



Sen. Don Harmon

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10100HB2488sam002

LRB101 07727 SMS 61286 a

1 AMENDMENT TO HOUSE BILL 2488

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2488 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Pawnbroker Regulation Act is amended by  
5 changing Sections 9, 10, and 12 as follows:

6 (205 ILCS 510/9) (from Ch. 17, par. 4659)

7 Sec. 9. No pawnbroker shall purchase or take any article in  
8 pawn or pledge from any person appearing to be intoxicated, nor  
9 from any person known to have been convicted of theft. A law  
10 enforcement officer may provide such criminal conviction  
11 information to a pawnbroker. ~~When any person is found to be the~~  
12 ~~owner of stolen property which has been pawned, such property~~  
13 ~~shall be returned to the owner thereof without the payment of~~  
14 ~~the money advanced by the pawnbroker thereon or any costs or~~  
15 ~~charges of any kind which the pawnbroker may have placed upon~~  
16 ~~the same.~~

1 (Source: P.A. 84-1308.)

2 (205 ILCS 510/10) (from Ch. 17, par. 4660)

3 Sec. 10. Sale of property. No personal property pledged or  
4 received on deposit by any pawnbroker shall be permitted to be  
5 redeemed from such pawnbroker for a period of 48 hours after  
6 the delivery of the copy and statement required by Section 7 of  
7 this Act required to be delivered to the officer or officers  
8 named therein. No personal property purchased by any pawnbroker  
9 shall be sold or removed from the place of business or  
10 transferred to another pawnshop location of such pawnbroker for  
11 a period of 10 days after the delivery of the copy and  
12 statement required by Section 7 of this Act required to be  
13 delivered to the officer or officers named therein. If the  
14 pawner or pledger fails to repay the loan during the period  
15 specified on the pawn ticket, the pawnbroker shall  
16 automatically extend a grace period of 30 days from the default  
17 date on the loan during which the pawnbroker shall not dispose  
18 of or sell the personal property pledged. The parties may agree  
19 to extend or renew a loan upon terms agreed upon by the  
20 parties, provided the terms comply with the requirements of  
21 this Act. Title to the pledged property shall transfer to the  
22 pawnbroker after the default date along with any grace period  
23 or upon the expiration of any agreed extension. A county or  
24 municipality, including a home rule unit, may regulate these  
25 holding periods in a manner that is more restrictive than the

1 regulation provided in this Section 10. A home rule unit may  
2 not regulate these holding periods in a manner less restrictive  
3 than the regulation by the State. This Section is a limitation  
4 under subsection (i) of Section 6 of Article VII of the  
5 Illinois Constitution on the concurrent exercise by home rule  
6 units of the powers and functions exercised by the State.

7 (Source: P.A. 99-188, eff. 1-1-16.)

8 (205 ILCS 510/12)

9 Sec. 12. Hold order.

10 (a) For the purposes of this Section, "hold order" means a  
11 written legal instrument issued to a pawnbroker by a law  
12 enforcement officer commissioned by the law enforcement agency  
13 of the municipality or county that licenses and regulates the  
14 pawnbroker evidencing a criminal law enforcement investigation  
15 and ordering the pawnbroker to retain physical possession of  
16 pledged goods in the possession of the pawnbroker or property  
17 purchased by and in the possession of the pawnbroker and not to  
18 return, sell, or otherwise dispose of such property as such  
19 property is believed to be misappropriated goods. If the  
20 pledged goods are in the pawnbroker's possession at the time of  
21 the pawnbroker's receipt of the hold order, the pledged goods  
22 shall remain in the possession of the pawnbroker for the  
23 duration of the hold order and any subsequent extensions of the  
24 hold order.

25 (b) Upon written notice from a law enforcement officer

1 indicating that property in the possession of a pawnbroker and  
2 subject to a hold order is needed for the purpose of furthering  
3 a criminal investigation and prosecution, the pawnbroker shall  
4 release the property subject to the hold order to the custody  
5 of the law enforcement officer for such purpose and the officer  
6 shall provide a written acknowledgment that the property has  
7 been released to the officer. The release of the property to  
8 the custody of the law enforcement officer shall not be  
9 considered a waiver or release of the pawnbroker's property  
10 rights or interest in the property. Upon completion of the  
11 criminal investigation, the property shall be returned to the  
12 pawnbroker who consented to its release; except that, if the  
13 law enforcement officer has not completed the criminal  
14 investigation within 120 days after the start of the holding  
15 period ~~its release~~, the officer shall immediately return the  
16 property to the pawnbroker or obtain and furnish to the  
17 pawnbroker a warrant for the continued custody of the property.

18 The pawnbroker shall not release or dispose of the property  
19 except pursuant to a court order or the expiration of the  
20 holding period of the hold order, including all extensions.

21 In cases where criminal charges have been filed and the  
22 property may be needed as evidence, the prosecuting attorney  
23 shall notify the pawnbroker in writing. The notice shall  
24 contain the case number, the style of the case, and a  
25 description of the property. The pawnbroker shall hold such  
26 property until receiving notice of the disposition of the case

1 from the prosecuting attorney. The prosecuting attorney shall  
2 notify the pawnbroker and claimant in writing within 15 days  
3 after the disposition of the case.

4 (c) If at the completion of the criminal investigation, the  
5 law enforcement officer is able to determine the property  
6 subject to the hold order is stolen property and has identified  
7 the owner of the stolen property who has completed a police  
8 report, the pawnbroker shall return the property to the owner  
9 without the payment of the money advanced by the pawnbroker or  
10 any costs or charges of any kind that the pawnbroker may have  
11 placed upon the property. The pawnbroker shall be entitled to  
12 pursue a civil action against the perpetrator and any person  
13 who brought the property to the pawnbroker, and law enforcement  
14 shall provide all information related to those persons to the  
15 pawnbroker, without the need for a subpoena, court order, or  
16 further legal action or government filing.

17 (d) A hold order must specify:

18 (1) the name and address of the pawnbroker;

19 (2) the name, title, and identification number of the  
20 law enforcement officer placing the hold order or the court  
21 placing the hold order;

22 (3) a complete description of the property to be held,  
23 including model number and serial number, if applicable;

24 (4) the name of the person reporting the property to be  
25 misappropriated unless otherwise prohibited by law;

26 (5) the mailing address of the pawnbroker holding the

1           property; and

2                   (6) the expiration date of the holding period.

3           (e) The pawnbroker or the pawnbroker's representative must  
4 sign and date a copy of the hold order as evidence of receipt  
5 of the hold order and the beginning of the 120-day holding  
6 period.

7           (Source: P.A. 96-1365, eff. 7-28-10.)

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law.".