

[S. 3880]

## ANIMAL ENTERPRISE TERRORISM ACT

An Act to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.** This Act may be cited as the “Animal Enterprise Terrorism Act”.

**SEC. 2. INCLUSION OF ECONOMIC DAMAGE TO ANIMAL ENTERPRISES AND THREATS OF DEATH AND SERIOUS BODILY INJURY TO ASSOCIATED PERSONS.**

(a) **IN GENERAL.**—Section 43 of title 18, United States Code, is amended to read as follows:

“§ 43. Force, violence, and threats involving animal enterprises

“(a) **OFFENSE.**—Whoever travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility of interstate or foreign commerce—

“(1) for the purpose of damaging or interfering with the operations of an animal enterprise; and

“(2) in connection with such purpose—

“(A) intentionally damages or causes the loss of any real or personal property (including animals or records) used by an animal enterprise, or any real or personal property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise;

“(B) intentionally places a person in reasonable fear of the death of, or serious bodily injury to that person, a member of the immediate family (as defined in section 115) of that person, or a spouse or intimate partner of that person by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, or intimidation; or

“(C) conspires or attempts to do so; shall be punished as provided for in subsection (b).

“(b) **PENALTIES.**—The punishment for a violation of section (a) or an attempt or conspiracy to violate subsection (a) shall be—

“(1) a fine under this title or imprisonment not more than 1 year, or both, if the offense does not instill in another the reasonable fear of serious bodily injury or death and—

“(A) the offense results in no economic damage or bodily injury; or

“(B) the offense results in economic damage that does not exceed \$10,000;

“(2) a fine under this title or imprisonment for not more than 5 years, or both, if no bodily injury occurs and—

“(A) the offense results in economic damage exceeding \$10,000 but not exceeding \$100,000; or

“(B) the offense instills in another the reasonable fear of serious bodily injury or death;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, if—

“(A) the offense results in economic damage exceeding \$100,000; or

“(B) the offense results in substantial bodily injury to another individual;

“(4) a fine under this title or imprisonment for not more than 20 years, or both, if—

“(A) the offense results in serious bodily injury to another individual; or

“(B) the offense results in economic damage exceeding \$1,000,000; and

“(5) imprisonment for life or for any terms of years, a fine under this title, or both, if the offense results in death of another individual.

“(c) **RESTITUTION.**—An order of restitution under section 3663 or 3663A of this title with respect to a violation of this section may also include restitution—

“(1) for the reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense;

“(2) for the loss of food production or farm income reasonably attributable to the offense; and

“(3) for any other economic damage, including any losses or costs caused by economic disruption, resulting from the offense.

“(d) **DEFINITIONS.**—As used in this section—

“(1) the term ‘animal enterprise’ means—

“(A) a commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research, or testing;

“(B) a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or

“(C) any fair or similar event intended to advance agricultural arts and sciences;

“(2) the term ‘course of conduct’ means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose;

“(3) the term ‘economic damage’—

“(A) means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, the loss of profits, or increased costs, including losses and increased costs resulting from threats, acts or vandalism, property damage, trespass, harassment, or intimidation taken against a person or entity on account of that person’s or entity’s connection to, relationship with, or transactions with the animal enterprise; but

“(B) does not include any lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise;

“(4) the term ‘serious bodily injury’ means—

“(A) injury posing a substantial risk of death;

“(B) extreme physical pain;

“(C) protracted and obvious disfigurement; or

“(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

“(5) the term ‘substantial bodily injury’ means—

“(A) deep cuts and serious burns or abrasions;

“(B) short-term or nonobvious disfigurement;

“(C) fractured or dislocated bones, or torn members of the body;

“(D) significant physical pain;

“(E) illness;

“(F) short-term loss or impairment of the function of a bodily member, organ, or mental faculty; or

“(G) any other significant injury to the body.

“(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

“(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, regardless of the point of view expressed, or to limit any existing legal remedies for such interference; or

“(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action, or to preempt State or local laws that may provide such penalties or remedies.”

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(b) CLERICAL AMENDMENT.—The item relating to section 43 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows: “43. Force, violence, and threats involving animal enterprises.”

Approved November 27, 2006.

LEGISLATIVE HISTORY—S. 3880:

CONGRESSIONAL RECORD, Vol. 152 (2006):

Sept. 29, considered and passed Senate.

Nov. 13, considered and passed House.