

1 AN ACT concerning criminal law.

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

4 Section 5. The Humane Care for Animals Act is amended by
5 changing Section 4.01 as follows:

6 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

7 Sec. 4.01. Animals in entertainment. This Section does not
8 apply when the only animals involved are dogs. (Section 26-5 of
9 the Criminal Code of 1961, rather than this Section, applies
10 when the only animals involved are dogs.)

11 (a) No person may own, capture, breed, train, or lease any
12 animal which he or she knows or should know is intended for use
13 in any show, exhibition, program, or other activity featuring
14 or otherwise involving a fight between such animal and any
15 other animal or human, or the intentional killing of any animal
16 for the purpose of sport, wagering, or entertainment.

17 (b) No person shall promote, conduct, carry on, advertise,
18 collect money for or in any other manner assist or aid in the
19 presentation for purposes of sport, wagering, or
20 entertainment, any show, exhibition, program, or other
21 activity involving a fight between 2 or more animals or any
22 animal and human, or the intentional killing of any animal.

23 (c) No person shall sell or offer for sale, ship,

1 transport, or otherwise move, or deliver or receive any animal
2 which he or she knows or should know has been captured, bred,
3 or trained, or will be used, to fight another animal or human
4 or be intentionally killed, for the purpose of sport, wagering,
5 or entertainment.

6 (d) No person shall manufacture for sale, shipment,
7 transportation or delivery any device or equipment which that
8 person knows or should know is intended for use in any show,
9 exhibition, program, or other activity featuring or otherwise
10 involving a fight between 2 or more animals, or any human and
11 animal, or the intentional killing of any animal for purposes
12 of sport, wagering or entertainment.

13 (e) No person shall own, possess, sell or offer for sale,
14 ship, transport, or otherwise move any equipment or device
15 which such person knows or should know is intended for use in
16 connection with any show, exhibition, program, or activity
17 featuring or otherwise involving a fight between 2 or more
18 animals, or any animal and human, or the intentional killing of
19 any animal for purposes of sport, wagering or entertainment.

20 (f) No person shall make available any site, structure, or
21 facility, whether enclosed or not, which he or she knows or
22 should know is intended to be used for the purpose of
23 conducting any show, exhibition, program, or other activity
24 involving a fight between 2 or more animals, or any animal and
25 human, or the intentional killing of any animal.

26 (g) No person shall attend or otherwise patronize any show,

1 exhibition, program, or other activity featuring or otherwise
2 involving a fight between 2 or more animals, or any animal and
3 human, or the intentional killing of any animal for the
4 purposes of sport, wagering or entertainment.

5 (h) (Blank).

6 (i) Any animals or equipment involved in a violation of
7 this Section shall be immediately seized and impounded under
8 Section 12 by the Department when located at any show,
9 exhibition, program, or other activity featuring or otherwise
10 involving an animal fight for the purposes of sport, wagering,
11 or entertainment.

12 (j) Any vehicle or conveyance other than a common carrier
13 that is used in violation of this Section shall be seized,
14 held, and offered for sale at public auction by the sheriff's
15 department of the proper jurisdiction, and the proceeds from
16 the sale shall be remitted to the general fund of the county
17 where the violation took place.

18 (k) Any veterinarian in this State who is presented with an
19 animal for treatment of injuries or wounds resulting from
20 fighting where there is a reasonable possibility that the
21 animal was engaged in or utilized for a fighting event for the
22 purposes of sport, wagering, or entertainment shall file a
23 report with the Department and cooperate by furnishing the
24 owners' names, dates, and descriptions of the animal or animals
25 involved. Any veterinarian who in good faith complies with the
26 requirements of this subsection has immunity from any

1 liability, civil, criminal, or otherwise, that may result from
2 his or her actions. For the purposes of any proceedings, civil
3 or criminal, the good faith of the veterinarian shall be
4 rebuttably presumed.

5 (l) No person shall solicit a minor to violate this
6 Section.

7 (m) The penalties for violations of this Section shall be
8 as follows:

9 (1) A person convicted of violating subsection (a),
10 (b), or (c) of this Section or any rule, regulation, or
11 order of the Department pursuant thereto is guilty of a
12 Class 4 felony for the first offense. A second or
13 subsequent offense involving the violation of subsection
14 (a), (b), or (c) of this Section or any rule, regulation,
15 or order of the Department pursuant thereto is a Class 3
16 felony.

17 (2) A person convicted of violating subsection (d),
18 (e), or (f) of this Section or any rule, regulation, or
19 order of the Department pursuant thereto is guilty of a
20 Class A misdemeanor for the first offense. A second or
21 subsequent violation is a Class 4 felony.

22 (3) A person convicted of violating subsection (g) of
23 this Section or any rule, regulation, or order of the
24 Department pursuant thereto is guilty of a Class C
25 misdemeanor.

26 (4) A person convicted of violating subsection (l) of

1 this Section is guilty of a Class A misdemeanor.

2 (n) A person who commits a felony violation of this Section
3 is subject to the property forfeiture provisions set forth in
4 Article 124B of the Code of Criminal Procedure of 1963.

5 (Source: P.A. 95-331, eff. 8-21-07; 95-560, eff. 8-30-07.)

6 Section 10. The Criminal Code of 1961 is amended by
7 changing Sections 10A-15, 11-17.1, 11-19.2, 11-20, 11-20.1,
8 11-20.3, 16D-6, 17B-25, 26-5, and 29D-65 as follows:

9 (720 ILCS 5/10A-15)

10 Sec. 10A-15. Forfeiture of property ~~Forfeitures.~~ ~~(a)~~ A
11 person who commits the offense of involuntary servitude,
12 involuntary servitude of a minor, or trafficking of persons for
13 forced labor or services under Section 10A-10 of this Code is
14 subject to the property forfeiture provisions set forth in
15 Article 124B of the Code of Criminal Procedure of 1963. ~~shall~~
16 ~~forfeit to the State of Illinois any profits or proceeds and~~
17 ~~any interest or property he or she has acquired or maintained~~
18 ~~in violation of Section 10A-10 of this Code that the sentencing~~
19 ~~court determines, after a forfeiture hearing, to have been~~
20 ~~acquired or maintained as a result of maintaining a person in~~
21 ~~involuntary servitude or participating in trafficking in~~
22 ~~persons for forced labor or services.~~

23 ~~(b) The court shall, upon petition by the Attorney General~~
24 ~~or State's Attorney at any time following sentencing, conduct a~~

1 ~~hearing to determine whether any property or property interest~~
2 ~~is subject to forfeiture under this Section. At the forfeiture~~
3 ~~hearing the people shall have the burden of establishing, by a~~
4 ~~preponderance of the evidence, that property or property~~
5 ~~interests are subject to forfeiture under this Section.~~

6 ~~(c) In any action brought by the People of the State of~~
7 ~~Illinois under this Section, wherein any restraining order,~~
8 ~~injunction, or prohibition or any other action in connection~~
9 ~~with any property or interest subject to forfeiture under this~~
10 ~~Section is sought, the circuit court presiding over the trial~~
11 ~~of the person or persons charged with involuntary servitude,~~
12 ~~involuntary servitude of a minor, or trafficking in persons for~~
13 ~~forced labor or services shall first determine whether there is~~
14 ~~probable cause to believe that the person or persons so charged~~
15 ~~have committed the offense of involuntary servitude,~~
16 ~~involuntary servitude of a minor, or trafficking in persons for~~
17 ~~forced labor or services and whether the property or interest~~
18 ~~is subject to forfeiture pursuant to this Section. In order to~~
19 ~~make such a determination, prior to entering any such order,~~
20 ~~the court shall conduct a hearing without a jury, wherein the~~
21 ~~People shall establish that there is: (i) probable cause that~~
22 ~~the person or persons so charged have committed the offense of~~
23 ~~involuntary servitude, involuntary servitude of a minor, or~~
24 ~~trafficking in persons for forced labor or services and (ii)~~
25 ~~probable cause that any property or interest may be subject to~~
26 ~~forfeiture pursuant to this Section. The hearing may be~~

1 ~~conducted simultaneously with a preliminary hearing, if the~~
2 ~~prosecution is commenced by information or complaint, or by~~
3 ~~motion of the People, at any stage in the proceedings. The~~
4 ~~court may accept a finding of probable cause at a preliminary~~
5 ~~hearing following the filing of an information charging the~~
6 ~~offense of involuntary servitude, involuntary servitude of a~~
7 ~~minor, or trafficking in persons for forced labor or services~~
8 ~~or the return of an indictment by a grand jury charging the~~
9 ~~offense of involuntary servitude, involuntary servitude of a~~
10 ~~minor, or trafficking in persons for forced labor or services~~
11 ~~as sufficient evidence of probable cause as provided in item~~
12 ~~(i) of this subsection (c). Upon such a finding, the circuit~~
13 ~~court shall enter such restraining order, injunction or~~
14 ~~prohibition, or shall take such other action in connection with~~
15 ~~any such property or other interest subject to forfeiture, as~~
16 ~~is necessary to insure that such property is not removed from~~
17 ~~the jurisdiction of the court, concealed, destroyed, or~~
18 ~~otherwise disposed of by the owner of that property or interest~~
19 ~~prior to a forfeiture hearing under this Section. The Attorney~~
20 ~~General or State's Attorney shall file a certified copy of the~~
21 ~~restraining order, injunction, or other prohibition with the~~
22 ~~recorder of deeds or registrar of titles of each county where~~
23 ~~any such property of the defendant may be located. No such~~
24 ~~injunction, restraining order, or other prohibition shall~~
25 ~~affect the rights of any bona fide purchaser, mortgagee,~~
26 ~~judgment creditor, or other lien holder arising prior to the~~

1 ~~date of such filing. The court may, at any time, upon verified~~
2 ~~petition by the defendant or an innocent owner or innocent bona~~
3 ~~fide third party lien holder who neither had knowledge of, nor~~
4 ~~consented to, the illegal act or omission, conduct a hearing to~~
5 ~~release all or portions of any such property or interest that~~
6 ~~the court previously determined to be subject to forfeiture or~~
7 ~~subject to any restraining order, injunction, or prohibition or~~
8 ~~other action. The court may release such property to the~~
9 ~~defendant or innocent owner or innocent bona fide third party~~
10 ~~lien holder who neither had knowledge of, nor consented to, the~~
11 ~~illegal act or omission for good cause shown and within the~~
12 ~~sound discretion of the court.~~

13 ~~(d) Upon conviction of a person of involuntary servitude,~~
14 ~~involuntary servitude of a minor, or trafficking in persons for~~
15 ~~forced labor or services, the court shall authorize the~~
16 ~~Attorney General to seize all property or other interest~~
17 ~~declared forfeited under this Section upon such terms and~~
18 ~~conditions as the court shall deem proper.~~

19 ~~(e) All monies forfeited and the sale proceeds of all other~~
20 ~~property forfeited and seized under this Section shall be~~
21 ~~distributed as follows:~~

22 ~~(1) one half shall be divided equally among all State~~
23 ~~agencies and units of local government whose officers or~~
24 ~~employees conducted the investigation that resulted in the~~
25 ~~forfeiture; and~~

26 ~~(2) one half shall be deposited into the Violent Crime~~

1 ~~Victims Assistance Fund and targeted to services for~~
2 ~~victims of the offenses of involuntary servitude,~~
3 ~~involuntary servitude of a minor, and trafficking of~~
4 ~~persons for forced labor or services.~~

5 (Source: P.A. 94-9, eff. 1-1-06.)

6 (720 ILCS 5/11-17.1) (from Ch. 38, par. 11-17.1)

7 Sec. 11-17.1. Keeping a Place of Juvenile Prostitution.

8 (a) Any person who knowingly violates any of the provisions
9 of Section 11-17 of this Act commits keeping a place of
10 juvenile prostitution when any prostitute in the place of
11 prostitution is under 17 years of age.

12 (b) It is an affirmative defense to a charge of keeping a
13 place of juvenile prostitution that the accused reasonably
14 believed the person was of the age of 17 years or over at the
15 time of the act giving rise to the charge.

16 (c) Sentence. Keeping a place of juvenile prostitution is a
17 Class 1 felony. A person convicted of a second or subsequent
18 violation of this Section is guilty of a Class X felony.

19 (d) Forfeiture. Any person convicted under this Section is
20 subject to the property forfeiture provisions set forth in
21 Article 124B of the Code of Criminal Procedure of 1963 ~~of~~
22 ~~Section 11-20.1A of this Act.~~

23 (Source: P.A. 95-95, eff. 1-1-08.)

24 (720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)

1 Sec. 11-19.2. Exploitation of a child.

2 (A) A person commits exploitation of a child when he or she
3 confines a child under the age of 16 or a severely or
4 profoundly mentally retarded person against his or her will by
5 the infliction or threat of imminent infliction of great bodily
6 harm, permanent disability or disfigurement or by
7 administering to the child or severely or profoundly mentally
8 retarded person without his or her consent or by threat or
9 deception and for other than medical purposes, any alcoholic
10 intoxicant or a drug as defined in the Illinois Controlled
11 Substances Act or the Cannabis Control Act or methamphetamine
12 as defined in the Methamphetamine Control and Community
13 Protection Act and:

14 (1) compels the child or severely or profoundly
15 mentally retarded person to become a prostitute; or

16 (2) arranges a situation in which the child or severely
17 or profoundly mentally retarded person may practice
18 prostitution; or

19 (3) receives any money, property, token, object, or
20 article or anything of value from the child or severely or
21 profoundly mentally retarded person knowing it was
22 obtained in whole or in part from the practice of
23 prostitution.

24 (B) For purposes of this Section, administering drugs, as
25 defined in subsection (A), or an alcoholic intoxicant to a
26 child under the age of 13 or a severely or profoundly mentally

1 retarded person shall be deemed to be without consent if such
2 administering is done without the consent of the parents or
3 legal guardian.

4 (C) Exploitation of a child is a Class X felony, for which
5 the person shall be sentenced to a term of imprisonment of not
6 less than 6 years and not more than 60 years.

7 (D) Any person convicted under this Section is subject to
8 the property forfeiture provisions set forth in Article 124B of
9 the Code of Criminal Procedure of 1963 ~~of Section 11-20.1A of~~
10 ~~this Act.~~

11 (Source: P.A. 94-556, eff. 9-11-05; 95-640, eff. 6-1-08.)

12 (720 ILCS 5/11-20) (from Ch. 38, par. 11-20)

13 Sec. 11-20. Obscenity.

14 (a) Elements of the Offense. A person commits obscenity
15 when, with knowledge of the nature or content thereof, or
16 recklessly failing to exercise reasonable inspection which
17 would have disclosed the nature or content thereof, he:

18 (1) Sells, delivers or provides, or offers or agrees to
19 sell, deliver or provide any obscene writing, picture,
20 record or other representation or embodiment of the
21 obscene; or

22 (2) Presents or directs an obscene play, dance or other
23 performance or participates directly in that portion
24 thereof which makes it obscene; or

25 (3) Publishes, exhibits or otherwise makes available

1 anything obscene; or

2 (4) Performs an obscene act or otherwise presents an
3 obscene exhibition of his body for gain; or

4 (5) Creates, buys, procures or possesses obscene
5 matter or material with intent to disseminate it in
6 violation of this Section, or of the penal laws or
7 regulations of any other jurisdiction; or

8 (6) Advertises or otherwise promotes the sale of
9 material represented or held out by him to be obscene,
10 whether or not it is obscene.

11 (b) Obscene Defined.

12 Any material or performance is obscene if: (1) the average
13 person, applying contemporary adult community standards, would
14 find that, taken as a whole, it appeals to the prurient
15 interest; and (2) the average person, applying contemporary
16 adult community standards, would find that it depicts or
17 describes, in a patently offensive way, ultimate sexual acts or
18 sadomasochistic sexual acts, whether normal or perverted,
19 actual or simulated, or masturbation, excretory functions or
20 lewd exhibition of the genitals; and (3) taken as a whole, it
21 lacks serious literary, artistic, political or scientific
22 value.

23 (c) Interpretation of Evidence.

24 Obscenity shall be judged with reference to ordinary
25 adults, except that it shall be judged with reference to
26 children or other specially susceptible audiences if it appears

1 from the character of the material or the circumstances of its
2 dissemination to be specially designed for or directed to such
3 an audience.

4 Where circumstances of production, presentation, sale,
5 dissemination, distribution, or publicity indicate that
6 material is being commercially exploited for the sake of its
7 prurient appeal, such evidence is probative with respect to the
8 nature of the matter and can justify the conclusion that the
9 matter is lacking in serious literary, artistic, political or
10 scientific value.

11 In any prosecution for an offense under this Section
12 evidence shall be admissible to show:

13 (1) The character of the audience for which the
14 material was designed or to which it was directed;

15 (2) What the predominant appeal of the material would
16 be for ordinary adults or a special audience, and what
17 effect, if any, it would probably have on the behavior of
18 such people;

19 (3) The artistic, literary, scientific, educational or
20 other merits of the material, or absence thereof;

21 (4) The degree, if any, of public acceptance of the
22 material in this State;

23 (5) Appeal to prurient interest, or absence thereof, in
24 advertising or other promotion of the material;

25 (6) Purpose of the author, creator, publisher or
26 disseminator.

1 (d) Sentence.

2 Obscenity is a Class A misdemeanor. A second or subsequent
3 offense is a Class 4 felony.

4 (e) Prima Facie Evidence.

5 The creation, purchase, procurement or possession of a
6 mold, engraved plate or other embodiment of obscenity specially
7 adapted for reproducing multiple copies, or the possession of
8 more than 3 copies of obscene material shall be prima facie
9 evidence of an intent to disseminate.

10 (f) Affirmative Defenses.

11 It shall be an affirmative defense to obscenity that the
12 dissemination:

13 (1) Was not for gain and was made to personal associates
14 other than children under 18 years of age;

15 (2) Was to institutions or individuals having scientific or
16 other special justification for possession of such material.

