



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB2048**

by Rep. Dennis M. Reboletti

#### SYNOPSIS AS INTRODUCED:

720 ILCS 550/12	from Ch. 56 1/2, par. 712
720 ILCS 570/505	from Ch. 56 1/2, par. 1505
720 ILCS 646/85	

Amends the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act. Provides that the State's Attorneys from their share of the monies and the sale proceeds of all other property forfeited and seized under the Acts, in addition to other authorized purposes, may make grants to local substance abuse treatment facilities and half-way houses.

LRB097 09185 RLC 50924 b

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 Cannabis Control Act is amended by changing  
5 Section 12 as follows:

6 (720 ILCS 550/12) (from Ch. 56 1/2, par. 712)

7 Sec. 12. (a) The following are subject to forfeiture:

8 (1) all substances containing cannabis which have been  
9 produced, manufactured, delivered, or possessed in  
10 violation of this Act;

11 (2) all raw materials, products and equipment of any  
12 kind which are produced, delivered, or possessed in  
13 connection with any substance containing cannabis in  
14 violation of this Act;

15 (3) all conveyances, including aircraft, vehicles or  
16 vessels, which are used, or intended for use, to transport,  
17 or in any manner to facilitate the transportation, sale,  
18 receipt, possession, or concealment of property described  
19 in paragraph (1) or (2) that constitutes a felony violation  
20 of the Act, but:

21 (i) no conveyance used by any person as a common  
22 carrier in the transaction of business as a common  
23 carrier is subject to forfeiture under this Section

1 unless it appears that the owner or other person in  
2 charge of the conveyance is a consenting party or privy  
3 to a violation of this Act;

4 (ii) no conveyance is subject to forfeiture under  
5 this Section by reason of any act or omission which the  
6 owner proves to have been committed or omitted without  
7 his knowledge or consent;

8 (iii) a forfeiture of a conveyance encumbered by a  
9 bona fide security interest is subject to the interest  
10 of the secured party if he neither had knowledge of nor  
11 consented to the act or omission;

12 (4) all money, things of value, books, records, and  
13 research products and materials including formulas,  
14 microfilm, tapes, and data which are used, or intended for  
15 use in a felony violation of this Act;

16 (5) everything of value furnished or intended to be  
17 furnished by any person in exchange for a substance in  
18 violation of this Act, all proceeds traceable to such an  
19 exchange, and all moneys, negotiable instruments, and  
20 securities used, or intended to be used, to commit or in  
21 any manner to facilitate any felony violation of this Act;

22 (6) all real property, including any right, title, and  
23 interest including, but not limited to, any leasehold  
24 interest or the beneficial interest to a land trust, in the  
25 whole of any lot or tract of land and any appurtenances or  
26 improvements, that is used or intended to be used to

1 facilitate the manufacture, distribution, sale, receipt,  
2 or concealment of property described in paragraph (1) or  
3 (2) of this subsection (a) that constitutes a felony  
4 violation of more than 2,000 grams of a substance  
5 containing cannabis or that is the proceeds of any felony  
6 violation of this Act.

7 (b) Property subject to forfeiture under this Act may be  
8 seized by the Director or any peace officer upon process or  
9 seizure warrant issued by any court having jurisdiction over  
10 the property. Seizure by the Director or any peace officer  
11 without process may be made:

12 (1) if the property subject to seizure has been the  
13 subject of a prior judgment in favor of the State in a  
14 criminal proceeding or in an injunction or forfeiture  
15 proceeding based upon this Act or the Drug Asset Forfeiture  
16 Procedure Act;

17 (2) if there is probable cause to believe that the  
18 property is directly or indirectly dangerous to health or  
19 safety;

20 (3) if there is probable cause to believe that the  
21 property is subject to forfeiture under this Act and the  
22 property is seized under circumstances in which a  
23 warrantless seizure or arrest would be reasonable; or

24 (4) in accordance with the Code of Criminal Procedure  
25 of 1963.

26 (c) In the event of seizure pursuant to subsection (b),

1 forfeiture proceedings shall be instituted in accordance with  
2 the Drug Asset Forfeiture Procedure Act.

3 (c-1) In the event the State's Attorney is of the opinion  
4 that real property is subject to forfeiture under this Act,  
5 forfeiture proceedings shall be instituted in accordance with  
6 the Drug Asset Forfeiture Procedure Act. The exemptions from  
7 forfeiture provisions of Section 8 of the Drug Asset Forfeiture  
8 Procedure Act are applicable.

