

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 14, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 19-0002-S24
Assignment No: 19-02-0108

SUBJECT: Wildlife Protection Act of 2019

CLA RECOMMENDATION: Adopt Resolution (Koretz – Blumenfield) to include in the City’s 2019-2020 Federal Legislative Program SUPPORT for HR 724 (Deutch) which would make certain acts of animal cruelty a federal felony.

SUMMARY

HR 724 (Deutch) is a bipartisan bill introduced with 177 cosponsors. HR 724 aims to close an existing loophole that prevents the federal government from prosecuting a malicious act of animal cruelty that occurs on federal property or affects interstate commerce that is not captured on video.

The Resolution (Koretz – Blumenfield) recommends support of HR 724 (Deutch), the Preventing Animal Cruelty and Torture (PACT) Act, which would make certain acts of animal cruelty a federal felony.

BACKGROUND

The PACT Act would specifically make “animal crushing” unlawful. Animal crushing is defined in HR 724 (Deutch) as actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury.

The creation of animal crush videos was prohibited in 2010 by the Animal Crush Video Prohibition Act, but federal law does not presently prohibit the underlying acts depicted within the videos. Federal designation of animal cruelty as a felony is needed to cover cruelty that occurs in interstate commerce, across state lines or in geographic locations difficult to identify. The PACT Act would create a federal anti-cruelty statute that complements the cruelty laws in the 50 states. Additionally, the PACT Act would make engaging in animal crushing, or the creation or distribution of animal crushing videos punishable by up to seven years in prison. The PACT Act contains several exemptions for veterinary care, slaughter for food, sporting activities, pest control, medical research, euthanasia, and other special circumstances.

In an ongoing project, the FBI analyzed the criminal histories of 259 cases of active animal cruelty between 2004 and 2009 and has found that 59 percent involved other crimes of interpersonal violence, 17 percent involved sex offenses, and 24 percent involved persons that were arrested for

assault within 1-5 years after their arrest for animal cruelty. The City of Los Angeles has recognized the relationship between animal cruelty and other violent crimes often committed by its perpetrators, by forming the Animal Cruelty Task Force, a partnership between the LAPD, the Department of Animal Services and the City Attorney, with the support of the County District Attorney, to investigate and prosecute animal cruelty crimes.

DEPARTMENTS NOTIFIED

Los Angeles Police Department
Department of Animal Services
City Attorney
Zoo

BILL STATUS

01/23/19 Introduced.
01/23/19 Referred to House Committee on the Judiciary.

A handwritten signature in black ink, appearing to read 'Tristan Noack', written over a horizontal line.

Tristan Noack
Analyst

SMT:tcjn

Attachment: Resolution

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed or pending before a local, state or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, animal cruelty in all its forms is malicious behavior toward creatures who often can't defend themselves; and

WHEREAS, the City of Los Angeles has recognized that fact, as well as the relationship between animal cruelty and other violent crimes often committed by its perpetrators, by forming the Animal Cruelty Task Force, a partnership between the LAPD, the Department of Animal Services and the City Attorney, with the support of the County District Attorney, to investigate and prosecute animal cruelty crimes; and

WHEREAS, the state of California and all other states recognize animal cruelty as a felony; and

WHEREAS, a federal designation of animal cruelty as a felony is needed to cover cruelty that occurs in interstate commerce, across state lines or in geographic locations difficult to identify; and

WHEREAS, the Preventing Animal Cruelty and Torture (PACT) Act (H.R. 724) is a bipartisan bill to make animal cruelty a federal crime authored by Rep. Ted Deutch (D-FL) and Rep. Vern Buchanan (R-FL) which would cover crushing, burning, drowning, suffocating, impaling or sexually exploiting animals; and

WHEREAS, this federal codification is needed to secure additional protection for animals and punishments up to seven years in prison for those who hurt them; and

WHEREAS, H.R. 724 is supported by law enforcement, prosecuting attorneys and the Humane Society Legislative Fund; and

WHEREAS, the passage of this legislation will strengthen the hand of all law enforcement agencies in combatting animal cruelty in all its forms.

BE IT HEREBY RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 federal legislative program SUPPORT for H.R. 724 which will make animal cruelty a federal felony.

PRESENTED BY:

PAUL KORETZ, Councilmember, 5th District

SECONDED BY:

11/1/2019

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