17 (g) Forfeiture of property. A person who has been convicted
18 previously of the offense of obscenity and who is convicted of
19 a second or subsequent offense of obscenity is subject to the
20 property forfeiture provisions set forth in Article 124B of the
21 Code of Criminal Procedure of 1963.÷

22 ~~(1) Legislative Declaration. Obscenity is a far-reaching~~
23 ~~and extremely profitable crime. This crime persists despite the~~
24 ~~threat of prosecution and successful prosecution because~~
25 ~~existing sanctions do not effectively reach the money and other~~
26 ~~assets generated by it. It is therefore necessary to supplement~~

1 ~~existing sanctions by mandating forfeiture of money and other~~
2 ~~assets generated by this crime. Forfeiture diminishes the~~
3 ~~financial incentives which encourage and sustain obscenity and~~
4 ~~secures for the State, local government and prosecutors a~~
5 ~~resource for prosecuting these crimes.~~

6 ~~(2) Definitions.~~

7 ~~(i) "Person" means an individual, partnership, private~~
8 ~~corporation, public, municipal, governmental or~~
9 ~~quasi municipal corporation, unincorporated association,~~
10 ~~trustee or receiver.~~

11 ~~(ii) "Property" means:~~

12 ~~(a) real estate, including things growing on, affixed to~~
13 ~~and found in land, and any kind of interest therein; and~~

14 ~~(b) tangible and intangible personal property, including~~
15 ~~rights, privileges, interests, claims and securities.~~

16 ~~(3) Forfeiture of Property. Any person who has been~~
17 ~~convicted previously of the offense of obscenity and who shall~~
18 ~~be convicted of a second or subsequent offense of obscenity~~
19 ~~shall forfeit to the State of Illinois:~~

20 ~~(i) Any property constituting or derived from any proceeds~~
21 ~~such person obtained, directly or indirectly, as a result of~~
22 ~~such offense; and~~

23 ~~(ii) Any of the person's property used in any manner,~~
24 ~~wholly or in part, to commit such offense.~~

25 ~~(4) Forfeiture Hearing. At any time following a second or~~
26 ~~subsequent conviction for obscenity, the court shall, upon~~

1 ~~petition by the Attorney General or the State's Attorney,~~
2 ~~conduct a hearing to determine whether there is any property~~
3 ~~that is subject to forfeiture as provided hereunder. At the~~
4 ~~forfeiture hearing the People shall have the burden of~~
5 ~~establishing by preponderance of the evidence that such~~
6 ~~property is subject to forfeiture.~~

7 ~~(5) Prior Restraint.~~

8 ~~Nothing in this subsection shall be construed as~~
9 ~~authorizing the prior restraint of any showing, performance or~~
10 ~~exhibition of allegedly obscene films, plays or other~~
11 ~~presentations or of any sale or distribution of allegedly~~
12 ~~obscene materials.~~

13 ~~(6) Seizure, Sale and Distribution of the Property.~~

14 ~~(i) Upon a determination under subparagraph (4) that there~~
15 ~~is property subject to forfeiture, the court shall authorize~~
16 ~~the Attorney General or the State's Attorney, except as~~
17 ~~provided in this Section, to seize all property declared~~
18 ~~forfeited upon terms and conditions as the court shall deem~~
19 ~~proper.~~

20 ~~(ii) The Attorney General or State's Attorney is authorized~~
21 ~~to sell all property forfeited and seized pursuant to this~~
22 ~~Article, and, after the deduction of all requisite expenses of~~
23 ~~administration and sale, shall distribute the proceeds of such~~
24 ~~sale, along with any moneys forfeited or seized, in accordance~~
25 ~~with subparagraph (iii) hereof. If the Attorney General or~~
26 ~~State's Attorney believes any such property describes, depicts~~

1 ~~er portrays any of the acts or activities described in~~
2 ~~subsection (b) of this Section, he shall apply to the court for~~
3 ~~an order to destroy such property, and if the court determines~~
4 ~~the property describes, depicts or portrays such acts it shall~~
5 ~~order the Attorney General or State's Attorney to destroy such~~
6 ~~property.~~

7 ~~(iii) All monies and the sale proceeds of all other~~
8 ~~property forfeited and seized pursuant hereto shall be~~
9 ~~distributed as follows:~~

10 ~~(a) Fifty percent shall be distributed to the unit of local~~
11 ~~government whose officers or employees conducted the~~
12 ~~investigation into and caused the arrest or arrests and~~
13 ~~prosecution leading to the forfeiture, or, if the~~
14 ~~investigations, arrest or arrests and prosecution leading to~~
15 ~~the forfeiture were undertaken by the sheriff, this portion~~
16 ~~shall be distributed to the county for deposit in a special~~
17 ~~fund in the county treasury appropriated to the sheriff.~~
18 ~~Amounts distributed to the county for the sheriff or to the~~
19 ~~units of local government hereunder shall be used for~~
20 ~~enforcement of laws or ordinances governing obscenity and child~~
21 ~~pornography. In the event, however, that the investigation,~~
22 ~~arrest or arrests and prosecution leading to the forfeiture~~
23 ~~were undertaken solely by a State agency, the portion provided~~
24 ~~hereunder shall be paid into the State treasury to be used for~~
25 ~~enforcement of laws governing obscenity and child pornography.~~

26 ~~(b) Twenty five percent shall be distributed to the county~~

1 ~~in which the prosecution resulting in the forfeiture was~~
2 ~~instituted, deposited in a special fund in the county treasury~~
3 ~~and appropriated to the State's Attorney for use in the~~
4 ~~enforcement of laws governing obscenity and child pornography.~~

5 ~~(c) Twenty five percent shall be distributed to the Office~~
6 ~~of the State's Attorneys Appellate Prosecutor and deposited in~~
7 ~~the Obscenity Profits Forfeiture Fund, which is hereby created~~
8 ~~in the State Treasury, to be used by the Office of the State's~~
9 ~~Attorneys Appellate Prosecutor for additional expenses~~
10 ~~incurred in prosecuting appeals arising under Sections 11 20~~
11 ~~and 11 20.1 of the Criminal Code of 1961. Any amounts remaining~~
12 ~~in the Fund after all additional expenses have been paid shall~~
13 ~~be used by the Office to reduce the participating county~~
14 ~~contributions to the Office on a pro-rated basis as determined~~
15 ~~by the board of governors of the Office of the State's~~
16 ~~Attorneys Appellate Prosecutor based on the populations of the~~
17 ~~participating counties.~~

18 ~~(7) Construction of subsection (g).~~

19 ~~It shall be the intent of the General Assembly that this~~
20 ~~subsection be liberally construed so as to effect its purposes.~~
21 ~~The forfeiture of property and other remedies hereunder shall~~
22 ~~be considered to be in addition, and not exclusive of any~~
23 ~~sentence or other remedy provided by law. Subsection (g) of~~
24 ~~this Section shall not apply to any property of a public~~
25 ~~library or any property of a library operated by an institution~~
26 ~~accredited by a generally recognized accrediting agency.~~

1 (Source: P.A. 85-1014.)

2 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

3 Sec. 11-20.1. Child pornography.

4 (a) A person commits the offense of child pornography who:

5 (1) films, videotapes, photographs, or otherwise
6 depicts or portrays by means of any similar visual medium
7 or reproduction or depicts by computer any child whom he
8 knows or reasonably should know to be under the age of 18
9 or any severely or profoundly mentally retarded person
10 where such child or severely or profoundly mentally
11 retarded person is:

12 (i) actually or by simulation engaged in any act of
13 sexual penetration or sexual conduct with any person or
14 animal; or

15 (ii) actually or by simulation engaged in any act
16 of sexual penetration or sexual conduct involving the
17 sex organs of the child or severely or profoundly
18 mentally retarded person and the mouth, anus, or sex
19 organs of another person or animal; or which involves
20 the mouth, anus or sex organs of the child or severely
21 or profoundly mentally retarded person and the sex
22 organs of another person or animal; or

23 (iii) actually or by simulation engaged in any act
24 of masturbation; or

25 (iv) actually or by simulation portrayed as being

1 the object of, or otherwise engaged in, any act of lewd
2 fondling, touching, or caressing involving another
3 person or animal; or

4 (v) actually or by simulation engaged in any act of
5 excretion or urination within a sexual context; or

6 (vi) actually or by simulation portrayed or
7 depicted as bound, fettered, or subject to sadistic,
8 masochistic, or sadomasochistic abuse in any sexual
9 context; or

10 (vii) depicted or portrayed in any pose, posture or
11 setting involving a lewd exhibition of the unclothed or
12 transparently clothed genitals, pubic area, buttocks,
13 or, if such person is female, a fully or partially
14 developed breast of the child or other person; or

15 (2) with the knowledge of the nature or content
16 thereof, reproduces, disseminates, offers to disseminate,
17 exhibits or possesses with intent to disseminate any film,
18 videotape, photograph or other similar visual reproduction
19 or depiction by computer of any child or severely or
20 profoundly mentally retarded person whom the person knows
21 or reasonably should know to be under the age of 18 or to
22 be a severely or profoundly mentally retarded person,
23 engaged in any activity described in subparagraphs (i)
24 through (vii) of paragraph (1) of this subsection; or

25 (3) with knowledge of the subject matter or theme
26 thereof, produces any stage play, live performance, film,

1 videotape or other similar visual portrayal or depiction by
2 computer which includes a child whom the person knows or
3 reasonably should know to be under the age of 18 or a
4 severely or profoundly mentally retarded person engaged in
5 any activity described in subparagraphs (i) through (vii)
6 of paragraph (1) of this subsection; or

7 (4) solicits, uses, persuades, induces, entices, or
8 coerces any child whom he knows or reasonably should know
9 to be under the age of 18 or a severely or profoundly
10 mentally retarded person to appear in any stage play, live
11 presentation, film, videotape, photograph or other similar
12 visual reproduction or depiction by computer in which the
13 child or severely or profoundly mentally retarded person is
14 or will be depicted, actually or by simulation, in any act,
15 pose or setting described in subparagraphs (i) through
16 (vii) of paragraph (1) of this subsection; or

17 (5) is a parent, step-parent, legal guardian or other
18 person having care or custody of a child whom the person
19 knows or reasonably should know to be under the age of 18
20 or a severely or profoundly mentally retarded person and
21 who knowingly permits, induces, promotes, or arranges for
22 such child or severely or profoundly mentally retarded
23 person to appear in any stage play, live performance, film,
24 videotape, photograph or other similar visual
25 presentation, portrayal or simulation or depiction by
26 computer of any act or activity described in subparagraphs

1 (i) through (vii) of paragraph (1) of this subsection; or

2 (6) with knowledge of the nature or content thereof,
3 possesses any film, videotape, photograph or other similar
4 visual reproduction or depiction by computer of any child
5 or severely or profoundly mentally retarded person whom the
6 person knows or reasonably should know to be under the age
7 of 18 or to be a severely or profoundly mentally retarded
8 person, engaged in any activity described in subparagraphs

9 (i) through (vii) of paragraph (1) of this subsection; or

10 (7) solicits, uses, persuades, induces, entices, or
11 coerces a person to provide a child under the age of 18 or
12 a severely or profoundly mentally retarded person to appear
13 in any videotape, photograph, film, stage play, live
14 presentation, or other similar visual reproduction or
15 depiction by computer in which the child or severely or
16 profoundly mentally retarded person will be depicted,
17 actually or by simulation, in any act, pose, or setting
18 described in subparagraphs (i) through (vii) of paragraph
19 (1) of this subsection.

20 (b) (1) It shall be an affirmative defense to a charge of
21 child pornography that the defendant reasonably believed,
22 under all of the circumstances, that the child was 18 years
23 of age or older or that the person was not a severely or
24 profoundly mentally retarded person but only where, prior
25 to the act or acts giving rise to a prosecution under this
26 Section, he took some affirmative action or made a bonafide

1 inquiry designed to ascertain whether the child was 18
2 years of age or older or that the person was not a severely
3 or profoundly mentally retarded person and his reliance
4 upon the information so obtained was clearly reasonable.

5 (2) (Blank).

6 (3) The charge of child pornography shall not apply to
7 the performance of official duties by law enforcement or
8 prosecuting officers or persons employed by law
9 enforcement or prosecuting agencies, court personnel or
10 attorneys, nor to bonafide treatment or professional
11 education programs conducted by licensed physicians,
12 psychologists or social workers.

13 (4) Possession by the defendant of more than one of the
14 same film, videotape or visual reproduction or depiction by
15 computer in which child pornography is depicted shall raise
16 a rebuttable presumption that the defendant possessed such
17 materials with the intent to disseminate them.

18 (5) The charge of child pornography does not apply to a
19 person who does not voluntarily possess a film, videotape,
20 or visual reproduction or depiction by computer in which
21 child pornography is depicted. Possession is voluntary if
22 the defendant knowingly procures or receives a film,
23 videotape, or visual reproduction or depiction for a
24 sufficient time to be able to terminate his or her
25 possession.

26 (c) Violation of paragraph (1), (4), (5), or (7) of

1 subsection (a) is a Class 1 felony with a mandatory minimum
2 fine of \$2,000 and a maximum fine of \$100,000. Violation of
3 paragraph (3) of subsection (a) is a Class 1 felony with a
4 mandatory minimum fine of \$1500 and a maximum fine of \$100,000.
5 Violation of paragraph (2) of subsection (a) is a Class 1
6 felony with a mandatory minimum fine of \$1000 and a maximum
7 fine of \$100,000. Violation of paragraph (6) of subsection (a)
8 is a Class 3 felony with a mandatory minimum fine of \$1000 and
9 a maximum fine of \$100,000.

10 (d) If a person is convicted of a second or subsequent
11 violation of this Section within 10 years of a prior
12 conviction, the court shall order a presentence psychiatric
13 examination of the person. The examiner shall report to the
14 court whether treatment of the person is necessary.

15 (e) Any film, videotape, photograph or other similar visual
16 reproduction or depiction by computer which includes a child
17 under the age of 18 or a severely or profoundly mentally
18 retarded person engaged in any activity described in
19 subparagraphs (i) through (vii) or paragraph 1 of subsection
20 (a), and any material or equipment used or intended for use in
21 photographing, filming, printing, producing, reproducing,
22 manufacturing, projecting, exhibiting, depiction by computer,
23 or disseminating such material shall be seized and forfeited in
24 the manner, method and procedure provided by Section 36-1 of
25 this Code for the seizure and forfeiture of vessels, vehicles
26 and aircraft.

1 In addition, any person convicted under this Section is
2 subject to the property forfeiture provisions set forth in
3 Article 124B of the Code of Criminal Procedure of 1963.

4 (e-5) Upon the conclusion of a case brought under this
5 Section, the court shall seal all evidence depicting a victim
6 or witness that is sexually explicit. The evidence may be
7 unsealed and viewed, on a motion of the party seeking to unseal
8 and view the evidence, only for good cause shown and in the
9 discretion of the court. The motion must expressly set forth
10 the purpose for viewing the material. The State's attorney and
11 the victim, if possible, shall be provided reasonable notice of
12 the hearing on the motion to unseal the evidence. Any person
13 entitled to notice of a hearing under this subsection (e-5) may
14 object to the motion.

15 (f) Definitions. For the purposes of this Section:

16 (1) "Disseminate" means (i) to sell, distribute,
17 exchange or transfer possession, whether with or without
18 consideration or (ii) to make a depiction by computer
19 available for distribution or downloading through the
20 facilities of any telecommunications network or through
21 any other means of transferring computer programs or data
22 to a computer.

23 (2) "Produce" means to direct, promote, advertise,
24 publish, manufacture, issue, present or show.

25 (3) "Reproduce" means to make a duplication or copy.

26 (4) "Depict by computer" means to generate or create,

1 or cause to be created or generated, a computer program or
2 data that, after being processed by a computer either alone
3 or in conjunction with one or more computer programs,
4 results in a visual depiction on a computer monitor,
5 screen, or display.

6 (5) "Depiction by computer" means a computer program or
7 data that, after being processed by a computer either alone
8 or in conjunction with one or more computer programs,
9 results in a visual depiction on a computer monitor,
10 screen, or display.

11 (6) "Computer", "computer program", and "data" have
12 the meanings ascribed to them in Section 16D-2 of this
13 Code.

14 (7) "Child" includes a film, videotape, photograph, or
15 other similar visual medium or reproduction or depiction by
16 computer that is, or appears to be, that of a person,
17 either in part, or in total, under the age of 18,
18 regardless of the method by which the film, videotape,
19 photograph, or other similar visual medium or reproduction
20 or depiction by computer is created, adopted, or modified
21 to appear as such. "Child" also includes a film, videotape,
22 photograph, or other similar visual medium or reproduction
23 or depiction by computer that is advertised, promoted,
24 presented, described, or distributed in such a manner that
25 conveys the impression that the film, videotape,
26 photograph, or other similar visual medium or reproduction

1 or depiction by computer is of a person under the age of
2 18.

3 (8) "Sexual penetration" and "sexual conduct" have the
4 meanings ascribed to them in Section 12-12 of this Code.

5 (g) Re-enactment; findings; purposes.

6 (1) The General Assembly finds and declares that:

7 (i) Section 50-5 of Public Act 88-680, effective
8 January 1, 1995, contained provisions amending the
9 child pornography statute, Section 11-20.1 of the
10 Criminal Code of 1961. Section 50-5 also contained
11 other provisions.

12 (ii) In addition, Public Act 88-680 was entitled
13 "AN ACT to create a Safe Neighborhoods Law". (A)
14 Article 5 was entitled JUVENILE JUSTICE and amended the
15 Juvenile Court Act of 1987. (B) Article 15 was entitled
16 GANGS and amended various provisions of the Criminal
17 Code of 1961 and the Unified Code of Corrections. (C)
18 Article 20 was entitled ALCOHOL ABUSE and amended
19 various provisions of the Illinois Vehicle Code. (D)
20 Article 25 was entitled DRUG ABUSE and amended the
21 Cannabis Control Act and the Illinois Controlled
22 Substances Act. (E) Article 30 was entitled FIREARMS
23 and amended the Criminal Code of 1961 and the Code of
24 Criminal Procedure of 1963. (F) Article 35 amended the
25 Criminal Code of 1961, the Rights of Crime Victims and
26 Witnesses Act, and the Unified Code of Corrections. (G)

1 Article 40 amended the Criminal Code of 1961 to
2 increase the penalty for compelling organization
3 membership of persons. (H) Article 45 created the
4 Secure Residential Youth Care Facility Licensing Act
5 and amended the State Finance Act, the Juvenile Court
6 Act of 1987, the Unified Code of Corrections, and the
7 Private Correctional Facility Moratorium Act. (I)
8 Article 50 amended the WIC Vendor Management Act, the
9 Firearm Owners Identification Card Act, the Juvenile
10 Court Act of 1987, the Criminal Code of 1961, the
11 Wrongs to Children Act, and the Unified Code of
12 Corrections.

13 (iii) On September 22, 1998, the Third District
14 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
15 ruled that Public Act 88-680 violates the single
16 subject clause of the Illinois Constitution (Article
17 IV, Section 8 (d)) and was unconstitutional in its
18 entirety. As of the time this amendatory Act of 1999
19 was prepared, *People v. Dainty* was still subject to
20 appeal.

21 (iv) Child pornography is a vital concern to the
22 people of this State and the validity of future
23 prosecutions under the child pornography statute of
24 the Criminal Code of 1961 is in grave doubt.

25 (2) It is the purpose of this amendatory Act of 1999 to
26 prevent or minimize any problems relating to prosecutions

1 for child pornography that may result from challenges to
2 the constitutional validity of Public Act 88-680 by
3 re-enacting the Section relating to child pornography that
4 was included in Public Act 88-680.

5 (3) This amendatory Act of 1999 re-enacts Section
6 11-20.1 of the Criminal Code of 1961, as it has been
7 amended. This re-enactment is intended to remove any
8 question as to the validity or content of that Section; it
9 is not intended to supersede any other Public Act that
10 amends the text of the Section as set forth in this
11 amendatory Act of 1999. The material is shown as existing
12 text (i.e., without underscoring) because, as of the time
13 this amendatory Act of 1999 was prepared, *People v. Dainty*
14 was subject to appeal to the Illinois Supreme Court.

