

PAWS ACT: PROTECTING DOMESTIC VIOLENCE VICTIMS AND THEIR PETS ON A NATIONAL LEVEL

BY JENNIFER L. BRASTER, ESQ.

[On February 7, 2017, U.S. Representatives Katherine Clark (D-MA), Illeana Ros-Lehtinen (R-FL), Rick Nolan (D-MN), Jeff Denham (R-CA), Steve Cohen (D-TN) and Mimi Walters (R-CA), along with 176 other members of the U.S. House, reintroduced the Pet and Women Safety (PAWS) Act of 2017, designed to protect victims of domestic violence and their pets. The PAWS Act shares bicameral, bipartisan support, including support from Sen. Dean Heller (R-NV) and Sen. Gary Peters (D-MI), who led the reintroduction of the PAWS Act in the Senate.]

Why Do We Need the PAWS Act?

Reports from the American Society for the Prevention of Cruelty to Animals (ASPCA) show that as many as 25 percent of domestic violence victims have stated they have returned to an abuser out of concern for their pets. Often, abusers intentionally target pets to control their partners, and 71 percent of victims entering domestic violence shelters report that their abuser has threatened, harmed or even killed a pet. Yet only 3 percent of domestic violence shelters in the U.S. can accommodate pets. Matt Bershadker and Rep. Katherine Clark, *Protecting All the Victims of Domestic Violence* (March 5, 2015), available at <http://www.aspca.org/blog/protecting-all-victims-domestic-violence>.

In Nevada, only one domestic violence shelter accommodates pets: Noah's Animal House with Shade Tree in Las Vegas. Noah's Animal House has partnered with the Committee to Aid Abused Women (CAAW) in Reno, and they are opening a second Noah's Animal House on CAAW's residential campus in Reno. The PAWS Act would provide federal grant money to organizations providing temporary shelter to domestic violence victims and their pets.

Clark stated, "Sadly, one in four women will experience domestic violence at some point in their lives. Pets often become a member of the family, and the idea of leaving a

beloved pet behind in a dangerous situation is unthinkable. By ensuring that people experiencing domestic abuse don't have to make the decision between finding safety for themselves or staying behind to protect their pet, we can empower survivors to seek help." Clark Bill Helps Protect Domestic Violence Victims and Their Pets (Feb. 8, 2017), available at <http://katherineclark.house.gov/index.cfm/press-releases>.

Heller stated, "I am committed to combating domestic violence and ensuring survivors are provided with the services they need to heal. No victim of this crime should have to choose between their safety and the safety of their pet.... I am proud to introduce this critical legislation with my colleagues to ensure domestic violence survivors across the country receive the assistance they need to leave an abusive environment." Heller, Peters Introduce the Pet and Women Safety Act (Feb. 8, 2017), available at <http://www.heller.senate.gov/public/index.cfm/pressreleases>.

What Does the PAWS Act Do?

The PAWS Act of 2017 is designed to "protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets." H.R. 909 —



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115th Congress: Pet and Women Safety Act of 2017. The PAWS Act seeks to protect the pets of domestic violence victims in many ways.

From a financial standpoint, the PAWS Act directs the award of federal grants to "entities to carry out programs to provide ... assistance ... with respect to victims of domestic violence, dating violence, sexual assault, or stalking and the pets of such victims."

Id. Such grants may be used for emergency and transitional shelter for domestic violence victims with pets; short-

term shelter and housing assistance for domestic violence victims with pets; and support services for those domestic violence victims who are fleeing a situation of domestic violence, dating violence, sexual assault or stalking to secure safe housing and accommodations for their pets. The PAWS Act also requires any restitution in stalking or domestic violence crimes to include the costs incurred for veterinary services relating to the care of a victim's pets. The PAWS Act further expands federal domestic violence protections against domestic violence and stalking to include acts of violence against a victim's pet.

Currently, 18 U.S.C. § 2262, entitled Interstate Violation of Protection Order, states:

- (a) Offenses.—
- (1) Travel or conduct of offender.—
A person who travels in interstate or foreign commerce, or enters

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or leaves Indian country or is present within the special maritime and territorial jurisdiction of the United States, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided [below].

- (2) Causing travel of victim.—
A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided [below]. *Id.*

The PAWS Act of 2017 seeks to amend that language as follows:

- (1) Travel or conduct of offender.—
A person who travels in interstate or foreign commerce, or enters or leaves Indian country or is present within the special maritime and territorial jurisdiction of the United States, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person *or the pet of that person*, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided [below].
- (2) Causing travel of victim.—
A person who causes another person to travel in interstate or foreign commerce or to enter or

leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person *or the pet of that person*, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided [below]. *See H.R. 909 — 115th Congress: Pet and Women Safety Act of 2017* (emphasis added).

While many states do allow pets to be included in restraining orders or temporary orders of protection, if a victim moves to another state, he or she may no longer have such protections for their pets. Notably, in Nevada, NRS 33.018 defines domestic violence to include the injuring or killing of an animal, and pursuant to NRS 33.030, a court may enter a protective order that also enjoins the abuser from injuring, threatening to injure or taking possession of the victim's pets. The PAWS Act of 2017 provides national protections for victims and their pets.

What's Next?

Previous versions of the PAWS Act were introduced in both 2014 and 2015, but they never passed the U.S. House and Senate. While it remains to be seen if the PAWS Act of 2017 will pass, hopefully this time—with all paws on deck—it will pass, affording protections to domestic violence victims and their pets on a national level. **NL**

JENNIFER L. BRASTER is a founding partner of Maupin • Naylor • Braster and one of the founding members of the Animal Law Section of the State Bar of Nevada. She practices primarily in the area of commercial litigation and has also represented clients with various animal law issues, including animal custody, enforcement of dangerous dog regulations and civil rights cases along with attorney Maggie McLetchie, involving the shootings of pet dogs.

