

Animal Fighting Prohibition Enforcement Act of 2005 (Introduced in Senate)

S 382 IS

109th CONGRESS
1st Session
S. 382

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

IN THE SENATE OF THE UNITED STATES

February 15, 2005

Mr. ENSIGN (for himself, Mr. SPECTER, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. DEWINE, Mr. KENNEDY, Mr. KYL, Mr. KOHL, Mr. LUGAR, Mr. VITTER, Mr. LEAHY, and Mr. SANTORUM) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Animal Fighting Prohibition Enforcement Act of 2005'.

SEC. 2. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.

(a) In General- Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

`Sec. 49. Animal fighting prohibition

`(a) Sponsoring or Exhibiting an Animal in an Animal Fighting Venture-
` (1) IN GENERAL- Except as provided in paragraph (2), it shall be unlawful for any person to knowingly sponsor or exhibit an animal in an animal fighting venture, if any animal in the venture was moved in interstate or foreign commerce.

`(2) SPECIAL RULE FOR CERTAIN STATES- With respect to fighting ventures involving live birds in a State where it would not be in violation of the law, it shall be unlawful under this subsection for a person to sponsor or exhibit a bird in the fighting venture only if the person knew that any bird in the fighting venture was knowingly bought, sold, delivered, transported, or received in interstate or foreign commerce for the purpose of participation in the fighting venture.

`(b) Buying, Selling, Delivering, or Transporting Animals for Participation in Animal Fighting Venture- It shall be unlawful for any person to knowingly sell, buy, transport, or deliver, or receive for purposes of transportation, in interstate or foreign commerce, any dog or other animal for purposes of having the dog or other animal participate in an animal fighting venture.

`(c) Use of Postal Service or Other Interstate Instrumentality for Promoting Animal Fighting Venture- It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any instrumentality of interstate commerce for commercial speech promoting an animal fighting venture except as performed outside the limits of the States of the United States.

`(d) Violation of State Law- Notwithstanding subsection (c), the activities prohibited by such subsection shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.

`(e) Sharp Instruments- It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.

`(f) Penalties- Any person who violates subsection (a), (b), (c), or (e) shall be fined under this title or imprisoned for not more than 2 years, or both, for each such violation.

`(g) Definitions- For purposes of this section--

`(1) the term 'animal fighting venture' means any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment except that the term 'animal fighting venture' shall not be deemed to include any activity the primary purpose of which involves the use of one or more animals in hunting another animal or animals, such as waterfowl, bird, raccoon, or fox hunting;

`(2) the term 'instrumentality of interstate commerce' means any written, wire, radio, television or other form of communication in, or using a facility of, interstate commerce;

`(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

`(4) the term 'animal' means any live bird, or any live dog or other mammal, except man.

`(h) Conflict With State Law- The provisions of this section do not supersede or otherwise invalidate any such State, local, or municipal legislation or ordinance relating to animal fighting ventures except in case of a direct and irreconcilable conflict between

any requirements thereunder and this section or any rule, regulation, or standard hereunder.'.

(b) Clerical Amendment- The table of contents for chapter 3 of title 18, is amended by inserting after the item relating to section 48 the following:

 `49. Animal fighting prohibition'.

(c) Repeal of Criminal Penalty in the Animal Welfare Act- Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended by striking subsection (e).