15 (4) The re-enactment by this amendatory Act of 1999 of
16 Section 11-20.1 of the Criminal Code of 1961 relating to
17 child pornography that was amended by Public Act 88-680 is
18 not intended, and shall not be construed, to imply that
19 Public Act 88-680 is invalid or to limit or impair any
20 legal argument concerning whether those provisions were
21 substantially re-enacted by other Public Acts.

22 (Source: P.A. 94-366, eff. 7-29-05.)

23 (720 ILCS 5/11-20.3)

24 Sec. 11-20.3. Aggravated child pornography.

25 (a) A person commits the offense of aggravated child

1 pornography who:

2 (1) films, videotapes, photographs, or otherwise
3 depicts or portrays by means of any similar visual medium
4 or reproduction or depicts by computer any child whom he or
5 she knows or reasonably should know to be under the age of
6 13 years where such child is:

7 (i) actually or by simulation engaged in any act of
8 sexual penetration or sexual conduct with any person or
9 animal; or

10 (ii) actually or by simulation engaged in any act
11 of sexual penetration or sexual conduct involving the
12 sex organs of the child and the mouth, anus, or sex
13 organs of another person or animal; or which involves
14 the mouth, anus or sex organs of the child and the sex
15 organs of another person or animal; or

16 (iii) actually or by simulation engaged in any act
17 of masturbation; or

18 (iv) actually or by simulation portrayed as being
19 the object of, or otherwise engaged in, any act of lewd
20 fondling, touching, or caressing involving another
21 person or animal; or

22 (v) actually or by simulation engaged in any act of
23 excretion or urination within a sexual context; or

24 (vi) actually or by simulation portrayed or
25 depicted as bound, fettered, or subject to sadistic,
26 masochistic, or sadomasochistic abuse in any sexual

1 context; or

2 (vii) depicted or portrayed in any pose, posture or
3 setting involving a lewd exhibition of the unclothed or
4 transparently clothed genitals, pubic area, buttocks,
5 or, if such person is female, a fully or partially
6 developed breast of the child or other person; or

7 (2) with the knowledge of the nature or content
8 thereof, reproduces, disseminates, offers to disseminate,
9 exhibits or possesses with intent to disseminate any film,
10 videotape, photograph or other similar visual reproduction
11 or depiction by computer of any child whom the person knows
12 or reasonably should know to be under the age of 13 engaged
13 in any activity described in subparagraphs (i) through
14 (vii) of paragraph (1) of this subsection; or

15 (3) with knowledge of the subject matter or theme
16 thereof, produces any stage play, live performance, film,
17 videotape or other similar visual portrayal or depiction by
18 computer which includes a child whom the person knows or
19 reasonably should know to be under the age of 13 engaged in
20 any activity described in subparagraphs (i) through (vii)
21 of paragraph (1) of this subsection; or

22 (4) solicits, uses, persuades, induces, entices, or
23 coerces any child whom he or she knows or reasonably should
24 know to be under the age of 13 to appear in any stage play,
25 live presentation, film, videotape, photograph or other
26 similar visual reproduction or depiction by computer in

1 which the child or severely or profoundly mentally retarded
2 person is or will be depicted, actually or by simulation,
3 in any act, pose or setting described in subparagraphs (i)
4 through (vii) of paragraph (1) of this subsection; or

5 (5) is a parent, step-parent, legal guardian or other
6 person having care or custody of a child whom the person
7 knows or reasonably should know to be under the age of 13
8 and who knowingly permits, induces, promotes, or arranges
9 for such child to appear in any stage play, live
10 performance, film, videotape, photograph or other similar
11 visual presentation, portrayal or simulation or depiction
12 by computer of any act or activity described in
13 subparagraphs (i) through (vii) of paragraph (1) of this
14 subsection; or

15 (6) with knowledge of the nature or content thereof,
16 possesses any film, videotape, photograph or other similar
17 visual reproduction or depiction by computer of any child
18 whom the person knows or reasonably should know to be under
19 the age of 13 engaged in any activity described in
20 subparagraphs (i) through (vii) of paragraph (1) of this
21 subsection; or

22 (7) solicits, or knowingly uses, persuades, induces,
23 entices, or coerces a person to provide a child under the
24 age of 13 to appear in any videotape, photograph, film,
25 stage play, live presentation, or other similar visual
26 reproduction or depiction by computer in which the child

1 will be depicted, actually or by simulation, in any act,
2 pose, or setting described in subparagraphs (i) through
3 (vii) of paragraph (1) of this subsection.

4 (b)(1) It shall be an affirmative defense to a charge of
5 aggravated child pornography that the defendant reasonably
6 believed, under all of the circumstances, that the child was 13
7 years of age or older, but only where, prior to the act or acts
8 giving rise to a prosecution under this Section, he or she took
9 some affirmative action or made a bonafide inquiry designed to
10 ascertain whether the child was 13 years of age or older and
11 his or her reliance upon the information so obtained was
12 clearly reasonable.

13 (2) The charge of aggravated child pornography shall not
14 apply to the performance of official duties by law enforcement
15 or prosecuting officers or persons employed by law enforcement
16 or prosecuting agencies, court personnel or attorneys, nor to
17 bonafide treatment or professional education programs
18 conducted by licensed physicians, psychologists or social
19 workers.

20 (3) If the defendant possessed more than 3 of the same
21 film, videotape or visual reproduction or depiction by computer
22 in which aggravated child pornography is depicted, then the
23 trier of fact may infer that the defendant possessed such
24 materials with the intent to disseminate them.

25 (4) The charge of aggravated child pornography does not
26 apply to a person who does not voluntarily possess a film,

1 videotape, or visual reproduction or depiction by computer in
2 which aggravated child pornography is depicted. Possession is
3 voluntary if the defendant knowingly procures or receives a
4 film, videotape, or visual reproduction or depiction for a
5 sufficient time to be able to terminate his or her possession.

6 (c) Sentence: (1) A person who commits a violation of
7 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is
8 guilty of a Class X felony with a mandatory minimum fine of
9 \$2,000 and a maximum fine of \$100,000.

10 (2) A person who commits a violation of paragraph (6) of
11 subsection (a) is guilty of a Class 2 felony with a mandatory
12 minimum fine of \$1000 and a maximum fine of \$100,000.

13 (3) A person who commits a violation of paragraph (1), (2),
14 (3), (4), (5), or (7) of subsection (a) where the defendant has
15 previously been convicted under the laws of this State or any
16 other state of the offense of child pornography, aggravated
17 child pornography, aggravated criminal sexual abuse,
18 aggravated criminal sexual assault, predatory criminal sexual
19 assault of a child, or any of the offenses formerly known as
20 rape, deviate sexual assault, indecent liberties with a child,
21 or aggravated indecent liberties with a child where the victim
22 was under the age of 18 years or an offense that is
23 substantially equivalent to those offenses, is guilty of a
24 Class X felony for which the person shall be sentenced to a
25 term of imprisonment of not less than 9 years with a mandatory
26 minimum fine of \$2,000 and a maximum fine of \$100,000.

1 (4) A person who commits a violation of paragraph (6) of
2 subsection (a) where the defendant has previously been
3 convicted under the laws of this State or any other state of
4 the offense of child pornography, aggravated child
5 pornography, aggravated criminal sexual abuse, aggravated
6 criminal sexual assault, predatory criminal sexual assault of a
7 child, or any of the offenses formerly known as rape, deviate
8 sexual assault, indecent liberties with a child, or aggravated
9 indecent liberties with a child where the victim was under the
10 age of 18 years or an offense that is substantially equivalent
11 to those offenses, is guilty of a Class 1 felony with a
12 mandatory minimum fine of \$1000 and a maximum fine of \$100,000.

13 (d) If a person is convicted of a second or subsequent
14 violation of this Section within 10 years of a prior
15 conviction, the court shall order a presentence psychiatric
16 examination of the person. The examiner shall report to the
17 court whether treatment of the person is necessary.

18 (e) Any film, videotape, photograph or other similar visual
19 reproduction or depiction by computer which includes a child
20 under the age of 13 engaged in any activity described in
21 subparagraphs (i) through (vii) of paragraph (1) of subsection
22 (a), and any material or equipment used or intended for use in
23 photographing, filming, printing, producing, reproducing,
24 manufacturing, projecting, exhibiting, depiction by computer,
25 or disseminating such material shall be seized and forfeited in
26 the manner, method and procedure provided by Section 36-1 of

1 this Code for the seizure and forfeiture of vessels, vehicles
2 and aircraft.

3 In addition, any person convicted under this Section is
4 subject to the property forfeiture provisions set forth in
5 Article 124B of the Code of Criminal Procedure of 1963.

6 (e-5) Upon the conclusion of a case brought under this
7 Section, the court shall seal all evidence depicting a victim
8 or witness that is sexually explicit. The evidence may be
9 unsealed and viewed, on a motion of the party seeking to unseal
10 and view the evidence, only for good cause shown and in the
11 discretion of the court. The motion must expressly set forth
12 the purpose for viewing the material. The State's attorney and
13 the victim, if possible, shall be provided reasonable notice of
14 the hearing on the motion to unseal the evidence. Any person
15 entitled to notice of a hearing under this subsection (e-5) may
16 object to the motion.

17 (f) Definitions. For the purposes of this Section:

18 (1) "Disseminate" means (i) to sell, distribute,
19 exchange or transfer possession, whether with or without
20 consideration or (ii) to make a depiction by computer
21 available for distribution or downloading through the
22 facilities of any telecommunications network or through
23 any other means of transferring computer programs or data
24 to a computer.

25 (2) "Produce" means to direct, promote, advertise,
26 publish, manufacture, issue, present or show.

1 (3) "Reproduce" means to make a duplication or copy.

2 (4) "Depict by computer" means to generate or create,
3 or cause to be created or generated, a computer program or
4 data that, after being processed by a computer either alone
5 or in conjunction with one or more computer programs,
6 results in a visual depiction on a computer monitor,
7 screen, or display.

8 (5) "Depiction by computer" means a computer program or
9 data that, after being processed by a computer either alone
10 or in conjunction with one or more computer programs,
11 results in a visual depiction on a computer monitor,
12 screen, or display.

13 (6) "Computer", "computer program", and "data" have
14 the meanings ascribed to them in Section 16D-2 of this
15 Code.

16 (7) For the purposes of this Section, "child" means a
17 person, either in part or in total, under the age of 13,
18 regardless of the method by which the film, videotape,
19 photograph, or other similar visual medium or reproduction
20 or depiction by computer is created, adopted, or modified
21 to appear as such.

22 (8) "Sexual penetration" and "sexual conduct" have the
23 meanings ascribed to them in Section 12-12 of this Code.

24 (g) When a charge of aggravated child pornography is
25 brought, the age of the child is an element of the offense to
26 be resolved by the trier of fact as either exceeding or not

1 exceeding the age in question. The trier of fact can rely on
2 its own everyday observations and common experiences in making
3 this determination.

4 (Source: P.A. 95-579, eff. 6-1-08.)

5 (720 ILCS 5/16D-6) (from Ch. 38, par. 16D-6)

6 Sec. 16D-6. Forfeiture of property. ~~1.~~ Any person who
7 commits the offense of computer fraud as set forth in Section
8 16D-5 is subject to the property forfeiture provisions set
9 forth in Article 124B of the Code of Criminal Procedure of
10 1963. ~~shall forfeit, according to the provisions of this~~
11 ~~Section, any monies, profits or proceeds, and any interest or~~
12 ~~property which the sentencing court determines he has acquired~~
13 ~~or maintained, directly or indirectly, in whole or in part, as~~
14 ~~a result of such offense. Such person shall also forfeit any~~
15 ~~interest in, security, claim against, or contractual right of~~
16 ~~any kind which affords him a source of influence over any~~
17 ~~enterprise which he has established, operated, controlled,~~
18 ~~conducted or participated in conducting, where his~~
19 ~~relationship to or connection with any such thing or activity~~
20 ~~directly or indirectly, in whole or in part, is traceable to~~
21 ~~any item or benefit which he has obtained or acquired through~~
22 ~~computer fraud.~~

23 ~~Proceedings instituted pursuant to this Section shall be~~
24 ~~subject to and conducted in accordance with the following~~
25 ~~procedures:~~

1 ~~(a) The sentencing court shall, upon petition by the~~
2 ~~prosecuting agency, whether it is the Attorney General or a~~
3 ~~State's Attorney, at any time following sentencing, conduct a~~
4 ~~hearing to determine whether any property or property interest~~
5 ~~is subject to forfeiture under this Section. At the forfeiture~~
6 ~~hearing the People of the State of Illinois shall have the~~
7 ~~burden of establishing, by a preponderance of the evidence,~~
8 ~~that the property or property interests are subject to such~~
9 ~~forfeiture.~~

10 ~~(b) In any action brought by the People of the State of~~
11 ~~Illinois under this Section, the circuit courts of Illinois~~
12 ~~shall have jurisdiction to enter such restraining orders,~~
13 ~~injunctions or prohibitions, or to take such other action in~~
14 ~~connection with any real, personal, or mixed property or other~~
15 ~~interest subject to forfeiture, as they shall consider proper.~~

16 ~~(c) In any action brought by the People of the State of~~
17 ~~Illinois under this Section, wherein any restraining order,~~
18 ~~injunction or prohibition or any other action in connection~~
19 ~~with any property or interest subject to forfeiture under this~~
20 ~~Section is sought, the circuit court presiding over the trial~~
21 ~~of the person or persons charged with computer fraud shall~~
22 ~~first determine whether there is probable cause to believe that~~
23 ~~the person or persons so charged have committed the offense of~~
24 ~~computer fraud and whether the property or interest is subject~~
25 ~~to forfeiture pursuant to this Section. In order to make this~~
26 ~~determination, prior to entering any such order, the court~~

1 ~~shall conduct a hearing without a jury, where the People shall~~
2 ~~establish: (1) probable cause that the person or persons so~~
3 ~~charged have committed the offense of computer fraud, and (2)~~
4 ~~probable cause that any property or interest may be subject to~~
5 ~~forfeiture pursuant to this Section. Such hearing may be~~
6 ~~conducted simultaneously with a preliminary hearing if the~~
7 ~~prosecution is commenced by information or complaint, or by~~
8 ~~motion of the People at any stage in the proceedings. The court~~
9 ~~may enter a finding of probable cause at a preliminary hearing~~
10 ~~following the filing of an information charging the offense of~~
11 ~~computer fraud or the return of an indictment by a grand jury~~
12 ~~charging the offense of computer fraud as sufficient evidence~~
13 ~~of probable cause for purposes of this Section. Upon such a~~
14 ~~finding, the circuit court shall enter such restraining order,~~
15 ~~injunction or prohibition, or shall take such other action in~~
16 ~~connection with any such property or other interest subject to~~
17 ~~forfeiture under this Section as is necessary to insure that~~
18 ~~such property is not removed from the jurisdiction of the~~
19 ~~court, concealed, destroyed or otherwise disposed of by the~~
20 ~~owner or holder of that property or interest prior to a~~
21 ~~forfeiture hearing under this Section. The Attorney General or~~
22 ~~State's Attorney shall file a certified copy of such~~
23 ~~restraining order, injunction or other prohibition with the~~
24 ~~recorder of deeds or registrar of titles of each county where~~
25 ~~any such property of the defendant may be located. No such~~
26 ~~injunction, restraining order or other prohibition shall~~

1 ~~affect the rights of any bona fide purchaser, mortgagee,~~
2 ~~judgment creditor or other lienholder arising prior to the date~~
3 ~~of such filing. The court may, at any time, upon verified~~
4 ~~petition by the defendant, conduct a hearing to release all or~~
5 ~~portions of any such property or interest which the court~~
6 ~~previously determined to be subject to forfeiture or subject to~~
7 ~~any restraining order, injunction, prohibition or other~~
8 ~~action. The court may release such property to the defendant~~
9 ~~for good cause shown and within the sound discretion of the~~
10 ~~court.~~

11 ~~(d) Upon conviction of a person under Section 16D-5, the~~
12 ~~court shall authorize the Attorney General to seize and sell~~
13 ~~all property or other interest declared forfeited under this~~
14 ~~Act, unless such property is required by law to be destroyed or~~
15 ~~is harmful to the public. The court may order the Attorney~~
16 ~~General to segregate funds from the proceeds of such sale~~
17 ~~sufficient: (1) to satisfy any order of restitution, as the~~
18 ~~court may deem appropriate; (2) to satisfy any legal right,~~
19 ~~title, or interest which the court deems superior to any right,~~
20 ~~title, or interest of the defendant at the time of the~~
21 ~~commission of the acts which gave rise to forfeiture under this~~
22 ~~Section; or (3) to satisfy any bona fide purchaser for value of~~
23 ~~the right, title, or interest in the property who was without~~
24 ~~reasonable notice that the property was subject to forfeiture.~~
25 ~~Following the entry of an order of forfeiture, the Attorney~~
26 ~~General shall publish notice of the order and his intent to~~

1 ~~dispose of the property. Within the 30 days following such~~
2 ~~publication, any person may petition the court to adjudicate~~
3 ~~the validity of his alleged interest in the property.~~

4 ~~After the deduction of all requisite expenses of~~
5 ~~administration and sale, the Attorney General shall distribute~~
6 ~~the proceeds of such sale, along with any moneys forfeited or~~
7 ~~seized as follows:~~

8 ~~(1) 50% shall be distributed to the unit of local~~
9 ~~government whose officers or employees conducted the~~
10 ~~investigation into computer fraud and caused the arrest or~~
11 ~~arrests and prosecution leading to the forfeiture. Amounts~~
12 ~~distributed to units of local government shall be used for~~
13 ~~training or enforcement purposes relating to detection,~~
14 ~~investigation or prosecution of financial crimes, including~~
15 ~~computer fraud. In the event, however, that the investigation,~~
16 ~~arrest or arrests and prosecution leading to the forfeiture~~
17 ~~were undertaken solely by a State agency, the portion provided~~
18 ~~hereunder shall be paid into the State Police Services Fund of~~
19 ~~the Illinois Department of State Police to be used for training~~
20 ~~or enforcement purposes relating to detection, investigation~~
21 ~~or prosecution of financial crimes, including computer fraud.~~

22 ~~(2) 50% shall be distributed to the county in which the~~
23 ~~prosecution and petition for forfeiture resulting in the~~
24 ~~forfeiture was instituted by the State's Attorney, and~~
25 ~~deposited in a special fund in the county treasury and~~
26 ~~appropriated to the State's Attorney for use in training or~~

1 ~~enforcement purposes relating to detection, investigation or~~
2 ~~prosecution of financial crimes, including computer fraud.~~
3 ~~Where a prosecution and petition for forfeiture resulting in~~
4 ~~the forfeiture has been maintained by the Attorney General, 50%~~
5 ~~of the proceeds shall be paid into the Attorney General's~~
6 ~~Financial Crime Prevention Fund. Where the Attorney General and~~
7 ~~the State's Attorney have participated jointly in any part of~~
8 ~~the proceedings, 25% of the proceeds forfeited shall be paid to~~
9 ~~the county in which the prosecution and petition for forfeiture~~
10 ~~resulting in the forfeiture occurred, and 25% shall be paid to~~
11 ~~the Attorney General's Financial Crime Prevention Fund to be~~
12 ~~used for the purposes as stated in this subsection.~~

13 ~~2. Where any person commits a felony under any provision of~~
14 ~~this Code or another statute and the instrumentality used in~~
15 ~~the commission of the offense, or in connection with or in~~
16 ~~furtherance of a scheme or design to commit the offense, is a~~
17 ~~computer owned by the defendant or if the defendant is a minor,~~
18 ~~owned by his or her parents or legal guardian, the computer~~
19 ~~shall be subject to the provisions of this Section. However, in~~
20 ~~no case shall a computer, or any part thereof, be subject to~~
21 ~~the provisions of the Section if the computer accessed in the~~
22 ~~commission of the offense is owned or leased by the victim or~~
23 ~~an innocent third party at the time of the commission of the~~
24 ~~offense or if the rights of creditors, lienholders, or any~~
25 ~~person having a security interest in the computer at the time~~
26 ~~of the commission of the offense shall be adversely affected.~~

1 (Source: P.A. 85-1042.)

