

114TH CONGRESS
2D SESSION

H. R. 4613

To amend title 18, United States Code, with respect to civil forfeitures relating to certain seized animals.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2016

Mr. KATKO (for himself and Ms. JUDY CHU of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, with respect to civil forfeitures relating to certain seized animals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Help Extract Animals
5 from Red Tape Act of 2016” or the “HEART Act of
6 2016”.

7 **SEC. 2. REDUCED NOTICE PERIOD.**

8 Section 983(a)(1)(A) of title 18, United States Code,
9 is amended by adding at the end the following new clause:

1 “(vi) With respect to an animal seized
2 under section 26 of the Animal Welfare
3 Act or under section 1955 of this title,
4 clauses (i), (ii), (iii), and (v), shall be ap-
5 plied by substituting ‘30-days’ for ‘60-
6 days’.”.

7 **SEC. 3. BOND HEARING PROCEDURES.**

8 Section 983(a) of title 18, United States Code, is
9 amended by adding at the end the following:

10 “(5)(A) If an animal is seized under section 26
11 of the Animal Welfare Act or under section 1955 of
12 this title, the Government may, not later than 21
13 days after a claim is filed under paragraph (2) or
14 (4), petition in United States district court for a
15 bond hearing relating to that claim. Upon filing the
16 petition, the Government shall give the person claim-
17 ing an interest in the animal actual notice of the
18 hearing. The court shall, except upon good cause
19 shown, commence that hearing not later than 15
20 days after the date that the person receives the no-
21 tice required under this subparagraph.

22 “(B) Not later than 5 days prior to the hearing
23 date, the Government shall provide an accounting of
24 the costs already incurred, and the estimated reason-
25 able and anticipated costs of future care for the ani-

1 mal per day, to both the court and the person claim-
2 ing an interest in the animal.

3 “(C)(i) Unless the person claiming an interest
4 in the animal shows good cause not to require a
5 bond, the court shall order that person to post a
6 bond.

7 “(ii) The amount of the bond shall be that
8 amount the court determines sufficient to reimburse
9 all reasonable and anticipated costs of caring for the
10 animal from the date of seizure to a date the court
11 deems appropriate, unless the court determines the
12 person claiming an interest in the animal is finan-
13 cially unable to post a bond in that amount. In that
14 case, the court may set the amount of the bond to
15 cover partial payment of those costs.

16 “(iii) In determining whether the person claim-
17 ing an interest in the animal has an inability to pay
18 a bond, the court shall consider—

19 “(I) the income, earning capacity, and fi-
20 nancial resources of the person claiming an in-
21 terest in the animal;

22 “(II) the actual cost of care for the animal
23 prior to seizure of the animal by the person
24 claiming an interest in the animal, including

1 but not limited to food, vaccinations, veterinary
2 expenses, and licenses; and

3 “(III) such other factors as the court
4 deems appropriate.

5 “(iv) If the court does not order the posting of
6 a bond, or orders a bond in an amount that would
7 only cover partial payment of these costs, the court
8 shall state on the record the reason for that action.

9 “(D) If the person claiming an interest in the
10 animal fails to post the bond as ordered by the end
11 of the 15th day beginning after the date of the
12 issuance of the order, the court may order the imme-
13 diate forfeiture to the Government of the seized ani-
14 mal to which the order applies.

15 “(E) If a bond is posted under this subpara-
16 graph, the seizing agency or the United States Mar-
17 shals Service may draw from the bond the actual
18 reasonable costs incurred in caring for the seized
19 animal.

20 “(F) Any unspent portion of the bond shall be
21 returned to the person claiming an interest in the
22 animal upon resolution of the forfeiture proceedings.

23 “(G) If the person claiming an interest in the
24 animal posts a bond and prevails in the forfeiture
25 proceedings—

1 “(i) that person shall be entitled to receive
2 the full amount that person posted as a bond
3 under this subparagraph; and

4 “(ii) the Government shall reimburse any
5 amount drawn under subparagraph (E) nec-
6 essary to provide that full amount.

7 “(H) In this subparagraph, the term ‘reason-
8 able and anticipated costs’ includes food, boarding,
9 veterinary care (including humane euthanasia where
10 appropriate), transport, and any other costs the
11 court deems necessary to provide care to the seized
12 animal.

13 “(I) Nothing in this subparagraph prevents, in
14 lieu of posting security or proceeding to a forfeiture
15 hearing, the voluntary permanent relinquishment of
16 an animal by its owner to—

17 “(i) an animal control or animal shelter;

18 “(ii) an animal protection organization; or

19 “(iii) the Government.

20 “(J) The testimony of a person at a hearing
21 held under this subsection is not admissible against
22 that person in any criminal proceeding, except in a
23 prosecution for perjury, and does not waive that per-
24 son’s right against self-incrimination.”.

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