

116TH CONGRESS  
1ST SESSION

# H. R. 1228

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2019

Ms. JUDY CHU of California (for herself and Mr. KATKO) introduced the following bill; which was 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.

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

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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