

What's new in 2026–2027

- OCC guidance setting forth minimum procedures for bank examiners in assessing BSA compliance by community banks, § 2:9; updated guidance from federal banking regulators on structured transactions and SAR filing requirements, § 2:11; FinCEN guidance on cross-border sharing of confidential SAR information, §§ 2:13, 6:19; “keep open” directives under 12 U.S.C.A. § 1960; enactment of a new framework for regulating issuers of payment stablecoins, 12 U.S.C.A. §§ 5901-5906, and the issuance of proposed rulemaking implementing the statute, § 6:21; new FinCEN regulation excepting covered financial institutions from compliance with beneficial ownership requirements for each new account opened by legal entity customer, § 6:22; guidance relaxing the SAR filing requirement for transactions near the CTR threshold, § 6:40; amendments to the U.S. Sentencing Guidelines updating procedures for applying the guidelines, eliminating specific departure guidelines, and setting forth additional factors to consider in determining the sentence, §§ 11:2, 11:91.
- Additional case law addressing issues such as what constitutes a false entry for purposes of prosecutions under 18 U.S.C.A. §§ 1005, §§ 3:39, 3:14; the rules for establishing venue in prosecutions under 18 U.S.C.A. § 1014; what constitutes a bribe under 18 U.S.C.A. § 215; the validity of geographic targeting orders with respect to the CTR reporting requirements, §§ 6:10, 6:45; what constitutes a money services business and application of the major questions doctrine to regulations governing the registration of money services businesses that deal with virtual currency, §§ 6:43, 8:90; application of the Seventh Amendment to IRS enforcement proceedings involving violations of the FBAR reporting requirements, § 6:81; what constitutes a “willful” violation of the FBAR reporting requirements, § 6:81; the sufficiency of a claim contesting forfeiture, § 6:94; the construction and application of the intent requirement in prosecutions for bank fraud under 18 U.S.C.A. § 1344(1), § 7:9; the

requirement, in a bank fraud prosecution under 18 U.S.C.A. 1344(2), that the government show that the false representation was made to a bank, § 7:14; the elements necessary for proving the offense of aiding and abetting a bank fraud, § 7:18; application of the Ex Post Facto Clause to orders of restitution under the Mandatory Victims Restitution Act, §§ 7:24, 8:29; what constitutes “criminally derived property” in a money laundering prosecution arising out of a fraudulent misrepresentation or unlawful quid pro quo agreement, §§ 8:17, 8:67; what constitutes a parallel or dependent transaction involving proceeds of a specified unlawful activity subject to prosecution under 18 U.S.C.A. § 1956(a)(1), § 8:18; what conduct constitutes concealment sufficient to support a money laundering conviction under 18 U.S.C.A. § 1956(a)(1)(B), § 8:25; what property is subject to criminal forfeiture and application of the Supreme Court’s decision in *Honeycutt* to criminal forfeitures under 18 U.S.C.A. § 981(a)(1)(C), 28 U.S.C.A. § 2461(c), and 21 U.S.C.A. § 853(p), § 8:127; the mens rea requirement in obstruction of justice prosecutions under 18 U.S.C.A. § 1519, § 10:10; application of the enhancements for sophisticated means, sophisticated money laundering, aggravating role in the offense, abuse of trust position, and obstruction of justice, §§ 11:8, 11:45, 11:64, 11:72-11:74, 11:79.