

# Illinois earns a D- for its civil forfeiture laws:

- Low bar to forfeit in most cases: In general, prosecutors' standard is preponderance of the evidence. If a related criminal case results in acquittal or non-indictment, the standard is clear and convincing evidence. Forfeiture is not permitted for currency under \$500 in drug cases and under \$100 in all other cases.
- Poor protections for the innocent: Third-party owners must prove their own innocence to recover seized property at pretrial hearings.
- Large profit incentive: 90% of forfeiture proceeds go to law enforcement.

## Recent Reforms

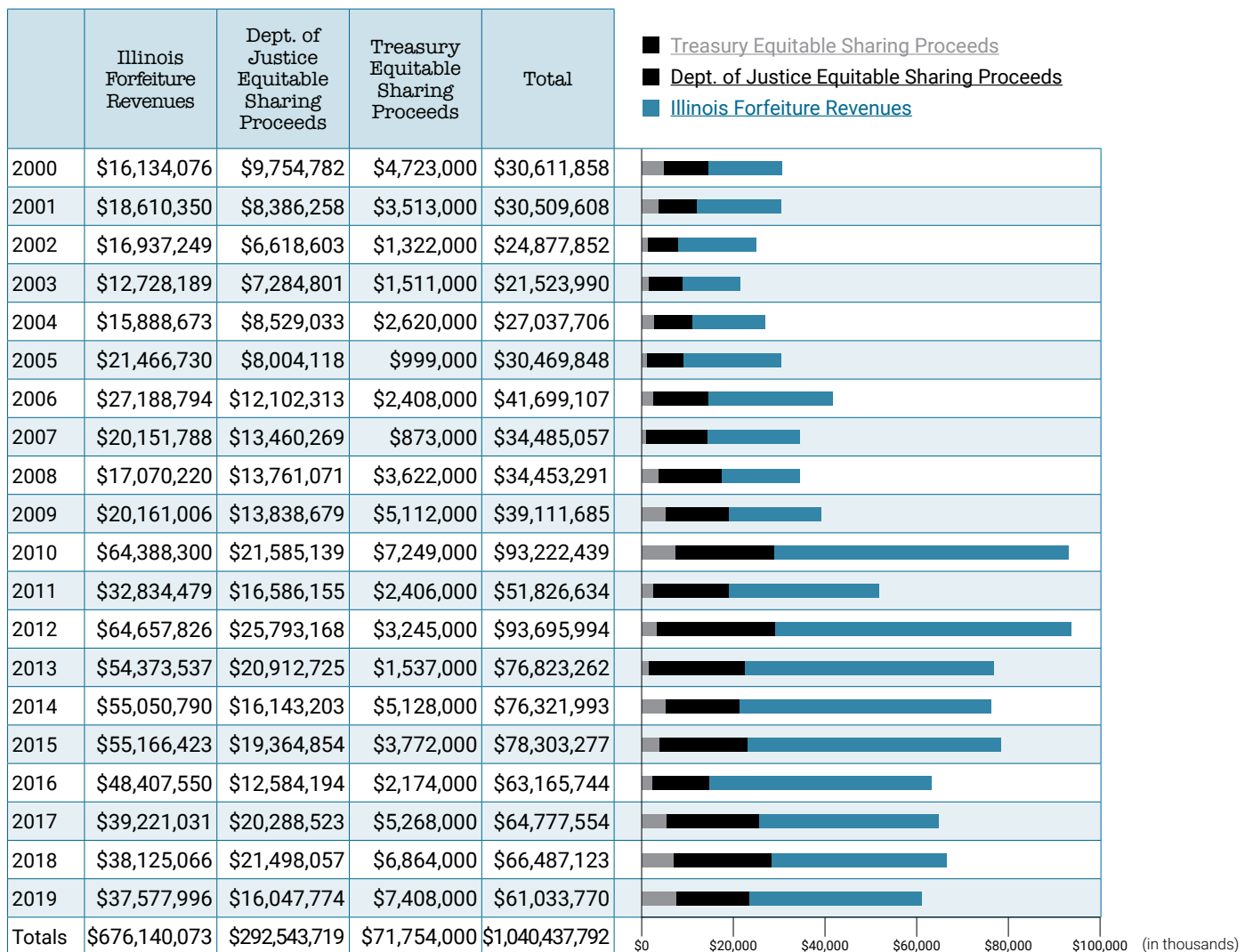
- (2017) HB 303: Removed burden on owners to prove property is not subject to forfeiture; required government to prove owners' culpability or negligence—which is not a crime—at forfeiture trial, though innocent owners still bear the burden of proving their own innocence at pretrial innocent owner hearings; eliminated bond requirement for owners challenging administrative forfeiture; strengthened transparency requirements.