9 (d) Property taken or detained under this Section shall not  
10 be subject to replevin, but is deemed to be in the custody of  
11 the Director subject only to the order and judgments of the  
12 circuit court having jurisdiction over the forfeiture  
13 proceedings and the decisions of the State's Attorney under the  
14 Drug Asset Forfeiture Procedure Act. When property is seized  
15 under this Act, the seizing agency shall promptly conduct an  
16 inventory of the seized property, estimate the property's  
17 value, and shall forward a copy of the inventory of seized  
18 property and the estimate of the property's value to the  
19 Director. Upon receiving notice of seizure, the Director may:

- 20 (1) place the property under seal;
- 21 (2) remove the property to a place designated by him;
- 22 (3) keep the property in the possession of the seizing  
23 agency;
- 24 (4) remove the property to a storage area for  
25 safekeeping or, if the property is a negotiable instrument  
26 or money and is not needed for evidentiary purposes,

1 deposit it in an interest bearing account;

2 (5) place the property under constructive seizure by  
3 posting notice of pending forfeiture on it, by giving  
4 notice of pending forfeiture to its owners and interest  
5 holders, or by filing notice of pending forfeiture in any  
6 appropriate public record relating to the property; or

7 (6) provide for another agency or custodian, including  
8 an owner, secured party, or lienholder, to take custody of  
9 the property upon the terms and conditions set by the  
10 Director.

11 (e) No disposition may be made of property under seal until  
12 the time for taking an appeal has elapsed or until all appeals  
13 have been concluded unless a court, upon application therefor,  
14 orders the sale of perishable substances and the deposit of the  
15 proceeds of the sale with the court.

16 (f) When property is forfeited under this Act the Director  
17 shall sell all such property unless such property is required  
18 by law to be destroyed or is harmful to the public, and shall  
19 distribute the proceeds of the sale, together with any moneys  
20 forfeited or seized, in accordance with subsection (g).  
21 However, upon the application of the seizing agency or  
22 prosecutor who was responsible for the investigation, arrest or  
23 arrests and prosecution which lead to the forfeiture, the  
24 Director may return any item of forfeited property to the  
25 seizing agency or prosecutor for official use in the  
26 enforcement of laws relating to cannabis or controlled

1 substances, if the agency or prosecutor can demonstrate that  
2 the item requested would be useful to the agency or prosecutor  
3 in their enforcement efforts. When any forfeited conveyance,  
4 including an aircraft, vehicle, or vessel, is returned to the  
5 seizing agency or prosecutor, the conveyance may be used  
6 immediately in the enforcement of the criminal laws of this  
7 State. Upon disposal, all proceeds from the sale of the  
8 conveyance must be used for drug enforcement purposes. When any  
9 real property returned to the seizing agency is sold by the  
10 agency or its unit of government, the proceeds of the sale  
11 shall be delivered to the Director and distributed in  
12 accordance with subsection (g).

13 (g) All monies and the sale proceeds of all other property  
14 forfeited and seized under this Act shall be distributed as  
15 follows:

16 (1) 65% shall be distributed to the metropolitan  
17 enforcement group, local, municipal, county, or state law  
18 enforcement agency or agencies which conducted or  
19 participated in the investigation resulting in the  
20 forfeiture. The distribution shall bear a reasonable  
21 relationship to the degree of direct participation of the  
22 law enforcement agency in the effort resulting in the  
23 forfeiture, taking into account the total value of the  
24 property forfeited and the total law enforcement effort  
25 with respect to the violation of the law upon which the  
26 forfeiture is based. Amounts distributed to the agency or

1 agencies shall be used for the enforcement of laws  
2 governing cannabis and controlled substances or for  
3 security cameras used for the prevention or detection of  
4 violence, except that amounts distributed to the Secretary  
5 of State shall be deposited into the Secretary of State  
6 Evidence Fund to be used as provided in Section 2-115 of  
7 the Illinois Vehicle Code.

8 (2) (i) 12.5% shall be distributed to the Office of the  
9 State's Attorney of the county in which the prosecution  
10 resulting in the forfeiture was instituted, deposited in a  
11 special fund in the county treasury and appropriated to the  
12 State's Attorney for use in the enforcement of laws  
13 governing cannabis and controlled substances, or at the  
14 discretion of the State's Attorney, in addition to other  
15 authorized purposes, to make grants to local substance  
16 abuse treatment facilities and half-way houses. In  
17 counties over 3,000,000 population, 25% will be  
18 distributed to the Office of the State's Attorney for use  
19 in the enforcement of laws governing cannabis and  
20 controlled substances, or at the discretion of the State's  
21 Attorney, in addition to other authorized purposes, to make  
22 grants to local substance abuse treatment facilities and  
23 half-way houses. If the prosecution is undertaken solely by  
24 the Attorney General, the portion provided hereunder shall  
25 be distributed to the Attorney General for use in the  
26 enforcement of laws governing cannabis and controlled



1 substances.

