

115TH CONGRESS
2D SESSION

S. 2633

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

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2018

Ms. HARRIS (for herself and Ms. COLLINS) introduced the following bill; which was read twice and 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, and for other purposes.

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 2018” or the “HEART Act of
6 2018”.

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

8 (a) NOTICE TIMING FOR CASES OF ANIMAL SEI-
9 ZURE.—Section 983(a)(1)(A) of title 18, United States
10 Code, is amended—

(1) in clause (i), by inserting “and subject to clause (vi),” after “Except as provided in clauses (ii) through (v),”; and

(2) by adding at the end the following:

“(vi) In the case of a civil forfeiture proceeding relating to an animal seized under section 26 of the Animal Welfare Act (7 U.S.C. 2156) or section 1955 of this title, clauses (i), (ii), (iii), and (v) of this subparagraph shall be applied by substituting—

“(I) ‘30 days’ for ‘60 days’; and

“(II) ‘30-day’ for ‘60-day’.”.

(b) NOTICE PROCEDURES FOR CASES OF ANIMAL SEIZURE.—Section 983(a)(1) of title 18, United States Code is amended—

(1) in subparagraph (B), by inserting “, and, in the case of a civil forfeiture proceeding relating to an animal seized under section 26 of the Animal Welfare Act (7 U.S.C. 2156) or section 1955 of this title, that, after considering the factors under subparagraph (G), the delay is warranted” after “if the official determines that the conditions in subparagraph (D) are present”;

(2) in subparagraph (C), by inserting “, and, in the case of a civil forfeiture proceeding relating to an animal seized under section 26 of the Animal

1 Welfare Act (7 U.S.C. 2156) or section 1955 of this
 2 title, that, after considering the factors under sub-
 3 paragraph (G), the delay is warranted” after “that
 4 the conditions in subparagraph (D) are present”;
 5 and

6 (3) by adding at the end the following:

7 “(G) In the case of a civil forfeiture proceeding
 8 relating to an animal seized under section 26 of the
 9 Animal Welfare Act (7 U.S.C. 2156) or section 1955
 10 of this title, the period for sending notice under this
 11 paragraph may be extended only after consideration
 12 of—

13 “(i) the cost to the Government of caring
 14 and providing shelter for the animal;

15 “(ii) the psychological and physical health
 16 of the animal and the effect the delay will have
 17 on the rehabilitation of the animal; and

18 “(iii) any increased risk that the delay
 19 could necessitate euthanizing the animal.”.

20 **SEC. 3. SEIZURES OF ANIMALS.**

21 (a) PAYMENT FOR CERTAIN COSTS.—Section
 22 524(c)(1) of title 28, United States Code, is amended—

23 (1) in subparagraph (H), by striking “and” at
 24 the end;

1 (2) in subparagraph (I), by striking the period
2 at the end and inserting “; and”; and

3 (3) by inserting after subparagraph (I) the fol-
4 lowing:

5 “(J) payment for the transportation of, shelter
6 of, care for, veterinary services provided to, and,
7 when appropriate, humane euthanasia of an animal
8 seized under section 26 of the Animal Welfare Act
9 (7 U.S.C. 2156) or section 1955 of title 18.”.

10 (b) REIMBURSEMENT AND PROPORTIONALITY.—Sec-
11 tion 983(h) of title 18, United States Code, is amended
12 by adding at the end the following:

13 “(4) CIVIL FORFEITURE PROCEEDINGS INVOLV-
14 ING ANIMALS.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (B), in any covered proceeding in which
17 the Government prevails, the court shall require
18 the claimant to reimburse the United States for
19 any actual and reasonable costs incurred by the
20 Government for transportation of, shelter of,
21 care for, veterinary services provided to, and,
22 when appropriate, humane euthanasia of an
23 animal that was the subject of the covered pro-
24 ceeding.

1 “(B) REDUCTION.—The court may reduce
2 the amount of a reimbursement described in
3 subparagraph (A) on the basis of—

4 “(i) the seriousness of the offense;

5 “(ii) the culpability of the claimant;

6 “(iii) the prior record of the claimant;

7 “(iv) the financial condition of the
8 claimant and any need of the claimant to
9 support a family; and

10 “(v) the purpose of the civil forfeiture
11 statute in question.

12 “(C) APPLICATION.—A reimbursement de-
13 scribed in subparagraph (A) shall be credited
14 to—

15 “(i) the agency that paid the costs
16 being reimbursed; or

17 “(ii) the fund that was used to pay
18 the costs being reimbursed.

19 “(D) DEFINITION.—In this paragraph, the
20 term ‘covered proceeding’ means a civil for-
21 feiture proceeding under section 26 of the Ani-
22 mal Welfare Act (7 U.S.C. 2156) or section
23 1955 of this title, the subject of which is an
24 animal.”.

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