

HR 1525

FAIR Act of 2023

Congress: 118 (2023–2025, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Mar 9, 2023

Current Status: Committee Consideration and Mark-up Session Held

Latest Action: Committee Consideration and Mark-up Session Held (Jun 14, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/house-bill/1525>

Sponsor

Name: Rep. Walberg, Tim [R-MI-5]

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

Cosponsors (18 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Armstrong, Kelly [R-ND-At Large]	R · ND		Mar 9, 2023
Rep. Cárdenas, Tony [D-CA-29]	D · CA		Mar 9, 2023
Rep. McClintock, Tom [R-CA-5]	R · CA		Mar 9, 2023
Rep. Neguse, Joe [D-CO-2]	D · CO		Mar 9, 2023
Rep. Raskin, Jamie [D-MD-8]	D · MD		Mar 9, 2023
Rep. Cohen, Steve [D-TN-9]	D · TN		Mar 28, 2023
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Apr 17, 2023
Rep. Scanlon, Mary Gay [D-PA-5]	D · PA		Jun 6, 2023
Rep. Mace, Nancy [R-SC-1]	R · SC		Jun 13, 2023
Rep. Clyde, Andrew S. [R-GA-9]	R · GA		Jun 14, 2023
Rep. Palmer, Gary J. [R-AL-6]	R · AL		Jun 14, 2023
Rep. Cline, Ben [R-VA-6]	R · VA		Jun 15, 2023
Rep. Fry, Russell [R-SC-7]	R · SC		Jun 22, 2023
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Jun 22, 2023
Rep. Davidson, Warren [R-OH-8]	R · OH		Jul 6, 2023
Rep. Jackson Lee, Sheila [D-TX-18]	D · TX		Jul 11, 2023
Rep. Gosar, Paul A. [R-AZ-9]	R · AZ		Aug 22, 2023
Rep. Schiff, Adam B. [D-CA-30]	D · CA		Aug 22, 2023

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Mar 17, 2023
Financial Services Committee	House	Referred To	Mar 9, 2023
Judiciary Committee	House	Markup By	Jun 14, 2023
Ways and Means Committee	House	Referred To	Mar 9, 2023

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
118 S 5512	Related bill	Dec 12, 2024: Read twice and referred to the Committee on the Judiciary.

Summary (as of Mar 9, 2023)

Fifth Amendment Integrity Restoration Act of 2023 or the FAIR Act of 2023

This bill revises federal laws governing civil asset forfeiture.

Specifically, the bill makes various changes to the general rules governing civil forfeiture proceedings. Among the changes, the bill

- requires counsel for an indigent property owner whose primary residence is the subject of a civil forfeiture hearing regardless of whether the owner requests counsel,
- raises the evidentiary standard from preponderance of the evidence to clear and convincing evidence, and
- sets forth factors courts must consider in determining whether a forfeiture of property used to facilitate the commission of an offense is excessive.

Additionally, the bill eliminates statutory authority for equitable sharing and directs forfeiture proceeds to be deposited into the general fund of the Treasury instead of the Department of Justice (DOJ) Assets Forfeiture Fund.

The bill also makes changes with respect to the civil forfeiture of money involved in structuring offenses (i.e., structuring currency transactions to evade currency reporting requirements). Among the changes, the bill

- specifies an evidentiary standard of *knowingly* for structuring offenses, and
- requires a prompt probable cause hearing following the seizure of money involved in a structuring offense.

Finally, the bill requires the annual report on deposits into the DOJ Asset Forfeiture Fund to specify deposits from each type of forfeiture and specify which funds were obtained from criminal forfeitures and which were obtained from civil forfeitures.

Actions Timeline

- **Jun 14, 2023:** Ordered to be Reported in the Nature of a Substitute (Amended) by the Yeas and Nays: 26 - 0.
- **Jun 14, 2023:** Committee Consideration and Mark-up Session Held
- **Mar 17, 2023:** Referred to the Subcommittee on Health.
- **Mar 9, 2023:** Introduced in House
- **Mar 9, 2023:** Referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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