2 (720 ILCS 5/17B-25)

3 Sec. 17B-25. Seizure and forfeiture of property
4 Forfeiture.

5 (a) A person who commits a felony violation of this Article
6 is subject to the property forfeiture provisions set forth in
7 Article 124B of the Code of Criminal Procedure of 1963. ~~shall~~
8 ~~forfeit, according to this Section, (i) any moneys, profits, or~~
9 ~~proceeds the person acquired, in whole or in part, as a result~~
10 ~~of committing the violation and (ii) any property or interest~~
11 ~~in property that the sentencing court determines the person~~
12 ~~acquired, in whole or in part, as a result of committing the~~
13 ~~violation or the person maintained or used, in whole or in~~
14 ~~part, to facilitate, directly or indirectly, the commission of~~
15 ~~the violation. The person shall forfeit any interest in,~~
16 ~~securities of claim against, or contractual right of any kind~~
17 ~~that affords the person a source of influence over, any~~
18 ~~enterprise that the person has established, operated,~~
19 ~~controlled, conducted, or participated in conducting, if the~~
20 ~~person's relationship to or connection with the interest,~~
21 ~~security of claim, or contractual right, directly or~~
22 ~~indirectly, in whole or in part, is traceable to any thing or~~
23 ~~benefit that the person has obtained or acquired as a result of~~
24 ~~a felony violation of this Article.~~

25 (b) (Blank). ~~The following items are subject to forfeiture:~~

1 ~~(1) All moneys, things of value, books, records, and~~
2 ~~research products and materials that are used or intended~~
3 ~~to be used in committing a felony violation of this~~
4 ~~Article.~~

5 ~~(2) Everything of value furnished, or intended to be~~
6 ~~furnished, in exchange for a substance in violation of this~~
7 ~~Article, all proceeds traceable to that exchange, and all~~
8 ~~moneys, negotiable instruments, and securities used or~~
9 ~~intended to be used to commit or in any manner to~~
10 ~~facilitate the commission of a felony violation of this~~
11 ~~Article.~~

12 ~~(3) All real property, including any right, title, and~~
13 ~~interest (including, but not limited to, any leasehold~~
14 ~~interest or the beneficial interest in a land trust) in the~~
15 ~~whole of any lot or tract of land and any appurtenances or~~
16 ~~improvements, that is used or intended to be used, in any~~
17 ~~manner or part, to commit or in any manner to facilitate~~
18 ~~the commission of a felony violation of this Article or~~
19 ~~that is the proceeds of any act that constitutes a felony~~
20 ~~violation of this Article.~~

21 (c) Property subject to forfeiture under this Article may
22 be seized by the Director of State Police or any local law
23 enforcement agency upon process or seizure warrant issued by
24 any court having jurisdiction over the property. The Director
25 or a local law enforcement agency may seize property under this
26 Section without process under any of the following

1 circumstances:

2 (1) If the seizure is incident to inspection under an
3 administrative inspection warrant.

4 (2) If the property subject to seizure has been the
5 subject of a prior judgment in favor of the State in a
6 criminal proceeding or in an injunction or forfeiture
7 proceeding under ~~this~~ Article 124B of the Code of Criminal
8 Procedure of 1963.

9 (3) If there is probable cause to believe that the
10 property is directly or indirectly dangerous to health or
11 safety.

12 (4) If there is probable cause to believe that the
13 property is subject to forfeiture under this Article and
14 Article 124B of the Code of Criminal Procedure of 1963 and
15 the property is seized under circumstances in which a
16 warrantless seizure or arrest would be reasonable.

17 (5) In accordance with the Code of Criminal Procedure
18 of 1963.

19 (d) (Blank). ~~Proceedings instituted pursuant to this~~
20 ~~Section shall be subject to and conducted in accordance with~~
21 ~~the procedures set forth in this subsection.~~

22 ~~The sentencing court, on petition by the Attorney General~~
23 ~~or State's Attorney at any time following sentencing of the~~
24 ~~defendant, shall conduct a hearing to determine whether any~~
25 ~~property or property interest of the defendant is subject to~~
26 ~~forfeiture under this Section. At the forfeiture hearing the~~

1 ~~People have the burden of establishing, by a preponderance of~~
2 ~~the evidence, that the property or property interest is subject~~
3 ~~to forfeiture.~~

4 ~~In an action brought by the People of the State of Illinois~~
5 ~~under this Section, in which a restraining order, injunction,~~
6 ~~prohibition, or other action in connection with any property or~~
7 ~~interest subject to forfeiture under this Section is sought,~~
8 ~~the circuit court presiding over the trial of the person~~
9 ~~charged with a felony violation of this Article shall first~~
10 ~~determine whether there is probable cause to believe that the~~
11 ~~person so charged has committed an offense under this Article~~
12 ~~and whether the property or interest is subject to forfeiture~~
13 ~~under this Section. To make that determination, before entering~~
14 ~~an order in connection with that property or interest, the~~
15 ~~court shall conduct a hearing without a jury, at which the~~
16 ~~People must establish that there is (i) probable cause that the~~
17 ~~person charged committed a felony offense under this Article~~
18 ~~and (ii) probable cause that property or interest may be~~
19 ~~subject to forfeiture under this Section. The hearing may be~~
20 ~~conducted simultaneously with a preliminary hearing, if the~~
21 ~~prosecution is commenced by information or complaint, or by~~
22 ~~motion of the People at any stage in the proceedings. The court~~
23 ~~may accept, at a preliminary hearing, (i) the filing of an~~
24 ~~information charging that the defendant committed a felony~~
25 ~~offense under this Article (ii) the return of an indictment by~~
26 ~~a grand jury charging that the defendant committed a felony~~

1 ~~offense under this Article as sufficient evidence of probable~~
2 ~~cause that the person committed the offense.~~

3 ~~Upon making finding of probable cause, the circuit court~~
4 ~~shall enter a restraining order, injunction, or prohibition or~~
5 ~~shall take other action in connection with the property or~~
6 ~~other interest subject to forfeiture under this Article as is~~
7 ~~necessary to insure that the property is not removed from the~~
8 ~~jurisdiction of the court, concealed, destroyed, or otherwise~~
9 ~~disposed of by the owner of that property or interest before a~~
10 ~~forfeiture hearing under this subsection. The Attorney General~~
11 ~~or State's Attorney shall file a certified copy of the~~
12 ~~restraining order, injunction, or other prohibition with the~~
13 ~~recorder or registrar of titles of each county in which the~~
14 ~~property may be located. No injunction, restraining order, or~~
15 ~~other prohibition issued under this Section shall affect the~~
16 ~~rights of any bonafide purchaser, mortgagee, judgment~~
17 ~~creditor, or other lien holder that arose before the date the~~
18 ~~certified copy is filed.~~

19 ~~The court may at any time, on verified petition by the~~
20 ~~defendant, conduct a hearing to determine whether all or any~~
21 ~~portion of the property or interest, which the court previously~~
22 ~~determined to be subject to forfeiture or subject to any~~
23 ~~restraining order, injunction, prohibition, or other action,~~
24 ~~should be released. The court may in its discretion release the~~
25 ~~property to the defendant for good cause shown.~~

26 ~~Upon conviction of a person for a felony violation of this~~

1 ~~Article, the court shall authorize the Director or State Police~~
2 ~~to seize any property or other interest declared forfeited~~
3 ~~under this Section on terms and conditions the court deems~~
4 ~~proper.~~

5 (e) (Blank). ~~Property taken or detained under this Section~~
6 ~~shall not be subject to replevin, but is deemed to be in the~~
7 ~~eustody of the Director subject only to the order and judgments~~
8 ~~of the circuit court having jurisdiction over the forfeiture~~
9 ~~proceedings and the decisions of the Attorney General or~~
10 ~~State's Attorney under this Article. When property is seized~~
11 ~~under this Article, the seizing agency shall promptly conduct~~
12 ~~an inventory of the seized property and estimate the property's~~
13 ~~value and shall forward a copy of the estimate of the~~
14 ~~property's value to the Director of State Police. Upon~~
15 ~~receiving the notice of seizure, the Director may do any of the~~
16 ~~following:~~

17 ~~(1) Place the property under seal.~~

18 ~~(2) Remove the property to a place designated by the~~
19 ~~Director.~~

20 ~~(3) Keep the property in the possession of the seizing~~
21 ~~agency.~~

22 ~~(4) Remove the property to a storage area for~~
23 ~~safekeeping or, if the property is a negotiable instrument~~
24 ~~or money and is not needed for evidentiary purposes,~~
25 ~~deposit it in an interest bearing account.~~

26 ~~(5) Place the property under constructive seizure by~~

1 ~~posting notice of the pending forfeiture on it, by giving~~
2 ~~notice of the pending forfeiture to its owners and interest~~
3 ~~holders, or by filing a notice of the pending forfeiture in~~
4 ~~any appropriate public record relating to the property.~~

5 ~~(6) Provide for another agency or custodian, including~~
6 ~~an owner, secured party, or lienholder, to take custody of~~
7 ~~the property on terms and conditions set by the Director.~~

8 (f) (Blank). ~~When property is forfeited under this Article~~
9 ~~the Director of State Police shall sell the property unless the~~
10 ~~property is required by law to be destroyed or is harmful to~~
11 ~~the public. The Director shall distribute the proceeds of the~~
12 ~~sale, together with any moneys forfeited or seized, in~~
13 ~~accordance with subsection (g). On the application of the~~
14 ~~seizing agency or prosecutor who was responsible for the~~
15 ~~investigation, arrest, and prosecution that lead to the~~
16 ~~forfeiture, however, the Director may return any item of~~
17 ~~forfeited property to the seizing agency or prosecutor for~~
18 ~~official use in the enforcement of laws relating to this~~
19 ~~Article if the agency or prosecutor can demonstrate that the~~
20 ~~item requested would be useful to the agency or prosecutor in~~
21 ~~their enforcement efforts. When any real property returned to~~
22 ~~the seizing agency is sold by the agency or its unit of~~
23 ~~government, the proceeds of the sale shall be delivered to the~~
24 ~~Director and distributed in accordance with subsection (g).~~

25 (g) (Blank). ~~Except as provided in subsection (f), all~~
26 ~~moneys from penalties and the proceeds of sale of all property~~

1 ~~forfeited and seized under this Article shall be distributed to~~
2 ~~the WIC program administered by the Illinois Department of~~
3 ~~Human Services.~~

4 (Source: P.A. 91-155, eff. 7-16-99.)

5 (720 ILCS 5/26-5)

6 Sec. 26-5. Dog fighting. (For other provisions that may
7 apply to dog fighting, see the Humane Care for Animals Act. For
8 provisions similar to this Section that apply to animals other
9 than dogs, see in particular Section 4.01 of the Humane Care
10 for Animals Act.)

11 (a) No person may own, capture, breed, train, or lease any
12 dog which he or she knows is intended for use in any show,
13 exhibition, program, or other activity featuring or otherwise
14 involving a fight between the dog and any other animal or
15 human, or the intentional killing of any dog for the purpose of
16 sport, wagering, or entertainment.

17 (b) No person may promote, conduct, carry on, advertise,
18 collect money for or in any other manner assist or aid in the
19 presentation for purposes of sport, wagering, or entertainment
20 of any show, exhibition, program, or other activity involving a
21 fight between 2 or more dogs or any dog and human, or the
22 intentional killing of any dog.

23 (c) No person may sell or offer for sale, ship, transport,
24 or otherwise move, or deliver or receive any dog which he or
25 she knows has been captured, bred, or trained, or will be used,

1 to fight another dog or human or be intentionally killed for
2 purposes of sport, wagering, or entertainment.

3 (c-5) No person may solicit a minor to violate this
4 Section.

5 (d) No person may manufacture for sale, shipment,
6 transportation, or delivery any device or equipment which he or
7 she knows or should know is intended for use in any show,
8 exhibition, program, or other activity featuring or otherwise
9 involving a fight between 2 or more dogs, or any human and dog,
10 or the intentional killing of any dog for purposes of sport,
11 wagering, or entertainment.

12 (e) No person may own, possess, sell or offer for sale,
13 ship, transport, or otherwise move any equipment or device
14 which he or she knows or should know is intended for use in
15 connection with any show, exhibition, program, or activity
16 featuring or otherwise involving a fight between 2 or more
17 dogs, or any dog and human, or the intentional killing of any
18 dog for purposes of sport, wagering or entertainment.

19 (f) No person may knowingly make available any site,
20 structure, or facility, whether enclosed or not, that he or she
21 knows is intended to be used for the purpose of conducting any
22 show, exhibition, program, or other activity involving a fight
23 between 2 or more dogs, or any dog and human, or the
24 intentional killing of any dog or knowingly manufacture,
25 distribute, or deliver fittings to be used in a fight between 2
26 or more dogs or a dog and human.

1 (g) No person may attend or otherwise patronize any show,
2 exhibition, program, or other activity featuring or otherwise
3 involving a fight between 2 or more dogs, or any dog and human,
4 or the intentional killing of any dog for purposes of sport,
5 wagering, or entertainment.

6 (h) No person may tie or attach or fasten any live animal
7 to any machine or device propelled by any power for the purpose
8 of causing the animal to be pursued by a dog or dogs. This
9 subsection (h) applies only when the dog is intended to be used
10 in a dog fight.

11 (i) Penalties for violations of this Section shall be as
12 follows:

13 (1) Any person convicted of violating subsection (a),
14 (b), or (c) of this Section is guilty of a Class 4 felony
15 for a first violation and a Class 3 felony for a second or
16 subsequent violation, and may be fined an amount not to
17 exceed \$50,000.

18 (1.5) A person who knowingly owns a dog for fighting
19 purposes or for producing a fight between 2 or more dogs or
20 a dog and human or who knowingly offers for sale or sells a
21 dog bred for fighting is guilty of a Class 3 felony and may
22 be fined an amount not to exceed \$50,000, if the dog
23 participates in a dogfight and any of the following factors
24 is present:

25 (i) the dogfight is performed in the presence of a
26 person under 18 years of age;

1 (ii) the dogfight is performed for the purpose of
2 or in the presence of illegal wagering activity; or

3 (iii) the dogfight is performed in furtherance of
4 streetgang related activity as defined in Section 10 of
5 the Illinois Streetgang Terrorism Omnibus Prevention
6 Act.

7 (1.7) A person convicted of violating subsection (c-5)
8 of this Section is guilty of a Class 4 felony.

9 (2) Any person convicted of violating subsection (d) or
10 (e) of this Section is guilty of a Class A misdemeanor for
11 a first violation. A second or subsequent violation of
12 subsection (d) or (e) of this Section is a Class 3 felony.

13 (2.5) Any person convicted of violating subsection (f)
14 of this Section is guilty of a Class 4 felony.

15 (3) Any person convicted of violating subsection (g) of
16 this Section is guilty of a Class A misdemeanor for a first
17 violation. A second or subsequent violation of subsection
18 (g) of this Section is a Class 4 felony. If a person under
19 13 years of age is present at any show, exhibition,
20 program, or other activity prohibited in subsection (g),
21 the parent, legal guardian, or other person who is 18 years
22 of age or older who brings that person under 13 years of
23 age to that show, exhibition, program, or other activity is
24 guilty of a Class 4 felony for a first violation and a
25 Class 3 felony for a second or subsequent violation.

26 (i-5) A person who commits a felony violation of this

1 Section is subject to the property forfeiture provisions set
2 forth in Article 124B of the Code of Criminal Procedure of
3 1963.

4 (j) Any dog or equipment involved in a violation of this
5 Section shall be immediately seized and impounded under Section
6 12 of the Humane Care for Animals Act when located at any show,
7 exhibition, program, or other activity featuring or otherwise
8 involving a dog fight for the purposes of sport, wagering, or
9 entertainment.

10 (k) Any vehicle or conveyance other than a common carrier
11 that is used in violation of this Section shall be seized,
12 held, and offered for sale at public auction by the sheriff's
13 department of the proper jurisdiction, and the proceeds from
14 the sale shall be remitted to the general fund of the county
15 where the violation took place.

16 (l) Any veterinarian in this State who is presented with a
17 dog for treatment of injuries or wounds resulting from fighting
18 where there is a reasonable possibility that the dog was
19 engaged in or utilized for a fighting event for the purposes of
20 sport, wagering, or entertainment shall file a report with the
21 Department of Agriculture and cooperate by furnishing the
22 owners' names, dates, and descriptions of the dog or dogs
23 involved. Any veterinarian who in good faith complies with the
24 requirements of this subsection has immunity from any
25 liability, civil, criminal, or otherwise, that may result from
26 his or her actions. For the purposes of any proceedings, civil

1 or criminal, the good faith of the veterinarian shall be
2 rebuttably presumed.

3 (m) In addition to any other penalty provided by law, upon
4 conviction for violating this Section, the court may order that
5 the convicted person and persons dwelling in the same household
6 as the convicted person who conspired, aided, or abetted in the
7 unlawful act that was the basis of the conviction, or who knew
8 or should have known of the unlawful act, may not own, harbor,
9 or have custody or control of any dog or other animal for a
10 period of time that the court deems reasonable.

11 (n) A violation of subsection (a) of this Section may be
12 inferred from evidence that the accused possessed any device or
13 equipment described in subsection (d), (e), or (h) of this
14 Section, and also possessed any dog.

15 (o) When no longer required for investigations or court
16 proceedings relating to the events described or depicted
17 therein, evidence relating to convictions for violations of
18 this Section shall be retained and made available for use in
19 training peace officers in detecting and identifying
20 violations of this Section. Such evidence shall be made
21 available upon request to other law enforcement agencies and to
22 schools certified under the Illinois Police Training Act.

