

109TH CONGRESS
1ST SESSION

S. 304

To amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2005

Mr. LAUTENBERG (for himself, Mr. BIDEN, Mr. KENNEDY, Mr. LEVIN, Mr. KOHL, Mr. CORZINE, Mr. FEINGOLD, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

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 “Sportsmanship in
5 Hunting Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The ethic of hunting involves the consider-
2 ation of fair chase, which allows the animal the op-
3 portunity to avoid the hunter.

4 (2) At more than 1,000 commercial canned
5 hunt operations across the country, trophy hunters
6 pay a fee to shoot captive exotic animals, from Afri-
7 can lions to giraffes and blackbuck antelope, in
8 fenced-in enclosures.

9 (3) Clustered in a captive setting at unusually
10 high densities, confined exotic animals attract dis-
11 ease more readily than more widely dispersed native
12 species who roam freely.

13 (4) The transportation of captive exotic animals
14 to commercial canned hunt operations can facilitate
15 the spread of disease across great distances.

16 (5) The regulation of the transport and treat-
17 ment of exotic animals on shooting preserves falls
18 outside the traditional domains of State agriculture
19 departments and State fish and game agencies.

20 (6) This Act is limited in its purpose and will
21 not limit the licensed hunting of any native mam-
22 mals or any native or exotic birds.

23 (7) This Act does not aim to criticize those
24 hunters who pursue animals that are not enclosed
25 within a fence.

1 (8) This Act does not attempt to prohibit
2 slaughterhouse activities, nor does it aim to prohibit
3 the routine euthanasia of domesticated farm ani-
4 mals.

5 **SEC. 3. TRANSPORT OR POSSESSION OF EXOTIC ANIMALS**
6 **FOR PURPOSES OF KILLING OR INJURING**
7 **THEM.**

8 (a) IN GENERAL.—Chapter 3 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 49. Exotic animals**

12 “(a) PROHIBITION.—

13 “(1) IN GENERAL.—Whoever, in or substan-
14 tially affecting interstate or foreign commerce, know-
15 ingly transfers, transports, or possesses a confined
16 exotic animal, for the purposes of allowing the kill-
17 ing or injuring of that animal for entertainment or
18 for the collection of a trophy, shall be fined under
19 this title, imprisoned not more than 1 year, or both.

20 “(2) EXCEPTION.—This section shall not apply
21 to the killing or injuring of an exotic animal in a
22 State or Federal natural area reserve undertaking
23 habitat restoration.

24 “(b) DEFINITIONS.—In this section—

1 “(1) the term ‘confined exotic animal’ means a
2 mammal of a species not historically indigenous to
3 the United States, that has been held in captivity,
4 whether or not the defendant knows the length of
5 the captivity, for the shorter of—

6 “(A) the majority of the animal’s life; or

7 “(B) a period of 1 year; and

8 “(2) the term ‘captivity’ does not include any
9 period during which an animal lives as it would in
10 the wild—

11 “(A) surviving primarily by foraging for
12 naturally occurring food;

13 “(B) roaming at will over an open area of
14 not less than 1,000 acres; and

15 “(C) having the opportunity to avoid hunt-
16 ers.

17 “(c) ENFORCEMENT.—

18 “(1) IN GENERAL.—Any person authorized by
19 the Secretary of the Interior, acting through the Di-
20 rector of the United States Fish and Wildlife Serv-
21 ice, may—

22 “(A) without a warrant, arrest any person
23 that violates this section (including regulations
24 promulgated under this section) in the presence
25 or view of the arresting person;

1 “(B) execute any warrant or other process
2 issued by an officer or court of competent juris-
3 diction to enforce this section; and

4 “(C) with a search warrant, search for and
5 seize any animal taken or possessed in violation
6 of this section.

7 “(2) FORFEITURE.—Any animal seized with or
8 without a search warrant shall be held by the Sec-
9 retary or by a United States marshal, and upon con-
10 viction, shall be forfeited to the United States and
11 disposed of by the Secretary of the Interior in ac-
12 cordance with law.

13 “(3) ASSISTANCE.—The Director of the United
14 States Fish and Wildlife Service may use by agree-
15 ment, with or without reimbursement, the personnel
16 and services of any other Federal or State agency
17 for the purpose of enforcing this section.”.

18 (b) TECHNICAL AMENDMENT.—The analysis for
19 chapter 3 of title 18, United States Code, is amended by
20 adding at the end the following:

“Sec. 49. Exotic animals.”.

○