

Specified Unlawful Activities (SUA)

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Specified Unlawful Activities (SUA) include over 250 crimes in six categories:

1. Most RICO predicate offenses;
2. Certain offenses against foreign nations;
3. Acts constituting a criminal enterprise under the Controlled Substances Act;
4. Miscellaneous offenses against persons and property;
5. Federal health care offenses; and
6. Federal environmental offenses. For a complete list, see 18 USC § 1956©(7).

The government is not obligated to trace the funds to a particular specified unlawful activity. In other words, the government is not obligated to prove the elements of the predicate crime. Instead, the government may sustain its burden through circumstantial evidence leading to the conclusion that the funds came from the specified unlawful activity.³

The government is not required to prove that the defendant knew that the property was derived from a specified unlawful activity, only “that the person kn[e]w the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under state, federal, or foreign law, regardless of whether such activity [constitutes specified unlawful activity].”⁴ Knowledge may be inferred from evidence of willful blindness—that the defendant intentionally avoided knowing that funds were criminally derived property. For more on knowledge and willful blindness, see here.

Source:

<https://complianceconcourse.willkie.com/resources/anti-money-laundering-us-money-laundering-control-act>

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