

(C) hunting, trapping, or fishing.

(2) **GOOD-FAITH DISTRIBUTION.**—This section shall not apply to the good-faith distribution of an animal crush video to—

(A) a law enforcement agency; or

(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

(f) **NO PREEMPTION.**—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.

(Added Pub. L. 106-152, §1(a), Dec. 9, 1999, 113 Stat. 1732; amended Pub. L. 111-294, §3(a), Dec. 9, 2010, 124 Stat. 3178.)

AMENDMENTS

2010—Pub. L. 111-294 amended section generally. Prior to amendment, section related to depiction of animal cruelty.

SEVERABILITY

Pub. L. 111-294, §3(c), Dec. 9, 2010, 124 Stat. 3179, provided that: “If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional, the provision and the application of the provision to other persons or circumstances shall not be affected thereby.”

FINDINGS

Pub. L. 111-294, §2, Dec. 9, 2010, 124 Stat. 3177, provided that: “The Congress finds the following:

“(1) The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.

“(2) The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.

“(3) Each of the several States and the District of Columbia criminalize intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, or impaling of animals for no socially redeeming purpose.

“(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of extreme animal cruelty are videotaped, and the resulting video tapes are commonly referred to as ‘animal crush videos’.

“(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

“(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions, taken as a whole—

“(A) appeal to the prurient interest in sex;

“(B) are patently offensive; and

“(C) lack serious literary, artistic, political, or scientific value.

“(7) Serious criminal acts of extreme animal cruelty are integral to the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

“(8) The creation, sale, distribution, advertising, marketing, and exchange of animal crush videos is intrinsically related and integral to creating an incentive for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the videos depict. The primary reason for those criminal acts is the creation, sale, distribution, advertising, marketing, and exchange of the animal crush video image.

“(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

“(A) allows the perpetrators of such crimes to remain anonymous;

“(B) makes it extraordinarily difficult to establish the jurisdiction within which the underlying criminal acts of extreme animal cruelty occurred; and

“(C) often precludes proof that the criminal acts occurred within the statute of limitations.

“(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.”

§ 49. Enforcement of animal fighting prohibitions

(a) **IN GENERAL.**—Whoever violates subsection (a)(1), (b), (c), or (e) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 5 years, or both, for each violation.

(b) **ATTENDING AN ANIMAL FIGHTING VENTURE.**—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

(c) **CAUSING AN INDIVIDUAL WHO HAS NOT ATTAINED THE AGE OF 16 TO ATTEND AN ANIMAL FIGHTING VENTURE.**—Whoever violates subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.

(Added Pub. L. 110-22, §2(a), May 3, 2007, 121 Stat. 88; amended Pub. L. 110-234, title XIV, §14207(b), May 22, 2008, 122 Stat. 1462; Pub. L. 110-246, §4(a), title XIV, §14207(b), June 18, 2008, 122 Stat. 1664, 2224; Pub. L. 113-79, title XII, §12308(b)(2), Feb. 7, 2014, 128 Stat. 991.)

REFERENCES IN TEXT

Section 26 of the Animal Welfare Act, referred to in text, is section 2156 of Title 7, Agriculture.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2014—Pub. L. 113-79 designated existing provisions as subsec. (a), inserted heading, substituted “subsection (a)(1),” for “subsection (a),”, and added subsecs. (b) and (c).

2008—Pub. L. 110-246, §14207(b), substituted “5 years” for “3 years”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

CHAPTER 5—ARSON

Sec.

81. Arson within special maritime and territorial jurisdiction.

§ 81. Arson within special maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, will—