Asset Forfeiture Encyclopedia Article

Asset Forfeiture

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Contents

Asset Forfeiture Encyclopedia Article.....1

Contents.....2

Asset Forfeiture.....3

Asset Forfeiture

When a person commits a crime, one of the punishments may be asset forfeiture. The criminal must give up (forfeit) money or property (assets) without compensation. Prosecutors can file civil lawsuits asking a court for permission to take property from a criminal defendant that was either used in the crime or was obtained through a criminal act. Since the 1970s, federal asset forfeiture laws have been used against drug dealers.

By 2000, however, many in Congress and the legal community were calling for reform, as these laws have often resulted in harsh and unfair outcomes for innocent third parties. In response, Congress enacted an "innocent owner defense" in civil drug forfeiture cases. For example, if the owner of a car innocently allows another person to borrow it and that person commits a drug offense in the car, the owner can offer this defense and retain the car. Congress also passed the Civil Asset Forfeiture Reform Act of 2000, requiring federal prosecutors to show a more substantial connection between the property and the crime. In 2001 assets worth over $439 million were seized as part of the U.S. Department of Justice Asset Forfeiture Program.

See Also

Law and Policy: Modern Enforcement, Prosecution, and Sentencing.