

FEDERAL LAW ENFORCEMENT ANIMAL PROTECTION ACT  
OF 1999

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OCTOBER 12, 1999.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. MCCOLLUM, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H.R. 1791]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1791) amending title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Law Enforcement Animal Protection Act of 1999”.

**SEC. 2. HARMING ANIMALS USED IN LAW ENFORCEMENT.**

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

**“§ 1368. Harming animals used in law enforcement**

“(a) Whoever willfully and maliciously harms any police animal, or attempts to conspire to do so, shall be fined under this title and imprisoned not more than one year. If the offense permanently disables or disfigures the animal, or causes serious bodily injury or the death of the animal, the maximum term of imprisonment shall be 10 years.

“(b) In this section, the term ‘police animal’ means a dog or horse employed by a Federal agency (whether in the executive, legislative, or judicial branch) for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of criminal offenders.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following new item:

“1368. Harming animals used in law enforcement.”.

PURPOSE AND SUMMARY

H.R. 1791, the “Federal Law Enforcement Animal Protection Act” will create a new Federal crime for willfully and maliciously harming an animal used by a Federal agency for the principal purpose of investigating crimes, enforcing the laws, or apprehending criminals.

BACKGROUND AND NEED FOR THE LEGISLATION

Under current law, a person who willfully injures an animal used by the Federal Government for law enforcement or protective purposes can only be punished under 18 U.S.C. § 1361, the statute that makes it a crime to damage any Federal property. Under that statute, the maximum punishment is determined by the amount of damage caused. If the damage is less than \$1000, the maximum punishment is one year in prison. If it is over that amount, the maximum punishment is 10 years in prison.

In many cases, the animals used by the Government for law enforcement purposes may have a monetary value of less than \$1,000, and so the act of harming or killing them can be punished only as a misdemeanor under current law. The view of the committee is that harming one of these animals when it is used in the course of law enforcement activities should be punished more severely than the act of damaging an inanimate object. The dogs and horses used by law enforcement personnel often have been trained at great expense to the Government, and injury to them may deprive the Government of the use of that animal. Also, these animals and their trainers and handlers often form close bonds, and the act of harming the animal can affect the performance of the humans who use them in their work. Finally, it is appropriate that our laws recognize that society values these types of animals (dogs and horses) more than it does inanimate objects of equal (and even greater)

monetary value. This is especially so when considering the special work to which these animals are put. Therefore, the committee believes that we should punish willful and malicious harm to these animals more severely than an act of damage to an inanimate object.

#### HEARINGS

No hearings were held on the bill, H.R. 1791.

#### COMMITTEE CONSIDERATION

On July 1, 1999, the Subcommittee on Crime met in open session and ordered favorably reported the bill H.R. 1791, by a voice vote, a quorum being present. On September 22, 1999, the committee met in open session and ordered favorably reported the bill H.R. 1791, with an amendment, by voice vote, a quorum being present.

#### VOTE OF THE COMMITTEE

No recorded votes of the committee were taken on the bill, H.R. 1791.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform were received as referred to in clause 3(c)(4) of rule XIII of the Rules of the House of Representatives.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the committee sets forth, with respect to the bill, H.R. 1791, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
 Washington, DC, September 28, 1999.

Hon. HENRY J. HYDE, *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1791, the Federal Law Enforcement Animal Protection Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

*H.R. 1791—Federal Law Enforcement Animal Protection Act of 1999.*

CBO estimates that implementing H.R. 1791 would not result in any significant cost to the federal government. Because enactment of H.R. 1791 could affect direct spending and receipts, pay-as-you-go procedures would apply to the bill. However, CBO estimates that any impact on direct spending and receipts would not be significant. H.R. 1791 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no effect on the budgets of state, local, or tribal governments.

H.R. 1791 would make it a federal crime to harm a police dog or horse used by a federal agency. Violators would be subject to imprisonment and fines. As a result, the federal government would be able to pursue cases that it otherwise would not be able to prosecute. CBO expects that any increase in federal costs for law enforcement, court proceedings, or prison operations would not be significant, however, because of the small number of cases likely to be involved. Any such additional costs would be subject to the availability of appropriated funds.

Because those prosecuted and convicted under H.R. 1791 could be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as governmental receipts (revenues), which are deposited in the Crime Victims Fund and spent in subsequent years. CBO expects that any additional receipts and direct spending would be negligible.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, section 8, of the Constitution.

## SECTION-BY-SECTION ANALYSIS AND DISCUSSION

*Section 1. Short Title.* This section states the short title of the bill as the Federal Law Enforcement Animal Protection Act of 1999.

*Section 2. Harming Animals Used in Law Enforcement.*

This section of the bill adds new section 1368 to chapter 65 of title 18 of the United States Code. Chapter 65 deals with crimes involving malicious mischief to property.

New section 1368 would make it a crime to wilfully and maliciously harm any police animal, or attempt or conspire to do so. The maximum punishment would be one year imprisonment, unless the offense permanently disabled or disfigured the animal, or caused serious bodily injury or the death of the animal, in which case the maximum punishment would increase to 10 years imprisonment.

The act to be punished is causing harm to a police animal (as defined in the bill) with willful and malicious intent. It does not include situations where someone instinctively defends themselves from an attack or perceived attack by a police animal, during which the animal is injured or killed. Rather, the intent of the bill is to punish situations where a person wilfully attacks the animal with the malicious intent to cause harm to it.

This section defines “police animal” to mean a dog or horse employed by a Federal agency for the principal purpose of detecting criminal activity, enforcing the laws, or apprehending criminal offenders. Animals kept as pets or for other purposes by the Federal Government are not protected by new section 1368. It is immaterial whether the agency employing the animal is part of the Executive, Legislative, or Judicial branch, as all three branches have agencies or organizations that perform law enforcement or protective functions (functions which fall within the scope of this section.) The Government must prove that the defendant knew or reasonable should have known that the animal he or she was harming was a police animal as defined in section 1368.

The punishment for violations of new section 1368 is a fine or imprisonment for up to one year if the animal is harmed. Harm should be construed to mean some type of injury. Merely striking the animal or causing the animal to become frightened are acts not punished by this new section. If the police animal is permanently disabled or disfigured, or if serious bodily injury or death results, the punishment that may be imposed is up to 10 years imprisonment. The term “serious bodily injury” has the meaning set forth in section 1365 of title 18. The fact that an animal eventually has or may recover from the serious bodily injury (for example, a life-threatening gunshot or knife wound) does not preclude the imposition of the longer punishment provided by the new section.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics)

and existing law in which no change is proposed is shown in roman):

**CHAPTER 65 OF TITLE 18, UNITED STATES CODE**

**CHAPTER 65—MALICIOUS MISCHIEF**

Sec.							
1361.	Government property or contracts.						
	*	*	*	*	*	*	*
1368.	<i>Harming animals used in law enforcement.</i>						
	*	*	*	*	*	*	*

**§ 1368. *Harming animals used in law enforcement***

*(a) Whoever willfully and maliciously harms any police animal, or attempts to conspires to do so, shall be fined under this title and imprisoned not more than one year. If the offense permanently disables or disfigures the animal, or causes serious bodily injury or the death of the animal, the maximum term of imprisonment shall be 10 years.*

*(b) In this section, the term “police animal” means a dog or horse employed by a Federal agency (whether in the executive, legislative, or judicial branch) for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of criminal offenders.*

