

105TH CONGRESS
2D SESSION

S. 2345

To amend section 3681 of title 18, United States Code, relating to the special forfeiture of collateral profits of a crime.

IN THE SENATE OF THE UNITED STATES

JULY 23, 1998

Mr. DORGAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 3681 of title 18, United States Code, relating to the special forfeiture of collateral profits of a crime.

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. SPECIAL FORFEITURE OF COLLATERAL PROF-**
4 **ITS OF CRIME.**

5 Section 3681 of title 18, United States Code, is
6 amended by striking subsection (a) and inserting the fol-
7 lowing:

8 “(a) IN GENERAL.—

9 “(1) FORFEITURE OF PROCEEDS.—Upon the
10 motion of the United States attorney made at any

1 time after conviction of a defendant for an offense
2 described in paragraph (2), and after notice to any
3 interested party, the court shall order the defendant
4 to forfeit all or any part of proceeds received or to
5 be received by the defendant, or a transferee of the
6 defendant, from a contract relating to the transfer
7 of a right or interest of the defendant in any prop-
8 erty described in paragraph (3), if the court deter-
9 mines that—

10 “(A) the interests of justice or an order of
11 restitution under this title so require;

12 “(B) the proceeds (or part thereof) to be
13 forfeited reflect the enhanced value of the prop-
14 erty attributable to the offense; and

15 “(C) with respect to a defendant convicted
16 of an offense against a State—

17 “(i) the property at issue, or the pro-
18 ceeds to be forfeited, have travelled in
19 interstate or foreign commerce or were de-
20 rived through the use of an instrumentality
21 of interstate or foreign commerce; and

22 “(ii) the attorney general of the State
23 has declined to initiate a forfeiture action
24 with respect to the proceeds to be forfeited.

1 “(2) OFFENSES DESCRIBED.—An offense is de-
2 scribed in this paragraph if it is—

3 “(A) an offense under section 794 of this
4 title;

5 “(B) a felony offense against the United
6 States or any State; or

7 “(C) a misdemeanor offense against the
8 United States or any State resulting in physical
9 harm to any individual.

10 “(3) PROPERTY DESCRIBED.—Property is de-
11 scribed in this paragraph if it is any property, tan-
12 gible or intangible, including any—

13 “(A) evidence of the offense;

14 “(B) instrument of the offense, including
15 any vehicle used in the commission of the of-
16 fense;

17 “(C) real estate where the offense was
18 committed;

19 “(D) document relating to the offense;

20 “(E) photograph or audio or video record-
21 ing relating to the offense;

22 “(F) clothing, jewelry, furniture, or other
23 personal property relating to the offense;

24 “(G) movie, book, newspaper, magazine,
25 radio or television production, or live entertain-

1 ment of any kind depicting the offense or other-
2 wise relating to the offense;

3 “(H) expression of the thoughts, opinions,
4 or emotions of the defendant regarding the of-
5 fense; or

6 “(I) other property relating to the of-
7 fense.”.

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