

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 46 - FORFEITURE

§ 982. Criminal forfeiture

- (a) (1) The court, in imposing sentence on a person convicted of an offense in violation of section 1956, 1957, or 1960 of this title, shall order that the person forfeit to the United States any property, real or personal, involved in such offense, or any property traceable to such property.
- (2) The court, in imposing sentence on a person convicted of a violation of, or a conspiracy to violate—
- (A) section 215, 656, 657, 1005, 1006, 1007, 1014, 1341, 1343, or 1344 of this title, affecting a financial institution, or
- (B) section 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 842, 844, 1028, 1029, or 1030 of this title,
- shall order that the person forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.
- (3) The court, in imposing a sentence on a person convicted of an offense under—
- (A) section 666 (a)(1) (relating to Federal program fraud);
- (B) section 1001 (relating to fraud and false statements);
- (C) section 1031 (relating to major fraud against the United States);
- (D) section 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of insured financial institution);
- (E) section 1341 (relating to mail fraud); or
- (F) section 1343 (relating to wire fraud),
- involving the sale of assets acquired or held by the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, as conservator or receiver for a financial institution or any other conservator for a financial institution appointed by the Office of the Comptroller of the Currency or the Office of Thrift Supervision, or the National Credit Union Administration, as conservator or liquidating agent for a financial institution, shall order that the person forfeit to the United States any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, as a result of such violation.
- (4) With respect to an offense listed in subsection (a)(3) committed for the purpose of executing or attempting to execute any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent statements, pretenses, representations, or promises, the gross receipts of such an offense shall include any property, real or personal, tangible or intangible, which is obtained, directly or indirectly, as a result of such offense.
- (5) The court, in imposing sentence on a person convicted of a violation or conspiracy to violate—
- (A) section 511 (altering or removing motor vehicle identification numbers);
- (B) section 553 (importing or exporting stolen motor vehicles);
- (C) section 2119 (armed robbery of automobiles);
- (D) section 2312 (transporting stolen motor vehicles in interstate commerce); or
- (E) section 2313 (possessing or selling a stolen motor vehicle that has moved in interstate commerce);
- shall order that the person forfeit to the United States any property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, as a result of such violation.
- (6)

NB: This unofficial compilation of the U.S. Code is current as of Jan. 3, 2007 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

(A) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 274(a), 274A(a)(1), or 274A(a)(2) of the Immigration and Nationality Act or section 554, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of this title, or a violation of, or conspiracy to violate, section 1028 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States, regardless of any provision of State law—

(i) any conveyance, including any vessel, vehicle, or aircraft used in the commission of the offense of which the person is convicted; and

(ii) any property real or personal—

(I) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the person is convicted; or

(II) that is used to facilitate, or is intended to be used to facilitate, the commission of the offense of which the person is convicted.

(B) The court, in imposing sentence on a person described in subparagraph (A), shall order that the person forfeit to the United States all property described in that subparagraph.

(7) The court, in imposing sentence on a person convicted of a Federal health care offense, shall order the person to forfeit property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense.

(8) The court, in sentencing a defendant convicted of an offense under section 1028, 1029, 1341, 1342, 1343, or 1344, or of a conspiracy to commit such an offense, if the offense involves telemarketing (as that term is defined in section 2325), shall order that the defendant forfeit to the United States any real or personal property—

(A) used or intended to be used to commit, to facilitate, or to promote the commission of such offense; and

(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense.

(b) **(1)** The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).

(2) The substitution of assets provisions of subsection 413(p) shall not be used to order a defendant to forfeit assets in place of the actual property laundered where such defendant acted merely as an intermediary who handled but did not retain the property in the course of the money laundering offense unless the defendant, in committing the offense or offenses giving rise to the forfeiture, conducted three or more separate transactions involving a total of \$100,000 or more in any twelve month period.

