

**TOM MARINO**

10TH DISTRICT, PENNSYLVANIA

COMMITTEE ON THE JUDICIARY

CHAIRMAN, SUBCOMMITTEE ON  
REGULATORY REFORM, COMMERCIAL AND  
ANTITRUST LAW

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3810**

June 2, 2015

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The Honorable Patti B. Saris  
Chairwoman  
U.S. Sentencing Commission  
One Columbus Circle, NE, Suite 2-500  
Washington, DC, 20002-8002

Dear Commissioner Saris:

As a former prosecutor, U.S. Attorney, and as an animal lover, I introduced legislation passed as part of the 2014 Farm Bill which created the first federal penalties for spectators at animal fights. This legislation also added additional penalties for bringing a child to these barbaric events. In April 2015, a federal judge in Ohio handed down the first conviction under this new law. Knowing the need for strong penalties to deter animal fighting, I write you to ask the Commission to reevaluate the current federal sentencing guidelines for this horrific crime.

Late last year, a U.S. Federal Judge in Alabama addressed the need for reevaluating the current guidelines for animal fighting sentences. In this case, the judge sentenced six defendants who ran an animal fighting operation involving 450 dogs. As a result, the ringleader and other key members of this heinous dog fighting enterprise received sentences of up to eight years in prison. For each individual, however, the judge noted that upward variances were required because the sentencing guidelines for animal fighting were inadequate and failed to take into account the abject cruelty and the large number of dogs in this particular case.

Animal fighting has no place in our society, and the American public wants those convicted of this crime to be punished accordingly. Congress has addressed animal fighting many times, including adding an amendment to the 2008 Farm Bill that raised statutory maximum penalty for animal fighting to five years' imprisonment. The current sentencing guidelines, however, have not incorporated this increase and do not reflect the heightened seriousness with which Congress, the public, and many judges view this terrible crime.

Additionally, the current sentencing recommendations for animal fighting are categorized among gambling offenses in Chapter Two, Part E.3. Although gambling often drives dog fighting operations, this categorization fails to account for the violence and brutality that distinguishes animal fighting from other gambling crimes. Animal fighting is unique, and inapposite, to this category of crime because it inflicts immense suffering and death on its victims.

In order to address these concerns, I ask that the U.S. Sentencing Commission increase the sentencing guideline's base level offense for animal fighting to better reflect the increased statutory maximum passed by Congress. I also ask that you provide an elevated base level offense when the offense involves a large number of animals.

Thank you for your attention to this important issue. I look forward to your response and am happy to answer any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "Tom Marino". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tom Marino  
Member of Congress