

7 USCS § 2156

§ 2156. Animal fighting venture prohibition

(a) Sponsoring or exhibiting an animal in an animal fighting venture.

(1) In general. Except as provided in paragraph (2), it shall be unlawful for any person to knowingly sponsor or exhibit an animal in an animal fighting venture, if any animal in the venture was moved in interstate or foreign commerce.

(2) Special rule for certain States. With respect to fighting ventures involving live birds in a State where it would not be in violation of the law, it shall be unlawful under this subsection for a person to sponsor or exhibit a bird in the fighting venture only if the person knew that any bird in the fighting venture was knowingly bought, sold, delivered, transported, or received in interstate or foreign commerce for the purpose of participation in the fighting venture.

(b) Buying, selling, delivering, or transporting animals for participation in animal fighting venture. It shall be unlawful for any person to knowingly sell, buy, transport, deliver, or receive for purposes of transportation, in interstate or foreign commerce, any dog or other animal for purposes of having the dog or other animal participate in an animal fighting venture.

(c) Use of Postal Service or other interstate instrumentality for promoting or furthering animal fighting venture. It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any instrumentality of interstate commerce for commercial speech for purposes of promoting or in any other manner furthering an animal fighting venture except as performed outside the limits of the States of the United States.

(d) Violation of State law. Notwithstanding the provisions of subsection (c), the activities prohibited by such subsection shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.

(e) It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.

(f) Investigation of violations by Secretary; assistance by other federal agencies; issuance of search warrant; forfeiture; costs recoverable in forfeiture or civil action. The Secretary or any other person authorized by him shall make such investigations as the Secretary deems necessary to determine whether any person has violated or is violating any provision of this section, and the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, or other law enforcement agencies of the United States, and State and local governmental agencies, in the conduct of such investigations, under cooperative agreements with such agencies. A warrant to search for and seize any animal which there is probable cause to believe was involved in any violation of this section may be issued by any judge of the United States or of a State court of record or by a United States magistrate [United States magistrate judge] within the district wherein the animal sought is located. Any United States marshal or any person authorized under this section to conduct investigations may apply for and execute any such warrant, and any animal seized under such a warrant shall be held

by the United States marshal or other authorized person pending disposition thereof by the court in accordance with this paragraph (f). Necessary care including veterinary treatment shall be provided while the animals are so held in custody. Any animal involved in any violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal is found and upon a judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the court may direct. Costs incurred by the United States for care of animals seized and forfeited under this section shall be recoverable from the owner of the animals if he appears in such forfeiture proceeding or in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

(g) Definitions. For purposes of this section--

(1) the term "animal fighting venture" means any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment except that the term "animal fighting venture" shall not be deemed to include any activity the primary purpose of which involves the use of one or more animals in hunting another animal;

(2) the term "interstate or foreign commerce" means--

(A) any movement between any place in a State to any place in another State or between places in the same State through another State; or

(B) any movement from a foreign country into any State or from any State into any foreign country;

(3) the term "instrumentality of interstate commerce" means any written, wire, radio, television or other form of communication in, or using a facility of, interstate commerce;

(4) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

(5) the term "animal" means any live bird, or any live dog or other mammal, except man; and

(6) the conduct by any person of any activity prohibited by this section shall not render such person subject to the other sections of this Act [7 USCS §§ 2131 et seq.] as a dealer, exhibitor, or otherwise.

(h) Conflict with State law.

(1) The provisions of this Act [7 USCS §§ 2131 et seq.] shall not supersede or otherwise invalidate any such State, local, or municipal legislation or ordinance relating to animal fighting ventures except in case of a direct and irreconcilable conflict between any requirements thereunder and this Act [7 USCS §§ 2131 et seq.] or any rule, regulation, or standard hereunder.

(2) [Omitted]

(i) The criminal penalties for violations of subsection (a), (b), (c), or (e) are provided in section 49 of title 18, United States Code.

History:

(Aug. 24, 1966, P.L. 89-544, § 26, as added April 22, 1976, P.L. 94-279, § 17, 90 Stat. 421; May 13, 2002, P.L. 107-171, Title X, Subtitle D, §§ 10302(a), 10303(a), 116 Stat. 491, 492.) (As amended May 3, 2007, P.L. 110-22, § 3, 121 Stat. 88.)

History; Ancillary Laws and Directives:

- 1. Explanatory notes**
- 2. Effective date of section**
- 3. Amendments**
- 4. Other provisions**

1. Explanatory notes:

The bracketed words "United States magistrate judge" have been inserted on the authority of Act Dec. 1, 1990, P.L. 101-650, Title III, § 321, which appears as 28 USCS § 631 note. Subsec. (h)(2), which has been omitted, amended 39 USCS § 3001(a).

2. Effective date of section:

This section became effective one year after enactment, pursuant to § 23 of Act Dec. 24, 1970, P.L. 91-579, which appears as 7 USCS § 2131 note.

3. Amendments:

2002. Act May 13, 2002 (effective one year after enactment, as provided by § 10302(b) of such Act, which appears as a note to this section), substituted subsec. (a) for one which read: "(a) Sponsoring or exhibiting animal in any fighting venture. It shall be unlawful for any person to knowingly sponsor or exhibit an animal in any animal fighting venture to which any animal was moved in interstate or foreign commerce."; in subsec. (b), substituted "deliver, or receive" for "or deliver to another person or receive from another person"; and, in subsec. (d), substituted "subsection (c)" for "subsections (a), (b), or (c) of this section". Such Act further (effective one year after enactment, as provided by § 10303(b) of such Act, which appears as a note to this section), in subsec. (e), inserted the subsection heading, and substituted "\$ 15,000" for "\$ 5,000"; and, in subsec. (g)(2)(B), inserted "or from any State into any foreign country".

2007. Act May 3, 2007, in subsec. (c), substituted "instrumentality of interstate commerce for commercial speech" for "interstate instrumentality"; in subsec. (d), substituted "such subsection" for "such subsections"; substituted subsec. (e) for one which read: "(e) Penalties. Any person who violates subsection (a), (b), or (c) shall be fined not more than \$ 15,000 or imprisoned for not more than 1 year, or both, for each such violation."; in subsec. (g), in para. (1), deleted "or animals, such as waterfowl, bird, raccoon, or fox hunting" following "another animal", and substituted para. (3) for one which read: "(3) the term 'interstate instrumentality' means telegraph, telephone, radio, or television operating in interstate or foreign commerce;"; and added subsec. (i).

4. Other provisions:

Effective date of amendments made by § 10302 of Act May 13, 2002. Act May 13, 2002, P.L. 107-171, Title X, Subtitle D, § 10302(b), 116 Stat. 492, provides: "The amendments made by this section [amending subsecs. (a), (b) and (d) of this section] take effect 1 year after the date of enactment of this Act."

Effective date of amendment made by § 10303 of Act May 13, 2002. Act May 13, 2002, P.L. 107-171, Title X, Subtitle D, § 10303(b), 116 Stat. 492, provides: "The amendment made by this section [amending subsecs. (e), (g)(2)(B) of this section] takes effect 1 year after the date of enactment of this Act."

18 USCS § 49

§ 49. Enforcement of animal fighting prohibitions

Whoever violates subsection (a), (b), (c), or (e) of section 26 of the Animal Welfare Act [7 USCS § 2156] shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.