

# Union Calendar No. 314

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5566

[Report No. 111-549]

To amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2010

Mr. GALLEGLY (for himself, Mr. PETERS, Mr. MORAN of Virginia, Mr. WHITFIELD, Mr. SMITH of Texas, Mr. DJOU, Mr. CASTLE, Mr. DENT, Mr. CAMPBELL, Mr. BARTLETT, Mr. BLUMENAUER, Mr. BLUNT, Mr. POMEROY, Mr. WOLF, Ms. KILROY, Mr. HARPER, Mr. RYAN of Ohio, Mr. JONES, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. HALL of New York, Mr. CRENSHAW, Ms. KOSMAS, Mr. GARY G. MILLER of California, Mr. ROYCE, Mr. SHADEGG, Mr. KENNEDY, Mr. CULBERSON, Mr. LOBIONDO, Mr. GONZALEZ, Mr. SHERMAN, Mr. BROWN of South Carolina, Mr. CAMP, Mr. BURTON of Indiana, Mr. CARNEY, Ms. JACKSON LEE of Texas, Ms. BERKLEY, Mr. DEFazio, Ms. SUTTON, Mr. KING of New York, Mr. COBLE, Mr. LATOURETTE, Mr. FORBES, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. FRELINGHUYSEN, Mr. LEWIS of California, Mr. CALVERT, Mr. MCKEON, Mr. CARTER, Ms. GRANGER, Mr. NEUGEBAUER, Mr. BILIRAKIS, Mr. COLE, Mr. WILSON of South Carolina, Mr. SIMPSON, Mr. BUCHANAN, Mr. MICA, Mr. MARIO DIAZ-BALART of Florida, Mr. HALL of Texas, Mr. STEARNS, Mr. FRANKS of Arizona, Mr. BILBRAY, Mr. RADANOVICH, Mr. PASCRELL, Ms. SPEIER, Mr. ROE of Tennessee, Mr. ROONEY, Mr. CHAFFETZ, Mr. PUTNAM, Mr. DUNCAN, Mrs. CAPITO, Mr. FILNER, Mr. UPTON, Mr. ROGERS of Michigan, Mrs. BIGGERT, Mrs. SCHMIDT, Mr. ADERHOLT, Mr. ALEXANDER, Mrs. EMERSON, Mr. GRIFFITH, Mr. SCHOCK, Mr. LATTA, Mr. COHEN, Mr. BACHUS, Mr. MILLER of Florida, Mr. HUNTER, Mr. KANJORSKI, Mr. EHLERS, Mr. RAHALL, Mr. HELLER, Mr. LATHAM, Mr. AKIN, Mr. LINDER, Mr. BOOZMAN, Mr. LEE of New York, Mr. WELCH, Mr. FARR, Mr. QUIGLEY, Mrs. BACHMANN, Mr. TERRY, Mr. ROGERS of Kentucky, Mr. KINGSTON, Ms. GINNY BROWN-WAITE of Florida, Mr. LUCAS, Mr. COFFMAN of Colorado, Mr. ENGEL, Mrs. MYRICK, Mr. HOEKSTRA, Mr. AUSTRIA, Mrs. LUMMIS, Mr. POSEY, Mrs. MCCARTHY of New York, Mr.

