

115TH CONGRESS
1ST SESSION

S. 654

AN ACT

To revise section 48 of title 18, United States Code, 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 “Preventing Animal
3 Cruelty and Torture Act” or the “PACT Act”.

4 **SEC. 2. REVISION OF SECTION 48.**

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

7 **“§ 48. Animal crushing**

8 “(a) OFFENSES.—

9 “(1) CRUSHING.—It shall be unlawful for any
10 person to purposely engage in animal crushing in or
11 affecting interstate or foreign commerce or within
12 the special maritime and territorial jurisdiction of
13 the United States.

14 “(2) CREATION OF ANIMAL CRUSH VIDEOS.—It
15 shall be unlawful for any person to knowingly create
16 an animal crush video, if—

17 “(A) the person intends or has reason to
18 know that the animal crush video will be dis-
19 tributed in, or using a means or facility of,
20 interstate or foreign commerce; or

21 “(B) the animal crush video is distributed
22 in, or using a means or facility of, interstate or
23 foreign commerce.

24 “(3) DISTRIBUTION OF ANIMAL CRUSH VID-
25 EOS.—It shall be unlawful for any person to know-
26 ingly sell, market, advertise, exchange, or distribute

1 an animal crush video in, or using a means or facil-
2 ity of, interstate or foreign commerce.

3 “(b) EXTRATERRITORIAL APPLICATION.—This sec-
4 tion applies to the knowing sale, marketing, advertising,
5 exchange, distribution, or creation of an animal crush
6 video outside of the United States, if—

7 “(1) the person engaging in such conduct in-
8 tends or has reason to know that the animal crush
9 video will be transported into the United States or
10 its territories or possessions; or

11 “(2) the animal crush video is transported into
12 the United States or its territories or possessions.

13 “(c) PENALTIES.—Whoever violates this section shall
14 be fined under this title, imprisoned for not more than
15 7 years, or both.

16 “(d) EXCEPTIONS.—

17 “(1) IN GENERAL.—This section does not apply
18 with regard to any conduct, or a visual depiction of
19 that conduct, that is—

20 “(A) a customary and normal veterinary,
21 agricultural husbandry, or other animal man-
22 agement practice;

23 “(B) the slaughter of animals for food;

1 “(C) hunting, trapping, fishing, a sporting
2 activity not otherwise prohibited by Federal
3 law, predator control, or pest control;

4 “(D) medical or scientific research;

5 “(E) necessary to protect the life or prop-
6 erty of a person; or

7 “(F) performed as part of euthanizing an
8 animal.

9 “(2) GOOD-FAITH DISTRIBUTION.—This section
10 does not apply to the good-faith distribution of an
11 animal crush video to—

12 “(A) a law enforcement agency; or

13 “(B) a third party for the sole purpose of
14 analysis to determine if referral to a law en-
15 forcement agency is appropriate.

16 “(3) UNINTENTIONAL CONDUCT.—This section
17 does not apply to unintentional conduct that injures
18 or kills an animal.

19 “(4) CONSISTENCY WITH RFRA.—This section
20 shall be enforced in a manner that is consistent with
21 section 3 of the Religious Freedom Restoration Act
22 of 1993 (42 U.S.C. 2000bb–1).

23 “(e) NO PREEMPTION.—Nothing in this section shall
24 be construed to preempt the law of any State or local sub-
25 division thereof to protect animals.

1 “(f) DEFINITIONS.—In this section—

2 “(1) the term ‘animal crushing’ means actual
3 conduct in which one or more living non-human
4 mammals, birds, reptiles, or amphibians is purposely
5 crushed, burned, drowned, suffocated, impaled, or
6 otherwise subjected to serious bodily injury (as de-
7 fined in section 1365 and including conduct that, if
8 committed against a person and in the special mari-
9 time and territorial jurisdiction of the United States,
10 would violate section 2241 or 2242);

11 “(2) the term ‘animal crush video’ means any
12 photograph, motion-picture film, video or digital re-
13 cording, or electronic image that—

14 “(A) depicts animal crushing; and

15 “(B) is obscene; and

16 “(3) the term ‘euthanizing an animal’ means
17 the humane destruction of an animal accomplished
18 by a method that—

19 “(A) produces rapid unconsciousness and
20 subsequent death without evidence of pain or
21 distress; or

22 “(B) uses anesthesia produced by an agent
23 that causes painless loss of consciousness and
24 subsequent death.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
2 The table of sections for chapter 3 of title 18, United
3 States Code, is amended by striking the item relating to
4 section 48 and inserting the following:

“48. Animal crushing.”.

Passed the Senate December 14, 2017.

Attest:

Secretary.

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