

# 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.

## **CONTACT INFORMATION**

Mr. Lee U. McGrath

Institute for Justice

520 Nicollet Mall-Suite 550

Minneapolis MN 55402-2626

Office: (612) 435-3451

Email: [lmcgrath@ij.org](mailto:lmcgrath@ij.org)

Main: [www.ij.org](http://www.ij.org)

Models: [www.ij.org/activism/legislation](http://www.ij.org/activism/legislation)