



Rep. Michelle Mussman

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10100HB1438ham001

LRB101 04919 JLS 56976 a

1 AMENDMENT TO HOUSE BILL 1438

2 AMENDMENT NO. _____. Amend House Bill 1438 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 at the completion of the criminal
16 investigation is able to determine the property subject to the
17 hold order is stolen property and has identified the owner of
18 the stolen property, the property shall be returned to the
19 owner without the payment of the money advanced by the
20 pawnbroker or any costs or charges of any kind that the
21 pawnbroker may have placed upon the same. If the law
22 enforcement officer has not completed the criminal
23 investigation within 120 days after its release, the officer
24 shall immediately return the property to the pawnbroker or
25 obtain and furnish to the pawnbroker a warrant for the
26 continued custody of the property.

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

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

13 Nothing in this Section alters the pawnbroker's
14 obligations to the owner of property as detailed in Section 9
15 or as provided in any other applicable federal or State law.

16 (c) A hold order must specify:

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

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

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

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

25 (5) the mailing address of the pawnbroker where the
26 property is held; and

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

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

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