(Added Pub. L. 99–570, title I, § 1366(a), Oct. 27, 1986, 100 Stat. 3207–39; amended Pub. L. 100–690, title VI, §§ 6463(c), 6464, Nov. 18, 1988, 102 Stat. 4374, 4375; Pub. L. 101–73, title IX, § 963(c), Aug. 9, 1989, 103 Stat. 504; Pub. L. 101–647, title XIV, §§ 1401, 1403, title XXV, § 2525(b), Nov. 29, 1990, 104 Stat. 4835, 4874; Pub. L. 102–393, title VI, § 638(e), Oct. 6, 1992, 106 Stat. 1788; Pub. L. 102–519, title I, § 104(b), Oct. 25, 1992, 106 Stat. 3385; Pub. L. 102–550, title XV, § 1512(c), Oct. 28, 1992, 106 Stat. 4058; Pub. L. 103–322, title XXXIII, § 330011(s)(1), Sept. 13, 1994, 108 Stat. 2145; Pub. L. 104–191, title II, § 249(a), (b), Aug. 21, 1996, 110 Stat. 2020; Pub. L. 104–208, div. C, title II, § 217, Sept. 30, 1996, 110 Stat. 3009–573; Pub. L. 105–184, § 2, June 23, 1998, 112 Stat. 520; Pub. L. 105–318, § 6(a), Oct. 30, 1998, 112 Stat. 3010; Pub. L. 106–185, § 18(b), Apr. 25, 2000, 114 Stat. 223; Pub. L. 107–56, title III, § 372(b)(2), Oct. 26, 2001, 115 Stat. 339; Pub. L. 107–273, div. B, title IV, § 4002(b)(10), Nov. 2, 2002, 116 Stat. 1808; Pub. L. 109–295, title V, § 551(c), Oct. 4, 2006, 120 Stat. 1390.)

References in Text

Sections 274 and 274A of the Immigration and Nationality Act, referred to in subsec. (a)(6)(A), are classified to sections 1324 and 1324a, respectively, of Title 8, Aliens and Nationality.

Amendments

2006—Subsec. (a)(6)(A). Pub. L. 109–295 inserted “554,” before “1425,” in introductory provisions.

2002—Subsec. (a)(8). Pub. L. 107–273 substituted “court” for “Court”.

2001—Subsec. (a)(1). Pub. L. 107–56 struck out “of section 5313 (a), 5316, or 5324 of title 31, or” before “of section 1956, 1957, or 1960 of this title” and struck out at end “However, no property shall be seized or forfeited in the case of a violation of section 5313 (a) of title 31 by a domestic financial institution examined by a Federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission or a partner, director, or employee thereof.”

2000—Subsec. (a)(6). Pub. L. 106–185, § 18(b)(2), (3), designated concluding provisions of subpar. (A) as subpar. (B), substituted “The court, in imposing sentence on a person described in subparagraph (A)” for “The court, in imposing sentence on such person” and “that subparagraph” for “this subparagraph”, and struck out former subpar. (B), which read as follows: “The criminal forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsections (a) and (d) of such section 413.”

Subsec. (a)(6)(A). Pub. L. 106–185, § 18(b)(1)(A), inserted “section 274(a), 274A(a)(1), or 274A(a)(2) of the Immigration and Nationality Act or” after “a person convicted of a violation of, or conspiracy to violate,” in introductory provisions.

Subsec. (a)(6)(A)(i). Pub. L. 106–185, § 18(b)(1)(B), substituted “the offense of which the person is convicted” for “a violation of, or a conspiracy to violate, subsection (a)”.

Subsec. (a)(6)(A)(ii)(I), (II). Pub. L. 106–185, § 18(b)(1)(C), substituted “the offense of which the person is convicted” for “a violation of, or a conspiracy to violate, subsection (a), section 274A(a)(1) or 274A(a)(2) of the Immigration and Nationality Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of this title”.

1998—Subsec. (a)(6), (7). Pub. L. 105–184, § 2(1)(A), which directed the amendment of subsec. (a) “by redesignating the second paragraph designated as paragraph (6) as paragraph (7)”, was executed by redesignating par. (6), relating to forfeitures for Federal health care offenses, as (7), to reflect the probable intent of Congress.