2 (ii) 12.5% shall be distributed to the Office of the  
3 State's Attorneys Appellate Prosecutor and deposited in  
4 the Narcotics Profit Forfeiture Fund of that Office to be  
5 used for additional expenses incurred in the  
6 investigation, prosecution and appeal of cases arising  
7 under laws governing cannabis and controlled substances.  
8 The Office of the State's Attorneys Appellate Prosecutor  
9 shall not receive distribution from cases brought in  
10 counties with over 3,000,000 population.

11 (3) 10% shall be retained by the Department of State  
12 Police for expenses related to the administration and sale  
13 of seized and forfeited property.

14 (Source: P.A. 94-1004, eff. 7-3-06; 95-989, eff. 10-3-08.)

15 Section 10. The Illinois Controlled Substances Act is  
16 amended by changing Section 505 as follows:

17 (720 ILCS 570/505) (from Ch. 56 1/2, par. 1505)

18 Sec. 505. (a) The following are subject to forfeiture:

19 (1) all substances which have been manufactured,  
20 distributed, dispensed, or possessed in violation of this  
21 Act;

22 (2) all raw materials, products and equipment of any  
23 kind which are used, or intended for use in manufacturing,  
24 distributing, dispensing, administering or possessing any

1 substance in violation of this Act;

2 (3) all conveyances, including aircraft, vehicles or  
3 vessels, which are used, or intended for use, to transport,  
4 or in any manner to facilitate the transportation, sale,  
5 receipt, possession, or concealment of property described  
6 in paragraphs (1) and (2), but:

7 (i) no conveyance used by any person as a common  
8 carrier in the transaction of business as a common  
9 carrier is subject to forfeiture under this Section  
10 unless it appears that the owner or other person in  
11 charge of the conveyance is a consenting party or privy  
12 to a violation of this Act;

13 (ii) no conveyance is subject to forfeiture under  
14 this Section by reason of any act or omission which the  
15 owner proves to have been committed or omitted without  
16 his knowledge or consent;

17 (iii) a forfeiture of a conveyance encumbered by a  
18 bona fide security interest is subject to the interest  
19 of the secured party if he neither had knowledge of nor  
20 consented to the act or omission;

21 (4) all money, things of value, books, records, and  
22 research products and materials including formulas,  
23 microfilm, tapes, and data which are used, or intended to  
24 be used in violation of this Act;

25 (5) everything of value furnished, or intended to be  
26 furnished, in exchange for a substance in violation of this

1 Act, all proceeds traceable to such an exchange, and all  
2 moneys, negotiable instruments, and securities used, or  
3 intended to be used, to commit or in any manner to  
4 facilitate any violation of this Act;

5 (6) all real property, including any right, title, and  
6 interest (including, but not limited to, any leasehold  
7 interest or the beneficial interest in a land trust) in the  
8 whole of any lot or tract of land and any appurtenances or  
9 improvements, which is used or intended to be used, in any  
10 manner or part, to commit, or in any manner to facilitate  
11 the commission of, any violation or act that constitutes a  
12 violation of Section 401 or 405 of this Act or that is the  
13 proceeds of any violation or act that constitutes a  
14 violation of Section 401 or 405 of this Act.

15 (b) Property subject to forfeiture under this Act may be  
16 seized by the Director or any peace officer upon process or  
17 seizure warrant issued by any court having jurisdiction over  
18 the property. Seizure by the Director or any peace officer  
19 without process may be made:

20 (1) if the seizure is incident to inspection under an  
21 administrative inspection warrant;

22 (2) if the property subject to seizure has been the  
23 subject of a prior judgment in favor of the State in a  
24 criminal proceeding, or in an injunction or forfeiture  
25 proceeding based upon this Act or the Drug Asset Forfeiture  
26 Procedure Act;

1           (3) if there is probable cause to believe that the  
2           property is directly or indirectly dangerous to health or  
3           safety;

4           (4) if there is probable cause to believe that the  
5           property is subject to forfeiture under this Act and the  
6           property is seized under circumstances in which a  
7           warrantless seizure or arrest would be reasonable; or

8           (5) in accordance with the Code of Criminal Procedure  
9           of 1963.

10          (c) In the event of seizure pursuant to subsection (b),  
11          forfeiture proceedings shall be instituted in accordance with  
12          the Drug Asset Forfeiture Procedure Act.

