

Federal Civil Asset Forfeiture Reform
H.R. 1525: Fifth Amendment Integrity Restoration (FAIR) Act of 2023
Serious Law Enforcement and Public Safety Concerns

- The FAIR Act passed the House Judiciary Committee unanimously in June 2023. **The legislation should go no further in its current form.**
- The current legislation would **benefit criminal organizations** and negatively impact the ability of law enforcement to collaborate on investigations into drug trafficking, human trafficking, organized retail crime, cybercrime, and other major criminal activity.
- **The bill would eliminate the equitable sharing program,** which allows the federal government to share forfeiture proceeds with state and local law enforcement agencies that were involved in the related investigation.
- Ending equitable sharing would have adverse effects on law enforcement efforts, including forcing some agencies to **cease participation in task forces.** Task forces focus investigative resources on organized criminal activity and the most serious violent offenders.
- **The bill would reduce cooperation** among federal, state, and local law enforcement agencies at a time when this collaboration needs to be expanded given the massive ongoing threat posed by **Mexico-based drug cartels and China-based criminal organizations.**
- Reduced ability to participate in task forces would mean **less information and intelligence sharing** across jurisdictional boundaries, which would **weaken investigative efforts** against organized crime and drug trafficking groups.
- The equitable sharing program provides state and local law enforcement agencies with a **means to participate in joint task forces,** conduct training, upgrade investigative technology, purchase equipment (including officer safety equipment), and support community-based programs and engagement.
- **Civil asset forfeiture helps deter crime** by allowing law enforcement to deprive criminals of proceeds of their illegal activity, making it harder to further their illicit businesses.
- Critics of civil asset forfeiture argue that the process is routinely abused by law enforcement solely to augment law enforcement budgets. The isolated abuses that have occurred do not represent how the civil asset forfeiture process operates overall. Robust policies and procedures are in place to **mitigate the risk of abuse or misconduct.**
- Rather than gutting this effective tool, Congress should focus on supporting the capacity of law enforcement agencies to conduct audits, collect and report data, and implement transparency measures that ensure civil asset forfeiture is a **viable tool for making it harder for criminals to do business.**