

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 12-612 as follows:

6 (625 ILCS 5/12-612)

7 Sec. 12-612. False or secret compartment in a ~~motor~~  
8 vehicle.

9 (a) Offenses. It is unlawful for any person to own or  
10 operate any ~~motor~~ vehicle he or she knows to contain a false or  
11 secret compartment. It is unlawful for any person to knowingly  
12 install, create, build, or fabricate in any ~~motor~~ vehicle a  
13 false or secret compartment.

14 (b) Definitions. For purposes of this Section, a "false or  
15 secret compartment" means any enclosure that is intended and  
16 designed to be used to conceal, hide, and prevent discovery by  
17 law enforcement officers of the false or secret compartment, or  
18 its contents, and which is integrated into a vehicle. For  
19 purpose of this Section, a person's intention to use a false or  
20 secret compartment to conceal the contents of the compartment  
21 from a law enforcement officer may be inferred from factors  
22 including, but not limited to, the discovery of a person,  
23 firearm, controlled substance, or other contraband within the

1 false or secret compartment, or from the discovery of evidence  
2 of the previous placement of a person, firearm, controlled  
3 substance, or other contraband within the false or secret  
4 compartment.

5 (c) Forfeiture. Any ~~motor~~ vehicle containing a false or  
6 secret compartment, as well as any items within that  
7 compartment, shall be subject to seizure by the Department of  
8 State Police or by any municipal or other local law enforcement  
9 agency within whose jurisdiction that property is found as  
10 provided in Sections 36-1 and 36-2 of the Criminal Code of 1961  
11 (720 ILCS 5/36-1 and 5/36-2). The removal of the false or  
12 secret compartment from the ~~motor~~ vehicle, or the promise to do  
13 so, shall not be the basis for a defense to forfeiture of the  
14 ~~motor~~ vehicle under Section 36-2 of the Criminal Code of 1961  
15 and shall not be the basis for the court to release the vehicle  
16 to the owner.

17 (d) Sentence. A violation of this Section is a Class 4  
18 felony.

19 (Source: P.A. 93-276, eff. 1-1-04.)

20 Section 10. The Criminal Code of 1961 is amended by  
21 changing Section 36-1 as follows:

22 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

23 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
24 with the knowledge and consent of the owner in the commission

1 of, or in the attempt to commit as defined in Section 8-4 of  
2 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
3 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,  
4 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,  
5 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5,  
6 or 28-1 of this Code, paragraph (a) of Section 12-4 of this  
7 Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or  
8 (d) of Section 12-16 of this Code, or paragraph (a)(6) or  
9 (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24  
10 or 26 of the Cigarette Tax Act if the vessel, vehicle or  
11 aircraft contains more than 10 cartons of such cigarettes; (c)  
12 Section 28, 29 or 30 of the Cigarette Use Tax Act if the  
13 vessel, vehicle or aircraft contains more than 10 cartons of  
14 such cigarettes; (d) Section 44 of the Environmental Protection  
15 Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) the  
16 offenses described in the following provisions of the Illinois  
17 Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),  
18 (c-1)(3), (d)(1)(A), (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g)  
19 an offense described in subsection (g) of Section 6-303 of the  
20 Illinois Vehicle Code; ~~or~~ (h) an offense described in  
21 subsection (e) of Section 6-101 of the Illinois Vehicle Code;  
22 or (i) an offense described in Section 12-612 of the Illinois  
23 Vehicle Code may be seized and delivered forthwith to the  
24 sheriff of the county of seizure.

25 Within 15 days after such delivery the sheriff shall give  
26 notice of seizure to each person according to the following

1 method: Upon each such person whose right, title or interest is  
2 of record in the office of the Secretary of State, the  
3 Secretary of Transportation, the Administrator of the Federal  
4 Aviation Agency, or any other Department of this State, or any  
5 other state of the United States if such vessel, vehicle or  
6 aircraft is required to be so registered, as the case may be,  
7 by mailing a copy of the notice by certified mail to the  
8 address as given upon the records of the Secretary of State,  
9 the Department of Aeronautics, Department of Public Works and  
10 Buildings or any other Department of this State or the United  
11 States if such vessel, vehicle or aircraft is required to be so  
12 registered. Within that 15 day period the sheriff shall also  
13 notify the State's Attorney of the county of seizure about the  
14 seizure.

15 In addition, any mobile or portable equipment used in the  
16 commission of an act which is in violation of Section 7g of the  
17 Metropolitan Water Reclamation District Act shall be subject to  
18 seizure and forfeiture under the same procedures provided in  
19 this Article for the seizure and forfeiture of vessels,  
20 vehicles and aircraft, and any such equipment shall be deemed a  
21 vessel, vehicle or aircraft for purposes of this Article.

22 When a person discharges a firearm at another individual  
23 from a vehicle with the knowledge and consent of the owner of  
24 the vehicle and with the intent to cause death or great bodily  
25 harm to that individual and as a result causes death or great  
26 bodily harm to that individual, the vehicle shall be subject to

1 seizure and forfeiture under the same procedures provided in  
2 this Article for the seizure and forfeiture of vehicles used in  
3 violations of clauses (a), (b), (c), or (d) of this Section.

4 If the spouse of the owner of a vehicle seized for an  
5 offense described in subsection (g) of Section 6-303 of the  
6 Illinois Vehicle Code, a violation of subdivision (c-1)(1),  
7 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501  
8 of the Illinois Vehicle Code, or Section 9-3 of this Code makes  
9 a showing that the seized vehicle is the only source of  
10 transportation and it is determined that the financial hardship  
11 to the family as a result of the seizure outweighs the benefit  
12 to the State from the seizure, the vehicle may be forfeited to  
13 the spouse or family member and the title to the vehicle shall  
14 be transferred to the spouse or family member who is properly  
15 licensed and who requires the use of the vehicle for employment  
16 or family transportation purposes. A written declaration of  
17 forfeiture of a vehicle under this Section shall be sufficient  
18 cause for the title to be transferred to the spouse or family  
19 member. The provisions of this paragraph shall apply only to  
20 one forfeiture per vehicle. If the vehicle is the subject of a  
21 subsequent forfeiture proceeding by virtue of a subsequent  
22 conviction of either spouse or the family member, the spouse or  
23 family member to whom the vehicle was forfeited under the first  
24 forfeiture proceeding may not utilize the provisions of this  
25 paragraph in another forfeiture proceeding. If the owner of the  
26 vehicle seized owns more than one vehicle, the procedure set

1 out in this paragraph may be used for only one vehicle.

2 Property declared contraband under Section 40 of the  
3 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
4 seized and forfeited under this Article.

5 (Source: P.A. 93-187, eff. 7-11-03; 94-329, eff. 1-1-06;  
6 94-1017, eff. 7-7-06.)