

AMENDMENTS

2018—Pub. L. 115–393 substituted “this chapter” for “section 1581(a), 1592, or 1595(a)”.

§ 1594. General provisions

(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

(b) Whoever conspires with another to violate section 1581, 1583, 1589, 1590, or 1592 shall be punished in the same manner as a completed violation of such section.

(c) Whoever conspires with another to violate section 1591 shall be fined under this title, imprisoned for any term of years or for life, or both.

(d) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

(1) such person’s interest in any property, real or personal, that was involved in, used, or intended to be used to commit or to facilitate the commission of such violation, and any property traceable to such property; and

(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation, or any property traceable to such property.

(e)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any property, real or personal, involved in, used, or intended to be used to commit or to facilitate the commission of any violation of this chapter, and any property traceable to such property.

(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

(f) TRANSFER OF FORFEITED ASSETS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall transfer assets forfeited pursuant to this section, or the proceeds derived from the sale thereof, to satisfy victim restitution orders arising from violations of this chapter.

(2) PRIORITY.—Transfers pursuant to paragraph (1) shall have priority over any other claims to the assets or their proceeds.

(3) USE OF NONFORFEITED ASSETS.—Transfers pursuant to paragraph (1) shall not reduce or otherwise mitigate the obligation of a person convicted of a violation of this chapter to satisfy the full amount of a restitution order through the use of non-forfeited assets or to reimburse the Attorney General for the value of assets or proceeds transferred under this subsection through the use of nonforfeited assets.

(g) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized

criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).

(Added Pub. L. 106–386, div. A, § 112(a)(2), Oct. 28, 2000, 114 Stat. 1489; amended Pub. L. 110–457, title II, § 222(c), Dec. 23, 2008, 122 Stat. 5070; Pub. L. 114–22, title I, § 105(a), May 29, 2015, 129 Stat. 236.)

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2015—Subsec. (d)(1). Pub. L. 114–22, § 105(a)(1)(A), substituted “that was involved in, used, or” for “that was used or” and inserted “, and any property traceable to such property” after “such violation”.

Subsec. (d)(2). Pub. L. 114–22, § 105(a)(1)(B), inserted “, or any property traceable to such property” after “such violation”.

Subsec. (e)(1)(A). Pub. L. 114–22, § 105(a)(2), substituted “involved in, used, or” for “used or” and inserted “, and any property traceable to such property” after “any violation of this chapter”.

Subsecs. (f), (g). Pub. L. 114–22, § 105(a)(3), (4), added subsec. (f) and redesignated former subsec. (f) as (g).

2008—Subsecs. (b) to (f). Pub. L. 110–457 added subsecs. (b) and (c) and redesignated former subsecs. (b) to (d) as (d) to (f), respectively.

§ 1595. Civil remedy

(a) An individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.

(b)(1) Any civil action filed under subsection (a) shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

(2) In this subsection, a “criminal action” includes investigation and prosecution and is pending until final adjudication in the trial court.

(c) No action may be maintained under subsection (a) unless it is commenced not later than the later of—

(1) 10 years after the cause of action arose; or

(2) 10 years after the victim reaches 18 years of age, if the victim was a minor at the time of the alleged offense.

(d) In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates section 1591, the attorney general of the State, as *parens patriae*, may bring a civil action against such person on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(Added Pub. L. 108–193, § 4(a)(4)(A), Dec. 19, 2003, 117 Stat. 2878; amended Pub. L. 110–457, title II, § 221(2), Dec. 23, 2008, 122 Stat. 5067; Pub. L. 114–22, title I, § 120, May 29, 2015, 129 Stat. 247; Pub. L. 115–164, § 6, Apr. 11, 2018, 132 Stat. 1255.)

AMENDMENTS

2018—Subsecs. (b)(1), (c). Pub. L. 115–164, § 6(b), substituted “subsection (a)” for “this section”.