

Congress of the United States
Washington, DC 20515

February 23, 2016

The Honorable Patti B. Saris
Chair
United States Sentencing Commission
One Columbus Circle NW, Suite 2-500
Washington DC 20002

Dear Chief Judge Saris:

Thank you for proposing a revised animal fighting amendment to the U.S. Sentencing Commission Guidelines. The Commission's attention to this issue reflects the importance that both Congress and the American public have placed on prosecuting and preventing this violent form of animal cruelty.

As the sponsors of the *Animal Fighting Spectator Prohibition Act*, the legislation included in the 2014 Farm Bill to add penalties for spectators and those who bring children to animal fights, we thank the Commission for proposing a guideline that recognizes this new law. We encourage the Commission to adopt a base offense level of 10, the higher of the two proposed, for the felony of bringing a child to an animal fight.

Additionally, while we thank the Commission for proposing to raise the base offense level for the crime of animal fighting to 16, we feel this change alone is insufficient. Once judges adjust for mitigating factors, the typical animal fighting sentence would be a mere 12 months. A 12-month sentence does not sufficiently reflect the intent of the five year statutory maximum passed by Congress in 2008.

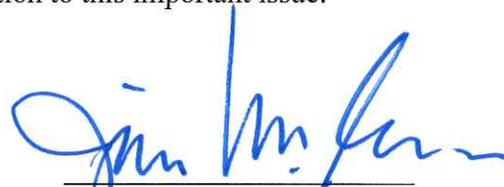
Furthermore, we ask the Commission to include specific offense characteristics that provide elevated sentences for animal fighting offenses that are especially cruel, dangerous, or harmful to the public interest. Specific offense characteristics should provide for higher sentences where animals are harmed through egregious cruelty or neglect; where law enforcement and the public is endangered by the presence of weapons; and where offenders demonstrate an exceptional degree of involvement in the business of animal fighting.

During the recent sentencing of a ringleader and key members of an animal fighting enterprise involving over 450 dogs, the judge granted upward departures due to the sentencing guideline's failure to account for the exceptional cruelty in the case. We thank you for retaining the guideline's upward departure provision for cases involving extraordinary cruelty to preserve judges' discretion to address these egregious circumstances. We also thank you for revising the upward departure provision to account for cases of animal fighting on an exceptional scale, such as those involving hundreds of dogs.

Obtaining meaningful sentences for animal fighting will allow federal prosecutors and law enforcement to better deter these criminal acts. Thank you for your attention to this important issue.

Sincerely,


Tom Marino
Member of Congress


James P. McGovern
Member of Congress