

英美洗錢防制法簡介

英國

洗錢乃是一項黑道最基本的犯罪活動，而英國並無如日本山口組、美國及義大利黑手黨等犯罪組織，故英國刑事司法制度並不以為意，但近年來歐洲各國為各種潛伏滋長的黑道困擾不已，因此黑道尚未猖獗的國家，亦積極綢繆對策，況且英國毒品犯罪問題亦頗嚴重，故英國洗錢的規範對象侷限於毒品犯罪及恐怖犯罪。其相關法案包括：

- 1920年 The Dangerous Drugs Act
- 1956年 Narcotics Control Act
- 1968年 Theft Act
- 1986年 Drug Trafficking Offences Act
- 1986年 Money Laundering Control Act
- 1988年 Criminal Justice Act
- 1988年 Money Laundering Prosecution Improvement Act
- 1989年 Prevention of Terrorism Act
- 1994年 Drug Trafficking Act

1994年 Drug Trafficking Act 毒品交易法條文要旨

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- 2 Confiscation orders
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- 25 Cases in which restraint orders and charging orders may be made
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美國

就洗錢之規範而言，美國是管制洗錢之創始者，早在1970年即制定「銀行祕密法」，以交易報告為管制洗錢之原則，惟其執行並不嚴格，其後因1985年波士頓銀行洗錢案發生，美國國會乃於1986年通過「洗錢管制法」，對金融檢查漸趨嚴格。相關法案包括：

- 1970年 The Banks Records and Foreign Transactions Act
- 1970年 Comprehensive Drug Abuse Prevention and Control Act
- 1978年 Right to Financial Privacy Act
- 1986年 Money Laundering Control Act
- 1988年 Racketeering Influence Corruption Organization Act
- 1988年 Money Laundering Prosecution Improvement Act
- 1988年 Chemical and Trafficking Act
- 1989年 The Financial Institutions Reform, Recovery, and Enforcement Act
- 1990年 The Crime Control Act
- 1992年 Money Laundering Act
(Annunzio-Wylie Anti-Money Laundering Act)

1992年 Annunzio-Wylie Anti-Money Laundering Act 反洗錢法條文要旨

TITLE XV-ANNUNZIO-WYLIE ANTI-MONEY LAUNDERING ACT

Sec. 1500. Short title.

Subtitle A-Termination of Charters, Insurance, and Offices

- Sec. 1501. Authority to appoint conservator for depository institutions convicted of money laundering.
- Sec. 1502. Revoking charter of Federal depository institutions convicted of money laundering or cash transaction reporting offenses.
- Sec. 1503. Terminating insurance of State depository institutions convicted of money laundering or cash transaction reporting offenses.
- Sec. 1504. Removing parties involved in currency reporting violations.
- Sec. 1505. Unauthorized participation.
- Sec. 1506. Access by State financial institution supervisors to currency transactions reports.
- Sec. 1507. Restricting State branches and agencies of foreign banks convicted of money laundering offenses.

Subtitle B-Nonbank Financial Institutions and General Provisions

- Sec. 1511. Identification of financial institutions.
- Sec. 1512. Prohibition of illegal money transmitting businesses.
- Sec. 1513. Compliance procedures.
- Sec. 1514. Nondisclosure of orders.
- Sec. 1515. Provisions relating to recordkeeping with respect to certain funds transfers.
- Sec. 1516. Use of certain records.
- Sec. 1517. Suspicious transactions and financial institution anti-money laundering programs.
- Sec. 1518. Anti-money laundering training team.
- Sec. 1519. International money laundering reports.

Subtitle C-Money Laundering Enforcement Improvements

- Sec. 1521. Jurisdiction in civil forfeiture cases.
- Sec. 1522. Civil forfeiture of fungible property.
- Sec. 1523. Procedure for subpoenaing bank records.
- Sec. 1524. Deletion of redundant and inadvertently limiting provision in 18 U.S.C. 1956.
- Sec. 1525. Structuring transactions to evade CMIR requirement.
- Sec. 1526. Clarification of definition of financial institution.
- Sec. 1527. Definition of financial transaction.
- Sec. 1528. Obstructing a money laundering investigation.
- Sec. 1529. Awards in money laundering cases.
- Sec. 1530. Penalty for money laundering conspiracies.
- Sec. 1531. Technical and conforming amendments to money laundering provision.
- Sec. 1532. Preclusion of notice to possible suspects of existence of a grand jury subpoena for bank records in money laundering and controlled substance investigations.
- Sec. 1533. Elimination of restriction on disposal of forfeited property by the Department of the Treasury and the Postal Service.
- Sec. 1534. New money laundering predicate offenses.
- Sec. 1535. Amendments to the Bank Secrecy Act.
- Sec. 1536. Expansion of money laundering law to cover proceeds of certain foreign crimes.

Subtitle D-Reports and Miscellaneous

- Sec. 1541. Study and report on reimbursing financial institutions and others for providing financial records.
- Sec. 1542. Reports of information regarding safety and soundness of depository institutions.
- Sec. 1543. Immunity.
- Sec. 1544. Interagency information sharing.

Subtitle E-Counterfeit Deterrence

- Sec. 1551. Short title.
- Sec. 1552. Increase in penalties.
- Sec. 1553. Deterrents to counterfeiting.
- Sec. 1554. Reproductions of currency.

Subtitle F-Miscellaneous Provisions

- Sec. 1561. Civil money penalties.
- Sec. 1562. Authority to order depository institutions to obtain copies of CTRS from customers which are unregulated businesses.
- Sec. 1563. Whistleblower protection for employees of financial institutions other than depository institution.
- Sec. 1564. Advisory group on reporting requirements.
- Sec. 1565. GAO feasibility study of the financial crimes enforcement network.

TITLE XVI-TECHNICAL CORRECTIONS OF BANKING LAWS

Subtitle A-Federal Deposit Insurance Corporation Improvement Act

- Sec. 1601. Table of contents.
- Sec. 1602. Transfer and redesignation of sections with duplicate section numbers.
- Sec. 1603. Technical corrections relating to title I of the Federal Deposit Insurance Corporation Improvement Act of 1991.
- Sec. 1604. Technical corrections relating to title II of the Federal Deposit Insurance Corporation Improvement Act of 1991.
- Sec. 1605. Technical corrections relating to title III of the Federal Deposit

Insurance Corporation Improvement Act of 1991.

Sec. 1606. Technical corrections relating to title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991.

Sec. 1607. Technical corrections relating to title V of the Federal Deposit Insurance Corporation Improvement Act of 1991.

Sec. 1608. Federal Housing Finance Board practice required to conform to congressional intent and existing law.

Sec. 1609. Effective date.

Subtitle B-Resolution Trust Corporation

Sec. 1611. Technical corrections relating to title I of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991.

Sec. 1612. Technical corrections relating to title II of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991.

Sec. 1613. Technical corrections relating to title III of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991.

Sec. 1614. Technical corrections relating to title IV of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991.

Sec. 1615. Technical corrections relating to title V of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991.

Sec. 1616. Technical corrections relating to title VI of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991.

Sec. 1617. Repeal of title consisting of amendments duplicated in the Federal Deposit Insurance Corporation Improvement Act of 1991.

Sec. 1618. Effective date.

參考書目：

- 1.洗錢防制法之實用權益 548.546/4421
- 2.防制洗錢之研究 548.546/0433
- 3.Money Laundering 346.092/M742
- 4.The law on money-laundering: statutes and commentary 346.09/J39