

S 4074

FAIR Act

Congress: 116 (2019–2021, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Jun 25, 2020

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Jun 25, 2020)

Official Text: <https://www.congress.gov/bill/116th-congress/senate-bill/4074>

Sponsor

Name: Sen. Paul, Rand [R-KY]

Party: Republican • **State:** KY • **Chamber:** Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Crapo, Mike [R-ID]	R · ID		Jun 25, 2020
Sen. King, Angus S., Jr. [I-ME]	I · ME		Jun 25, 2020
Sen. Lee, Mike [R-UT]	R · UT		Jun 25, 2020

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Jun 25, 2020

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
116 HR 1895	Related bill	May 3, 2019: Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

Fifth Amendment Integrity Restoration Act of 2019 or the FAIR Act

This bill revises the procedure for and the structure of civil forfeiture.

First, the bill revises the general rules for civil forfeiture proceedings. Specifically, it (1) requires the government to provide written notice within seven days of seizure, (2) requires the right to counsel in all civil forfeiture proceedings, (3) raises the evidentiary standard to clear and convincing evidence for the civil forfeiture of property, (4) requires the government to establish by clear and convincing evidence that the owner of the seized property used the property with the intent to facilitate the offense or knowingly consented or was willfully blind to its use in connection with the offense, and (5) expands the proportionality criteria used by a court to determine whether a civil forfeiture was constitutionally excessive.

Next, it requires the proceeds from the disposition of seized property to be deposited into the General Fund of the Treasury, rather than to Department of Justice accounts for law enforcement activities.

Additionally, the bill eliminates equitable sharing payments (which allow the federal government to share federally forfeited property with participating states and local law enforcement agencies).

It also adds a *mens rea* requirement (i.e., a knowing violation) to the prohibition against structuring financial transactions to evade reporting requirements. Further, it requires a probable cause hearing to be held within 14 days to determine if there is a violation for structuring financial transactions to evade reporting requirements, and requires the return of a monetary instrument if probable cause is not established.

Actions Timeline

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