

# SUPPORT HB 1628:

## IMPROVED DATA COLLECTION IN CIVIL ASSET FORFEITURE CASES

**SPONSOR:** Guzzardi

### What does the bill do?

- + Improves the **substance** of civil asset forfeiture (CAF) data by requiring the collection of information needed to follow a **CAF case from seizure to disposal**, including more information about:
  - The initial seizure, including the basis and location;
  - The individual accused of a crime, including their demographic information;
  - The criminal case, if any, and its outcome;
  - The CAF case, if any, and the outcome; and
  - The property disposition, if any.
- + Improves the **process** of CAF data collection to ensure that the data is **more comprehensive, accessible, and transparent**. Improvements include:
  - Clearer guidelines for the existing public database of CAF data and cases;
  - A better accounting of which law enforcement entities practice CAF;
  - More accurate and comprehensive reporting of how law enforcement entities may be using CAF funds; and
  - An annual summary report to the ILGA, Attorney General, and Governor that may recommend further reforms.

Civil asset forfeiture laws allow the government to permanently take property away from someone if they believe it is associated with a crime—regardless of whether the person is convicted, or even arrested, for any offense.



We are missing critical information necessary to assess the impact of civil asset forfeiture laws and protections on all Illinoisans, including any disparities by geography, race, income, or innocent owner status.

### Why do we need improved data collection?

Significant CAF reforms went into effect in 2018, including new data collection provisions as well as due process protections, increased burdens of proof, and expedited procedures for “innocent owners.” However, more needs to be done to assess how the CAF system, and these reforms, are operating.

- + Improvements to both the process and substance of CAF data collection are critical:
  - To conduct an accurate and complete assessment of current civil asset forfeiture laws and practices, including the efficacy of the 2018 reforms; and
  - To determine whether further CAF reforms may be warranted.
- + The Institute for Justice, which grades states on their forfeiture reporting laws and practices, gives Illinois low marks on various elements of forfeiture transparency and accountability.
- + Since 2014, 27 states and the District of Columbia have enacted laws to increase accessibility and transparency of CAF data collection and reporting.

For more information please contact: Ben Ruddell • 773 750-6459 [bruddell@aclu-il.org](mailto:bruddell@aclu-il.org)

**ACLU** Illinois

## **SUPPORTING ORGANIZATIONS:**

**ACLU of Illinois**

**Better Government Association**

**Cabrini Green Legal Aid**

**Chicago Appleseed Center for Fair Courts**

**Chicago Council of Lawyers Civil Liberties Committee**

**Common Cause Illinois**

**Illinois State Bar Association**

**Institute for Justice**

**Law Office of the Cook County Public Defender**

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