



IN THE CONGRESS OF THE UNITED STATES

FEBRUARY 12, 2020

Mr. WAYNE (for himself, Mr. SEAVER, Mr. SCHLORP, Ms. KYOUKO, Mr. WALKER, Mr. KOAY) introduced the following bill;

To create restitution from the Department of Justice's Equitable Sharing program and civil asset forfeiture from federal agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Forfeiture Restitution Act

SEC. 2. FINDINGS.

Congress finds that—

- (a) The federal government has taken in \$36.5 billion in assets from civil asset forfeiture over the past two decades.
- (b) Law enforcement agencies were allowed to keep assets that were seized in a civil forfeiture, creating a perverse incentive for police to seize the assets of citizens unconstitutionally.
- (c) Police were not required to obtain a conviction or even charge a suspect with a crime to keep the assets seized during a forfeiture.
- (d) State and local police skirt reporting requirements by participating in the Equitable Sharing program, which liquidates seized assets and splits the proceeds between state and federal law enforcement
- (e) The Ending Unjust Forfeiture Act of 2020 and the Civil Asset Forfeiture Extirpation Act ended these programs for the future but did not establish restitution for victims of these programs

- (f) This bill aims to provide an outlet for victims of these policies to obtain restitution

SEC. 3. RESTITUTION FOR VICTIMS OF CIVIL ASSET FORFEITURE

- (a) Any victim of civil asset forfeiture by a Federal agency or Department who was never proclaimed guilty in a court of law for the specific crime for which their assets were forfeited must have their assets returned to them by that agency or department within 180 days from when this bill takes effect
- (b) If the original victim has deceased, their legal heir(s) are entitled to that same restitution
- (c) If the original seized property is no longer available to be returned, fair cash value equivalent to that property must instead be provided
- (d) If the conditions stated above have not been met after 180 days for individual victims, they reserve the right to take their case to Federal court to ensure the restitution is provided
- (e) The conditions in this Section shall only apply for forfeitures that occurred within 12 years of the passage of this act

SEC. 4. REPORTING REQUIREMENTS

- (a) After 90 days, all federal law enforcement agencies that had been engaged in the forfeiture must produce an audited report detailing the seizures that were made by the agency and the steps that the agency is taking to provide restitution to the victims or their heirs
- (b) After 180 days, all federal law enforcement agencies that had been engaged in the forfeiture must produce an audited report detailing the seizures that were made by the agency and the specific restitution that was provided to all victims or their heirs as outlined in Section 3, including all pending cases in which restitution has not yet been provided.
- (c) The audited reports in (a) and (b) shall be published for public view electronically not more than 30 days after the report is approved by the agency head.
- (d) Each agency is required to keep the reports on file for a minimum of thirty (30) years, and will be subject to periodic audits to ensure that filing requirements are being met.

SEC. 5. IMPLEMENTATION

- (a) The provisions of this bill will go into effect ninety (90) days after passage.