



# IN THE CONGRESS OF THE UNITED STATES

SEPTEMBER 20, 2020

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To end the Department of Justice's Equitable Sharing program and ban civil asset forfeiture by federal agencies unless and until a conviction is obtained, and for other purposes

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

## **SECTION 1. SHORT TITLE.**

This Act may be cited as the Ending Unjust Forfeiture Act of 2020

## **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 are 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 are 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) Equitable sharing payments totaled \$4.7 billion to states between 2000 and 2013

### **SEC. 3. ENDING CIVIL ASSET FORFEITURE WITHOUT A CONVICTION**

- (a) No federal law enforcement agency shall use seized property for any purposes relating to the operation and/or funding of said agency until a conviction is obtained against the defendant.
- (b) Property seized from a person charged with a crime directly relating to the seized property may be temporarily held during the court process, but cannot be held after the conclusion of the initial trial, and must be returned to the defendant if a conviction is not obtained.
- (c) Property cannot be seized by any federal law enforcement agency from any individual without a criminal charge and a signed warrant from a federal judge.

### **SEC. 4. ENDING THE FEDERAL EQUITABLE SHARING PROGRAM**

- (a) The federal Equitable Sharing Fund account shall be liquidated and all assets from the aforementioned account shall be turned over to the Treasury.
- (b) Proceeds from federal asset forfeiture shall not be distributed to any state, local, tribal, or territorial law enforcement agency for any purpose.

### **SEC. 5. REPORTING AND TRANSPARENCY REQUIREMENTS**

- (a) Each year, all federal law enforcement agencies must produce an audited report detailing the seizures that were made by the agency and the steps that the agency is taking to prevent illegal forfeitures.
- (b) The audited reports shall be published for public view electronically not more than 30 days after the report is approved by the agency head.
- (c) Each agency is required to keep each year's report 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. 6. IMPLEMENTATION**

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