

# Asset Forfeiture: Selected Legal Issues and Reforms



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## ***Reviews***

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***(Prof. Corbin Hilll)***

## ASSET FORFEITURE: SELECTED LEGAL ISSUES AND REFORMS



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Createspace, United States, 2015. Paperback. Book Condition: New. 279 x 216 mm. Language: English . Brand New Book \*\*\*\*\* Print on Demand \*\*\*\*\*.From its beginning in the First Congress, Congress has viewed asset forfeiture as an integral part of federal crime fighting: It takes contraband off the streets, ensures that crime doesn't pay, and deprives criminals of their tools of the trade. In short, asset forfeiture is the process of confiscating money or property from a person because it is illegal to possess, it constitutes proceeds of a crime, or it was used to facilitate a crime. Asset forfeiture became a major tool in combating organized crime, drug trafficking, and other serious federal offenses throughout the mid-to-late 20th century and continues to play a major role in federal prosecutions. In recent years, however, there has been growing opposition to the expanding scope of asset forfeiture, both civil and criminal, with objections primarily coming in two forms: procedural and structural. The procedural objections are based on the idea that the current rules pertaining to asset forfeiture heavily favor the government. With civil asset forfeiture, the property owner need not be convicted nor even prosecuted for a crime before the government can confiscate his or her property. Unlike criminal prosecutions, the property owner is not constitutionally entitled to an attorney or many other safeguards found in the Bill of Rights. The burden of proof is set at the preponderance-of-the-evidence standard, lower than the traditional criminal standard of beyond a reasonable doubt. If the property owner is claiming innocence, he has the burden of proving either that he had no knowledge of the criminal activity or that he tried to stop the activity if he did know about it. Structural objections pertain to how property and money are allocated once forfeited. The...



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