

SUPPORT HB 1628:

IMPROVED DATA COLLECTION IN CIVIL ASSET FORFEITURE CASES

SPONSOR: Aquino / 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 from whom the property was seized, including their demographic information;
 - The criminal case, if someone was charged with a crime;
 - The CAF case, if prosecutors pursued forfeiture of the seized property.
- + 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 General Assembly, 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.



Between 2000 and 2019, Illinois law enforcement agencies forfeited more than **\$676 million** in property under state law. But we are missing critical information necessary to assess the impact of civil asset forfeiture laws on all Illinoisans.

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

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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