23 (Source: P.A. 94-820, eff. 1-1-07.)

24 (720 ILCS 5/29D-65)

25 Sec. 29D-65. Forfeiture of property acquired in connection

1 with a violation of this Article; property freeze or seizure
2 ~~Asset freeze, seizure, and forfeiture.~~

3 (a) If there is probable cause to believe that a person
4 used, is using, is about to use, or is intending to use
5 property in a way that would violate this Article, then that
6 person's assets may be frozen or seized pursuant to Part 800 of
7 Article 124B of the Code of Criminal Procedure of 1963. ~~Asset~~
8 ~~freeze, seizure, and forfeiture in connection with a violation~~
9 ~~of this Article.~~

10 ~~(1) Whenever it appears that there is probable cause to~~
11 ~~believe that any person used, is using, is about to use, or~~
12 ~~is intending to use property in any way that constitutes or~~
13 ~~would constitute a violation of this Article, the Attorney~~
14 ~~General or any State's Attorney may make an ex parte~~
15 ~~application to the circuit court to freeze or seize all the~~
16 ~~assets of that person and, upon a showing of probable cause~~
17 ~~in the ex parte hearing, the circuit court shall issue an~~
18 ~~order to freeze or seize all assets of that person. A copy~~
19 ~~of the freeze or seize order shall be served upon the~~
20 ~~person whose assets have been frozen or seized and that~~
21 ~~person or any person claiming an interest in the property~~
22 ~~may, at any time within 30 days of service, file a motion~~
23 ~~to release his or her assets. Within 10 days that person is~~
24 ~~entitled to a hearing. In any proceeding to release assets,~~
25 ~~the burden of proof shall be by a preponderance of evidence~~
26 ~~and shall be on the State to show that the person used, was~~

1 ~~using, is about to use, or is intending to use any property~~
2 ~~in any way that constitutes or would constitute a violation~~
3 ~~of this Article. If the court finds that any property was~~
4 ~~being used, is about to be used, or is intended to be used~~
5 ~~in violation of or in any way that would constitute a~~
6 ~~violation of this Article, the court shall order such~~
7 ~~property frozen or held until further order of the court.~~
8 ~~Any property so ordered held or frozen shall be subject to~~
9 ~~forfeiture under the following procedure. Upon the request~~
10 ~~of the defendant, the court may release frozen or seized~~
11 ~~assets sufficient to pay attorney's fees for~~
12 ~~representation of the defendant at a hearing conducted~~
13 ~~under this Section.~~

14 ~~(2) If, within 60 days after any seizure or asset~~
15 ~~freeze under subparagraph (1) of this Section, a person~~
16 ~~having any property interest in the seized or frozen~~
17 ~~property is charged with an offense, the court which~~
18 ~~renders judgment upon the charge shall, within 30 days~~
19 ~~after the judgment, conduct a forfeiture hearing to~~
20 ~~determine whether the property was used, about to be used,~~
21 ~~or intended to be used in violation of this Article or in~~
22 ~~connection with any violation of this Article, or was~~
23 ~~integrally related to any violation or intended violation~~
24 ~~of this Article. The hearing shall be commenced by a~~
25 ~~written petition by the State, including material~~
26 ~~allegations of fact, the name and address of every person~~

1 ~~determined by the State to have any property interest in~~
2 ~~the seized or frozen property, a representation that~~
3 ~~written notice of the date, time, and place of the hearing~~
4 ~~has been mailed to every such person by certified mail at~~
5 ~~least 10 days before the date, and a request for~~
6 ~~forfeiture. Every such person may appear as a party and~~
7 ~~present evidence at the hearing. The quantum of proof~~
8 ~~required shall be preponderance of the evidence, and the~~
9 ~~burden of proof shall be on the State. If the court~~
10 ~~determines that the seized or frozen property was used,~~
11 ~~about to be used, or intended to be used in violation of~~
12 ~~this Article or in connection with any violation of this~~
13 ~~Article, or was integrally related to any violation or~~
14 ~~intended violation of this Article, an order of forfeiture~~
15 ~~and disposition of the seized or frozen money and property~~
16 ~~shall be entered. All property forfeited may be liquidated~~
17 ~~and the resultant money together with any money forfeited~~
18 ~~shall be allocated among the participating law enforcement~~
19 ~~agencies in such proportions as may be determined to be~~
20 ~~equitable by the court entering the forfeiture order, any~~
21 ~~such property so forfeited shall be received by the State's~~
22 ~~Attorney or Attorney General and upon liquidation shall be~~
23 ~~allocated among the participating law enforcement agencies~~
24 ~~in such proportions as may be determined equitable by the~~
25 ~~court entering the forfeiture order.~~

26 ~~(3) If a seizure or asset freeze under subparagraph (1)~~

1 ~~of this subsection (a) is not followed by a charge under~~
2 ~~this Article within 60 days, or if the prosecution of the~~
3 ~~charge is permanently terminated or indefinitely~~
4 ~~discontinued without any judgment of conviction or a~~
5 ~~judgment of acquittal is entered, the State's Attorney or~~
6 ~~Attorney General shall immediately commence an in rem~~
7 ~~proceeding for the forfeiture of any seized money or other~~
8 ~~things of value, or both, in the circuit court and any~~
9 ~~person having any property interest in the money or~~
10 ~~property may commence separate civil proceedings in the~~
11 ~~manner provided by law. Any property so forfeited shall be~~
12 ~~allocated among the participating law enforcement agencies~~
13 ~~in such proportions as may be determined to be equitable by~~
14 ~~the court entering the forfeiture order.~~

15 (b) ~~Forfeiture of property acquired in connection with a~~
16 ~~violation of this Article.~~

17 ~~(1)~~ Any person who commits any offense under this
18 Article is subject to the property forfeiture provisions
19 set forth in Article 124B of the Code of Criminal Procedure
20 of 1963. ~~shall forfeit, according to the provisions of this~~
21 ~~Section, any moneys, profits, or proceeds, and any interest~~
22 ~~or property in which the sentencing court determines he or~~
23 ~~she has acquired or maintained, directly or indirectly, in~~
24 ~~whole or in part, as a result of, or used, was about to be~~
25 ~~used, or was intended to be used in connection with the~~
26 ~~offense. The person shall also forfeit any interest in,~~

~~security, claim against, or contractual right of any kind which affords the person a source of influence over any enterprise which he or she has established, operated, controlled, conducted, or participated in conducting, where his or her relationship to or connection with any such thing or activity directly or indirectly, in whole or in part, is traceable to any item or benefit which he or she has obtained or acquired through an offense under this Article or which he or she used, about to use, or intended to use in connection with any offense under this Article.~~

Forfeiture under this subsection ~~Section~~ may be pursued in addition to or in lieu of proceeding under ~~subsection (a) of this~~ Section 124B-805 (property freeze or seizure; ex parte proceeding) of the Code of Criminal Procedure of 1963.

~~(2) Proceedings instituted under this subsection shall be subject to and conducted in accordance with the following procedures:~~

~~(A) The sentencing court shall, upon petition by the prosecuting agency, whether it is the Attorney General or the State's Attorney, at any time following sentencing, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this subsection. At the forfeiture hearing the People of the State of Illinois shall have the burden of establishing, by a preponderance of the evidence,~~

1 ~~that the property or property interests are subject to~~
2 ~~forfeiture.~~

3 ~~(B) In any action brought by the People of the~~
4 ~~State of Illinois under this Section, the court shall~~
5 ~~have jurisdiction to enter such restraining orders,~~
6 ~~injunctions, or prohibitions, or to take such other~~
7 ~~action in connection with any real, personal, or mixed~~
8 ~~property, or other interest, subject to forfeiture, as~~
9 ~~it shall consider proper.~~

10 ~~(C) In any action brought by the People of the~~
11 ~~State of Illinois under this subsection in which any~~
12 ~~restraining order, injunction, or prohibition or any~~
13 ~~other action in connection with any property or~~
14 ~~interest subject to forfeiture under this subsection~~
15 ~~is sought, the circuit court presiding over the trial~~
16 ~~of the person or persons charged with a violation under~~
17 ~~this Article shall first determine whether there is~~
18 ~~probable cause to believe that the person or persons so~~
19 ~~charged have committed an offense under this Article~~
20 ~~and whether the property or interest is subject to~~
21 ~~forfeiture under this subsection. In order to make this~~
22 ~~determination, prior to entering any such order, the~~
23 ~~court shall conduct a hearing without a jury in which~~
24 ~~the People shall establish: (i) probable cause that the~~
25 ~~person or persons so charged have committed an offense~~
26 ~~under this Article; and (ii) probable cause that any~~

1 ~~property or interest may be subject to forfeiture under~~
2 ~~this subsection. The hearing may be conducted~~
3 ~~simultaneously with a preliminary hearing if the~~
4 ~~prosecution is commenced by information, or by motion~~
5 ~~of the People at any stage in the proceedings. The~~
6 ~~court may enter a finding of probable cause at a~~
7 ~~preliminary hearing following the filing of~~
8 ~~information charging a violation of this Article or the~~
9 ~~return of an indictment by a grand jury charging an~~
10 ~~offense under this Article as sufficient probable~~
11 ~~cause for purposes of this subsection. Upon such a~~
12 ~~finding, the circuit court shall enter such~~
13 ~~restraining order, injunction, or prohibition or shall~~
14 ~~take such other action in connection with any such~~
15 ~~property or other interest subject to forfeiture under~~
16 ~~this subsection as is necessary to ensure that the~~
17 ~~property is not removed from the jurisdiction of the~~
18 ~~court, concealed, destroyed, or otherwise disposed of~~
19 ~~by the owner or holder of that property or interest~~
20 ~~prior to a forfeiture hearing under this subsection.~~
21 ~~The Attorney General or State's Attorney shall file a~~
22 ~~certified copy of the restraining order, injunction,~~
23 ~~or other prohibition with the recorder of deeds or~~
24 ~~registrar of titles of each county where any such~~
25 ~~property of the defendant may be located. No such~~
26 ~~injunction, restraining order, or other prohibition~~

1 ~~shall affect the rights of any bona fide purchaser,~~
2 ~~mortgagee, judgment creditor, or other lien holder~~
3 ~~arising prior to the date of such filing. The court~~
4 ~~may, at any time, upon verified petition by the~~
5 ~~defendant, conduct a hearing to release all or portions~~
6 ~~of any such property or interest which the court~~
7 ~~previously determined to be subject to forfeiture or~~
8 ~~subject to any restraining order, injunction,~~
9 ~~prohibition, or other action. The court may release the~~
10 ~~property to the defendant for good cause shown and~~
11 ~~within the sound discretion of the court.~~

12 ~~(D) Upon a conviction of a person under this~~
13 ~~Article, the court shall authorize the Attorney~~
14 ~~General or State's Attorney to seize and sell all~~
15 ~~property or other interest declared forfeited under~~
16 ~~this Article, unless the property is required by law to~~
17 ~~be destroyed or is harmful to the public. The court may~~
18 ~~order the Attorney General or State's Attorney to~~
19 ~~segregate funds from the proceeds of the sale~~
20 ~~sufficient: (1) to satisfy any order of restitution, as~~
21 ~~the court may deem appropriate; (2) to satisfy any~~
22 ~~legal right, title, or interest which the court deems~~
23 ~~superior to any right, title, or interest of the~~
24 ~~defendant at the time of the commission of the acts~~
25 ~~which gave rise to forfeiture under this subsection; or~~
26 ~~(3) to satisfy any bona fide purchaser for value of the~~

1 ~~right, title, or interest in the property who was~~
2 ~~without reasonable notice that the property was~~
3 ~~subject to forfeiture. Following the entry of an order~~
4 ~~of forfeiture, the Attorney General or State's~~
5 ~~Attorney shall publish notice of the order and his or~~
6 ~~her intent to dispose of the property. Within 30 days~~
7 ~~following the publication, any person may petition the~~
8 ~~court to adjudicate the validity of his or her alleged~~
9 ~~interest in the property. After the deduction of all~~
10 ~~requisite expenses of administration and sale, the~~
11 ~~Attorney General or State's Attorney shall distribute~~
12 ~~the proceeds of the sale, along with any moneys~~
13 ~~forfeited or seized, among participating law~~
14 ~~enforcement agencies in such equitable portions as the~~
15 ~~court shall determine.~~

16 ~~(E) No judge shall release any property or money~~
17 ~~seized under subdivision (A) or (B) for the payment of~~
18 ~~attorney's fees of any person claiming an interest in~~
19 ~~such money or property.~~

20 ~~(c) Exemptions from forfeiture. A property interest is~~
21 ~~exempt from forfeiture under this Section if its owner or~~
22 ~~interest holder establishes by a preponderance of evidence that~~
23 ~~the owner or interest holder:~~

24 ~~(A) (i) in the case of personal property, is not legally~~
25 ~~accountable for the conduct giving rise to the forfeiture,~~
26 ~~did not acquiesce in it, and did not know and could not~~

1 ~~reasonably have known of the conduct or that the conduct~~
2 ~~was likely to occur, or~~

3 ~~(ii) in the case of real property, is not legally~~
4 ~~accountable for the conduct giving rise to the forfeiture,~~
5 ~~or did not solicit, conspire, or attempt to commit the~~
6 ~~conduct giving rise to the forfeiture; and~~

7 ~~(B) had not acquired and did not stand to acquire~~
8 ~~substantial proceeds from the conduct giving rise to its~~
9 ~~forfeiture other than as an interest holder in an arms~~
10 ~~length commercial transaction; and~~

11 ~~(C) with respect to conveyances, did not hold the~~
12 ~~property jointly or in common with a person whose conduct~~
13 ~~gave rise to the forfeiture; and~~

14 ~~(D) does not hold the property for the benefit of or as~~
15 ~~nominee for any person whose conduct gave rise to its~~
16 ~~forfeiture, and, if the owner or interest holder acquired~~
17 ~~the interest through any such person, the owner or interest~~
18 ~~holder acquired it as a bona fide purchaser for value~~
19 ~~without knowingly taking part in the conduct giving rise to~~
20 ~~the forfeiture; and~~

21 ~~(E) that the owner or interest holder acquired the~~
22 ~~interest:~~

23 ~~(i) before the commencement of the conduct giving~~
24 ~~rise to its forfeiture and the person whose conduct~~
25 ~~gave rise to its forfeiture did not have the authority~~
26 ~~to convey the interest to a bona fide purchaser for~~

1 ~~value at the time of the conduct; or~~

2 ~~(ii) after the commencement of the conduct giving~~
3 ~~rise to its forfeiture, and the owner or interest~~
4 ~~holder acquired the interest as a mortgagee, secured~~
5 ~~creditor, lien holder, or bona fide purchaser for value~~
6 ~~without knowledge of the conduct which gave rise to the~~
7 ~~forfeiture; and~~

8 ~~(a) in the case of personal property, without~~
9 ~~knowledge of the seizure of the property for~~
10 ~~forfeiture; or~~

11 ~~(b) in the case of real estate, before the~~
12 ~~filing in the office of the Recorder of Deeds of~~
13 ~~the county in which the real estate is located of a~~
14 ~~notice of seizure for forfeiture or a lis pendens~~
15 ~~notice.~~

16 (Source: P.A. 92-854, eff. 12-5-02.)

17 (720 ILCS 5/11-20.1A rep.)

18 (720 ILCS 5/37.5-5 rep.)

19 (720 ILCS 5/37.5-10 rep.)

20 (720 ILCS 5/37.5-15 rep.)

21 (720 ILCS 5/37.5-20 rep.)

22 (720 ILCS 5/37.5-25 rep.)

23 (720 ILCS 5/37.5-30 rep.)

24 (720 ILCS 5/37.5-35 rep.)

25 (720 ILCS 5/37.5-40 rep.)

1 (720 ILCS 5/37.5-45 rep.)

2 Section 11. The Criminal Code of 1961 is amended by
3 repealing Sections 11-20.1A, 37.5-5, 37.5-10, 37.5-15,
4 37.5-20, 37.5-25, 37.5-30, 37.5-35, 37.5-40, and 37.5-45.

5 Section 15. The Code of Criminal Procedure of 1963 is
6 amended by adding Article 124B as follows:

7 (725 ILCS 5/Art. 124B heading new)

8 ARTICLE 124B. FORFEITURE

9 (725 ILCS 5/Art. 124B Pt. 5 heading new)

10 Part 5. General Provisions

11 (725 ILCS 5/124B-5 new)

12 Sec. 124B-5. Purpose and scope. The purpose of this Article
13 is to set forth in one place the provisions relating to
14 forfeiture of property in connection with violations of certain
15 criminal statutes. Part 100 of this Article sets forth standard
16 provisions that apply to these forfeiture proceedings. In Parts
17 300 and following, for each type of criminal violation, this
18 Article sets forth (i) provisions that apply to forfeiture only
19 in connection with that type of violation and (ii) by means of
20 incorporation by reference, the standard forfeiture provisions
21 that apply to that type of violation.

1 (725 ILCS 5/124B-10 new)

2 Sec. 124B-10. Applicability; offenses. This Article
3 applies to forfeiture of property in connection with the
4 following:

5 (1) A violation of Section 10A-10 of the Criminal Code
6 of 1961 (involuntary servitude; involuntary servitude of a
7 minor; trafficking of persons for forced labor or
8 services).

9 (2) A violation of Section 11-17.1 of the Criminal Code
10 of 1961 (keeping a place of juvenile prostitution).

11 (3) A violation of Section 11-19.2 of the Criminal Code
12 of 1961 (exploitation of a child).

13 (4) A violation of Section 11-20 of the Criminal Code
14 of 1961 (obscenity).

15 (5) A second or subsequent violation of Section 11-20.1
16 of the Criminal Code of 1961 (child pornography).

17 (6) A violation of Section 11-20.3 of the Criminal Code
18 of 1961 (aggravated child pornography).

19 (7) A violation of Section 16D-5 of the Criminal Code
20 of 1961 (computer fraud).

21 (8) A felony violation of Article 17B of the Criminal
22 Code of 1961 (WIC fraud).

23 (9) A felony violation of Section 26-5 of the Criminal
24 Code of 1961 (dog fighting).

25 (10) A violation of Article 29D of the Criminal Code of
26 1961 (terrorism).

1 (11) A felony violation of Section 4.01 of the Humane
2 Care for Animals Act (animals in entertainment).

3 (725 ILCS 5/124B-15 new)

4 Sec. 124B-15. Applicability; actions. This Article applies
5 to actions pending on the effective date of this amendatory Act
6 of the 96th General Assembly as well as actions commenced on or
7 after that date.

8 (725 ILCS 5/Art. 124B Pt. 100 heading new)

9 Part 100. Standard Forfeiture Provisions

10 (725 ILCS 5/124B-100 new)

11 Sec. 124B-100. Definition; "offense". For purposes of this
12 Article, "offense" is defined as follows:

13 (1) In the case of forfeiture authorized under Section
14 10A-15 of the Criminal Code of 1961, "offense" means the
15 offense of involuntary servitude, involuntary servitude of
16 a minor, or trafficking of persons for forced labor or
17 services in violation of Section 10A-10 of that Code.

