

HR 5212

Civil Asset Forfeiture Reform Act of 2014

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Jul 28, 2014

Current Status: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

Latest Action: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. (Sep 26, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/5212>

Sponsor

Name: Rep. Walberg, Tim [R-MI-7]

Party: Republican • **State:** MI • **Chamber:** House

Cosponsors (20 total)

| Cosponsor | Party / State | Role | Date Joined |
|---|---------------|------|--------------|
| Rep. Ellmers, Renee L. [R-NC-2] | R · NC | | Aug 1, 2014 |
| Rep. Coffman, Mike [R-CO-6] | R · CO | | Sep 8, 2014 |
| Rep. Lummis, Cynthia M. [R-WY-At Large] | R · WY | | Sep 9, 2014 |
| Rep. Pearce, Stevan [R-NM-2] | R · NM | | Sep 9, 2014 |
| Rep. Ribble, Reid J. [R-WI-8] | R · WI | | Sep 9, 2014 |
| Rep. Bishop, Rob [R-UT-1] | R · UT | | Sep 11, 2014 |
| Rep. Broun, Paul C. [R-GA-10] | R · GA | | Sep 11, 2014 |
| Rep. Conaway, K. Michael [R-TX-11] | R · TX | | Sep 11, 2014 |
| Rep. Rohrabacher, Dana [R-CA-48] | R · CA | | Sep 11, 2014 |
| Rep. Clawson, Curt [R-FL-19] | R · FL | | Sep 16, 2014 |
| Rep. Garrett, Scott [R-NJ-5] | R · NJ | | Sep 17, 2014 |
| Rep. Ellison, Keith [D-MN-5] | D · MN | | Sep 18, 2014 |
| Rep. Tipton, Scott R. [R-CO-3] | R · CO | | Sep 18, 2014 |
| Rep. Bentivolio, Kerry L. [R-MI-11] | R · MI | | Nov 12, 2014 |
| Rep. Farr, Sam [D-CA-20] | D · CA | | Nov 12, 2014 |
| Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4] | D · GA | | Nov 12, 2014 |
| Rep. McClintock, Tom [R-CA-4] | R · CA | | Nov 12, 2014 |
| Rep. Moran, James P. [D-VA-8] | D · VA | | Nov 12, 2014 |
| Rep. Stockman, Steve [R-TX-36] | R · TX | | Nov 12, 2014 |
| Rep. Cárdenas, Tony [D-CA-29] | D · CA | | Nov 13, 2014 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---------------------|---------|-------------|--------------|
| Judiciary Committee | House | Referred to | Sep 26, 2014 |

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Summary (as of Jul 28, 2014)

Civil Asset Forfeiture Reform Act of 2014 - Amends the federal criminal code to require the government to include in any notice required to be sent in a nonjudicial civil forfeiture proceeding under a civil forfeiture statute that the person receiving the notice may be able to obtain free or reduced rate legal representation.

Requires the government, in a suit or action brought under any civil forfeiture statute for the civil forfeiture of property, to prove that the property is subject to forfeiture by clear and convincing evidence (currently, by a preponderance of the evidence).

Provides that where a prima facie case is made for an innocent owner defense, the government has the burden of proving that the claimant knew or reasonably should have known that the property was involved in the illegal conduct giving rise to the forfeiture (currently, the claimant has the burden of proving that the claimant is an innocent owner). Places the burden on the government to show that the property owner should have had knowledge of the criminal activity by demonstrating that the property owner did not: (1) give timely notice to law enforcement of information that led the person to know the conduct giving rise to a forfeiture occurred; and (2) in a timely fashion, revoke or attempt to revoke permission for those engaging in such conduct to use the property or take reasonable actions in consultation with law enforcement to discourage or prevent the illegal use of the property.

Directs the court, in determining whether the forfeiture was constitutionally excessive, to consider such factors as the seriousness of the offense, the extent of the nexus of the property to the offense, the range of sentences available for the offense giving rise to forfeiture, the fair market value of the property, and the hardship to the property owner and dependents (currently, the court is required to compare the forfeiture to the gravity of the offense giving rise to the forfeiture).

Requires the Attorney General to: (1) specify, in the annual report on the Department of Justice Assets Forfeiture Fund, deposits from each type of forfeiture, identifying which funds were obtained from criminal forfeitures and which were obtained from civil forfeitures; and (2) assure that any equitable sharing between the Department of Justice (DOJ) and a local or state law enforcement agency was not initiated for the purpose of circumventing any state law that prohibits civil forfeiture or limits use or disposition of property obtained via civil forfeiture by state or local agencies.

Actions Timeline

- **Sep 26, 2014:** Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
- **Jul 28, 2014:** Introduced in House
- **Jul 28, 2014:** Referred to the House Committee on the Judiciary.