



Rep. Michelle Mussman

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10000HB1273ham001

LRB100 03006 SMS 24252 a

1 AMENDMENT TO HOUSE BILL 1273

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1273 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Pawnbroker Regulation Act is amended by  
5 changing Section 12 as follows:

6 (205 ILCS 510/12)

7 Sec. 12. Hold order.

8 (a) For the purposes of this Section, "hold order" means a  
9 written legal instrument issued to a pawnbroker by a law  
10 enforcement officer commissioned by the law enforcement agency  
11 of the municipality or county that licenses and regulates the  
12 pawnbroker, ordering the pawnbroker to retain physical  
13 possession of pledged goods in the possession of the pawnbroker  
14 or property purchased by and in the possession of the  
15 pawnbroker and not to return, sell, or otherwise dispose of  
16 such property as such property is believed to be

1 misappropriated goods.

2 (b) Upon written notice from a law enforcement officer  
3 indicating that property in the possession of a pawnbroker and  
4 subject to a hold order is needed for the purpose of furthering  
5 a criminal investigation and prosecution, the pawnbroker shall  
6 release the property subject to the hold order to the custody  
7 of the law enforcement officer for such purpose and the officer  
8 shall provide a written acknowledgment that the property has  
9 been released to the officer. The release of the property to  
10 the custody of the law enforcement officer shall not be  
11 considered a waiver or release of the pawnbroker's property  
12 rights or interest in the property. Upon completion of the  
13 criminal investigation, the property shall be returned to the  
14 pawnbroker who consented to its release; except that, if the  
15 law enforcement officer has not completed the criminal  
16 investigation within 120 days after its release, the officer  
17 shall immediately return the property to the pawnbroker or  
18 obtain and furnish to the pawnbroker a warrant for the  
19 continued custody of the property. If, when a piece of property  
20 subject to a hold order is relinquished by a pawnbroker to a  
21 law enforcement officer upon written notice from a law  
22 enforcement officer that the property is needed for the purpose  
23 of furthering a criminal investigation, it is discovered during  
24 the pendency of such criminal investigation that the property  
25 was stolen and the owner is identified, then the property shall  
26 be returned to the owner thereof without the payment of the

1 money advanced by the pawnbroker thereon or any costs or  
2 charges of any kind that the pawnbroker may have placed upon  
3 the same, in accordance with Section 9 of this Act.

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

7 In cases where criminal charges have been filed and the  
8 property may be needed as evidence, the prosecuting attorney  
9 shall notify the pawnbroker in writing. The notice shall  
10 contain the case number, the style of the case, and a  
11 description of the property. The pawnbroker shall hold such  
12 property until receiving notice of the disposition of the case  
13 from the prosecuting attorney. The prosecuting attorney shall  
14 notify the pawnbroker and claimant in writing within 15 days  
15 after the disposition of the case.

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