

111TH CONGRESS  
2D SESSION

# H. R. 5092

To amend section 48 (relating to depiction of animal cruelty) of title 18, United States Code, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2010

Mr. GALLEGLY (for himself, Mr. MORAN of Virginia, Mr. WHITFIELD, Mr. FARR, Mr. CAMPBELL, Mr. BURTON of Indiana, Mr. GARY G. MILLER of California, Mr. LEWIS of California, Mr. MCKEON, Mr. LINDER, Mr. BLUMENAUER, Mr. FRANKS of Arizona, Mr. BROWN of South Carolina, Mr. UPTON, Mr. FORBES, Mr. MILLER of Florida, Mr. BARTLETT, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. BRADY of Texas, Mr. WOLF, Mr. ROYCE, Ms. SUTTON, Mr. DELAHUNT, Mr. CASTLE, Ms. MOORE of Wisconsin, Mr. HARE, Mr. COHEN, Mr. GERLACH, Ms. LINDA T. SÁNCHEZ of California, Mr. OLVER, Mr. SCHIFF, Mr. HALL of New York, Mr. FILNER, Mr. WEINER, Ms. WATSON, Mr. DOYLE, Mr. SHERMAN, Mrs. DAVIS of California, Mrs. CAPITO, Mr. KILDEE, Mr. KING of New York, Mr. KUCINICH, Mr. LOBIONDO, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. ROTHMAN of New Jersey, Mrs. BONO MACK, Mr. COBLE, Mr. SCHOCK, Mrs. CAPPS, Mr. ISRAEL, Mr. LEWIS of Georgia, Mrs. EMERSON, Mr. HOLT, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend section 48 (relating to depiction of animal cruelty) 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,*

1 **SECTION 1. ANIMAL CRUSH VIDEOS.**

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

4 **“§ 48. Animal crush videos**

5 “(a) PROHIBITION.—Whoever knowingly sells or of-  
6 fers to sell an animal crush video in interstate or foreign  
7 commerce for commercial gain shall be fined under this  
8 title or imprisoned not more than 5 years, or both.

9 “(b) RULE OF CONSTRUCTION.—Nothing in sub-  
10 section (a) shall be construed to prohibit the selling or of-  
11 fering to sell a video that depicts hunting.

12 “(c) DEFINITIONS.—In this section—

13 “(1) the term ‘animal crush video’ means any  
14 visual depiction, including any photograph, motion-  
15 picture film, video recording, or electronic image,  
16 which depicts animals being intentionally crushed,  
17 burned, drowned, or impaled, that—

18 “(A) depicts actual conduct in which a liv-  
19 ing animal is tortured, maimed, or mutilated  
20 that violates any criminal prohibition on inten-  
21 tional cruelty under Federal law or the law of  
22 the State in which the depiction is sold; and

23 “(B) taken as a whole, does not have reli-  
24 gious, political, scientific, educational, journal-  
25 istic, historical, or artistic value; and

1           “(2) the term ‘State’ means each of the several  
2 States, the District of Columbia, the Commonwealth  
3 of Puerto Rico, the Virgin Islands, Guam, American  
4 Samoa, the Commonwealth of the Northern Mariana  
5 Islands, and any other commonwealth, territory, or  
6 possession of the United States.”.

7           (b) CONFORMING AMENDMENT.—The item relating  
8 to section 48 in the table of sections at the beginning of  
9 chapter 3 of title 18, United States Code, is amended to  
10 read as follows:

“48. Animal crush videos.”.

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