



Rep. Jim Sacia

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LRB095 06789 DRH 32981 a

1 AMENDMENT TO HOUSE BILL 3135

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3135 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing 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

1 law enforcement officers of the false or secret compartment, or  
2 its contents, and which is integrated into a vehicle. For  
3 purpose of this Section, a person's intention to use a false or  
4 secret compartment to conceal the contents of the compartment  
5 from a law enforcement officer may be inferred from factors  
6 including, but not limited to, the discovery of a person,  
7 firearm, controlled substance, or other contraband within the  
8 false or secret compartment, or from the discovery of evidence  
9 of the previous placement of a person, firearm, controlled  
10 substance, or other contraband within the false or secret  
11 compartment.

12 (c) Forfeiture. Any ~~motor~~ vehicle containing a false or  
13 secret compartment, as well as any items within that  
14 compartment, shall be subject to seizure by the Department of  
15 State Police or by any municipal or other local law enforcement  
16 agency within whose jurisdiction that property is found as  
17 provided in Sections 36-1 and 36-2 of the Criminal Code of 1961  
18 (720 ILCS 5/36-1 and 5/36-2). The removal of the false or  
19 secret compartment from the ~~motor~~ vehicle, or the promise to do  
20 so, shall not be the basis for a defense to forfeiture of the  
21 ~~motor~~ vehicle under Section 36-2 of the Criminal Code of 1961  
22 and shall not be the basis for the court to release the vehicle  
23 to the owner.

24 (d) Sentence. A violation of this Section is a Class 4  
25 felony.

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

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

3           (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

4           Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
5 with the knowledge and consent of the owner in the commission  
6 of, or in the attempt to commit as defined in Section 8-4 of  
7 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
8 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,  
9 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,  
10 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5,  
11 or 28-1 of this Code, paragraph (a) of Section 12-4 of this  
12 Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or  
13 (d) of Section 12-16 of this Code, or paragraph (a)(6) or  
14 (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24  
15 or 26 of the Cigarette Tax Act if the vessel, vehicle or  
16 aircraft contains more than 10 cartons of such cigarettes; (c)  
17 Section 28, 29 or 30 of the Cigarette Use Tax Act if the  
18 vessel, vehicle or aircraft contains more than 10 cartons of  
19 such cigarettes; (d) Section 44 of the Environmental Protection  
20 Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) the  
21 offenses described in the following provisions of the Illinois  
22 Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),  
23 (c-1)(3), (d)(1)(A), (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g)  
24 an offense described in subsection (g) of Section 6-303 of the

1 Illinois Vehicle Code; ~~or~~ (h) an offense described in  
2 subsection (e) of Section 6-101 of the Illinois Vehicle Code;  
3 or (i) an offense described in Section 12-612 of the Illinois  
4 Vehicle Code may be seized and delivered forthwith to the  
5 sheriff of the county of seizure.

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

22 In addition, any mobile or portable equipment used in the  
23 commission of an act which is in violation of Section 7g of the  
24 Metropolitan Water Reclamation District Act shall be subject to  
25 seizure and forfeiture under the same procedures provided in  
26 this Article for the seizure and forfeiture of vessels,

1 vehicles and aircraft, and any such equipment shall be deemed a  
2 vessel, vehicle or aircraft for purposes of this Article.

3 When a person discharges a firearm at another individual  
4 from a vehicle with the knowledge and consent of the owner of  
5 the vehicle and with the intent to cause death or great bodily  
6 harm to that individual and as a result causes death or great  
7 bodily harm to that individual, the vehicle shall be subject to  
8 seizure and forfeiture under the same procedures provided in  
9 this Article for the seizure and forfeiture of vehicles used in  
10 violations of clauses (a), (b), (c), or (d) of this Section.

11 If the spouse of the owner of a vehicle seized for an  
12 offense described in subsection (g) of Section 6-303 of the  
13 Illinois Vehicle Code, a violation of subdivision (c-1)(1),  
14 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501  
15 of the Illinois Vehicle Code, or Section 9-3 of this Code makes  
16 a showing that the seized vehicle is the only source of  
17 transportation and it is determined that the financial hardship  
18 to the family as a result of the seizure outweighs the benefit  
19 to the State from the seizure, the vehicle may be forfeited to  
20 the spouse or family member and the title to the vehicle shall  
21 be transferred to the spouse or family member who is properly  
22 licensed and who requires the use of the vehicle for employment  
23 or family transportation purposes. A written declaration of  
24 forfeiture of a vehicle under this Section shall be sufficient  
25 cause for the title to be transferred to the spouse or family  
26 member. The provisions of this paragraph shall apply only to

1 one forfeiture per vehicle. If the vehicle is the subject of a  
2 subsequent forfeiture proceeding by virtue of a subsequent  
3 conviction of either spouse or the family member, the spouse or  
4 family member to whom the vehicle was forfeited under the first  
5 forfeiture proceeding may not utilize the provisions of this  
6 paragraph in another forfeiture proceeding. If the owner of the  
7 vehicle seized owns more than one vehicle, the procedure set  
8 out in this paragraph may be used for only one vehicle.

9 Property declared contraband under Section 40 of the  
10 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
11 seized and forfeited under this Article.

12 (Source: P.A. 93-187, eff. 7-11-03; 94-329, eff. 1-1-06;  
13 94-1017, eff. 7-7-06.)".