**Section 1225.40 Disposition of Seized Property Before Forfeiture**

a) Unless an alternative arrangement as defined in Section 12(d)(1) through (6) of the Cannabis Control Act (Ill. Rev. Stat. 1989, ch. 56½, pars. 701 et seq.) and Section 505(d)(1) through (6) of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1989, ch. 56½, pars. 1100 et seq.) is ordered in writing by the Director, seized property shall be kept in the possession of the seizing agency until forfeiture proceedings are completed.

b) The agency in possession of seized property shall take whatever action is necessary to ensure the seized property is secured and maintained in such a way so as not to be reduced in value. This provision applies to both real property and personal property. If seized property is returned based on the determination that the property was not forfeitable, the agency in possession of property shall be financially responsible for any reduction in value due to negligence, waste, or destruction of the property.

c) Seized property that is evidence in a criminal proceeding shall be kept by the seizing agency in the same manner other evidence is maintained by that agency.

d) The Director shall be notified in writing any time seized property is disposed of by means other than forfeiture.