

AMENDMENT TO H.R. 7120, AS REPORTED
OFFERED BY MR. DAVIDSON OF OHIO

Add at the end of the bill the following:

1 **SEC. 503. RESTORING THE FOURTH AND FIFTH AMEND-**
2 **MENT BY REFORMING ASSET FORFEITURE.**

3 (a) PROPERTY SUBJECT TO FORFEITURE.—A per-
4 son’s property is subject to forfeiture only if—

5 (1) the person was arrested for an offense to
6 which forfeiture applies;

7 (2) the person is convicted by a criminal court
8 of the offense; or

9 (3) the State establishes by clear and con-
10 vincing evidence that the property is subject to for-
11 feiture as provided in subsection (b) of this section.

12 (b) FORFEITURE.—Following a person’s conviction
13 for an offense to which forfeiture applies, a court may
14 order the person to forfeit—

15 (1) property the person acquired through com-
16 mission of the offense; and

17 (2) property directly traceable to property ac-
18 quired through the commission of the offense.

1 (c) PROTECTIONS FOR INNOCENT PROPERTY OWN-
2 ERS.—The property of an innocent owner, as provided in
3 this section, shall not be forfeited—

4 (1) a person who claims to be an innocent
5 owner has the burden of production to show that the
6 person holds a legal right, title, or interest in the
7 property seized; and

8 (2) to successfully forfeit the property, the
9 State shall prove by clear and convincing evidence
10 that the innocent owner had actual knowledge of the
11 underlying crime giving rise to the forfeiture.

