

103^D CONGRESS
1ST SESSION

H. R. 3575

To amend title 18, United States Code, to provide more complete protection to animal enterprises and the people associated with them.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 1993

Mr. STENHOLM introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide more complete protection to animal enterprises and the people associated with them.

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 Protection Act of 1993”.

6 **SEC. 2. FREEDOM OF ACCESS TO ANIMAL ENTERPRISES.**

7 Chapter 13 of title 18, United States Code, is
8 amended by adding at the end the following:

9 **“§ 248. Blocking access to animal enterprises**

10 “(a) PROHIBITED ACTIVITIES.—Whoever—

1 “(1) by force, threat of force, or physical ob-
2 struction, intentionally injures, intimidates, or inter-
3 feres with any person, or attempts to do so, because
4 that person or any other person or class of persons
5 is engaging in activities in an animal enterprise; or

6 “(2) intentionally damages or destroys the
7 property of a facility, or attempts to do so, because
8 that facility is in part or in whole an animal enter-
9 prise;

10 shall be punished as provided in subsection (b) of this sec-
11 tion and also be subject to the civil remedy provided in
12 subsection (c) of this section.

13 “(b) PENALTIES.—Whoever violates subsection (a) of
14 this section shall—

15 “(1) in the case of a first offense, be fined
16 under this title or imprisoned not more than 1 year,
17 or both; and

18 “(2) in the case of a second or subsequent of-
19 fense after a prior conviction under this section, be
20 fined under this title or imprisoned not more than
21 3 years, or both;

22 except that, if bodily injury results, the length of imprison-
23 ment shall be not more than 10 years, and if death results,
24 it shall be for any term of years or for life.

25 “(c) CIVIL ACTIONS.—

1 “(1) RIGHT OF ACTION GENERALLY.—Any per-
2 son who is aggrieved by a violation of subsection (a)
3 of this section may in a civil action obtain relief
4 under this subsection.

5 “(2) ACTION BY ATTORNEY GENERAL.—If the
6 Attorney General has reasonable cause to believe
7 that any person, or group of persons, is aggrieved by
8 a violation of subsection (a) of this section, the At-
9 torney General may in a civil action obtain relief
10 under this subsection.

11 “(3) ACTIONS BY STATE ATTORNEYS GEN-
12 ERAL.—If an attorney general of a State has reason-
13 able cause to believe that any person or group of
14 persons is aggrieved by a violation of subsection (a)
15 of this section, that attorney general may in a civil
16 action obtain relief under this subsection.

17 “(4) RELIEF.—In any action under this sub-
18 section, the court may award any appropriate relief,
19 including temporary, preliminary or permanent in-
20 junctive relief, and compensatory and punitive dam-
21 ages for each person aggrieved by the violation. With
22 respect to compensatory damages, the aggrieved per-
23 son may elect, at any time before the rendering of
24 final judgment, to recover, in lieu of actual damages,
25 an award of statutory damages in the amount of

1 \$5,000 per violation. The court may award to the
2 prevailing party, other than the United States, rea-
3 sonable fees for attorneys and expert witnesses.

4 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to prohibit any expressive conduct
6 (including peaceful picketing or other peaceful demonstra-
7 tion) protected from legal prohibition by the first article
8 of amendment to the Constitution.

9 “(e) NON-PREEMPTION.—Congress does not intend
10 this section to provide the exclusive remedies with respect
11 to the conduct prohibited by it, nor to preempt the legisla-
12 tion of the States that may provide such remedies.

13 “(f) DEFINITIONS.—As used in this section, the fol-
14 lowing definitions apply:

15 “(1) ANIMAL ENTERPRISE.—The term “animal
16 enterprise” means—

17 “(A) a commercial or academic enterprise
18 that uses animals for food or fiber production,
19 agriculture, research, or testing;

20 “(B) a zoo, aquarium, circus, rodeo, or
21 lawful competitive animal event; or

22 “(C) any fair or similar event intended to
23 advance agriculture.

24 “(2) FACILITY.—The term ‘facility’ includes the
25 building or structure in which the facility is located.

1 “(3) PHYSICAL OBSTRUCTION.—The term
2 ‘physical obstruction’ means rendering impassable
3 ingress to or egress from a facility that provides re-
4 productive health services, or rendering passage to
5 or from such facility unreasonably difficult.

6 “(4) STATE.—The term ‘State’ includes a State
7 of the United States, the District of Columbia, and
8 any commonwealth, territory, or possession of the
9 United States.

10 “(5) INTIMIDATE.—The term ‘intimidate’
11 means to place a person in reasonable apprehension
12 of bodily harm to himself or herself or to another.”.

13 **SEC. 3. EFFECTIVE DATE.**

14 This Act takes effect on the date of the enactment
15 of this Act, and shall apply only with respect to conduct
16 occurring on or after such date.

17 **SEC. 4. CLERICAL AMENDMENT.**

18 The table of sections at the beginning of chapter 13
19 of title 18, United States Code, is amended by adding at
20 the end the following new item:

“248. Blocking access to animal enterprises.”.

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