

111TH CONGRESS
2^D SESSION

H. R. 5566

IN THE SENATE OF THE UNITED STATES

JULY 22, 2010

Received

AUGUST 5, 2010

Read twice and referred to the Committee on the Judiciary

AN ACT

To amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Prevention of Inter-
3 state Commerce in Animal Crush Videos Act of 2010”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) The Federal Government and the several
7 States have a compelling interest in preventing ani-
8 mal cruelty.

9 (2) Each of the several States and the District
10 of Columbia criminalize intentional acts of animal
11 cruelty.

12 (3) The clandestine nature of certain acts of
13 animal cruelty allows the perpetrators of such crimes
14 to remain anonymous, thus frustrating the ability of
15 Federal and State authorities to enforce the criminal
16 statutes prohibiting such behavior.

17 (4) These criminal acts constitute an integral
18 part of the production of and market for so-called
19 crush videos and other depictions of animal cruelty.

20 (5) The creation and sale of crush videos pro-
21 vide an economic incentive for, and are intrinsically
22 related to, the underlying acts of the criminal con-
23 duct.

24 (6) The United States has a long history of
25 prohibiting the interstate sale of obscene and illegal
26 materials.

1 (7) Animal crush videos appeal to the prurient
2 interest and are obscene.

3 **SEC. 3. ANIMAL CRUSH VIDEOS.**

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

6 **“§ 48. Animal crush videos**

7 “(a) PROHIBITION.—Whoever knowingly and for the
8 purpose of commercial advantage or private financial gain
9 sells or offers to sell, or distributes or offers to distribute,
10 an animal crush video in interstate or foreign commerce
11 shall be fined under this title or imprisoned not more than
12 5 years, or both.

13 “(b) RULE OF CONSTRUCTION.—Subsection (a) does
14 not prohibit the sale, distribution, or offer for sale or dis-
15 tribution, of any visual depiction of—

16 “(1) customary and normal veterinary or agri-
17 cultural husbandry practices; or

18 “(2) hunting, trapping, or fishing.

19 “(c) DEFINITION.—In this section the term ‘animal
20 crush video’ means any obscene photograph, motion-pic-
21 ture film, video recording, or electronic image that depicts
22 actual conduct in which one or more living animals is in-
23 tentionally crushed, burned, drowned, suffocated, or im-
24 paled in a manner that would violate a criminal prohibi-
25 tion on cruelty to animals under Federal law or the law

1 of the State in which the depiction is created, sold, distrib-
2 uted, or offered for sale or distribution.”.

3 (b) CLERICAL AMENDMENT.—The item relating to
4 section 48 in the table of sections at the beginning of
5 chapter 3 of title 18, United States Code, is amended to
6 read as follows:

“48. Animal crush videos.”.

7 **SEC. 4. BUDGETARY EFFECTS PROVISION.**

8 The budgetary effects of this Act, for the purpose of
9 complying with the Statutory Pay-As-You-Go Act of 2010,
10 shall be determined by reference to the latest statement
11 titled “Budgetary Effects of PAYGO Legislation” for this
12 Act, submitted for printing in the Congressional Record
13 by the Chairman of the Committee on the Budget of the
14 House of Representatives, provided that such statement
15 has been submitted prior to the vote on passage.

Passed the House of Representatives July 21, 2010.

Attest:

LORRAINE C. MILLER,

Clerk.