18 (2) In the case of forfeiture authorized under Section
19 11-17.1 of the Criminal Code of 1961, "offense" means the
20 offense of keeping a place of juvenile prostitution in
21 violation of Section 11-17.1 of that Code.

22 (3) In the case of forfeiture authorized under Section
23 11-19.2 of the Criminal Code of 1961, "offense" means the

1 offense of exploitation of a child in violation of Section
2 11-19.2 of that Code.

3 (4) In the case of forfeiture authorized under Section
4 11-20 of the Criminal Code of 1961, "offense" means the
5 offense of obscenity in violation of that Section.

6 (5) In the case of forfeiture authorized under Section
7 11-20.1 of the Criminal Code of 1961, "offense" means the
8 offense of child pornography in violation of Section
9 11-20.1 of that Code.

10 (6) In the case of forfeiture authorized under Section
11 11-20.3 of the Criminal Code of 1961, "offense" means the
12 offense of aggravated child pornography in violation of
13 Section 11-20.3 of that Code.

14 (7) In the case of forfeiture authorized under Section
15 16D-6 of the Criminal Code of 1961, "offense" means the
16 offense of computer fraud in violation of Section 16D-5 of
17 that Code.

18 (8) In the case of forfeiture authorized under Section
19 17B-25 of the Criminal Code of 1961, "offense" means any
20 felony violation of Article 17B of that Code.

21 (9) In the case of forfeiture authorized under Section
22 29D-65 of the Criminal Code of 1961, "offense" means any
23 offense under Article 29D of that Code.

24 (10) In the case of forfeiture authorized under Section
25 4.01 of the Humane Care for Animals Act or Section 26-5 of
26 the Criminal Code of 1961, "offense" means any felony

1 offense under either of those Sections.

2 (725 ILCS 5/124B-105 new)

3 Sec. 124B-105. Definition; "conveyance". In this Article,
4 "conveyance" means a vehicle, vessel, or aircraft.

5 (725 ILCS 5/124B-110 new)

6 Sec. 124B-110. Definition; "owner". In this Article,
7 "owner" means a person with an ownership interest in the
8 specific property sought to be forfeited, including a
9 leasehold, lien, mortgage, recorded security interest, or
10 valid assignment of an ownership interest. "Owner" does not
11 include any of the following:

12 (1) A person with only a general unsecured interest in,
13 or claim against, the property or estate of another.

14 (2) A bailee, unless the bailor is identified and the
15 bailee shows a colorable legitimate interest in the
16 property seized.

17 (3) A nominee who exercises no dominion or control over
18 the property.

19 (725 ILCS 5/124B-115 new)

20 Sec. 124B-115. Definition; "person". In this Article,
21 "person" means any individual, corporation, partnership, firm,
22 organization, or association.

1 (725 ILCS 5/124B-120 new)

2 Sec. 124B-120. Definition; "property". In this Article,
3 "property" means:

4 (1) Real property, including, without limitation,
5 land, fixtures or improvements on land, and anything
6 growing on or found in land.

7 (2) Tangible or intangible personal property,
8 including, without limitation, rights, privileges,
9 interests, claims, securities, and money.

10 "Property" includes any leasehold or possessory interest
11 and, in the case of real property, includes a beneficial
12 interest in a land trust.

13 (725 ILCS 5/124B-125 new)

14 Sec. 124B-125. Real property exempt from forfeiture.

15 (a) An interest in real property is exempt from forfeiture
16 under this Article if its owner or interest holder establishes
17 by a preponderance of evidence that he or she meets all of the
18 following requirements:

19 (1) He or she is not legally accountable for the
20 conduct giving rise to the forfeiture, or did not solicit,
21 conspire, or attempt to commit the conduct giving rise to
22 the forfeiture.

23 (2) He or she had not acquired and did not stand to
24 acquire substantial proceeds from the conduct giving rise
25 to the forfeiture other than as an interest holder in an

1 arms-length commercial transaction.

2 (3) He or she does not hold the property for the
3 benefit of or as a nominee for any person whose conduct
4 gave rise to the forfeiture, and, if he or she acquired the
5 interest through any such person, he or she acquired it as
6 a bona fide purchaser for value without knowingly taking
7 part in the conduct giving rise to the forfeiture.

8 (4) He or she acquired the interest before a notice of
9 seizure for forfeiture or a lis pendens notice with respect
10 to the property was filed in the office of the recorder of
11 deeds of the county in which the property is located and
12 either:

13 (A) acquired the interest before the commencement
14 of the conduct giving rise to the forfeiture, and the
15 person whose conduct gave rise to the forfeiture did
16 not have the authority to convey the interest to a bona
17 fide purchaser for value at the time of the conduct; or

18 (B) acquired the interest after the commencement
19 of the conduct giving rise to the forfeiture, and he or
20 she acquired the interest as a mortgagee, secured
21 creditor, lienholder, or bona fide purchaser for value
22 without knowledge of the conduct that gave rise to the
23 forfeiture.

24 (5) With respect to a property interest in existence at
25 the time the illegal conduct giving rise to the forfeiture
26 took place, he or she either:

1 (A) did not know of the conduct giving rise to the
2 forfeiture; or

3 (B) upon learning of the conduct giving rise to the
4 forfeiture, did all that reasonably could be expected
5 under the circumstances to terminate that use of the
6 property.

7 (7) The property is not a type of property, possession
8 of which is otherwise in violation of law.

9 (b) For purposes of paragraph (5) of subsection (a), ways
10 in which a person may show that he or she did all that
11 reasonably could be expected include demonstrating that he or
12 she, to the extent permitted by law, did either of the
13 following:

14 (1) Gave timely notice to an appropriate law
15 enforcement agency of information that led the person to
16 know that the conduct giving rise to a forfeiture would
17 occur or had occurred.

18 (2) In a timely fashion revoked or made a good faith
19 attempt to revoke permission for those engaging in the
20 conduct to use the property or took reasonable actions in
21 consultation with a law enforcement agency to discourage or
22 prevent the illegal use of the property.

23 A person is not required by this subsection (b) to take
24 steps that the person reasonably believes would be likely to
25 subject any person (other than the person whose conduct gave
26 rise to the forfeiture) to physical danger.

1 (725 ILCS 5/124B-130 new)

2 Sec. 124B-130. Personal property exempt from forfeiture.

3 (a) An interest in personal property is exempt from
4 forfeiture under this Article if its owner or interest holder
5 establishes by a preponderance of evidence that he or she meets
6 all of the following requirements:

7 (1) He or she is not legally accountable for the
8 conduct giving rise to the forfeiture, did not acquiesce in
9 it, and did not know and could not reasonably have known of
10 the conduct or that the conduct was likely to occur.

11 (2) He or she had not acquired and did not stand to
12 acquire substantial proceeds from the conduct giving rise
13 to the forfeiture other than as an interest holder in an
14 arms-length commercial transaction.

15 (3) He or she does not hold the property for the
16 benefit of or as a nominee for any person whose conduct
17 gave rise to the forfeiture, and, if he or she acquired the
18 interest through any such person, he or she acquired it as
19 a bona fide purchaser for value without knowingly taking
20 part in the conduct giving rise to the forfeiture.

21 (4) He or she acquired the interest without knowledge
22 of the seizure of the property for forfeiture and either:

23 (A) acquired the interest before the commencement
24 of the conduct giving rise to the forfeiture, and the
25 person whose conduct gave rise to the forfeiture did

1 not have the authority to convey the interest to a bona
2 fide purchaser for value at the time of the conduct; or

3 (B) acquired the interest after the commencement
4 of the conduct giving rise to the forfeiture, and he or
5 she acquired the interest as a mortgagee, secured
6 creditor, lienholder, or bona fide purchaser for value
7 without knowledge of the conduct that gave rise to the
8 forfeiture.

9 (5) With respect to a property interest in existence at
10 the time the illegal conduct giving rise to the forfeiture
11 took place, he or she either:

12 (A) did not know of the conduct giving rise to the
13 forfeiture; or

14 (B) upon learning of the conduct giving rise to the
15 forfeiture, did all that reasonably could be expected
16 under the circumstances to terminate that use of the
17 property.

18 (6) With respect to conveyances, he or she did not hold
19 the property jointly or in common with a person whose
20 conduct gave rise to the forfeiture.

21 (7) The property is not a type of property, possession
22 of which is otherwise in violation of law.

23 (b) For purposes of paragraph (5) of subsection (a), ways
24 in which a person may show that he or she did all that
25 reasonably could be expected include demonstrating that he or
26 she, to the extent permitted by law, did either of the

1 following:

2 (1) Gave timely notice to an appropriate law
3 enforcement agency of information that led the person to
4 know that the conduct giving rise to a forfeiture would
5 occur or had occurred.

6 (2) In a timely fashion revoked or made a good faith
7 attempt to revoke permission for those engaging in the
8 conduct to use the property or took reasonable actions in
9 consultation with a law enforcement agency to discourage or
10 prevent the illegal use of the property.

11 A person is not required by this subsection (b) to take
12 steps that the person reasonably believes would be likely to
13 subject any person (other than the person whose conduct gave
14 rise to the forfeiture) to physical danger.

15 (725 ILCS 5/124B-135 new)

16 Sec. 124B-135. Burden of proof of exemption. It is not
17 necessary for the State to negate any exemption in this Article
18 in any complaint or other pleading or in any trial, hearing, or
19 other proceeding under this Article. The burden of proof of any
20 exemption is upon the person claiming the exemption.

21 (725 ILCS 5/124B-140 new)

22 Sec. 124B-140. Court order with respect to innocent owner.
23 If the court determines, in accordance with Sections 124B-125
24 through 124B-135, that an innocent owner has a partial interest

1 in property otherwise subject to forfeiture, or a joint tenancy
2 or tenancy by the entirety in that property, the court may
3 enter an appropriate order doing any of the following:

4 (1) Severing and releasing the property.

5 (2) Transferring the property to the State with a
6 provision that the State compensate the innocent owner to
7 the extent of his or her ownership interest once a final
8 order of forfeiture has been entered and the property has
9 been reduced to liquid assets.

10 (3) Permitting the innocent owner to retain the
11 property subject to a lien in favor of the State to the
12 extent of the forfeitable interest in the property.

13 (725 ILCS 5/124B-145 new)

14 Sec. 124B-145. Property constituting attorney's fees;
15 forfeiture not applicable. Nothing in this Article applies to
16 property that constitutes reasonable bona fide attorney's fees
17 paid to an attorney for services rendered or to be rendered in
18 a forfeiture proceeding under this Article, or in a criminal
19 proceeding relating directly to a forfeiture proceeding under
20 this Article, if (i) the property was paid before its seizure
21 and before the issuance of any seizure warrant or court order
22 prohibiting transfer of the property and (ii) the attorney, at
23 the time he or she received the property, did not know that it
24 was property subject to forfeiture under this Article.

1 (725 ILCS 5/124B-150 new)

2 Sec. 124B-150. Protective order; probable cause.

3 (a) Upon application of the State, the circuit court
4 presiding over the trial of the person or persons charged with
5 the offense giving rise to forfeiture may enter a restraining
6 order or injunction, or take other appropriate action, to
7 preserve the availability of property for forfeiture under this
8 Article. Before entering such an order or taking such action,
9 the court shall first determine the following:

10 (1) Whether there is probable cause to believe that the
11 person or persons so charged have committed the offense.

12 (2) Whether the property is subject to forfeiture under
13 this Article.

14 (b) In order to make the determinations of probable cause
15 required under subsection (a), the court shall conduct a
16 hearing without a jury. In that hearing, the State must
17 establish both of the following:

18 (1) There is probable cause that the person or persons
19 charged have committed the offense.

20 (2) There is probable cause that property may be
21 subject to forfeiture under this Article.

22 (c) The court may conduct the hearing under subsection (b)
23 simultaneously with a preliminary hearing if the prosecution is
24 commenced by information or complaint. The court may conduct
25 the hearing under subsection (b) at any stage in the criminal
26 proceedings upon the State's motion.

1 (d) The court may accept a finding of probable cause at a
2 preliminary hearing following the filing of an information
3 charging the offense or following the return of an indictment
4 by a grand jury charging the offense as sufficient evidence of
5 probable cause as required under paragraph (1) of subsection
6 (b).

7 (e) Upon making a finding of probable cause as required
8 under this Section, the circuit court shall enter a restraining
9 order or injunction, or take other appropriate action, as
10 necessary to ensure that the property is not removed from the
11 court's jurisdiction and is not concealed, destroyed, or
12 otherwise disposed of by the property owner or interest holder
13 before a forfeiture hearing under this Article.

14 (f) The Attorney General or State's Attorney shall file a
15 certified copy of the restraining order, injunction, or other
16 prohibition with the recorder of deeds or registrar of titles
17 of each county where any property of the defendant subject to
18 forfeiture is located.

19 (725 ILCS 5/124B-155 new)

20 Sec. 124B-155. Rights of certain parties unaffected by
21 protective order; release of property.

22 (a) A restraining order or injunction entered, or other
23 action taken, by the court under Section 124B-150 does not
24 affect the rights of any bona fide purchaser, mortgagee,
25 judgment creditor, or other lienholder that arose before the

1 date on which a certified copy of the restraining order,
2 injunction, or other prohibition was filed in accordance with
3 subsection (f) of Section 124B-150.

4 (b) At any time, upon verified petition by the defendant or
5 by an innocent owner or innocent bona fide third party
6 lienholder who neither had knowledge of, nor consented to, the
7 illegal act or omission, the court may conduct a hearing to
8 release all or portions of any property that the court
9 previously determined to be subject to forfeiture or subject to
10 any restraining order, injunction, or other action. For good
11 cause shown and in the court's sound discretion, the court may
12 release the property to the defendant or innocent owner or
13 innocent bona fide third party lienholder who neither had
14 knowledge of, nor consented to, the illegal act or omission.

15 (725 ILCS 5/124B-160 new)

16 Sec. 124B-160. Petition for forfeiture; forfeiture
17 hearing; burden of proof.

18 (a) The Attorney General or State's Attorney may file a
19 petition for forfeiture of property in connection with an
20 offense as defined in this Article, and, within a reasonable
21 time after sentencing, the court shall conduct a hearing to
22 determine whether any property is subject to forfeiture under
23 this Article. Every person with any property interest in the
24 property alleged to be subject to forfeiture may appear as a
25 party and present evidence at the hearing.

1 (b) At the forfeiture hearing, the State has the burden of
2 establishing, by a preponderance of the evidence, that the
3 property is subject to forfeiture under this Article.

4 (725 ILCS 5/124B-165 new)

5 Sec. 124B-165. Order of forfeiture; sale of forfeited
6 property; publication of notice; challenge to forfeiture.

7 (a) Upon the court's determination that property is subject
8 to forfeiture, the court shall enter an order of forfeiture
9 with respect to the property at issue. Except as provided in
10 Section 124B-705, the order shall authorize the Attorney
11 General or State's Attorney to seize all property declared
12 forfeited under this Article (if the property has not already
13 been seized) upon terms and conditions the court deems proper.
14 The Attorney General or State's Attorney may then sell the
15 forfeited property unless the court determines that the
16 property is required by law to be destroyed or is harmful to
17 the public.

18 (b) Following the entry of the order of forfeiture, the
19 Attorney General or State's Attorney shall cause publication of
20 notice of the order and his or her intent to dispose of the
21 property. Publication shall be in a newspaper of general
22 circulation in the county where the property was seized, for a
23 period of 3 successive weeks.

24 (c) Within 30 days after the publication, any person may
25 petition the court to adjudicate the validity of his or her

1 interest in the property and whether the interest is protected
2 under this Article.

3 (725 ILCS 5/124B-170 new)

4 Sec. 124B-170. Judicial review.

5 (a) Within 30 days after publication of the notice under
6 Section 124B-165, any person claiming an interest in the
7 property declared forfeited may file a verified claim with the
8 court expressing his or her interest in the property. The claim
9 must set forth the following:

10 (1) The caption of the proceedings as set forth in the
11 notice of order of forfeiture.

12 (2) The claimant's name and address.

13 (3) The nature and extent of the claimant's interest in
14 the property.

15 (4) The circumstances of the claimant's acquisition of
16 the interest in the property, including the date of the
17 transfer and the identity of the transferor.

18 (5) The names and addresses of all other persons known
19 by the claimant to have an interest in the property.

20 (6) The specific provision of law relied on in
21 asserting that the property is not subject to forfeiture.

22 (7) All essential facts supporting each assertion.

23 (8) The relief sought by the claimant.

24 (b) The claim must be accompanied by a cost bond in the
25 form of a cashier's check payable to the clerk of the court in

1 the amount of 10% of the reasonable value of the property as
2 alleged by the Attorney General or State's Attorney or the
3 amount of \$100, whichever is greater, conditioned upon the
4 claimant's payment, in the case of forfeiture, of all costs and
5 expenses of the proceeding under this Section.

6 (c) Upon the filing of a claim and cost bond as provided in
7 this Section, the court shall determine whether the property is
8 subject to forfeiture in accordance with this Article. If none
9 of the seized property is declared forfeited in a proceeding
10 under this Section, then, unless the court orders otherwise,
11 the clerk of the court shall return to the claimant 90% of the
12 amount deposited with the clerk as a cost bond under this
13 Section. If any of the seized property is declared forfeited in
14 a proceeding under this Section, then the clerk of the court
15 shall transfer 90% of the amount deposited with the clerk as a
16 cost bond under this Section to the prosecuting authority. In
17 either case, the clerk shall retain the remaining 10% of the
18 amount deposited as costs for the proceeding under this
19 Section.

20 (725 ILCS 5/124B-175 new)

21 Sec. 124B-175. Distribution of forfeited moneys and
22 proceeds from sale of forfeited property. All moneys forfeited
23 under this Article, together with the proceeds from the sale of
24 all property forfeited under this Article, shall be distributed
25 as set forth in this Article.

1 (725 ILCS 5/124B-180 new)

2 Sec. 124B-180. Segregation of moneys from sale proceeds for
3 certain purposes. Before any distribution under Section
4 124B-175 or as otherwise prescribed by law, the court may order
5 the Attorney General or State's Attorney to segregate moneys
6 from the proceeds of the sale sufficient to do any of the
7 following:

8 (1) Satisfy any order of restitution, as the court may
9 deem appropriate.

10 (2) Satisfy any legal right, title, or interest that
11 the court deems superior to any right, title, or interest
12 of the defendant at the time of the commission of the acts
13 that gave rise to forfeiture under this Article.

14 (3) Satisfy any bona fide purchaser for value of the
15 right, title, or interest in the property who was without
16 reasonable notice that the property was subject to
17 forfeiture.

