

109TH CONGRESS
1ST SESSION

H. R. 4239

To provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 2005

Mr. PETRI (for himself, Mr. ISSA, Mr. McCOTTER, Mr. CANNON, Mr. BONILLA, Mr. CUNNINGHAM, Mr. CALVERT, Mr. OTTER, Mr. BOREN, Mrs. BLACKBURN, Mr. DOOLITTLE, and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

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 “Animal Enterprise
5 Terrorism Act”.

1 **SEC. 2. INCLUSION OF ECONOMIC DISRUPTION TO ANIMAL**
2 **ENTERPRISES AND THREATS OF DEATH AND**
3 **SERIOUS BODILY INJURY TO ASSOCIATED**
4 **PERSONS.**

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

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

9 “(a) OFFENSE.—Whoever travels in interstate or for-
10 eign commerce, or uses or causes to be used the mail or
11 any facility of interstate or foreign commerce

12 “(1) for the purpose of damaging or disrupting
13 an animal enterprise; and

14 “(2) in connection with such purpose—

15 “(A) intentionally damages, disrupts, or
16 causes the loss of any property (including ani-
17 mals or records) used by the animal enterprise,
18 or any property of a person or entity having a
19 connection to, relationship with, or transactions
20 with the animal enterprise;

21 “(B) intentionally places a person in rea-
22 sonable fear of the death of, or serious bodily
23 injury to that person, a member of the imme-
24 diate family (as defined in section 115) of that
25 person, or a spouse or intimate partner of that
26 person by a course of conduct involving threats,

1 acts of vandalism, property damage, trespass,
2 harassment, or intimidation; or

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

5 “(b) PENALTIES.—

6 “(1) ECONOMIC DAMAGE.—Any person who, in
7 the course of a violation of subsection (a) causes
8 economic damage not exceeding \$10,000 shall be
9 fined under this title or imprisoned not more than
10 1 year, or both.

11 “(2) SIGNIFICANT ECONOMIC DAMAGE OR ECO-
12 NOMIC DISRUPTION.—Any person who, in the course
13 of a violation of subsection (a), causes economic
14 damage or economic disruption exceeding \$10,000
15 but not exceeding \$100,000 shall be fined under this
16 title or imprisoned not more than 5 years, or both.

17 “(3) MAJOR ECONOMIC DAMAGE OR ECONOMIC
18 DISRUPTION.—Any person who, in the course of a
19 violation of subsection (a), causes economic damage
20 or economic disruption exceeding \$100,000 shall be
21 fined under this title or imprisoned not more than
22 10 years, or both.

23 “(4) SIGNIFICANT BODILY INJURY OR
24 THREATS.—Any person who, in the course of a vio-
25 lation of subsection (a), causes significant bodily in-

1 jury to another individual or intentionally instills in
2 another the reasonable fear of death or serious bod-
3 ily injury shall be fined under this title or impris-
4 oned not more than 5 years, or both.

5 “(5) SERIOUS BODILY INJURY.—Any person
6 who, in the course of a violation of subsection (a),
7 causes serious bodily injury to another individual
8 shall be fined under this title or imprisoned not
9 more than 20 years, or both.

10 “(6) DEATH.—Any person who, in the course of
11 a violation of subsection (a), causes the death of an
12 individual shall be fined under this title and shall be
13 imprisoned for life or for any term of years.

14 “(7) CONSPIRACY AND ATTEMPT.—Any person
15 who conspires or attempts to commit an offense
16 under subsection (a) shall be subject to the same
17 penalties as those prescribed for the substantive of-
18 fense.

19 “(c) RESTITUTION.—An order of restitution under
20 section 3663 or 3663A of this title with respect to a viola-
21 tion of this section may also include restitution—

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

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

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

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

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

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

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

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

17 “(2) the term ‘course of conduct’ means a pat-
18 tern of conduct composed of 2 or more acts, evidenc-
19 ing a continuity of purpose;

20 “(3) the term ‘economic damage’ means the re-
21 placement costs of lost or damaged property or
22 records, the costs of repeating an interrupted or in-
23 validated experiment, or the loss of profits;

24 “(4) the term ‘economic disruption’—

1 “(A) means losses and increased costs that
2 individually or collectively exceed \$10,000, in-
3 cluding losses and increased costs resulting
4 from threats, acts or vandalism, property dam-
5 age, trespass, harassment or intimidation taken
6 against a person or entity on account of that
7 person’s or entity’s connection to, relationship
8 with, or transactions with the animal enter-
9 prise; and

10 “(B) does not include any lawful economic
11 disruption that results from lawful public, gov-
12 ernmental, or business reaction to the diselo-
13 sure of information about an animal enterprise;

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

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

17 “(B) extreme physical pain;

18 “(C) protracted and obvious disfigurement;

19 or

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

23 “(6) the term ‘significant bodily injury’
24 means—

1 “(A) deep cuts and serious burns or abra-
2 sions;

3 “(B) short-term or nonobvious disfigure-
4 ment;

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

7 “(D) significant physical pain;

8 “(E) illness;

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

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

14 “(e) NON-PREEMPTION.—Nothing in this section
15 preempts any State law.”.

16 (b) CONFORMING AMENDMENT.—Section 2516(1)(c)
17 of title 18, United States Code, is amended by inserting
18 “section 43 (force, violence and threats involving animal
19 enterprises),” before “section 201 (bribery of public offi-
20 cials and witnesses)”.

○