HOLT, Mr. MARCHANT, Mr. CARDOZA, Mr. HINCHEY, Mr. LOEBSACK, Mr. ISRAEL, Mr. SHIMKUS, Mr. NADLER of New York, Mr. KISSELL, Mr. FORTENBERRY, Mr. LANCE, Ms. BORDALLO, Ms. FUDGE, Ms. DELAURO, Mr. CONNOLLY of Virginia, Mr. REICHERT, Mr. HASTINGS of Florida, Mr. SULLIVAN, Mr. CONYERS, Mr. CARNAHAN, Mrs. BLACKBURN, Mr. CARSON of Indiana, Mr. SERRANO, Mr. HOLDEN, Mr. SCHIFF, Mr. OLSON, Ms. ROS-LEHTINEN, Mr. TEAGUE, Mr. LANGEVIN, Mr. SHULER, Mr. MILLER of North Carolina, Mr. WEINER, Mr. WAMP, Mr. BONNER, Mr. TIBERI, Ms. WASSERMAN SCHULTZ, Mr. DEUTCH, Mr. CROWLEY, Mr. CLAY, Mr. HARE, Mrs. DAHLKEMPER, Mr. CLEAVER, Mrs. DAVIS of California, Mrs. BONO MACK, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. CAO, Mr. YOUNG of Florida, Ms. FALLIN, Ms. DEGETTE, Mr. TIAHRT, Mr. PIERLUISI, Mr. MAFFEI, Mr. MCCAUL, Mr. HONDA, Mr. GUTIERREZ, Mr. PRICE of North Carolina, Mr. KUCINICH, Mr. PAULSEN, Ms. CHU, Ms. LEE of California, Mr. PERRIELLO, Mr. RYAN of Wisconsin, Mr. GERLACH, Mr. LIPINSKI, Mr. GRIJALVA, Mr. VISCLOSKY, Mr. DANIEL E. LUNGREN of California, Mr. SESTAK, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Mrs. MILLER of Michigan, Mr. OBERSTAR, Ms. SHEA-PORTER, Mr. COSTELLO, Mr. LARSON of Connecticut, Mr. THOMPSON of California, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. GARAMENDI, Ms. HIRONO, Ms. MOORE of Wisconsin, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PAYNE, Ms. TITUS, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WOOLSEY, Ms. RICHARDSON, Mr. JOHNSON of Georgia, Mr. CONAWAY, Mr. WALZ, Mr. GORDON of Tennessee, Mr. GUTHRIE, Ms. LINDA T. SÁNCHEZ of California, Ms. JENKINS, Mr. GOODLATTE, Ms. LORETTA SANCHEZ of California, Mr. SESSIONS, Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. WU, Mr. KIRK, Mrs. LOWEY, Mr. POLIS of Colorado, Mr. CANTOR, Mrs. CAPPS, and Mr. INSLEE) introduced the following bill; which was referred to the Committee on the Judiciary

JULY 19, 2010

Additional sponsors: Mr. MORAN of Kansas, Mr. GINGREY of Georgia, Mr. GRAVES of Missouri, Mr. MCCARTHY of California, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. PETRI, Mr. PLATTS, Mr. BISHOP of New York, Mr. HILL, Mrs. HALVORSON, Mr. BARROW, Mr. DOYLE, Ms. ESHOO, Mr. WITTMAN, Ms. HERSETH SANDLIN, Mr. THOMPSON of Mississippi, Ms. PINGREE of Maine, Mr. SPRATT, Mr. LEVIN, Mr. HIMES, Mr. MATHE-SON, Ms. MATSUI, Mr. TONKO, Mr. MCCOTTER, Mr. BISHOP of Utah, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mr. SAM JOHNSON of Texas, Mr. TIERNEY, Mr. LYNCH, Mr. SCHRADER, Mr. BOEHNER, Mr. ISSA, Mr. SMITH of Washington, Mr. OLVER, Mr. STARK, Mr. MURPHY of New York, Mr. SARBANES, Mr. MCGOVERN, and Mr. WALDEN

JULY 19, 2010

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **A BILL**

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7        The Congress finds the following:

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

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

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

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

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

1           (6) The United States has a long history of  
2           prohibiting the interstate sale of obscene and illegal  
3           materials.

4           (7) Animal crush videos appeal to the prurient  
5           interest and are obscene.

6   **SEC. 3. ANIMAL CRUSH VIDEOS.**

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

9   **“§ 48. Animal crush videos**

10          “(a) PROHIBITION.—Whoever knowingly and for the  
11          purpose of commercial advantage or private financial gain  
12          sells or offers to sell, or distributes or offers to distribute,  
13          an animal crush video in interstate or foreign commerce  
14          shall be fined under this title or imprisoned not more than  
15          5 years, or both.

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

19                  “(1) customary and normal veterinary or agri-  
20                  cultural husbandry practices; or

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

22          “(c) DEFINITIONS.—In this section the term ‘animal  
23          crush video’ means any obscene photograph, motion-pic-  
24          ture film, video recording, or electronic image that depicts  
25          actual conduct in which one or more living animals is in-

1 tentionally crushed, burned, drowned, suffocated, or im-  
2 paled in a manner that would violate a criminal prohibi-  
3 tion on cruelty to animals under Federal law or the law  
4 of the State in which the depiction is created, sold, distrib-  
5 uted, or offered for sale or distribution.”.

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

“48. Animal crush videos.”.

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11<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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