

# ANTI-CIRCUMVENTION MODEL ACT

Limiting Federal Forfeiture Litigation under Equitable Sharing to Seizures  
That Include More than \$100,000 in Currency.

No Change to Seizure Laws or Practices.

August 1, 2016

## **MODEL STATE LEGISLATION:**

- (A) No state, county or municipal law enforcement agency or prosecuting authority may enter into an agreement to transfer or refer seized property to a federal agency directly, indirectly, by adoption, through an intergovernmental joint taskforce or by other means for the purposes of forfeiture litigation unless the seized property includes U.S. currency in excess of \$100,000.
- (B) All state, county or municipal law enforcement agencies shall refer seized property to the appropriate state, county or municipal prosecuting authority for forfeiture litigation under this chapter unless the seized property includes U.S. currency in excess of \$100,000. If seized property includes U.S. currency in excess of \$100,000, the state, county or municipal law enforcement agency has the option but is not required to refer or transfer the seized property to a federal agency for forfeiture litigation under federal law.
- (C) Nothing in paragraphs (A) or (B) shall be construed to restrict state, county or municipal law enforcement agencies from collaborating with a federal agency to seize contraband or property that the law enforcement agency has probable cause to believe is the proceeds or instruments of a crime through an intergovernmental joint taskforce.

## **MODEL FEDERAL LEGISLATION:**

- (A) No federal agency will accept from a state, county or municipal law enforcement agency or prosecuting authority seized property directly, indirectly, by adoption, through an intergovernmental joint taskforce or by other collaborative means for the purposes of federal forfeiture litigation unless the seized property includes U.S. currency in excess of \$100,000.
- (B) All federal agencies shall refer or transfer property that does not include U.S. currency in excess of \$100,000 seized directly, indirectly, by adoption, through an intergovernmental joint taskforce or by other collaborative means to the state, county or municipal law prosecuting authorities responsible for forfeiture litigation under the applicable state, county or municipal law in the jurisdiction of the seizure.

(C) Nothing in paragraphs (A) or (B) shall be construed to restrict:

(1) a federal agency from collaborating with a state, county or municipal law enforcement agencies to seize contraband or property that the federal agency has probable cause to believe is the proceeds or instruments of a crime through an intergovernmental joint taskforce or

(2) a federal agency itself from seizing and forfeiting property under federal law which does not involve or result from a referral or collaboration with state, county or municipal law enforcement agency or prosecuting authority.