

Rauner enacts civil asset forfeiture reform

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CHICAGO – Gov. Bruce Rauner today signed HB303, bipartisan legislation aimed at reforming Illinois’ asset forfeiture system. The reforms will increase transparency and shift burdens of proof to protect innocent citizens while maintaining the proper use of asset forfeiture as a tool for law enforcement. Gov. Rauner was joined by Illinois State Police (ISP) officials, ACLU members, legislators, and advocate organizations.



“Illinois residents should be protected from the unfair seizure of their private property,” Gov. Rauner said. “This legislation will enact needed reforms to prevent abuse of the civil asset forfeiture process, while maintaining its importance as a critical tool for law enforcement to make our communities safer.”

When properly applied, asset forfeiture strikes at the economic foundation of criminal activity. The seizure of monetary assets has been utilized as an effective method to disrupt the business activities of drug trafficking organizations and bring down high-level drug distributors.

However, if asset forfeiture is misused, it can have major economic ramifications on Illinoisans who may be innocent of any wrongdoing. The forfeiture of cash, a vehicle, or even a home can also affect their family members and exacerbate financial insecurity.

This important piece of legislation will provide for greater public transparency in Asset Forfeiture proceedings through the collection and publicly accessible reporting of forfeiture data, as well as additional sanction authority for abuse and violations of forfeiture rules by the ISP.

HB 303 also shifts the burden of proving guilt to the government, and increases the burden of proof to mirror that of the federal government in forfeiture cases from probable cause to a preponderance of the evidence, a fair and equitable standard. It also makes a number of other changes such as eliminating restrictive bonding requirements and adjusting the threshold amounts of money subject to forfeiture as well as the levels of cannabis and controlled substance possession that can lead to forfeiture proceedings as a way to thoughtfully limit the use of this system to its intended purposes.

Funds received through the Asset Forfeiture Program support the costs of law enforcement overtime and wire intercepts for major investigations, training, intelligence centers, prevention programs and investigative equipment.

“I am glad Illinois has taken this dramatic step forward, especially while the federal government seems poised to go backwards on this issue,” said state Sen. Don Harmon (D-Oak Park). “It's a simple concept - the government should have to prove that it has a right to take your property, not the other way around.”

“Asset forfeiture laws target the heart of much criminal activity – the financial gain. However, as with any law, we need to make sure it does not unduly burden those who

may be innocent,” said state Sen. Tim Bivins (R-Dixon), a cosponsor of the law who served more than 32 years in law enforcement, 20 years as Lee County Sheriff. “House Bill 303 makes sure that the spirit of civil asset forfeiture is not abused.”

“We must strike the proper balance between targeting criminal enterprises and safeguarding the rights of innocent property owners,” said state Sen. Michael Connelly (R-Naperville). “The Institute for Justice gave Illinois a D- for our current civil forfeiture laws. The law signed today seeks to improve the current system by providing increased protections for property owners and requiring greater accountability from law enforcement.”

“Civil asset forfeiture in Illinois and across this country is out of control—Americans lose more of their property each year to forfeiture than to burglary,” state Rep. Will Guzzardi (D-Chicago) said. “This landmark bill gives Illinoisans some of the strongest protections against unjust forfeitures in the country, and it's a crucial step in restoring faith between civilians and law enforcement.”

“Civil asset forfeiture reform is an important step to ensure the Constitutional rights of Illinoisans are being protected,” said state Rep. Tom Demmer (R-Rochelle). “This law protects property rights, reduces the chance for abuses of power, and defends the rights of the individual. I’m proud to support this bipartisan initiative.”



