

116TH CONGRESS
1ST SESSION

S. 513

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

FEBRUARY 14, 2019

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 2019” or the “HEART Act of
6 2019”.

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

4 (2) by adding at the end the following:

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

10 “(I) ‘30 days’ for ‘60 days’ each place that
 11 term appears; and

12 “(II) ‘30-day’ for ‘60-day’ each place that
 13 term appears.”.

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

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

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

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

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

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

18 “(ii) the psychological and physical health
 19 of the animal and the effect the delay will have
 20 on the rehabilitation of the animal; and

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

23 **SEC. 3. SEIZURES OF ANIMALS.**

24 (a) **PAYMENT FOR CERTAIN COSTS.**—Section
 25 524(c)(1) of title 28, United States Code, is amended—

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

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

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

7 “(J) payment for the transportation of, shelter
8 of, care for, veterinary services provided to, and,
9 when appropriate, humane euthanasia of an animal
10 seized under section 26 of the Animal Welfare Act
11 (7 U.S.C. 2156) or section 1955 of title 18.”.

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

15 “(4) CIVIL FORFEITURE PROCEEDINGS INVOLV-
16 ING ANIMALS.—

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

1 animal that was the subject of the covered pro-
2 ceeding.

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

6 “(i) the seriousness of the offense;

7 “(ii) the culpability of the claimant;

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

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

12 “(v) the purpose of the civil forfeiture
13 statute in question.

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

17 “(i) the agency that paid the costs
18 being reimbursed; or

19 “(ii) the fund that was used to pay
20 the costs being reimbursed.

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

- 1 1955 of this title, the subject of which is an
- 2 animal.”.

