

111TH CONGRESS
2^D SESSION

H. R. 5337

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

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2010

Mr. PETERS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 48 (relating to depiction of extreme 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Animal Torture Pre-
5 vention Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Federal Government and the several
9 States have a compelling interest in preventing acts
10 of extreme animal cruelty.

1 (2) Each of the several States and the District
2 of Columbia criminalize intentional acts of extreme
3 animal cruelty.

4 (3) The clandestine nature of certain acts of ex-
5 treme animal cruelty allows the perpetrators of such
6 crimes to remain anonymous, thus frustrating the
7 ability of Federal and State authorities to enforce
8 the criminal statutes prohibiting such behavior.

9 (4) These criminal acts constitute an integral
10 part of the production of and market for so-called
11 crush videos and other depictions of extreme animal
12 cruelty.

13 (5) The creation, advertisement, and sale of
14 crush videos and other depictions of extreme animal
15 cruelty provide an economic incentive for, and are
16 intrinsically related to, the underlying acts of crimi-
17 nal conduct.

18 **SEC. 3. DEPICTION OF EXTREME ANIMAL CRUELTY.**

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

21 **“§ 48. Depiction of extreme animal cruelty**

22 “(a) PROHIBITION.—Whoever, in or affecting inter-
23 state or foreign commerce, knowingly creates, sells, dis-
24 tributes, or offers to sell or distribute a depiction of ex-

1 treme animal cruelty shall be fined under this title or im-
2 prisoned not more than 5 years, or both.

3 “(b) DEFINITIONS.—In this section—

4 “(1) the term ‘depiction of extreme animal cru-
5 elty’ means any visual depiction, including any pho-
6 tograph, motion-picture film, video recording, or
7 electronic image, that—

8 “(A) depicts actual conduct in which one
9 or more animals is tortured, maimed, mutilated,
10 or subjected to other acts of extreme animal
11 cruelty, if such conduct is committed for the
12 primary purpose of creating the depiction;

13 “(B) depicts conduct that violates a crimi-
14 nal prohibition of intentional cruelty to animals
15 under Federal law or the law of the State in
16 which the depiction is created, sold, or distrib-
17 uted;

18 “(C) appeals to the prurient interest; and

19 “(D) taken as a whole, does not have more
20 than de minimis religious, political, scientific,
21 educational, journalistic, historical, or artistic
22 value;

23 “(2) the term ‘State’ means each of the several
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, the Virgin Islands, Guam, American

1 Samoa, the Commonwealth of the Northern Mariana
2 Islands, and any other commonwealth, territory, or
3 possession of the United States; and

4 “(3) the term ‘animal’ means any live amphib-
5 ian, reptile, bird, or mammal, except human
6 beings.”.

7 (b) CLERICAL AMENDMENT.—The item relating to
8 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. Depiction of extreme animal cruelty.”.

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