

115TH CONGRESS
1ST SESSION

H. R. 398

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2017

Mr. KATKO (for himself, Ms. JUDY CHU of California, Mr. SENSENBRENNER, and Ms. JACKSON LEE) 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 2017” or the “HEART Act of
6 2017”.

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

1 Code, is amended by adding at the end the following new
2 clause:

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

9 (b) NOTICE PROCEDURES FOR CASES OF ANIMAL
10 SEIZURE.—Section 983(a)(1) of title 18, United States
11 Code, as amended by this Act, is amended—

12 (1) in subparagraph (B) by inserting “and with
13 respect to an animal seized under section 26 of the
14 Animal Welfare Act or section 1955 of this title,
15 that the delay is warranted in light of the criteria
16 in subparagraph (G)” after “if the official deter-
17 mines that the conditions in subparagraph (D) are
18 present,”;

19 (2) in subparagraph (C) by inserting “and with
20 respect to an animal seized under section 26 of the
21 Animal Welfare Act or section 1955 of this title,
22 that the delay is warranted in light of the criteria
23 in subparagraph (G)” after “that the conditions in
24 subparagraph (D) are present,”; and

1 (3) by adding after subparagraph (F), the fol-
2 lowing:

3 “(G) With respect to an animal seized
4 under section 26 of the Animal Welfare Act or
5 section 1955 of this title, the period for sending
6 notice under this paragraph may be extended
7 only after consideration of the following:

8 “(i) The cost to the government of
9 caring and providing shelter for the ani-
10 mal.

11 “(ii) The psychological and physical
12 health of the animal and the effect the
13 delay will have on its rehabilitation.

14 “(iii) Any increased risk that the
15 delay could necessitate the euthanasia of
16 the animal.”.

17 **SEC. 3. SEIZURES OF ANIMALS.**

18 (a) **PAYMENT FOR CERTAIN COSTS.**—Section
19 524(c)(1) of title 28, United States Code, is amended by
20 adding after subparagraph (I), the following:

21 “(J) payment for the transportation, shel-
22 ter, care, veterinary services, and where appro-
23 priate, humane euthanasia of an animal seized
24 under section 26 of the Animal Welfare Act or
25 under section 1955 of title 18.”.

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

4 “(4) In any civil forfeiture proceeding in which
5 the Government prevails, the court shall require the
6 claimant, to reimburse the United States for any ac-
7 tual and reasonable costs to the government for the
8 transportation, shelter, care, veterinary services, or
9 where appropriate, humane euthanasia of an animal
10 that was the subject of the proceeding. The reim-
11 bursement shall be credited to the agency or fund
12 that was used to pay the costs being reimbursed.

13 “(5) In any civil forfeiture proceeding in which
14 an animal is subject of the proceeding, the court
15 may reduce the size of a reimbursement based on
16 any of the following factors:

17 “(A) The seriousness of the offense.

18 “(B) The culpability of the claimant.

19 “(C) The claimant’s prior record.

20 “(D) The claimant’s financial condition
21 and need to support a family.

22 “(E) The purpose of the forfeiture statute
23 in question.”.

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