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[Laws in effect as of January 6, 1997]  
[Document not affected by Public Laws enacted between  
January 6, 1997 and May 14, 1998]  
[CITE: 18USC43]

TITLE 18--CRIMES AND CRIMINAL PROCEDURE

PART I--CRIMES

CHAPTER 3--ANIMALS, BIRDS, FISH, AND PLANTS

Sec. 43. Animal enterprise terrorism

(a) Offense.--Whoever--

(1) travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility in interstate or foreign commerce, for the purpose of causing physical disruption to the functioning of an animal enterprise; and

(2) intentionally causes physical disruption to the functioning of an animal enterprise by intentionally stealing, damaging, or causing the loss of, any property (including animals or records) used by the animal enterprise, and thereby causes economic damage exceeding \$10,000 to that enterprise, or conspires to do so;

shall be fined under this title or imprisoned not more than one year, or both.

(b) Aggravated Offense.--

(1) Serious bodily injury.--Whoever in the course of a violation of subsection (a) causes serious bodily injury to another individual shall be fined under this title or imprisoned not more than 10 years, or both.

(2) Death.--Whoever in the course of a violation of subsection (a) causes the death of an individual shall be fined under this title and imprisoned for life or for any term of years.

(c) Restitution.--An order of restitution under section 3663 or 3663A of this title with respect to a violation of this section may also include restitution--

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

(2) the loss of food production or farm income reasonably attributable to the offense.

(d) Definitions.--As used in this section--

(1) the term ``animal enterprise'' means--

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

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

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

(2) the term ``physical disruption'' does not include any lawful disruption that results from lawful public, governmental, or animal enterprise employee reaction to the disclosure of information about an animal enterprise;

(3) the term ``economic damage'' means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, or the loss of profits; and

(4) the term ``serious bodily injury'' has the meaning given that term in section 1365 of this title.

(e) Non-Preemption.--Nothing in this section preempts any State law.

(Added Pub. L. 102-346, Sec. 2(a), Aug. 26, 1992, 106 Stat. 928; amended Pub. L. 104-294, title VI, Sec. 601(r)(3), Oct. 11, 1996, 110 Stat. 3502.)

#### Prior Provisions

A prior section 43, acts June 25, 1948, ch. 645, 62 Stat. 687; Sept. 2, 1960, Pub. L. 86-702, Sec. 2, 74 Stat. 754; Dec. 5, 1969, Pub. L. 91-135, Sec. 7(a), 83 Stat. 279, related to transportation of wildlife taken in violation of State, national, or foreign law, the receipt of such wildlife, and the making of false records in relation thereto, prior to repeal by Pub. L. 97-79, Sec. 9(b)(2), Nov. 16, 1981, 95 Stat. 1079. See section 3372(a) of Title 16, Conservation.

#### Amendments

1996--Subsec. (c). Pub. L. 104-294 inserted ``or 3663A'' after ``section 3663'' in introductory provisions.

#### Short Title

Section 1 of Pub. L. 102-346 provided that: ``This Act [enacting this section and provisions set out below] may be cited as the `Animal Enterprise Protection Act of 1992'.''

#### Study of Effect of Terrorism on Certain Animal Enterprises

Section 3 of Pub. L. 102-346 directed Attorney General and Secretary of Agriculture to jointly conduct a study on extent and effects of domestic and international terrorism on enterprises using animals for food or fiber production, agriculture, research, or testing, and, not later than 1 year after Aug. 26, 1992, submit a report that describes the results of the study together with any appropriate recommendations and legislation to Congress.