

HB5904



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5904

by Rep. Ron Stephens - Mike Bost - Ronald A. Wait

SYNOPSIS AS INTRODUCED:

765 ILCS 1025/17

from Ch. 141, par. 117

Amends the Uniform Disposition of Unclaimed Property Act. Provides that if a military decoration is delivered to the Treasurer as abandoned property, the Treasurer shall deliver the military decoration to the U.S. Department of Defense for proper disposition. Effective immediately.

LRB095 17875 AJ0 45341 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Uniform Disposition of Unclaimed Property
5 Act is amended by changing Section 17 as follows:

6 (765 ILCS 1025/17) (from Ch. 141, par. 117)

7 Sec. 17. (a) All abandoned property, other than money and
8 that property exempted by paragraphs (1), (2), (3), ~~and~~ (4),
9 and (5) of this subsection, delivered to the State Treasurer
10 under this Act shall be sold within a reasonable time to the
11 highest bidder at public sale in whatever city in the State
12 affords in his or her judgment the most favorable market for
13 the property involved. The State Treasurer may decline the
14 highest bid and reoffer the property for sale if he or she
15 considers the price bid insufficient. The State Treasurer may
16 group items for auction as "box lots" if the value of the
17 individual items makes it impracticable to sell the items
18 individually. He or she need not offer any property for sale,
19 and may destroy or otherwise dispose of the property, if, in
20 his or her opinion, the probable cost of sale exceeds the value
21 of the property. Securities or commodities received by the
22 Office of the State Treasurer may be sold by the State
23 Treasurer through a broker or sales agent suitable for the sale

1 of the type of securities or commodities being sold.

2 (1) Property which the State Treasurer determines may
3 have historical value may be, at his or her discretion,
4 loaned to a recognized exhibitor in the United States where
5 it will be kept until such time as the State Treasurer
6 orders it to be returned to his or her possession.

7 (2) Property returned to the State Treasurer shall be
8 released to the rightful owner or otherwise disposed of in
9 accordance with this Act. The State Treasurer shall keep
10 identifying records of the property so loaned, the name of
11 rightful owner and the owner's last known address, if
12 available.

13 (3) The Treasurer, in cooperation with the Department
14 of State Police, shall develop a procedure to determine
15 whether a firearm delivered to the Treasurer under this Act
16 has been stolen or used in the commission of a crime. The
17 Department of State Police shall determine the appropriate
18 disposition of a firearm that has been stolen or used in
19 the commission of a crime. The Treasurer shall attempt to
20 return a firearm that has not been stolen or used in the
21 commission of a crime to the rightful owner, provided that
22 the owner may lawfully possess the firearm as determined by
23 the Department of State Police.

24 If the Treasurer is unable to return a firearm to its
25 owner, the Treasurer shall transfer custody of the firearm
26 to the Department of State Police. Legal title to a firearm

1 transferred to the Department of State Police under this
2 paragraph (3) is vested in the Department of State Police
3 by operation of law:

4 (A) if the Treasurer cannot locate the owner of the
5 firearm;

6 (B) if the owner of the firearm may not lawfully
7 possess the firearm;

8 (C) if the owner does not respond to notice
9 published under Section 12 of this Act; or

10 (D) if the owner responds to notice published under
11 Section 12 and states that he or she no longer claims
12 an interest in the firearm.

13 With respect to a firearm whose title is transferred to
14 the Department of State Police under this paragraph (3),
15 that Department may:

16 (i) retain the firearm for use by the crime
17 laboratory system, for training purposes, or for any
18 other application as deemed appropriate by the
19 Department;

20 (ii) transfer the firearm to the Illinois State
21 Museum if the firearm has historical value; or

22 (iii) destroy the firearm if it is not retained
23 pursuant to subparagraph (i) or transferred pursuant
24 to subparagraph (ii).

25 (4) If human remains are delivered to the Treasurer
26 under this Act, the Treasurer shall deliver those human

1 remains to the coroner of the county in which the human
2 remains were abandoned for disposition under Section
3 3-3034 of the Counties Code. The only human remains that
4 may be delivered to the Treasurer under this Act and that
5 the Treasurer may receive are those that are reported and
6 delivered as contents of a safe deposit box.

7 (5) If a military decoration is delivered to the
8 Treasurer under this Act, the Treasurer shall deliver the
9 military decoration to the United States Department of
10 Defense for proper disposition.

11 (b) Any sale held under this Section, except a sale of
12 securities or commodities, shall be preceded by a single
13 publication of notice thereof, at least 3 weeks in advance of
14 sale in an English language newspaper of general circulation in
15 the county where the property is to be sold. When property
16 fails to sell and is offered again at a subsequent sale, no
17 additional notice is required for the subsequent sale.

18 (c) The purchaser at any sale conducted by the State
19 Treasurer pursuant to this Act shall receive title to the
20 property purchased, free from all claims of the owner or prior
21 holder thereof and of all persons claiming through or under
22 them. The State Treasurer shall execute all documents necessary
23 to complete the transfer of title.

24 (d) The Office of the State Treasurer is not liable for any
25 reduction in the value of property caused by changing market
26 conditions.

1 (Source: P.A. 94-422, eff. 8-2-05.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.