## State and Federal Forfeiture Revenues, 2000–2019

Between 2000 and 2019, Illinois law enforcement agencies forfeited more than \$676 million under state law and generated an additional \$364 million from federal equitable sharing, for a total of at least \$1 billion in forfeiture revenue—averaging more than \$50 million a year. Illinois ranks 46th for its participation in the Department of Justice's equitable sharing program. The state does not prevent state and local agencies from using equitable sharing to circumvent state forfeiture law.

**At least \$1 billion  
in state and federal  
forfeiture revenue**

2000–2019



All revenue figures include both civil and criminal forfeitures. Revenues are not adjusted for inflation.

# Illinois' Forfeiture Transparency and Accountability Report Card

Tracking Seized Property	<b>C</b>	Accessibility of Forfeiture Records	<b>A</b>
Accounting for Forfeiture Fund Spending	<b>C</b>	Penalties for Failure to File a Report	<b>F</b>
Statewide Forfeiture Reports	<b>B</b>	Financial Audits of Forfeiture Accounts	<b>A</b>

For full transparency and accountability grades, visit [www.ij.org/TransparencyReportCards](http://www.ij.org/TransparencyReportCards).

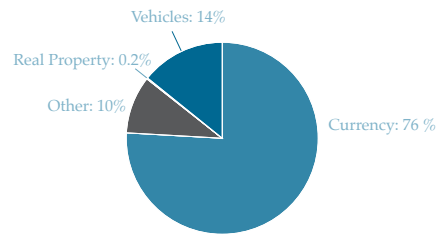
## Forfeitures Under Illinois Law: Key Facts

### Median Value



From 2015 to 2019, half of Illinois' currency forfeitures were worth less than \$755.

### Property Types



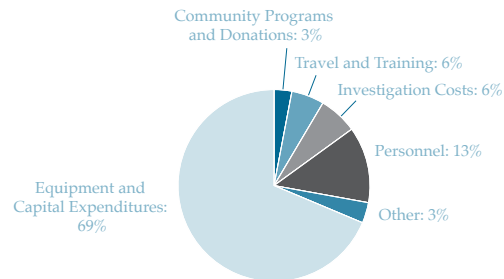
From 2010 to 2019, more than three-quarters of Illinois' forfeitures were of currency.

### Civil vs. Criminal

UNKNOWN

Illinois does not report whether forfeitures are processed under civil or criminal forfeiture law.

### Expenditures



In 2019, Illinois law enforcement spent \$14 million from forfeiture funds—mostly on equipment, capital expenditures and operating expenses.

### Data Notes

Property-level forfeiture proceeds data were obtained through public records requests to the Illinois State Police. Figures for 2000 through 2009 are in calendar years, while those for 2010 through 2019 are in fiscal years. 2019 covers thirteen months, July 2018 through July 2019. Expenditure data for calendar-year 2019 are from ISP's website. Equitable sharing data are from DOJ's and Treasury's annual forfeiture reports. Due to differences in reporting and accounting practices, state figures may not match aggregate numbers produced by the state or cover the same 12-month period as the federal data.