

# Union Calendar No. 231

106TH CONGRESS  
1ST SESSION

# H. R. 1887

[Report No. 106-397]

To amend title 18, United States Code, to punish the depiction of animal cruelty.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1999

Mr. GALLEGLY (for himself, Mr. SHAYS, Mrs. MORELLA, Mr. BROWN of California, Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 19, 1999

Additional sponsors: Mr. TOWNS, Mr. TIERNEY, Mr. TRAFICANT, Mr. FARR of California, Ms. PELOSI, Mr. MORAN of Virginia, Mr. SHERMAN, Mr. BACHUS, Mr. BERMAN, Ms. BALDWIN, Mr. BEREUTER, Mr. ROGAN, Mr. PRICE of North Carolina, Mr. WEINER, Mr. PETERSON of Minnesota, Mr. METCALF, Mr. HYDE, Mr. COOK, Mr. ROTHMAN, Mr. FRANKS of New Jersey, Mr. DOYLE, Mr. BURTON of Indiana, Mr. HORN, Mr. SMITH of Texas, Mr. CUNNINGHAM, Mr. LANTOS, Mr. CHABOT, Mr. WEXLER, Mr. GILMAN, Mr. GOODLATTE, Mr. WYNN, Mrs. LOWEY, Ms. DELAURO, Mr. CRAMER, Mr. NEY, Mr. FALCOMAVAEGA, Mr. BENTSEN, Mr. JENKINS, Mr. KILDEE, Mr. DIXON, Mr. NEAL of Massachusetts, Mr. ENGEL, Mr. PASTOR, Ms. WOOLSEY, Mr. BILBRAY, Mr. GREEN of Wisconsin, Mr. UDALL of Colorado, and Mr. DIAZ-BALART

OCTOBER 19, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To amend title 18, United States Code, to punish the  
depiction of animal cruelty.

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. PUNISHMENT FOR DEPICTION OF ANIMAL CRU-**  
4 **ELTY.**

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

8 **“§ 48. Depiction of animal cruelty**

9       “(a) ~~CREATION, SALE, OR POSSESSION.~~—Whoever  
10 knowingly creates, sells, or possesses a depiction of animal  
11 cruelty with the intention of placing that depiction in  
12 interstate or foreign commerce for commercial gain, shall  
13 be fined under this title or imprisoned not more than 5  
14 years, or both.

15       “(b) ~~DEFINITIONS.~~—In this section—

16               “(1) the term ‘depiction of animal cruelty’  
17 means any visual or auditory depiction, including  
18 any photograph, motion-picture film, video record-  
19 ing, electronic image, or sound recording of conduct  
20 in which a living animal is intentionally maimed,

1 mutilated, tortured, wounded, or killed, if such con-  
 2 duct is illegal under Federal law or the law of the  
 3 State in which the creation, sale, or possession takes  
 4 place, regardless of whether the maiming, mutila-  
 5 tion, torture, wounding, or killing took place in the  
 6 State; and

7 “(2) the term ‘State’ means each of the several  
 8 States, the District of Columbia, the Commonwealth  
 9 of Puerto Rico, the Virgin Islands, Guam, American  
 10 Samoa, the Commonwealth of the Northern Mariana  
 11 Islands, and any other commonwealth, territory, or  
 12 possession of the United States.”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
 14 for such chapter is amended by adding at the end the fol-  
 15 lowing:

“48. Depiction of animal cruelty.”.

16 **SECTION 1. PUNISHMENT FOR DEPICTION OF ANIMAL**  
 17 **CRUELTY.**

18 (a) *IN GENERAL.*—Chapter 3 of title 18, United States  
 19 Code, is amended by adding at the end the following:

20 **“§48. Depiction of animal cruelty**

21 “(a) *CREATION, SALE, OR POSSESSION.*—Whoever  
 22 knowingly creates, sells, or possesses a depiction of animal  
 23 cruelty with the intention of placing that depiction in inter-  
 24 state or foreign commerce for commercial gain, shall be

1 *fined under this title or imprisoned not more than 5 years,*  
2 *or both.*

3 “(b) *EXCEPTION.*—*Subsection (a) does not apply to*  
4 *any depiction that has serious religious, political, scientific,*  
5 *educational, journalistic, historical, or artistic value.*

6 “(c) *DEFINITIONS.*—*In this section—*

7 “(1) *the term ‘depiction of animal cruelty’*  
8 *means any visual or auditory depiction, including*  
9 *any photograph, motion-picture film, video recording,*  
10 *electronic image, or sound recording of conduct in*  
11 *which a living animal is intentionally maimed, muti-*  
12 *lated, tortured, wounded, or killed, if such conduct is*  
13 *illegal under Federal law or the law of the State in*  
14 *which the creation, sale, or possession takes place, re-*  
15 *gardless of whether the maiming, mutilation, torture,*  
16 *wounding, or killing took place in the State; and*

17 “(2) *the term ‘State’ means each of the several*  
18 *States, the District of Columbia, the Commonwealth*  
19 *of Puerto Rico, the Virgin Islands, Guam, American*  
20 *Samoa, the Commonwealth of the Northern Mariana*  
21 *Islands, and any other commonwealth, territory, or*  
22 *possession of the United States.”.*

23 (b) *CLERICAL AMENDMENT.*—*The table of sections for*  
24 *such chapter is amended by adding at the end the following:*

*“48. Depiction of animal cruelty.”.*



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