

Statement for the Record- H.R.5283, the Due Process Act
Judiciary Full Committee Markup
Rep. Judy Chu
May 25, 2016

I move to strike the last word.

I would like to take this opportunity to highlight an issue that is not addressed in H.R.5283, the Due Process Act- the fate of animals seized by the federal government under criminal fighting and gambling statutes. Animals are not inanimate objects, and yet current law treats a seized dog the same as it treats a car or document. Forfeiture cases, which are lengthy and complex, can often leave these animals, many of which have been horribly abused, waiting in shelters for months on end, where chronic stress leads to even greater physical and behavioral deterioration. Furthermore, the responsibility of caring for these animals during the duration of the court case often falls on local animal shelters. These already under-resourced facilities face additional burdens when housing seized animals, but are prevented from providing rehabilitative services until the deposition of the animals is complete.

That is why I, along with Congressman John Katko from New York, introduced H.R. 4613, the Help Extract Animals from Red Tape (HEART) Act. This bill reduces the amount of time animals must wait for a disposition by more than half, and shifts the burden of the cost of care from animal shelters to the individual claiming an interest in the animal.

These animals are often seized after years of cruelty and abuse. In August of 2013, the American Society for the Prevention of Cruelty to Animals (ASPCA) assisted the United States Attorney's Office and the Federal Bureau of Investigation (FBI) to help rescue nearly 400 dogs in one of the largest federal dog fighting raids in U.S. history. These dogs had been tethered with heavy chains in the summer heat without food or water and had been horrifically wounded or scarred from fighting. They were all in desperate need of veterinary care for injuries and neglect. Sadly, many of these animals spent over a year in legal limbo, unable to receive rehabilitative training or be adopted into a loving home.

Holding an animal in federal custody for the duration of an entire court case requires a very different set of resources than holding evidence made of up inanimate objects. While the Due Process Act does not address this issue, I urge my colleagues to consider cosponsoring the HEART Act, and to consider treating seized animals differently than inanimate objects under the law in future legislation.