

109TH CONGRESS
2^D SESSION

S. 3880

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2006

Mr. INHOFE (for himself, Mrs. FEINSTEIN, Mr. THUNE, and Mr. ISAKSON) introduced the following bill; which was read twice and 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 DAMAGE TO ANIMAL EN-**
2 **TERPRISES AND THREATS OF DEATH AND SE-**
3 **RIOUS BODILY INJURY TO ASSOCIATED PER-**
4 **SONS.**

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 interfering
13 with the operations of an animal enterprise; and

14 “(2) in connection with such purpose—

15 “(A) intentionally damages, or causes the
16 loss of any property (including animals or
17 records) used by an animal enterprise, or any
18 property of a person or entity having a connec-
19 tion to, relationship with, or transactions with
20 an 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, criminal
2 trespass, 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.—The punishment for a violation of
6 section (a) or an attempt or conspiracy to violate sub-
7 section (a) shall be—

8 “(1) for an offense involving exclusively a non-
9 violent physical obstruction of an animal enterprise
10 or a business having a connection to, or relationship
11 with, an animal enterprise, that may result in loss
12 of profits but does not result in bodily injury or
13 death or property damage or loss—

14 “(A) not more than \$10,000 and the
15 length of imprisonment shall be not more than
16 6 months, or both, for the first offense; and

17 “(B) not more than \$25,000 and the
18 length of imprisonment shall be not more than
19 18 months, or both, for a subsequent offense;

20 “(2) a fine under this title or imprisonment not
21 more than 1 year, or both, if the offense does not
22 instill in another the reasonable fear of serious bod-
23 ily injury or death and—

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

1 “(B) the offense results in economic dam-
2 age that does not exceed \$10,000;

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

6 “(A) the offense results in economic dam-
7 age exceeding \$10,000 but not exceeding
8 \$100,000; or

9 “(B) the offense instills in another the rea-
10 sonable fear of serious bodily injury or death;

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

13 “(A) the offense results in economic dam-
14 age exceeding \$100,000; or

15 “(B) the offense causes substantial bodily
16 injury to another individual;

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

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

21 “(B) the offense results in economic dam-
22 age exceeding \$1,000,000; and

23 “(6) a fine under this title and imprisonment
24 for life or for any term of years, or both, if the of-
25 fense results in death of another individual.

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

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

7 “(2) for the loss of food production or farm in-
8 come reasonably attributable to the offense; and

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

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

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

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

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

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

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

1 “(3) the term ‘economic damage’—

2 “(A) means the replacement costs of lost
3 or damaged property or records, the costs of re-
4 peating an interrupted or invalidated experi-
5 ment, the loss of profits, or increased costs, in-
6 cluding losses and increased costs resulting
7 from threats, acts or vandalism, property dam-
8 age, trespass, harassment, or intimidation taken
9 against a person or entity on account of that
10 person’s or entity’s connection to, relationship
11 with, or transactions with the animal enter-
12 prise; but

13 “(B) does not include any lawful economic
14 disruption (including a lawful boycott) that re-
15 sults from lawful public, governmental, or busi-
16 ness reaction to the disclosure of information
17 about an animal enterprise;

18 “(4) the term ‘physical obstruction’ means ren-
19 dering impassable ingress to or egress from an ani-
20 mal enterprise facility, or rendering passage to or
21 from such a facility unreasonably difficult;

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

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

25 “(B) extreme physical pain;

1 “(C) protracted and obvious disfigurement;

2 or

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

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

8 “(A) deep cuts and serious burns or abra-
9 sions;

10 “(B) short-term or nonobvious disfigure-
11 ment;

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

14 “(D) significant physical pain;

15 “(E) illness;

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

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

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

23 “(1) to prohibit any expressive conduct (includ-
24 ing peaceful picketing or other peaceful demonstra-

1 tion) protected from legal prohibition by the First
2 Amendment to the Constitution;

3 “(2) to create new remedies for interference
4 with activities protected by the free speech or free
5 exercise clauses of the First Amendment to the Con-
6 stitution, regardless of the point of view expressed,
7 or to limit any existing legal remedies for such inter-
8 ference; or

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

13 (b) CLERICAL AMENDMENT.—The item relating to
14 section 43 in the table of sections at the beginning of
15 chapter 3 of title 18, United States Code, is amended to
16 read as follows:

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

17 (c) AMENDMENTS RELATING TO SUBSTANTIAL BOD-
18 ILY INJURY.—

19 (1) Section 2118 of title 18, United States
20 Code, is amended by striking “significant” each
21 place it appears other than in subsection (e) and in-
22 serting “serious”.

23 (2) Section 2118(e) of title 18, United States
24 Code, is amended—

1 (A) by striking “significant” the first place
2 it appears and inserting “serious”;

3 (B) by inserting “substantial” before “risk
4 of death”; and

5 (C) by striking “significant physical pain”
6 and inserting “extreme physical pain”.

7 (3) Section 113(b)(1) of title 18, United States
8 Code, is amended to read as follows:

9 “(1) the term ‘substantial bodily injury’
10 means—

11 “(A) deep cuts and serious burns or abra-
12 sions;

13 “(B) short-term or nonobvious disfigure-
14 ment;

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

17 “(D) significant physical pain;

18 “(E) illness;

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

22 “(G) any other significant injury to the
23 body; and”.

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