

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.

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## 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

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## 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.”.

