

113TH CONGRESS
2D SESSION

H. R. 5847

To abolish civil asset forfeiture to the Federal Government.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2014

Mr. STOCKMAN introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To abolish civil asset forfeiture to the Federal Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fifth Amendment Res-
5 toration Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) Civil asset forfeiture is the seizure of pri-
9 vate property by the government without due process
10 of law. Law enforcement officers routinely seize
11 money, financial assets and possessions simply by
12 asserting their intuition or belief that the assets or

1 property are connected to some (often unspecified)
2 illegal activity.

3 (2) The burden of proof in asset forfeiture pro-
4 ceedings is placed entirely on the owner to prove his
5 innocence, instead of the government to prove guilt.

6 (3) Seized property is often not returned, even
7 if the owner is never convicted of a crime. Property
8 is often seized without even charging owners with a
9 crime.

10 (4) Many people cannot afford to fight in court
11 to restore rightful ownership of their property.

12 (5) Instead of returning property to its rightful
13 owners, police and agencies often retain seized prop-
14 erty for their own use, or sell seized property and
15 keep the income, creating a vested incentive to seize
16 property for salaries, vehicles, and perks, giving rise
17 to the euphemism, “policing for profit”.

18 (6) Courts of justice are the proper and legal
19 venue to determine if property is stolen or used in
20 the commission of a crime, not individual police offi-
21 cers or public officials. Stolen property should al-
22 ways be returned to its lawful owners, and not be-
23 come the property of police departments.

24 (7) The Fifth Amendment of the United States
25 Constitution states, “No person shall be . . . de-

1 prived of life, liberty, or property, without due proc-
2 ess of law”.

3 (8) The abolition of civil asset forfeiture re-
4 stores the Fifth Amendment right to not be deprived
5 of property without due process of law.

6 **SEC. 3. ABOLITION OF CIVIL ASSET FORFEITURE.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (c), no property may be forfeited or seized under any civil
9 asset forfeiture law.

10 (b) PROHIBITION ON ADOPTIVE SEIZURES.—No
11 Federal agency may participate in or benefit from any
12 multiple-jurisdiction, “equitable sharing”, or shared civil
13 asset forfeiture program with any State or local govern-
14 ment, nor accept or adopt property seized by a State or
15 local government.

16 (c) RULES OF CONSTRUCTION.—

17 (1) CONTRABAND.—Nothing in this Act shall
18 prohibit the forfeiture or seizure of contraband, in-
19 cluding anything prohibited by law from being im-
20 ported or exported, and nothing in this Act shall
21 prohibit the forfeiture or seizure of anything the
22 possession of which is a crime.

23 (2) CRIMINAL SEIZURES.—Nothing in this Act
24 shall prohibit the forfeiture or seizure of property if
25 the owner of that property has first been convicted

1 of a criminal offense that makes the property sub-
2 ject to forfeiture or seizure.

3 (d) REMEDY FOR PROPERTY NOT LAWFULLY
4 SEIZED.—Property unlawfully seized in violation of this
5 Act shall be restored to the owner of that property with
6 all deliberate speed.

7 (e) DEFINITIONS.—In this Act:

8 (1) CIVIL ASSET FORFEITURE LAW.—The term
9 “civil asset forfeiture law” means any provision of
10 Federal law providing for the seizure or forfeiture of
11 property other than as a sentence imposed upon con-
12 viction for a criminal offense.

13 (2) PROPERTY.—The term “property” includes
14 anything owned by a person or entity including real
15 property and personal property including financial
16 assets and commonly held property owned by more
17 than one person.

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