



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

740 ILCS 147/40

Amends the Illinois Streetgang Terrorism Omnibus Prevention Act. Makes a stylistic change in provisions concerning contraband.

LRB093 17099 LCB 42765 b

1 AN ACT concerning civil liabilities.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Streetgang Terrorism Omnibus  
5 Prevention Act is amended by changing Section 40 as follows:

6 (740 ILCS 147/40)

7 Sec. 40. Contraband.

8 (a) The following are declared to be contraband and no  
9 person shall have a property interest in them:

10 (1) any property that is directly or indirectly used or  
11 intended for use in any manner to facilitate streetgang  
12 related activity; and

13 (2) any property constituting or derived from gross  
14 profits or other proceeds obtained from streetgang related  
15 activity.

16 (b) Within 60 days after ~~of~~ the date of the seizure of  
17 contraband under this Section, the State's Attorney shall  
18 initiate forfeiture proceedings as provided in Article 36 of  
19 the Criminal Code of 1961. An owner or person who has a lien on  
20 the property may establish as a defense to the forfeiture of  
21 property that is subject to forfeiture under this Section that  
22 the owner or lienholder had no knowledge that the property was  
23 acquired through a pattern of streetgang related activity.  
24 Property that is forfeited under this Section shall be disposed  
25 of as provided in Article 36 of the Criminal Code of 1961 for  
26 the forfeiture of vehicles, vessels, and aircraft. The proceeds  
27 of the disposition shall be paid to the Gang Violence Victims  
28 and Witnesses Fund to be used to assist in the prosecution of  
29 gang crimes.

30 (Source: P.A. 91-876, eff. 1-1-01.)