Mr. LEAHY, with an amendment

[Omit the part struck through]

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 Pro-
3 hibition Enforcement Act of 2007”.

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

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

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

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

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

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

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

9 “(c) USE OF POSTAL SERVICE OR OTHER INTER-
 10 STATE INSTRUMENTALITY FOR PROMOTING ANIMAL
 11 FIGHTING VENTURE.—It shall be unlawful for any person
 12 to knowingly use the mail service of the United States
 13 Postal Service or any instrumentality of interstate com-
 14 merce for commercial speech promoting an animal fighting
 15 venture except as performed outside the limits of the
 16 States of the United States.

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

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

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

3 “(f) PENALTIES.—Any person who violates sub-
4 section (a), (b), (c), or (e) shall be fined under this title
5 or imprisoned for not more than 3 years, or both, for each
6 such violation.

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 ‘ani-
12 mal fighting venture’ shall not be deemed to include
13 any activity the primary purpose of which involves
14 the use of one or more animals in hunting another
15 animal ~~or animals, such as waterfowl, bird, raccoon,~~
16 ~~or fox hunting;~~

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

21 “(3) the term ‘State’ means any State of the
22 United States, the District of Columbia, the Com-
23 monwealth of Puerto Rico, and any territory or pos-
24 session 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
4 of this section do not supersede or otherwise invalidate
5 any such State, local, or municipal legislation or ordinance
6 relating to animal fighting ventures except in case of a
7 direct and irreconcilable conflict between any requirements
8 thereunder and this section or any rule, regulation, or
9 standard hereunder.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 for chapter 3 of title 18, is amended by inserting after
12 the item 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
15 (7 U.S.C. 2156) is amended by striking subsection (e).

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