

107TH CONGRESS
2^D SESSION

H. R. 5268

To strengthen enforcement of provisions of the Animal Welfare Act relating to animal fighting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2002

Mr. ANDREWS (for himself, Mr. GILMAN, Mr. BLUMENAUER, Mr. BARTLETT of Maryland, Mr. SMITH of New Jersey, and Mr. TANCREDO) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To strengthen enforcement of provisions of the Animal Welfare Act relating to 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 En-
5 forcement Act”.

6 **SEC. 2. ENFORCEMENT OF ANIMAL FIGHTING PROHIBI-**
7 **TIONS UNDER ANIMAL WELFARE ACT.**

8 Section 26 of the Animal Welfare Act (7 U.S.C.
9 2156) is amended—

1 (1) in subsection (e), by striking “1 year” and
2 inserting “2 years”;

3 (2) by redesignating subsections (c) through (h)
4 as subsections (d) through (i), respectively;

5 (3) by inserting after subsection (b) the fol-
6 lowing new subsection:

7 “(c) It shall be unlawful for any person to knowingly
8 sell, buy, transport, or deliver in interstate or foreign com-
9 merce a knife or gaff or any other sharp instrument at-
10 tached or designed or intended to be attached to a bird’s
11 leg for use in an animal fighting venture.”; and

12 (4) by striking subsection (g) (as so redesign-
13 ated) and inserting the following new subsection:

14 “(g)(1) The Secretary or any other person authorized
15 by him shall make such investigations as the Secretary
16 deems necessary to determine whether any person has vio-
17 lated or is violating any provision of this section, and the
18 Secretary may obtain the assistance of the Federal Bureau
19 of Investigation, the Department of the Treasury, or other
20 law enforcement agencies of the United States, and State
21 and local governmental agencies, in the conduct of such
22 investigations, under cooperative agreements with such
23 agencies.

24 “(2) A warrant to search for and seize any animal,
25 paraphernalia, instruments, or other property or things

1 which there is probable cause to believe were involved,
2 about to be involved, or intended to be involved in any
3 violation of this section shall be issued by any judge of
4 the United States or State court of record or by a United
5 States magistrate judge within the district where the ani-
6 mal sought is located. Any United States marshal or any
7 person authorized under this section to conduct investiga-
8 tions may apply for and execute any such warrant, and
9 any animal, paraphernalia, instruments, or other property
10 or things seized under such a warrant shall be held by
11 the United States marshal or other authorized person
12 pending disposition thereof by a court in accordance with
13 this subsection.

14 “(3) All animals seized shall, at the discretion of the
15 United States marshal or other authorized person, be
16 taken promptly to an animal housing facility in which the
17 animals may be stored humanely. If such an animal stor-
18 age facility is not available, the United States marshal or
19 other authorized person may cause the animals involved,
20 about to be involved, or intended to be involved in any
21 violation of this section to remain at the location at which
22 they were found, in which case the United States marshal
23 or other authorized person shall—

24 “(A) seize a representative sample of animals
25 for evidentiary purposes to be transported to an ani-

1 mal storage facility in which the animals may be
2 stored humanely; and

3 “(B) cause all animals used in committing the
4 alleged offenses to be banded, tagged, or marked by
5 microchip, and photographed or videotaped for evi-
6 dentiary purposes.

7 “(4) Necessary care, including but not limited to
8 housing, feeding, and veterinary treatment, shall be pro-
9 vided while the animals are so held in custody. Any ani-
10 mal, paraphernalia, instruments, or other property or
11 things involved in any violation of this section shall be lia-
12 ble to be proceeded against and forfeited to the United
13 States at any time on complaint filed in any United States
14 district court or other court of the United States for any
15 jurisdiction in which the animal, paraphernalia, instru-
16 ments, or other property or things are found and upon
17 a judgment of forfeiture shall be disposed of by humane
18 means, as the court may direct. Costs incurred by the
19 United States for care of animals seized and forfeited
20 under this section shall be recoverable from the owner of
21 the animals if he or she appears in such forfeiture pro-
22 ceeding or in a separate civil action brought in the juris-
23 diction in which the owner is found, resides, or transacts
24 business.

1 “(5) The owner, custodian, or other person claiming
2 an interest in an animal seized may prevent disposition
3 of the animal by posting, or may be ordered by any United
4 States district court or other court of the United States
5 for any jurisdiction in which the animal is found to post,
6 not later than 10 days after the animal has been seized,
7 a bond with the court in an amount sufficient to provide
8 for the animal’s care (including but not limited to housing,
9 feeding, and veterinary treatment) for not less than 30
10 days, beginning from the date the animal was seized. The
11 owner may renew a bond, or be ordered to renew a bond,
12 by posting a new bond, in an amount sufficient to provide
13 for the animal’s care and keeping for at least an additional
14 30 days, not later than 10 days after the expiration of
15 the period for which a previous bond was posted. If a bond
16 expires and is not renewed, the animal may be disposed
17 of as provided in paragraph (4).

18 “(6) Notwithstanding paragraphs (1) through (5),
19 the animal may be humanely euthanized if a veterinarian
20 determines that the animal is suffering extreme pain.”.

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