

SUPPORT HB 3038:

IMPROVED DATA COLLECTION IN CIVIL ASSET FORFEITURE CASES

SPONSORS: Guzzardi/Aquino

What does the bill do?

- + Improves the **substance** of civil asset forfeiture (CAF) data collection by collecting information to track the **life cycle of an entire CAF case**, from initial seizure through disposition and disposal of the property, 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, including if the property owner petitioned for any statutory protections and the outcome; and
 - The property disposition, if any.
- + Improves the **process** of CAF data collection to ensure that the data is more efficiently and effectively collected, and is **more accessibly and transparently reported**, including:
 - Clearer guidelines for the existing requirement for a public-facing case tracking and searchable database of collected CAF data;
 - A better accounting of which law enforcement entities are or are not engaged in CAF as a practice;
 - More accurate and comprehensive reporting of the ways in which law enforcement entities may be using CAF funds;
 - An annual summary report to the ILGA, Attorney General, and Governor that may include recommendations for further reforms; and
 - Other technical changes to conform with, and improve, current practices.

Civil asset forfeiture laws allow the government to permanently take property away from someone on the basis that the property 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 Illinoisians, including any disparities by geography, race, income, or innocent owner status.

Why do we need improved data collection?

The Illinois General Assembly passed significant CAF reforms that went into effect in 2018, including new data collection provisions as well as additional due process protections, increased burdens of proof, and expedited procedures for “innocent owners.” However, there is more that 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 what, if any, further substantive CAF reforms may be warranted.
- + The Institute for Justice, which grades states based on a number of metrics related to civil asset forfeiture, has given Illinois low marks for CAF data tracking and reporting.
- + Twenty states have enacted laws to increase accessibility and transparency of CAF data collection and reporting.

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ACLU Illinois

SUPPORTING ORGANIZATIONS:

ACLU of Illinois

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Chicago Appleseed Center for Fair Courts

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