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.¹
► 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.² 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.

For more information contact: Ben Ruddell: 773.750.6459 bruddell@aclu-il.org ● Khadine Bennett: 312.607.3355 kbennett@aclu-il.org

¹ Illinois Policy Institute poll of 500 registered voters conducted May 2016
² 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