

ANTI-CIRCUMVENTION MODEL ACT

Regulating Local and State Agencies' Access to Federal Forfeiture Litigation
Under the Federal Equitable Sharing Program.

No Change to Seizure Laws or Federal Law.

August 1, 2017

MODEL STATE LEGISLATION:

- A. **Prohibition on federal adoption.** A local, county or state law enforcement agency shall not refer, transfer or otherwise relinquish possession of property seized under state law to a federal agency by way of adoption of the seized property or other means by the federal agency for the purpose of the property's forfeiture under the federal Controlled Substances Act.
- B. **Minimum seizure for payment from federal forfeiture litigation.** A local, county or state law enforcement agency or participant in a joint task force or other multijurisdictional collaboration with the federal government shall not accept payment of any kind or distribution of forfeiture proceeds resulting from a joint task force or other multijurisdictional collaboration unless the aggregate net equity value of the property and currency seized in a case exceeds \$100,000, excluding the value of contraband.
- C. **No change to seizure laws.** Nothing in paragraphs A or B shall be construed to restrict a local, county or state law enforcement agency from acting alone or collaborating with a federal agency or other agency to seize contraband or property a law enforcement agent has probable cause to believe is the proceeds or instruments of a crime that subjects property to forfeiture.
- D. **No control over federal government.** Nothing in paragraphs A or B shall be construed to prohibit the federal government, acting without the involvement of a local, county or state law enforcement agency, from seizing property and seeking forfeiture under federal law.

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