

117TH CONGRESS  
1ST SESSION

# H. R. 2085

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

MARCH 19, 2021

Ms. CHU (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 2021” or the “HEART Act of  
6 2021”.

7       **SEC. 2. FINDINGS.**

8       Congress finds the following:

9               (1) Animal fighting is one of the most heinous  
10       forms of animal cruelty.

1           (2) Federal law prohibits sponsoring, exhibiting,  
2           or attending an animal fight, causing an individual  
3           under the age of 16 to attend an animal fight, using  
4           the postal service for promoting an animal fighting  
5           venture, as well as the interstate commerce in ani-  
6           mal fighting paraphilia and animals for the partici-  
7           pation in animal fights.

8           (3) Animal fighting is often associated with  
9           other forms of criminal activity including illegal  
10          gambling, drug trafficking, and domestic violence.

11          (4) In order to rescue animals from further cru-  
12          elty, provide needed veterinary care, and protect  
13          communities, Federal agencies often seize animals  
14          suspected of being used in animal fighting ventures.

15          (5) Federal agencies tasked with enforcing the  
16          Federal animal fighting statutes often lack the infra-  
17          structure and expertise to hold animals after seizure  
18          and instead partner with animal welfare organiza-  
19          tions and local animal shelters to hold animals until  
20          the final judgement of the seizure cases.

21          (6) The significant length of time animals are  
22          held before courts determine their disposition can re-  
23          sult in serious physical and behavioral deterioration  
24          due to chronic stress, even when shelters provide  
25          high quality care.

1           (7) Federal animal fighting cases often involve  
2 dozens, if not hundreds of seized animals.

3           (8) Between 2016 and 2019, the United States  
4 Department of Justice seized over 1,000 dogs in ani-  
5 mal fighting cases.

6           (9) Holding times for animals seized in Federal  
7 animal fighting cases can stretch on for over a year.  
8 After 64 dogs were seized from twelve locations in  
9 a Federal animal fighting case in 2016, some ani-  
10 mals were held for up to 436 days.

11          (10) Seizing 367 dogs in a Federal animal  
12 fighting case in 2013 required sheltering dogs for up  
13 to 390 days. Fifty-three percent of the dogs in that  
14 case declined behaviorally, with 30 percent of them  
15 deteriorating to such a degree that they had to be  
16 humanely euthanized.

17          (11) Reducing the time that seized animals  
18 must be held before courts determine their legal dis-  
19 position is the best way to minimize the trauma ani-  
20 mals have experienced at the hands of their abusers.

21          (12) The unique nature of animals compared to  
22 other seized assets requires higher costs to the gov-  
23 ernment and to partnering animal welfare organiza-  
24 tions.

1           (13) Animal welfare organizations have shel-  
2           tered animals for several Federal investigations at  
3           costs ranging from \$900,000 to more than \$3 mil-  
4           lion.

5           (14) Uncertainty regarding who is ultimately  
6           responsible for the cost of care for the seized ani-  
7           mals discourages future animal fighting investiga-  
8           tions, which means fewer animals saved.

9           (15) Expediting the disposition process for ani-  
10          mals seized in Federal animal fighting cases will  
11          provide better outcomes for animals, reduce financial  
12          burdens on animal welfare organizations partnering  
13          with Federal agencies, and will provide more space  
14          in shelters for other animals in need.

15 **SEC. 3. REDUCED NOTICE PERIOD.**

16          (a) NOTICE TIMING FOR CASES OF ANIMAL SEI-  
17          ZURE.—Section 983(a)(1)(A) of title 18, United States  
18          Code, is amended by adding at the end the following new  
19          clause:

20                       “(vi) With respect to an animal seized  
21                       under section 26 of the Animal Welfare  
22                       Act or under section 1955 of this title,  
23                       clauses (i), (ii), (iii), and (v), shall be ap-  
24                       plied by substituting ‘30-days’ for ‘60-  
25                       days’.”.

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

4 (1) in subparagraph (B) by inserting “and with  
5 respect to an animal seized under section 26 of the  
6 Animal Welfare Act or section 1955 of this title,  
7 that the delay is warranted in light of the criteria  
8 in subparagraph (G)” after “if the official deter-  
9 mines that the conditions in subparagraph (D) are  
10 present,”;

11 (2) in subparagraph (C) by inserting “and with  
12 respect to an animal seized under section 26 of the  
13 Animal Welfare Act or section 1955 of this title,  
14 that the delay is warranted in light of the criteria  
15 in subparagraph (G)” after “that the conditions in  
16 subparagraph (D) are present,”; and

17 (3) by adding after subparagraph (F), the fol-  
18 lowing:

19 “(G) With respect to an animal seized  
20 under section 26 of the Animal Welfare Act or  
21 section 1955 of this title, the period for sending  
22 notice under this paragraph may be extended  
23 only after consideration of the following:

1                   “(i) The cost to the government of  
2                   caring and providing shelter for the ani-  
3                   mal.

4                   “(ii) The psychological and physical  
5                   health of the animal and the effect the  
6                   delay will have on its rehabilitation.

7                   “(iii) Any increased risk that the  
8                   delay could necessitate the euthanasia of  
9                   the animal.

10                  “(iv) Any psychological harm incurred  
11                  by the animals’ owner due to the delay in  
12                  disposition.”.

13 **SEC. 4. SEIZURES OF ANIMALS.**

14                  (a) **PAYMENT FOR CERTAIN COSTS.**—Section  
15 524(c)(1) of title 28, United States Code, is amended by  
16 adding after subparagraph (I), the following:

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

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

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

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

14                   “(A) The seriousness of the offense.

15                   “(B) The culpability of the claimant.

16                   “(C) The claimant’s prior record.

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

19                   “(E) The purpose of the forfeiture statute  
20           in question.

21           “(6) Nothing in this section should be inter-  
22           preted to reimburse the United States for any costs  
23           other than for costs related to animals seized under

- 1 section 26 of the Animal Welfare Act or under sec-
- 2 tion 1955 of title 18.”.

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