

# REFORM CIVIL ASSET FORFEITURE: SUPPORT HB 689

(Guzzardi-Andersson-Demmer-W. Davis-Nekritz, Riley, Skillikorn, Mayfield, Lang, C. Mitchell, Cassidy, Moylan, Chapa LaVia, Mah, Ives, Bellock, Ammons, Currie)

## HB 689 would reform Illinois' civil asset forfeiture laws by ensuring that:

- (1) A **criminal conviction** is required before a person's property can be permanently forfeited to the government;
- (2) The State must prove by **clear and convincing evidence** that property was used in criminal activity **with the owner's consent** before that property can be forfeited;
- (3) Police and prosecutors are **not financially incentivized** to seize and forfeit citizens' property; and
- (4) Information detailing the seizure and forfeiture of assets and governments' use of the proceeds is made **transparent to lawmakers and taxpayers**.

## Illinois' civil asset forfeiture laws are fundamentally unfair to property owners.

- ▶ The State need not convict you--or any other person--of a crime in order to PERMANENTLY take away your cash, your car, or even your home. According to a 2016 poll, 89% of Illinois voters oppose forfeiture without a conviction.<sup>1</sup>
- ▶ Once your property is seized, the burden is essentially on YOU to prove that it should NOT be forfeited to the State.
- ▶ For the privilege of arguing for the return of your property, you must pay a "cost bond" equal to 10% of its value.
- ▶ You have NO right to an attorney to defend you against the forfeiture of your property.
- ▶ At trial, the State (but NOT the property owner) is allowed to admit hearsay, and the statute includes evidentiary presumptions which ALL favor the State.

## Civil asset forfeiture inflicts serious economic harm on people in Illinois.

- ▶ Illinois forfeits an average of over \$30 million of its residents' property on an annual basis.<sup>2</sup> The real total is almost certainly much higher, because many forfeitures are not required to be reported.
- ▶ Losing property exacerbates poverty and harms property owners' innocent children and family members.
- ▶ Vehicles are frequently targeted for forfeiture. But losing one's car even temporarily can negatively impact a person's ability to maintain employment or attend school, obtain food and medical care, care for children, or even attend court proceedings to try to reclaim the seized property.

## Law enforcement agencies are incentivized to engage in "policing for profit."

- ▶ Current law gives police a strong incentive to seize more and more property, because law enforcement agencies reap almost all of the proceeds from asset forfeitures.
- ▶ The largest share of the proceeds from forfeited property goes to the same agency that seized the property.
- ▶ Police departments are frequently even allowed to keep for their own use the property they seize.
- ▶ Even basic information about the seizure and forfeiture of property and law enforcement agencies' use of forfeiture proceeds is not aggregated or reported.



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<sup>1</sup> Illinois Policy Institute poll of 500 registered voters conducted May 2016

<sup>2</sup> Data provided by Illinois State Police in response to 2016 FOIA request; includes reported forfeitures from 2005-2014

# **Reform Unfair Civil Asset Forfeiture Laws: Vote YES on HB 689**

## **SUPPORTING ORGANIZATIONS**

**Cabrini-Green Legal Aid**

**Chicago Council of Lawyers**

**Chicago Urban League**

**Clergy for a New Drug Policy**

**Community Renewal Society**

**Illinois State Bar Association**

**Illinois Justice Project**

**Illinois Policy Institute**

**John Howard Association of Illinois**

**Juvenile Justice Initiative**

**League of Women Voters of Illinois**

**SAFER Foundation**

**Sargent Shriver National Center on Poverty Law**

**Uptown People's Law Center**