

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. TOOMEY (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on

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**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 “Preventing Animal  
5 Cruelty and Torture Act” or the “PACT Act”.

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:

9 **“§ 48. Animal crushing**

10 **“(a) OFFENSES.—**

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

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

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

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

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

21           “(b) EXTRATERRITORIAL APPLICATION.—This sec-  
22 tion applies to the knowing sale, marketing, advertising,  
23 exchange, distribution, or creation of an animal crush  
24 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 or prop-  
21 erty of a person from a serious threat caused  
22 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) TECHNICAL AND CONFORMING AMENDMENT.—

24 The table of sections for chapter 3 of title 18, United

- 1 States Code, is amended by striking the item relating to
- 2 section 48 and inserting the following:  
    “48. Animal crushing.”.