

§2E1.3 - Animal Fighting:

US Sentencing Commission / 2016 Amendments Effective November 1st

Animal fighting ventures inherently involve cruelty and violence, often resulting in severe injury and death to animals, in addition to inhumane living conditions and other forms of neglect. In 2008, Congress increased penalties for animal fighting from three to five years, and in 2014, Congress enacted legislation making it a crime to attend an animal fight or to cause a person under the age of 16 to attend an animal fight. In response, the Commission amended the animal fighting guideline to increase the base offense level and modify an existing departure provision.

The Amendment

- The base offense level for offenses involving an animal fighting venture is increased from 10 to 16.
- A base offense level of 10 applies if the offense is causing a person under 16 to attend an animal fighting venture.
- Prior to the change in the guideline, 31% of offenders received an upward departure.
- A base offense level of 6 applies if the offense is attending an animal fighting venture, a Class A misdemeanor.

Upward Departure Provision

- Makes clear that typical animal fighting ventures involve severe injury or death to the injured animal.
- An upward departure may be warranted in cases involving exceptional animal cruelty, or animal fighting on an exceptional scale.

Animal Fighting Offenders Sentenced Above the Range



120.8%
AVERAGE EXTENT OF
UPWARD DEPARTURE

AVERAGE SENTENCE EIGHTEEN*
*A MEDIAN SENTENCE OF 16 MONTHS



21 to 27
GUIDELINE RANGE IN MONTHS
WITH NEW BASE OFFENSE
LEVEL 16 AND CHC I

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We received more than 48,000 letters during the public comment period. These letters came from members of Congress, animal rights organizations, and concerned citizens. Some letters contained pictures documenting the cruelty and neglect that is typical in these cases.

“Dogfighting is a violent ‘contest’ in which two dogs - bred and conditioned for dogfighting - are placed in a pit and forced to fight for purposes of entertainment and gambling. Fights average one to two hours, ending when one of the dogs will not or cannot continue. The injuries inflicted and sustained by dogs who participate in dogfights are frequently severe and even fatal. Cockfighting is a blood sport in which two or more specially bred birds known as gamecocks are placed in an enclosed pit and forced to fight, often with metal weapons attached to their legs. A typical cockfight can last from several minutes to more than half an hour and usually results in the death of one or both birds.”

- Chris Schindler,
Humane Society of U.S.



“Obtaining meaningful sentences for animal fighting will allow federal prosecutors and law enforcement to better deter these criminal acts.”

- U.S. Representatives, Tom Marino, Pennsylvania & Jim P. McGovern, Massachusetts; sponsors of the Animal Fighting Spectator Prohibition Act of 2014.

“We need to make it clear that cruelty and violence like this won't be tolerated. This makes me sick.”

- Public Comment



“Large animal fighting operations clearly lead to egregious animal cruelty, but are also linked to illegal gambling, firearms, and narcotics. Stronger sentences will help deter these criminal enterprises.”

- Senator Dianne Feinstein,
California

*For more information or to ask the Commission a question,
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The United States Sentencing Commission, an independent agency in the judicial branch of the federal government, was organized in 1985 to develop a national sentencing policy for the federal courts. The resulting sentencing guidelines provide structure for the courts' sentencing discretion to help ensure that similar offenders who commit similar offenses receive similar sentences.

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