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

Add at the end of the bill the following:

SEC. 503. RESTORING THE FOURTH AND FIFTH AMENDMENT BY REFORMING ASSET FORFEITURE.

(a) Property Subject to Forfeiture.—A person’s property is subject to forfeiture only if—

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

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

(3) the State establishes by clear and convincing evidence that the property is subject to forfeiture as provided in subsection (b) of this section.

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

(1) property the person acquired through commission of the offense; and

(2) property directly traceable to property acquired through the commission of the offense.
(c) Protections for Innocent Property Owners.—The property of an innocent owner, as provided in this section, shall not be forfeited—

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

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