18 (725 ILCS 5/124B-190 new)

19 Sec. 124B-190. Construction. It is the intent of the
20 General Assembly that the forfeiture provisions of this Article
21 be liberally construed so as to effect their purpose. The
22 forfeiture of property and other remedies under this Article
23 shall be considered to be in addition to, and not exclusive of,
24 any sentence or other remedy provided by law.

1 (725 ILCS 5/Art. 124B Pt. 300 heading new)

2 Part 300. Forfeiture; Involuntary Servitude
3 and Trafficking of Persons

4 (725 ILCS 5/124B-300 new)

5 Sec. 124B-300. Persons and property subject to forfeiture.
6 A person who commits the offense of involuntary servitude,
7 involuntary servitude of a minor, or trafficking of persons for
8 forced labor or services under Section 10A-10 of the Criminal
9 Code of 1961 shall forfeit to the State of Illinois any profits
10 or proceeds and any property he or she has acquired or
11 maintained in violation of Section 10A-10 of the Criminal Code
12 of 1961 that the sentencing court determines, after a
13 forfeiture hearing under this Article, to have been acquired or
14 maintained as a result of maintaining a person in involuntary
15 servitude or participating in trafficking of persons for forced
16 labor or services.

17 (725 ILCS 5/124B-305 new)

18 Sec. 124B-305. Distribution of property and sale proceeds.
19 All moneys and the sale proceeds of all other property
20 forfeited and seized under this Part 300 shall be distributed
21 as follows:

22 (1) 50% shall be divided equally between all State
23 agencies and units of local government whose officers or

1 employees conducted the investigation that resulted in the
2 forfeiture.

3 (2) 50% shall be deposited into the Violent Crime
4 Victims Assistance Fund and targeted to services for
5 victims of the offenses of involuntary servitude,
6 involuntary servitude of a minor, and trafficking of
7 persons for forced labor or services.

8 (725 ILCS 5/124B-310 new)

9 Sec. 124B-310. Standard forfeiture provisions incorporated
10 by reference. All of the provisions of Part 100 of this Article
11 are incorporated by reference into this Part 300.

12 (725 ILCS 5/Art. 124B Pt. 400 heading new)

13 Part 400. Obscenity

14 (725 ILCS 5/124B-400 new)

15 Sec. 124B-400. Legislative declaration. Obscenity is a
16 far-reaching and extremely profitable crime. This crime
17 persists despite the threat of prosecution and successful
18 prosecution because existing sanctions do not effectively
19 reach the money and other assets generated by it. It is
20 therefore necessary to supplement existing sanctions by
21 mandating forfeiture of money and other assets generated by
22 this crime. Forfeiture diminishes the financial incentives
23 that encourage and sustain obscenity and secures for the State,

1 local government, and prosecutors a resource for prosecuting
2 these crimes.

3 (725 ILCS 5/124B-405 new)

4 Sec. 124B-405. Persons and property subject to forfeiture.
5 A person who has been convicted previously of the offense of
6 obscenity under Section 11-20 of the Criminal Code of 1961 and
7 who is convicted of a second or subsequent offense of obscenity
8 under that Section shall forfeit the following to the State of
9 Illinois:

10 (1) Any property constituting or derived from any
11 proceeds that the person obtained, directly or indirectly,
12 as a result of the offense.

13 (2) Any of the person's property used in any manner,
14 wholly or in part, to commit the offense.

15 (725 ILCS 5/124B-410 new)

16 Sec. 124B-410. No prior restraint. Nothing in this Part 400
17 shall be construed as authorizing the prior restraint of any
18 showing, performance, or exhibition of allegedly obscene
19 films, plays, or other presentations or of any sale or
20 distribution of allegedly obscene materials.

21 (725 ILCS 5/124B-415 new)

22 Sec. 124B-415. Order to destroy property. If the Attorney
23 General or State's Attorney believes any property forfeited and

1 seized under this Part 400 describes, depicts, or portrays any
2 of the acts or activities described in subsection (b) of
3 Section 11-20 of the Criminal Code of 1961, the Attorney
4 General or State's Attorney shall apply to the court for an
5 order to destroy that property. If the court determines that
6 the property describes, depicts, or portrays such acts or
7 activities it shall order the Attorney General or State's
8 Attorney to destroy the property.

9 (725 ILCS 5/124B-420 new)

10 Sec. 124B-420. Distribution of property and sale proceeds.

11 (a) All moneys and the sale proceeds of all other property
12 forfeited and seized under this Part 400 shall be distributed
13 as follows:

14 (1) 50% shall be distributed to the unit of local
15 government whose officers or employees conducted the
16 investigation into the offense and caused the arrest or
17 arrests and prosecution leading to the forfeiture, except
18 that if the investigation, arrest or arrests, and
19 prosecution leading to the forfeiture were undertaken by
20 the sheriff, this portion shall be distributed to the
21 county for deposit into a special fund in the county
22 treasury appropriated to the sheriff. Amounts distributed
23 to the county for the sheriff or to units of local
24 government under this paragraph shall be used for
25 enforcement of laws or ordinances governing obscenity and

1 child pornography. If the investigation, arrest or
2 arrests, and prosecution leading to the forfeiture were
3 undertaken solely by a State agency, however, the portion
4 designated in this paragraph shall be paid into the State
5 treasury to be used for enforcement of laws governing
6 obscenity and child pornography.

7 (2) 25% shall be distributed to the county in which the
8 prosecution resulting in the forfeiture was instituted,
9 deposited into a special fund in the county treasury, and
10 appropriated to the State's Attorney for use in the
11 enforcement of laws governing obscenity and child
12 pornography.

13 (3) 25% shall be distributed to the Office of the
14 State's Attorneys Appellate Prosecutor and deposited into
15 the Obscenity Profits Forfeiture Fund, which is hereby
16 created in the State treasury, to be used by the Office of
17 the State's Attorneys Appellate Prosecutor for additional
18 expenses incurred in prosecuting appeals arising under
19 Sections 11-20, 11-20.1, and 11-20.3 of the Criminal Code
20 of 1961. Any amounts remaining in the Fund after all
21 additional expenses have been paid shall be used by the
22 Office to reduce the participating county contributions to
23 the Office on a pro-rated basis as determined by the board
24 of governors of the Office of the State's Attorneys
25 Appellate Prosecutor based on the populations of the
26 participating counties.

1 (b) Before any distribution under subsection (a), the
2 Attorney General or State's Attorney shall retain from the
3 forfeited moneys or sale proceeds, or both, sufficient moneys
4 to cover expenses related to the administration and sale of the
5 forfeited property.

6 (725 ILCS 5/124B-425 new)

7 Sec. 124B-425. Forfeiture provisions not applicable to
8 libraries. This Part 400 does not apply to any property of a
9 public library or any property of a library operated by an
10 institution accredited by a generally recognized accrediting
11 agency.

12 (725 ILCS 5/124B-430 new)

13 Sec. 124B-430. Standard forfeiture provisions incorporated
14 by reference. All of the provisions of Part 100 of this Article
15 are incorporated by reference into this Part 400.

16 (725 ILCS 5/Art. 124B Pt. 500 heading new)

17 Part 500. Other Sex Offenses

18 (725 ILCS 5/124B-500 new)

19 Sec. 124B-500. Persons and property subject to forfeiture.
20 A person who commits the offense of keeping a place of juvenile
21 prostitution, exploitation of a child, child pornography, or
22 aggravated child pornography under Section 11-17.1, 11-19.2,

1 11-20.1, or 11-20.3 of the Criminal Code of 1961 shall forfeit
2 the following property to the State of Illinois:

3 (1) Any profits or proceeds and any property the person
4 has acquired or maintained in violation of Section 11-17.1,
5 11-19.2, 11-20.1, or 11-20.3 of the Criminal Code of 1961
6 that the sentencing court determines, after a forfeiture
7 hearing under this Article, to have been acquired or
8 maintained as a result of keeping a place of juvenile
9 prostitution, exploitation of a child, child pornography,
10 or aggravated child pornography.

11 (2) Any interest in, securities of, claim against, or
12 property or contractual right of any kind affording a
13 source of influence over any enterprise that the person has
14 established, operated, controlled, or conducted in
15 violation of Section 11-17.1, 11-19.2, 11-20.1, or 11-20.3
16 of the Criminal Code of 1961 that the sentencing court
17 determines, after a forfeiture hearing under this Article,
18 to have been acquired or maintained as a result of keeping
19 a place of juvenile prostitution, exploitation of a child,
20 child pornography, or aggravated child pornography.

21 (3) Any computer that contains a depiction of child
22 pornography in any encoded or decoded format in violation
23 of Section 11-20.1 or 11-20.3 of the Criminal Code of 1961.
24 For purposes of this paragraph (3), "computer" has the
25 meaning ascribed to it in Section 16D-2 of the Criminal
26 Code of 1961.

1 (725 ILCS 5/124B-505 new)

2 Sec. 124B-505. Distribution of property and sale proceeds.

3 (a) All moneys and the sale proceeds of all other property
4 forfeited and seized under this Part 500 shall be distributed
5 as follows:

6 (1) One-half shall be divided equally between all State
7 agencies and units of local government whose officers or
8 employees conducted the investigation that resulted in the
9 forfeiture.

10 (2) One-half shall be deposited into the Violent Crime
11 Victims Assistance Fund.

12 (b) Before any distribution under subsection (a), the
13 Attorney General or State's Attorney shall retain from the
14 forfeited moneys or sale proceeds, or both, sufficient moneys
15 to cover expenses related to the administration and sale of the
16 forfeited property.

17 (725 ILCS 5/124B-510 new)

18 Sec. 124B-510. Standard forfeiture provisions incorporated
19 by reference. All of the provisions of Part 100 of this Article
20 are incorporated by reference into this Part 500.

21 (725 ILCS 5/Art. 124B Pt. 600 heading new)

22 Part 600. Computer Crime

1 (725 ILCS 5/124B-600 new)

2 Sec. 124B-600. Persons and property subject to forfeiture.
3 A person who commits the offense of computer fraud as set forth
4 in Section 16D-5 of the Criminal Code of 1961 shall forfeit any
5 property that the sentencing court determines, after a
6 forfeiture hearing under this Article, the person has acquired
7 or maintained, directly or indirectly, in whole or in part, as
8 a result of that offense. The person shall also forfeit any
9 interest in, securities of, claim against, or contractual right
10 of any kind that affords the person a source of influence over
11 any enterprise that the person has established, operated,
12 controlled, conducted, or participated in conducting, if the
13 person's relationship to or connection with any such thing or
14 activity directly or indirectly, in whole or in part, is
15 traceable to any item or benefit that the person has obtained
16 or acquired through computer fraud.

17 (725 ILCS 5/124B-605 new)

18 Sec. 124B-605. Distribution of property and sale proceeds.
19 (a) All moneys and the sale proceeds of all other property
20 forfeited and seized under this Part 600 shall be distributed
21 as follows:
22 (1) 50% shall be distributed to the unit of local
23 government whose officers or employees conducted the
24 investigation into computer fraud and caused the arrest or
25 arrests and prosecution leading to the forfeiture. Amounts

1 distributed to units of local government shall be used for
2 training or enforcement purposes relating to detection,
3 investigation, or prosecution of financial crimes,
4 including computer fraud. If, however, the investigation,
5 arrest or arrests, and prosecution leading to the
6 forfeiture were undertaken solely by a State agency, the
7 portion provided under this paragraph (1) shall be paid
8 into the State Police Services Fund of the Illinois
9 Department of State Police to be used for training or
10 enforcement purposes relating to detection, investigation,
11 or prosecution of financial crimes, including computer
12 fraud.

13 (2) 50% shall be distributed to the county in which the
14 prosecution and petition for forfeiture resulting in the
15 forfeiture was instituted by the State's Attorney and shall
16 be deposited into a special fund in the county treasury and
17 appropriated to the State's Attorney for use in training or
18 enforcement purposes relating to detection, investigation,
19 or prosecution of financial crimes, including computer
20 fraud. If a prosecution and petition for forfeiture
21 resulting in the forfeiture has been maintained by the
22 Attorney General, 50% of the proceeds shall be paid into
23 the Attorney General's Financial Crime Prevention Fund. If
24 the Attorney General and the State's Attorney have
25 participated jointly in any part of the proceedings, 25% of
26 the proceeds forfeited shall be paid to the county in which

1 the prosecution and petition for forfeiture resulting in
2 the forfeiture occurred, and 25% shall be paid into the
3 Attorney General's Financial Crime Prevention Fund to be
4 used for the purposes stated in this paragraph (2).

5 (b) Before any distribution under subsection (a), the
6 Attorney General or State's Attorney shall retain from the
7 forfeited moneys or sale proceeds, or both, sufficient moneys
8 to cover expenses related to the administration and sale of the
9 forfeited property.

10 (725 ILCS 5/124B-610 new)

11 Sec. 124B-610. Computer used in commission of felony;
12 forfeiture. If a person commits a felony under any provision of
13 the Criminal Code of 1961 or another statute and the
14 instrumentality used in the commission of the offense, or in
15 connection with or in furtherance of a scheme or design to
16 commit the offense, is a computer owned by the defendant (or,
17 if the defendant is a minor, owned by the minor's parent or
18 legal guardian), the computer is subject to forfeiture under
19 this Article. A computer, or any part of a computer, is not
20 subject to forfeiture under this Article, however, under either
21 of the following circumstances:

22 (1) The computer accessed in the commission of the
23 offense was owned or leased by the victim or an innocent
24 third party at the time the offense was committed.

25 (2) The rights of a creditor, lienholder, or person

1 having a security interest in the computer at the time the
2 offense was committed will be adversely affected.

3 (725 ILCS 5/124B-615 new)

4 Sec. 124B-615. Standard forfeiture provisions incorporated
5 by reference. All of the provisions of Part 100 of this Article
6 are incorporated by reference into this Part 600.

7 (725 ILCS 5/Art. 124B Pt. 700 heading new)

8 Part 700. WIC Fraud

9 (725 ILCS 5/124B-700 new)

10 Sec. 124B-700. Persons and property subject to forfeiture.
11 A person who commits a felony violation of Article 17B of the
12 Criminal Code of 1961 shall forfeit any property that the
13 sentencing court determines, after a forfeiture hearing under
14 this Article, (i) the person has acquired, in whole or in part,
15 as a result of committing the violation or (ii) the person has
16 maintained or used, in whole or in part, to facilitate,
17 directly or indirectly, the commission of the violation. The
18 person shall also forfeit any interest in, securities of, claim
19 against, or contractual right of any kind that affords the
20 person a source of influence over any enterprise that the
21 person has established, operated, controlled, conducted, or
22 participated in conducting, if the person's relationship to or
23 connection with any such thing or activity directly or

1 indirectly, in whole or in part, is traceable to any item or
2 benefit that the person has obtained or acquired as a result of
3 a felony violation of Article 17B of the Criminal Code of 1961.
4 Property subject to forfeiture under this Part 700 includes the
5 following:

6 (1) All moneys, things of value, books, records, and
7 research products and materials that are used or intended
8 to be used in committing a felony violation of Article 17B
9 of the Criminal Code of 1961.

10 (2) Everything of value furnished, or intended to be
11 furnished, in exchange for a substance in violation of
12 Article 17B of the Criminal Code of 1961; all proceeds
13 traceable to that exchange; and all moneys, negotiable
14 instruments, and securities used or intended to be used to
15 commit or in any manner to facilitate the commission of a
16 felony violation of Article 17B of the Criminal Code of
17 1961.

18 (3) All real property, including any right, title, and
19 interest (including, but not limited to, any leasehold
20 interest or the beneficial interest in a land trust) in the
21 whole of any lot or tract of land and any appurtenances or
22 improvements, that is used or intended to be used, in any
23 manner or part, to commit or in any manner to facilitate
24 the commission of a felony violation of Article 17B of the
25 Criminal Code of 1961 or that is the proceeds of any act
26 that constitutes a felony violation of Article 17B of the

1 Criminal Code of 1961.

2 (725 ILCS 5/124B-705 new)

3 Sec. 124B-705. Seizure and inventory of property subject to
4 forfeiture. Property taken or detained under this Part shall
5 not be subject to replevin, but is deemed to be in the custody
6 of the Director of State Police subject only to the order and
7 judgments of the circuit court having jurisdiction over the
8 forfeiture proceedings and the decisions of the Attorney
9 General or State's Attorney under this Article. When property
10 is seized under this Article, the seizing agency shall promptly
11 conduct an inventory of the seized property and estimate the
12 property's value and shall forward a copy of the estimate of
13 the property's value to the Director of State Police. Upon
14 receiving the notice of seizure, the Director may do any of the
15 following:

16 (1) Place the property under seal.

17 (2) Remove the property to a place designated by the
18 Director.

19 (3) Keep the property in the possession of the seizing
20 agency.

21 (4) Remove the property to a storage area for
22 safekeeping or, if the property is a negotiable instrument
23 or money and is not needed for evidentiary purposes,
24 deposit it in an interest bearing account.

25 (5) Place the property under constructive seizure by

1 posting notice of the pending forfeiture on it, by giving
2 notice of the pending forfeiture to its owners and interest
3 holders, or by filing a notice of the pending forfeiture in
4 any appropriate public record relating to the property.

5 (6) Provide for another agency or custodian, including
6 an owner, secured party, or lienholder, to take custody of
7 the property on terms and conditions set by the Director.

8 (725 ILCS 5/124B-710 new)

9 Sec. 124B-710. Sale of forfeited property by Director of
10 State Police; return to seizing agency or prosecutor.

11 (a) The court shall authorize the Director of State Police
12 to seize any property declared forfeited under this Article on
13 terms and conditions the court deems proper.

14 (b) When property is forfeited under this Part 700, the
15 Director of State Police shall sell the property unless the
16 property is required by law to be destroyed or is harmful to
17 the public. The Director shall distribute the proceeds of the
18 sale, together with any moneys forfeited or seized, in
19 accordance with Section 124B-715.

20 (c) On the application of the seizing agency or prosecutor
21 who was responsible for the investigation, arrest, and
22 prosecution that lead to the forfeiture, however, the Director
23 may return any item of forfeited property to the seizing agency
24 or prosecutor for official use in the enforcement of laws
25 relating to Article 17B of the Criminal Code of 1961 if the

1 agency or prosecutor can demonstrate that the item requested
2 would be useful to the agency or prosecutor in their
3 enforcement efforts. When any real property returned to the
4 seizing agency is sold by the agency or its unit of government,
5 the proceeds of the sale shall be delivered to the Director and
6 distributed in accordance with Section 124B-715.

7 (725 ILCS 5/124B-715 new)

8 Sec. 124B-715. Distribution of all other property and sale
9 proceeds. All moneys and the sale proceeds of all property
10 forfeited and seized under this Part 700 and not returned to a
11 seizing agency or prosecutor under subsection (c) of Section
12 124B-705 shall be distributed to the Special Supplemental Food
13 Program for Women, Infants and Children (WIC) program
14 administered by the Illinois Department of Human Services.

15 (725 ILCS 5/124B-720 new)

16 Sec. 124B-720. Standard forfeiture provisions incorporated
17 by reference. All of the provisions of Part 100 of this Article
18 are incorporated by reference into this Part 700.

