

[DISCUSSION DRAFT]

MARCH 12, 2015

114TH CONGRESS
1ST SESSION

H. R. _____

To revise section 48 of title 18, United States Code, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of Texas introduced the following bill; which was referred to the
Committee on _____

A BILL

To revise section 48 of title 18, United States Code, 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 “_____ Act
5 of 2015”.

6 **SEC. 2. REVISION OF SECTION 48.**

7 (a) IN GENERAL.—Section 48 of title 18, United
8 States Code, is amended to read as follows:

1 **“§ 48. Animal crushing**

2 “(a) OFFENSES.—

3 “(1) CRUSHING.—It shall be unlawful for any
4 person to intentionally engage in animal crushing in
5 or affecting interstate or foreign commerce or within
6 the special maritime and territorial jurisdiction of
7 the United States.

8 “(2) CREATION OF ANIMAL CRUSH VIDEOS.—It
9 shall be unlawful for any person to knowingly create
10 an animal crush video, if—

11 “(A) the person intends or has reason to
12 know that the animal crush video will be dis-
13 tributed in, or using a means or facility of,
14 interstate or foreign commerce; or

15 “(B) the animal crush video is distributed
16 in, or using a means or facility of, interstate or
17 foreign commerce.

18 “(3) DISTRIBUTION OF ANIMAL CRUSH VID-
19 EOS.—It shall be unlawful for any person to know-
20 ingly sell, market, advertise, exchange, or distribute
21 an animal crush video in, or using a means or facil-
22 ity of, interstate or foreign commerce.

23 “(b) EXTRATERRITORIAL APPLICATION.—This sec-
24 tion applies to the knowing sale, marketing, advertising,
25 exchange, distribution, or creation of an animal crush
26 video outside of the United States, if—

1 “(1) the person engaging in such conduct in-
2 tends or has reason to know that the animal crush
3 video will be transported into the United States or
4 its territories or possessions; or

5 “(2) the animal crush video is transported into
6 the United States or its territories or possessions.

7 “(c) PENALTIES.—Whoever violates this section shall
8 be fined under this title, imprisoned for not more than
9 7 years, or both.

10 “(d) EXCEPTIONS.—

11 “(1) IN GENERAL.—This section does not apply
12 with regard to any conduct, or a visual depiction of
13 that conduct, that is—

14 “(A) a customary and normal veterinary or
15 agricultural husbandry practice;

16 “(B) the slaughter of animals for food;

17 “(C) hunting, trapping, fishing, predator
18 control, or pest control;

19 “(D) medical or scientific research; or

20 “(E) necessary to protect the life of person
21 or property of a person from a serious threat
22 caused by an animal.

23 “(2) GOOD-FAITH DISTRIBUTION.—This section
24 does not apply to the good-faith distribution of an
25 animal crush video to—

1 “(A) a law enforcement agency; or

2 “(B) a third party for the sole purpose of
3 analysis to determine if referral to a law en-
4 forcement agency is appropriate.

5 “(e) NO PREEMPTION.—Nothing in this section shall
6 be construed to preempt the law of any State or local sub-
7 division thereof to protect animals.

8 “(f) DEFINITIONS.—In this section—

9 “(1) the term “animal crushing” means actual
10 conduct in which 1 or more living non- human mam-
11 mals, birds, reptiles, or amphibians is intentionally
12 crushed, burned, drowned, suffocated, impaled, or
13 otherwise subjected to serious bodily injury (as de-
14 fined in section 1365 and including conduct that, if
15 committed against a person and in the special mari-
16 time and territorial jurisdiction of the United States,
17 would violate section 2241 or 2242); and

18 “(2) the term “animal crush video” means any
19 photograph, motion-picture film, video or digital re-
20 cording, or electronic image that—

21 “(A) depicts animal crushing; and

22 “(B) is obscene.”.

23 (b) CLERICAL AMENDMENT.—The item relating to
24 section 48 in the table of sections for chapter 3 of title
25 18, United States Code, is amended to read as follows:

“48. Animal Crushing.”.