



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0265

Introduced 1/23/2009, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

765 ILCS 1025/17

from Ch. 141, par. 117

Amends the Uniform Disposition of Unclaimed Property Act. Provides that if unclaimed property that may have been used in the commission of a crime or that may assist in the investigation of a crime is delivered to the Treasurer under this Act, the Treasurer after consulting standards developed by the Department of State Police, may transfer that property to the Department of State Police or to another appropriate law enforcement agency. Provides that any person or entity acting in accordance with these provisions has civil immunity from suit.

LRB096 03952 AJO 13987 b

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), (4), ~~and~~
9 (5), and (6) of this subsection, delivered to the State
10 Treasurer under this Act shall be sold within a reasonable time
11 to the highest bidder at public sale in whatever city in the
12 State affords in his or her judgment the most favorable market
13 for 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 medals awarded to U.S. military personnel are
8 delivered to the Treasurer under this Act, the Treasurer
9 shall not offer those medals for sale or at public auction.
10 The only medals that may be delivered to the Treasurer
11 under this Act and that the Treasurer may receive are those
12 that are reported and delivered as contents of a safe
13 deposit box. Medals shall only be returned to the owner of
14 the safe deposit box containing the medals or the heirs of
15 that owner. This paragraph (5) may be referred to as
16 Operation Search and Restore.

17 (6) If property that may have been used in the
18 commission of a crime or that may assist in the
19 investigation of a crime is delivered to the Treasurer
20 under this Act, the Treasurer may, after consulting
21 standards developed by the Department of State Police,
22 transfer that property to the Department of State Police or
23 another appropriate law enforcement authority.

24 (b) Any sale held under this Section, except a sale of
25 securities or commodities, shall be preceded by a single
26 publication of notice thereof, at least 3 weeks in advance of

1 sale in an English language newspaper of general circulation in
2 the county where the property is to be sold. When property
3 fails to sell and is offered again at a subsequent sale, no
4 additional notice is required for the subsequent sale.

5 (c) The purchaser at any sale conducted by the State
6 Treasurer pursuant to this Act shall receive title to the
7 property purchased, free from all claims of the owner or prior
8 holder thereof and of all persons claiming through or under
9 them. The State Treasurer shall execute all documents necessary
10 to complete the transfer of title.

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

14 (e) The State, and all officers or employees of the State,
15 are immune from suit for or on account of any action authorized
16 by this Section.

17 (Source: P.A. 94-422, eff. 8-2-05; 95-829, eff. 8-14-08.)