110TH CONGRESS 1ST SESSION H.R. 137

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mr. GALLEGLY (for himself, Mr. BLUMENAUER, and Mr. BARTLETT of Maryland) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, to strengthen prohibitions against animal fighting, 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 Fighting Pro-
- 5 hibition Enforcement Act of 2007".

3 (a) IN GENERAL.—Chapter 3 of title 18, United
4 States Code, is amended by adding at the end the fol5 lowing:

6 "§49. Animal fighting prohibition

7 "(a) Sponsoring or Exhibiting an Animal in an8 Animal Fighting Venture.—

9 "(1) IN GENERAL.—Except as provided in para-10 graph (2), it shall be unlawful for any person to 11 knowingly sponsor or exhibit an animal in an animal 12 fighting venture, if any animal in the venture was 13 moved in interstate or foreign commerce.

14 "(2) Special rule for certain states.— 15 With respect to fighting ventures involving live birds 16 in a State where it would not be in violation of the 17 law, it shall be unlawful under this subsection for a 18 person to sponsor or exhibit a bird in the fighting 19 venture only if the person knew that any bird in the 20 fighting venture was knowingly bought, sold, deliv-21 ered, transported, or received in interstate or foreign 22 commerce for the purpose of participation in the 23 fighting venture.

24 "(b) BUYING, SELLING, DELIVERING, OR TRANS25 PORTING ANIMALS FOR PARTICIPATION IN ANIMAL
26 FIGHTING VENTURE.—It shall be unlawful for any person
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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.

6 "(c) USE OF POSTAL SERVICE OR OTHER INTER-7 STATE INSTRUMENTALITY FOR PROMOTING ANIMAL 8 FIGHTING VENTURE.—It shall be unlawful for any person 9 to knowingly use the mail service of the United States 10 Postal Service or any instrumentality of interstate commerce for commercial speech promoting an animal fighting 11 12 venture except as performed outside the limits of the 13 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.

19 "(e) SHARP INSTRUMENTS.—It shall be unlawful for 20 any person to knowingly sell, buy, transport, or deliver in 21 interstate or foreign commerce a knife, a gaff, or any 22 other sharp instrument attached, or designed or intended 23 to be attached, to the leg of a bird for use in an animal 24 fighting venture. 1 "(f) PENALTIES.—Any person who violates sub-2 section (a), (b), (c), or (e) shall be fined under this title 3 or imprisoned for not more than 3 years, or both, for each 4 such violation.

5 "(g) DEFINITIONS.—For purposes of this section— 6 "(1) the term 'animal fighting venture' means 7 any event which involves a fight between at least two 8 animals and is conducted for purposes of sport, wa-9 gering, or entertainment except that the term 'ani-10 mal fighting venture' shall not be deemed to include 11 any activity the primary purpose of which involves 12 the use of one or more animals in hunting another 13 animal or animals, such as waterfowl, bird, raccoon, 14 or fox hunting;

15 "(2) the term 'instrumentality of interstate
16 commerce' means any written, wire, radio, television
17 or other form of communication in, or using a facil18 ity 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

23 "(4) the term 'animal' means any live bird, or24 any live dog or other mammal, except man.

1 "(h) CONFLICT WITH STATE LAW.—The provisions 2 of this section do not supersede or otherwise invalidate 3 any such State, local, or municipal legislation or ordinance 4 relating to animal fighting ventures except in case of a 5 direct and irreconcilable conflict between any requirements 6 thereunder and this section or any rule, regulation, or 7 standard hereunder.".

8 (b) CLERICAL AMENDMENT.—The table of contents
9 for chapter 3 of title 18, is amended by inserting after
10 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).