Subsec. (a)(8). Pub. L. 105–184, § 2(1)(B), added par. (8).

Subsec. (b)(1). Pub. L. 105–318 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed—

“(A) in the case of a forfeiture under subsection (a)(1), (a)(6), or (a)(8) of this section, by subsections (c) and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853); and

“(B) in the case of a forfeiture under subsection (a)(2) of this section, by subsections (b), (c), (e), and (g) through (p) of section 413 of such Act.”

Subsec. (b)(1)(A). Pub. L. 105–184, § 2(2), substituted “(a)(1), (a)(6), or (a)(8)” for “(a)(1) or (a)(6)”.

1996—Subsec. (a)(6). Pub. L. 104–208 added par. (6) relating to criminal forfeiture for passport and visa related offenses.

Pub. L. 104–191, § 249(a), added par. (6) relating to forfeitures for Federal health care offenses.

Subsec. (b)(1)(A). Pub. L. 104–191, § 249(b), inserted “or (a)(6)” after “(a)(1)”.

1994—Subsec. (a)(1). Pub. L. 103–322, § 330011(s)(1), amended directory language of Pub. L. 101–647, § 1401. See 1990 Amendment note below.

1992—Subsec. (a)(1). Pub. L. 102–550 substituted “, 1957, or 1960” for “or 1957”.

Subsec. (a)(2). Pub. L. 102–393 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The court, in imposing sentence on a person convicted of a violation of, or a conspiracy to violate, section 215, 656, 657, 1005, 1006, 1007, 1014, 1341, 1343, or 1344 of this title, affecting a financial institution, shall order that the person forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.”

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Subsec. (a)(5). Pub. L. 102–519 added par. (5).

1990—Subsec. (a)(1). Pub. L. 101–647, § 1401, as amended by Pub. L. 103–322, § 330011(s)(1), inserted “, 5316,” after “5313(a)”, the first place appearing.

Subsec. (a)(3), (4). Pub. L. 101–647, § 2525(b), added pars. (3) and (4).

Subsec. (b)(2). Pub. L. 101–647, § 1403, inserted before period at end “unless the defendant, in committing the offense or offenses giving rise to the forfeiture, conducted three or more separate transactions involving a total of \$100,000 or more in any twelve month period”.

1989—Subsec. (a). Pub. L. 101–73, § 963(c)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (b). Pub. L. 101–73, § 963(c)(2), struck out “The provisions of subsections 413(c) and (e) through (p) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853 (c) and (e)–(p)) shall apply to property subject to forfeiture under this section, to any seizure or disposition thereof, and to any administrative or judicial proceeding in relation thereto, if not inconsistent with this section. However, the”, added par. (1), and inserted “(2) The” before “substitution of assets”.

1988—Subsec. (a). Pub. L. 100–690, § 6463(c), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The court, in imposing sentence on a person convicted of an offense under section 1956 or 1957 of this title shall order that the person forfeit to the United States any property, real or personal, which represents the gross receipts the person obtained, directly or indirectly, as a result of such offense, or which is traceable to such gross receipts.”

Subsec. (b). Pub. L. 100–690, § 6464, substituted “(p)” for “(o)” in two places and inserted at end “However, the substitution of assets provisions of subsection 413(p) not be used to order a defendant to forfeit assets in place of the actual property laundered where such defendant acted merely as an intermediary who handled but did not retain the property in the course of the money laundering offense.”

Effective Date of 2000 Amendment

Amendment by Pub. L. 106–185 applicable to any forfeiture proceeding commenced on or after the date that is 120 days after Apr. 25, 2000, see section 21 of Pub. L. 106–185, set out as a note under section 1324 of Title 8, Aliens and Nationality.

Effective Date of 1994 Amendment

Section 330011(s)(1) of Pub. L. 103–322 provided that the amendment made by that section is effective as of the date on which section 1401 of Pub. L. 101–647 took effect.