19 (725 ILCS 5/Art. 124B Pt. 800 heading new)

20 Part 800. Terrorism

21 (725 ILCS 5/124B-800 new)

22 Sec. 124B-800. Persons and property subject to forfeiture.

1 (a) A person who commits an offense under Article 29D of
2 the Criminal Code of 1961 shall forfeit any property that the
3 sentencing court determines, after a forfeiture hearing under
4 this Article, (i) the person has acquired or maintained,
5 directly or indirectly, in whole or in part, as a result of the
6 offense or (ii) the person used, was about to use, or intended
7 to use in connection with the offense. The person shall also
8 forfeit any interest in, securities of, claim against, or
9 contractual right of any kind that affords the person a source
10 of influence over any enterprise that the person has
11 established, operated, controlled, conducted, or participated
12 in conducting, if the person's relationship to or connection
13 with any such thing or activity directly or indirectly, in
14 whole or in part, is traceable to any item or benefit that the
15 person has obtained or acquired as a result of a violation of
16 Article 29D of the Criminal Code of 1961 or that the person
17 used, was about to use, or intended to use in connection with a
18 violation of Article 29D of the Criminal Code of 1961.

19 (b) For purposes of this Part 800, "person" has the meaning
20 given in Section 124B-115 of this Code and, in addition to that
21 meaning, includes, without limitation, any charitable
22 organization, whether incorporated or unincorporated, any
23 professional fund raiser, professional solicitor, limited
24 liability company, association, joint stock company,
25 association, trust, trustee, or any group of people formally or
26 informally affiliated or associated for a common purpose, and

1 any officer, director, partner, member, or agent of any person.

2 (725 ILCS 5/124B-805 new)

3 Sec. 124B-805. Asset freeze or seizure; ex parte
4 proceeding.

5 (a) Whenever it appears that there is probable cause to
6 believe that any person used, is using, is about to use, or is
7 intending to use property in any way that constitutes or would
8 constitute an offense as defined in this Article, the Attorney
9 General or any State's Attorney may make an ex parte
10 application to the circuit court to freeze or seize all assets
11 of that person. Upon a showing of probable cause in the ex
12 parte hearing, the circuit court shall issue an order to freeze
13 or seize all assets of that person. A copy of the freeze or
14 seize order shall be served upon the person whose property has
15 been frozen or seized.

16 (b) At any time within 30 days after service of the order
17 to freeze or seize property, the person whose property was
18 ordered frozen or seized, or any person claiming an interest in
19 the property, may file a motion to release his or her property.
20 The court shall hold a hearing on the motion within 10 days.

21 (c) In any proceeding to release property, the burden of
22 proof shall be by a preponderance of evidence and shall be on
23 the State to show that the person used, was using, is about to
24 use, or is intending to use any property in any way that
25 constitutes or would constitute an offense as defined in this

1 Article. If the court finds that any property was being used,
2 is about to be used, or is intended to be used in any way that
3 constitutes or would constitute an offense as defined in this
4 Article, the court shall order the property frozen or held
5 until further order of the court. Any property so ordered held
6 or frozen is subject to forfeiture under the procedures set
7 forth in this Article.

8 (d) Upon the request of the defendant, the court may
9 release property frozen or seized under this Section in an
10 amount sufficient to pay attorney's fees for representation of
11 the defendant at a hearing conducted under this Article.

12 (725 ILCS 5/124B-810 new)

13 Sec. 124B-810. Forfeiture hearing following property
14 freeze or seizure.

15 (a) If a person having any property interest in property
16 frozen or seized under Section 124B-805 is charged with an
17 offense within 60 days after the property is frozen or seized,
18 the court that renders judgment on the charge shall conduct a
19 forfeiture hearing within 30 days after the judgment to
20 determine whether the property (i) was used, about to be used,
21 or intended to be used to commit an offense as defined in this
22 Article or in connection with any such offense or (ii) was
23 integrally related to any offense as defined in this Article or
24 intended offense as defined in this Article.

25 (b) The State shall commence a forfeiture proceeding under

1 subsection (a) by filing a written petition with the court. The
2 petition must be verified and must include the following:

3 (1) Material allegations of fact.

4 (2) The name and address of every person determined by
5 the State to have any property interest in the frozen or
6 seized property.

7 (3) A representation that written notice of the date,
8 time, and place of the forfeiture hearing has been mailed
9 to every person described in paragraph (2) by certified
10 mail at least 10 days before the date.

11 (4) A request for forfeiture.

12 (c) Every person described in paragraph (2) of subsection
13 (b) may appear as a party and present evidence at the hearing.
14 The quantum of proof required is a preponderance of the
15 evidence, and the burden of proof is on the State.

16 (d) If the court determines that the frozen or seized
17 property was used, about to be used, or intended to be used to
18 commit an offense as defined in this Article or in connection
19 with any such offense, or was integrally related to any offense
20 as defined in this Article or intended offense as defined in
21 this Article, the court shall enter an order of forfeiture and
22 disposition of the frozen or seized property. All property
23 forfeited may be liquidated, and the resultant money, together
24 with any other money forfeited, shall be distributed as set
25 forth in this Article.

1 (725 ILCS 5/124B-815 new)

2 Sec. 124B-815. No release of property for payment of
3 attorney's fees. No judge shall release any property that is
4 the subject of a petition filed under subsection (b) of Section
5 124B-810 or a hearing conducted under Section 124B-150 or
6 124B-160 for the payment of attorney's fees for any person
7 claiming an interest in that property.

8 (725 ILCS 5/124B-820 new)

9 Sec. 124B-820. No offense charged or no conviction; in rem
10 proceeding.

11 (a) If a person is not charged with an offense within 60
12 days after property is frozen or seized under Section 124B-805,
13 or if the prosecution of the charge is permanently terminated
14 or indefinitely discontinued without any judgment of
15 conviction, or if a judgment of acquittal is entered, the
16 Attorney General or State's Attorney shall immediately
17 commence an in rem proceeding for the forfeiture of any frozen
18 or seized property in the circuit court by filing a complaint
19 that contains the same information as required in a petition
20 under subsection (b) of Section 124B-810. The court shall
21 conduct the in rem proceeding in the same manner as other
22 forfeiture proceedings under this Article.

23 (b) Any person having any property interest in the frozen
24 or seized property may commence a separate civil proceeding in
25 the manner provided by law.

1 (725 ILCS 5/124B-825 new)

2 Sec. 124B-825. Distribution of property and sale proceeds.
3 After the deduction of all requisite expenses of administration
4 and sale, the Attorney General or State's Attorney shall
5 distribute the proceeds of the sale of forfeited property,
6 along with any property forfeited or seized, between
7 participating law enforcement agencies in equitable portions
8 as determined by the court entering the forfeiture order.

9 (725 ILCS 5/124B-830 new)

10 Sec. 124B-830. Standard forfeiture provisions incorporated
11 by reference. All of the provisions of Part 100 of this Article
12 are incorporated by reference into this Part 800.

13 (725 ILCS 5/Art. 124B Pt. 900 heading new)

14 Part 900. Animals

15 (725 ILCS 5/124B-900 new)

16 Sec. 124B-900. Legislative declaration. The General
17 Assembly finds that the forfeiture of real property that is
18 used or intended to be used in connection with any show,
19 exhibition, program, or other activity featuring or otherwise
20 involving a fight between an animal and any other animal or
21 human or involving the intentional killing of any animal for
22 the purpose of sport, wagering, or entertainment will have a

1 significant beneficial effect in deterring the rising
2 incidence of those activities within this State, as well as
3 other crimes that frequently occur in partnership with animal
4 fighting, such as illegal gambling, possession of narcotics,
5 and weapons violations.

6 (725 ILCS 5/124B-905 new)

7 Sec. 124B-905. Persons and property subject to forfeiture.
8 A person who commits a felony violation of Section 4.01 of the
9 Humane Care for Animals Act or a felony violation of Section
10 26-5 of the Criminal Code of 1961 shall forfeit the following:

11 (1) Any moneys, profits, or proceeds the person
12 acquired, in whole or in part, as a result of committing
13 the violation.

14 (2) Any real property or interest in real property that
15 the sentencing court determines, after a forfeiture
16 hearing under this Article, (i) the person has acquired, in
17 whole or in part, as a result of committing the violation
18 or (ii) the person has maintained or used, in whole or in
19 part, to facilitate, directly or indirectly, the
20 commission of the violation. Real property subject to
21 forfeiture under this Part 900 includes property that
22 belongs to any of the following:

23 (A) The person organizing the show, exhibition,
24 program, or other activity described in subsections
25 (a) through (g) of Section 4.01 of the Humane Care for

1 Animals Act or Section 26-5 of the Criminal Code of
2 1961.

3 (B) Any other person participating in the activity
4 described in subsections (a) through (g) of Section
5 4.01 of the Humane Care for Animals Act or Section 26-5
6 of the Criminal Code of 1961 who is related to the
7 organization and operation of the activity.

8 (C) Any person who knowingly allowed the
9 activities to occur on his or her premises.

10 The person shall also forfeit any interest in, securities
11 of, claim against, or contractual right of any kind that
12 affords the person a source of influence over any enterprise
13 that the person has established, operated, controlled,
14 conducted, or participated in conducting, if the person's
15 relationship to or connection with any such thing or activity
16 directly or indirectly, in whole or in part, is traceable to
17 any item or benefit that the person has obtained or acquired as
18 a result of a felony violation of Section 4.01 of the Humane
19 Care for Animals Act or a felony violation of Section 26-5 of
20 the Criminal Code of 1961.

21 (725 ILCS 5/124B-910 new)

22 Sec. 124B-910. Notice to or service on owner or interest
23 holder.

24 (a) Whenever notice of pending forfeiture or service of an
25 in rem complaint is required under this Article, the notice or

1 service shall be given or made as follows:

2 (1) If the owner's or interest holder's name and
3 current address are known, then notice or service shall be
4 given or made either by personal service or by mailing a
5 copy of the notice by certified mail, return receipt
6 requested, to that address. For purposes of notice under
7 this Section, if a person has been arrested for the conduct
8 giving rise to the forfeiture, then the address provided to
9 the arresting agency at the time of arrest shall be deemed
10 to be that person's known address. If an owner's or
11 interest holder's address changes before the effective
12 date of the notice of pending forfeiture, however, the
13 owner or interest holder shall promptly notify the seizing
14 agency of the change in address. If the owner's or interest
15 holder's address changes after the effective date of the
16 notice of pending forfeiture, the owner or interest holder
17 shall promptly notify the State's Attorney or Attorney
18 General of the change in address.

19 (2) If the property seized is a conveyance, then notice
20 or service shall be given or made to the address reflected
21 in the office of the agency or official in which title or
22 interest to the conveyance is required by law to be
23 recorded. Notice shall be given by mailing a copy of the
24 notice by certified mail, return receipt requested, to that
25 address.

26 (3) If the owner's or interest holder's address is not

1 known and is not on record as provided in paragraph (2),
2 then notice of pending forfeiture shall be given by
3 publication for 3 successive weeks in a newspaper of
4 general circulation in the county in which the seizure
5 occurred.

6 (b) Notice of pending forfeiture served under this Article
7 is effective upon personal service, the last date of
8 publication, or the mailing of written notice, whichever is
9 earlier.

10 (725 ILCS 5/124B-915 new)

11 Sec. 124B-915. Property vests in State. All property
12 declared forfeited under this Article vests in the State on the
13 date of the commission of the conduct giving rise to
14 forfeiture, together with the proceeds of the property after
15 that time. Any such property or proceeds subsequently
16 transferred to any person remain subject to forfeiture and
17 thereafter shall be ordered forfeited unless the transferee
18 claims and establishes in a hearing under the provisions of
19 this Article that the transferee's interest is exempt from
20 forfeiture.

21 (725 ILCS 5/124B-920 new)

22 Sec. 124B-920. Defendant precluded from later denying the
23 essential allegations of the offense. A defendant convicted in
24 any criminal proceeding is precluded from later denying the

1 essential allegations of the criminal offense of which the
2 defendant was convicted in any proceeding under this Article
3 regardless of the pendency of an appeal from that conviction.
4 However, evidence of the pendency of an appeal is admissible.

5 (725 ILCS 5/124B-925 new)

6 Sec. 124B-925. Settlement of claims. Notwithstanding any
7 other provision of this Article, the Attorney General or
8 State's Attorney and a claimant of seized property may enter
9 into an agreed-upon settlement concerning the seized property
10 in an amount and upon terms that are set out in writing in a
11 settlement agreement.

12 (725 ILCS 5/124B-930 new)

13 Sec. 124B-930. Disposal of property.

14 (a) Real property taken or detained under this Part is not
15 subject to replevin, but is deemed to be in the custody of the
16 Director of State Police subject only to the order and
17 judgments of the circuit court having jurisdiction over the
18 forfeiture proceedings and the decisions of the State's
19 Attorney or Attorney General under this Article.

20 (b) When property is forfeited under this Article, the
21 Director of State Police shall sell all such property and shall
22 distribute the proceeds of the sale, together with any moneys
23 forfeited or seized, in accordance with Section 124B-935.

1 (725 ILCS 5/124B-935 new)

2 Sec. 124B-935. Distribution of property and sale proceeds.
3 All moneys and the sale proceeds of all other property
4 forfeited and seized under this Part 900 shall be distributed
5 as follows:

6 (1) 65% shall be distributed to the local, municipal,
7 county, or State law enforcement agency or agencies that
8 conducted or participated in the investigation resulting
9 in the forfeiture. The distribution shall bear a reasonable
10 relationship to the degree of direct participation of the
11 law enforcement agency in the effort resulting in the
12 forfeiture, taking into account the total value of the
13 property forfeited and the total law enforcement effort
14 with respect to the violation of the law upon which the
15 forfeiture is based.

16 (2) 12.5% shall be distributed to the Office of the
17 State's Attorney of the county in which the prosecution
18 resulting in the forfeiture was instituted for use in the
19 enforcement of laws, including laws governing animal
20 fighting.

21 (3) 12.5% shall be distributed to the Illinois
22 Department of Agriculture for reimbursement of expenses
23 incurred in the investigation, prosecution, and appeal of
24 cases arising under laws governing animal fighting.

25 (4) 10% shall be retained by the Department of State
26 Police for expenses related to the administration and sale

1 of seized and forfeited property.

2 (725 ILCS 5/124B-940 new)

3 Sec. 124B-940. Standard forfeiture provisions incorporated
4 by reference. All of the provisions of Part 100 of this Article
5 are incorporated by reference into this Part 900.

6 Section 20. The Violent Crime Victims Assistance Act is
7 amended by changing Section 10 as follows:

8 (725 ILCS 240/10) (from Ch. 70, par. 510)

9 Sec. 10. Violent Crime Victims Assistance Fund.

10 (a) The "Violent Crime Victims Assistance Fund" is created
11 as a special fund in the State Treasury to provide monies for
12 the grants to be awarded under this Act.

13 (b) On and after September 18, 1986, there shall be an
14 additional penalty collected from each defendant upon
15 conviction of any felony or upon conviction of or disposition
16 of supervision for any misdemeanor, or upon conviction of or
17 disposition of supervision for any offense under the Illinois
18 Vehicle Code, exclusive of offenses enumerated in paragraph
19 (a)(2) of Section 6-204 of that Code, and exclusive of any
20 offense enumerated in Article VI of Chapter 11 of that Code
21 relating to restrictions, regulations and limitations on the
22 speed at which a motor vehicle is driven or operated, an
23 additional penalty of \$4 for each \$40, or fraction thereof, of

1 fine imposed. Such additional amounts shall be collected by the
2 Clerk of the Circuit Court in addition to the fine and costs in
3 the case. Each such additional penalty collected under this
4 subsection (b) or subsection (c) of this Section shall be
5 remitted by the Clerk of the Circuit Court within one month
6 after receipt to the State Treasurer for deposit into the
7 Violent Crime Victims Assistance Fund, except as provided in
8 subsection (g) of this Section. Such additional penalty shall
9 not be considered a part of the fine for purposes of any
10 reduction made in the fine for time served either before or
11 after sentencing. Not later than March 1 of each year the Clerk
12 of the Circuit Court shall submit to the State Comptroller a
13 report of the amount of funds remitted by him to the State
14 Treasurer under this Section during the preceding calendar
15 year. Except as otherwise provided by Supreme Court Rules, if a
16 court in sentencing an offender levies a gross amount for fine,
17 costs, fees and penalties, the amount of the additional penalty
18 provided for herein shall be computed on the amount remaining
19 after deducting from the gross amount levied all fees of the
20 Circuit Clerk, the State's Attorney and the Sheriff. After
21 deducting from the gross amount levied the fees and additional
22 penalty provided for herein, less any other additional
23 penalties provided by law, the clerk shall remit the net
24 balance remaining to the entity authorized by law to receive
25 the fine imposed in the case. For purposes of this Section
26 "fees of the Circuit Clerk" shall include, if applicable, the

1 fee provided for under Section 27.3a of the Clerks of Courts
2 Act and the fee, if applicable, payable to the county in which
3 the violation occurred pursuant to Section 5-1101 of the
4 Counties Code.

5 (c) When any person is convicted in Illinois on or after
6 August 28, 1986, of an offense listed below, or placed on
7 supervision for such an offense on or after September 18, 1986,
8 and no other fine is imposed, the following penalty shall be
9 collected by the Circuit Court Clerk:

10 (1) \$25, for any crime of violence as defined in
11 subsection (c) of Section 2 of the Crime Victims
12 Compensation Act; and

13 (2) \$20, for any other felony or misdemeanor, excluding
14 any conservation offense.

15 Such charge shall not be subject to the provisions of
16 Section 110-14 of the Code of Criminal Procedure of 1963.

17 (d) Monies forfeited, and proceeds from the sale of
18 property forfeited and seized, under the forfeiture provisions
19 set forth in Part 500 of Article 124B of the Code of Criminal
20 Procedure of 1963 ~~of Section 11-20.1A of the Criminal Code of~~
21 ~~1961~~ shall be accepted for the Violent Crime Victims Assistance
22 Fund.

23 (e) Investment income which is attributable to the
24 investment of monies in the Violent Crime Victims Assistance
25 Fund shall be credited to that fund for uses specified in this
26 Act. The Treasurer shall provide the Attorney General a monthly

1 status report on the amount of money in the Fund.

2 (f) Monies from the fund may be granted on and after July
3 1, 1984.

4 (g) All amounts and charges imposed under this Section for
5 any violation of Chapters 3, 4, 6, and 11 of the Illinois
6 Vehicle Code, or a similar provision of a local ordinance, or
7 any violation of the Child Passenger Protection Act, or a
8 similar provision of a local ordinance, shall be collected and
9 disbursed by the circuit clerk as provided under Section 27.5
10 of the Clerks of Courts Act.

11 (Source: P.A. 89-688, eff. 6-1-97; 90-372, eff. 7-1-98.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2010.