

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.)

Editorial Notes

AMENDMENTS

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, or attempts or conspires to benefit, 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; Pub. L. 117-347, title I, §102, Jan. 5, 2023, 136 Stat. 6200.)

Editorial Notes

AMENDMENTS

2023—Subsec. (a). Pub. L. 117-347 inserted “or attempts or conspires to benefit,” after “whoever knowingly benefits.”.

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

Subsec. (d). Pub. L. 115-164, §6(a), added subsec. (d).

2015—Subsec. (c). Pub. L. 114-22 substituted “not later than the later of—” for “not later than 10 years after the cause of action arose.” and added pars. (1) and (2).

2008—Subsec. (a). Pub. L. 110-457, §221(2)(A), struck out “of section 1589, 1590, or 1591” after “victim of a violation” and inserted “(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)” after “perpetrator”.

Subsec. (c). Pub. L. 110-457, §221(2)(B), added subsec. (c).

§ 1595A. Civil injunctions

(a) IN GENERAL.—Whenever it shall appear that any person is engaged or is about to engage in any act that constitutes or will constitute a violation of this chapter, chapter 110, or chapter 117, or a conspiracy under section 371 to commit a violation of this chapter, chapter 110, or chapter 117, the Attorney General may bring a civil action in a district court of the United States seeking an order to enjoin such act.

(b) ACTION BY COURT.—The court shall proceed as soon as practicable to the hearing and determination of a civil action brought under subsection (a), and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the civil action is brought.

(c) PROCEDURE.—

(1) IN GENERAL.—A proceeding under this section shall be governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery shall be governed by the Federal Rules of Criminal Procedure.

(2) SEALED PROCEEDINGS.—If a civil action is brought under subsection (a) before an indictment is returned against the respondent or while an indictment against the respondent is under seal—

(A) the court shall place the civil action under seal; and

(B) when the indictment is unsealed, the court shall unseal the civil action unless good cause exists to keep the civil action under seal.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

(Added Pub. L. 115-393, title II, §201(a), Dec. 21, 2018, 132 Stat. 5266.)

Editorial Notes

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (c)(1), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.