

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.

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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

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## 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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