

TITLE 31 - MONEY AND FINANCE**SUBTITLE IV - MONEY****CHAPTER 53 - MONETARY TRANSACTIONS****SUBCHAPTER II - RECORDS AND REPORTS ON MONETARY INSTRUMENTS
TRANSACTIONS****§ 5317. Search and forfeiture of monetary instruments**

(a) The Secretary of the Treasury may apply to a court of competent jurisdiction for a search warrant when the Secretary reasonably believes a monetary instrument is being transported and a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement. The Secretary shall include a statement of information in support of the warrant. On a showing of probable cause, the court may issue a search warrant for a designated person or a designated or described place or physical object. This subsection does not affect the authority of the Secretary under another law.

(b) **Searches at Border.**— For purposes of ensuring compliance with the requirements of section 5316, a customs officer may stop and search, at the border and without a search warrant, any vehicle, vessel, aircraft, or other conveyance, any envelope or other container, and any person entering or departing from the United States.

(c) **Forfeiture.**—

(1) **Criminal forfeiture.**—

(A) **In general.**— The court in imposing sentence for any violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto.

(B) **Procedure.**— Forfeitures under this paragraph shall be governed by the procedures established in section 413 of the Controlled Substances Act.

(2) **Civil forfeiture.**— Any property involved in a violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit any such violation, and any property traceable to any such violation or conspiracy, may be seized and forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases pursuant to section 981 (a)(1)(A) of title 18, United States Code.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 998; Pub. L. 98–473, title II, § 901(d), Oct. 12, 1984, 98 Stat. 2135; Pub. L. 99–570, title I, § 1355, Oct. 27, 1986, 100 Stat. 3207–22; Pub. L. 102–550, title XV, § 1525(c)(2), Oct. 28, 1992, 106 Stat. 4065; Pub. L. 107–56, title III, §§ 365(b)(2)(B), 372 (a), Oct. 26, 2001, 115 Stat. 335, 338.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5317(a)	31:1105.	Oct. 26, 1970, Pub. L. 91–508, §§ 232, 235, 84 Stat. 1123.
5317(b)	31:1102.	

In subsection (a), the words “The Secretary shall include a statement of information in support of the warrant” are substituted for 31:1105(a)(last sentence) to eliminate unnecessary words and for consistency. The word “for” is substituted for “authorizing the search of . . . all of the following” to eliminate unnecessary words. The words “or more” are omitted as unnecessary because the singular includes the plural under 1:1. The words “or premises”, “letters, parcels, packages, or other”, and “vehicles” are omitted as surplus.

In subsection (b), the words “either” and “the possession of” are omitted as surplus. The words “United States Postal Service” are substituted for “postal service” for consistency with title 39. The words “or retained in” are omitted as surplus.

References in Text

Section 413 of the Controlled Substances Act, referred to in subsec. (c)(1)(B), is classified to section 853 of Title 21, Food and Drugs.

Amendments

2001—Subsec. (c). Pub. L. 107–56, § 372(a), inserted heading and amended text of subsec. (c) generally. Prior to amendment, text read as follows: “If a report required under section 5316 with respect to any monetary instrument is not filed (or if filed, contains a material omission or misstatement of fact), the instrument and any interest in property, including a deposit in a financial institution, traceable to such instrument may be seized and forfeited to the United States Government. Any property, real or personal, involved in a transaction or attempted transaction in violation of section 5324 (c), or any property traceable to such property, may be seized and forfeited to the United States Government. A monetary instrument transported by mail or a common carrier, messenger, or bailee is being transported under this subsection from the time the instrument is delivered to the United States Postal Service, common carrier, messenger, or bailee through the time it is delivered to the addressee, intended recipient, or agent of the addressee or intended recipient without being transported further in, or taken out of, the United States.”

Pub. L. 107–56, § 365(b)(2)(B), substituted “section 5324 (c)” for “section 5324 (b)”.

1992—Subsec. (c). Pub. L. 102–550 inserted after first sentence “Any property, real or personal, involved in a transaction or attempted transaction in violation of section 5324 (b), or any property traceable to such property, may be seized and forfeited to the United States Government.”

1986—Subsec. (b). Pub. L. 99–570, § 1355(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “A customs officer may stop and search, without a search warrant, a vehicle, vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported in violation of section 5316 of this title.”

Subsec. (c). Pub. L. 99–570, § 1355(b), amended first sentence generally. Prior to amendment, first sentence read as follows: “A monetary instrument being transported may be seized and forfeited to the United States Government when a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement.”

1984—Subsecs. (b), (c). Pub. L. 98–473, § 901, added subsec. (b) and redesignated former subsec. (b) as (c).

Effective Date of 1986 Amendment

Section 1364(b) of Pub. L. 99–570 provided that: “The amendments made by sections 1355 (b) and 1357 (a) [amending this section and section 5321 of this title] shall apply with respect to violations committed after the end of the 3-month period beginning on the date of the enactment of this Act [Oct. 27, 1986].”