13          (d) Property taken or detained under this Section shall not  
14          be subject to replevin, but is deemed to be in the custody of  
15          the Director subject only to the order and judgments of the  
16          circuit court having jurisdiction over the forfeiture  
17          proceedings and the decisions of the State's Attorney under the  
18          Drug Asset Forfeiture Procedure Act. When property is seized  
19          under this Act, the seizing agency shall promptly conduct an  
20          inventory of the seized property and estimate the property's  
21          value, and shall forward a copy of the inventory of seized  
22          property and the estimate of the property's value to the  
23          Director. Upon receiving notice of seizure, the Director may:

24                 (1) place the property under seal;

25                 (2) remove the property to a place designated by the  
26          Director;

1           (3) keep the property in the possession of the seizing  
2 agency;

3           (4) remove the property to a storage area for  
4 safekeeping or, if the property is a negotiable instrument  
5 or money and is not needed for evidentiary purposes,  
6 deposit it in an interest bearing account;

7           (5) place the property under constructive seizure by  
8 posting notice of pending forfeiture on it, by giving  
9 notice of pending forfeiture to its owners and interest  
10 holders, or by filing notice of pending forfeiture in any  
11 appropriate public record relating to the property; or

12           (6) provide for another agency or custodian, including  
13 an owner, secured party, or lienholder, to take custody of  
14 the property upon the terms and conditions set by the  
15 Director.

16           (e) If the Department of Professional Regulation suspends  
17 or revokes a registration, all controlled substances owned or  
18 possessed by the registrant at the time of suspension or the  
19 effective date of the revocation order may be placed under  
20 seal. No disposition may be made of substances under seal until  
21 the time for taking an appeal has elapsed or until all appeals  
22 have been concluded unless a court, upon application therefor,  
23 orders the sale of perishable substances and the deposit of the  
24 proceeds of the sale with the court. Upon a revocation rule  
25 becoming final, all substances may be forfeited to the  
26 Department of Professional Regulation.

1           (f) When property is forfeited under this Act the Director  
2 shall sell all such property unless such property is required  
3 by law to be destroyed or is harmful to the public, and shall  
4 distribute the proceeds of the sale, together with any moneys  
5 forfeited or seized, in accordance with subsection (g).  
6 However, upon the application of the seizing agency or  
7 prosecutor who was responsible for the investigation, arrest or  
8 arrests and prosecution which lead to the forfeiture, the  
9 Director may return any item of forfeited property to the  
10 seizing agency or prosecutor for official use in the  
11 enforcement of laws relating to cannabis or controlled  
12 substances, if the agency or prosecutor can demonstrate that  
13 the item requested would be useful to the agency or prosecutor  
14 in their enforcement efforts. When any forfeited conveyance,  
15 including an aircraft, vehicle, or vessel, is returned to the  
16 seizing agency or prosecutor, the conveyance may be used  
17 immediately in the enforcement of the criminal laws of this  
18 State. Upon disposal, all proceeds from the sale of the  
19 conveyance must be used for drug enforcement purposes. When any  
20 real property returned to the seizing agency is sold by the  
21 agency or its unit of government, the proceeds of the sale  
22 shall be delivered to the Director and distributed in  
23 accordance with subsection (g).

24           (g) All monies and the sale proceeds of all other property  
25 forfeited and seized under this Act shall be distributed as  
26 follows:

1           (1) 65% shall be distributed to the metropolitan  
2 enforcement group, local, municipal, county, or state law  
3 enforcement agency or agencies which conducted or  
4 participated in the investigation resulting in the  
5 forfeiture. The distribution shall bear a reasonable  
6 relationship to the degree of direct participation of the  
7 law enforcement agency in the effort resulting in the  
8 forfeiture, taking into account the total value of the  
9 property forfeited and the total law enforcement effort  
10 with respect to the violation of the law upon which the  
11 forfeiture is based. Amounts distributed to the agency or  
12 agencies shall be used for the enforcement of laws  
13 governing cannabis and controlled substances or for  
14 security cameras used for the prevention or detection of  
15 violence, except that amounts distributed to the Secretary  
16 of State shall be deposited into the Secretary of State  
17 Evidence Fund to be used as provided in Section 2-115 of  
18 the Illinois Vehicle Code.

19           (2) (i) 12.5% shall be distributed to the Office of the  
20 State's Attorney of the county in which the prosecution  
21 resulting in the forfeiture was instituted, deposited in a  
22 special fund in the county treasury and appropriated to the  
23 State's Attorney for use in the enforcement of laws  
24 governing cannabis and controlled substances, or at the  
25 discretion of the State's Attorney, in addition to other  
26 authorized purposes, to make grants to local substance

1        abuse treatment facilities and half-way houses. In  
2        counties over 3,000,000 population, 25% will be  
3        distributed to the Office of the State's Attorney for use  
4        in the enforcement of laws governing cannabis and  
5        controlled substances, or at the discretion of the State's  
6        Attorney, in addition to other authorized purposes, to make  
7        grants to local substance abuse treatment facilities and  
8        half-way houses. If the prosecution is undertaken solely by  
9        the Attorney General, the portion provided hereunder shall  
10       be distributed to the Attorney General for use in the  
11       enforcement of laws governing cannabis and controlled  
12       substances.

13       (ii) 12.5% shall be distributed to the Office of the  
14       State's Attorneys Appellate Prosecutor and deposited in  
15       the Narcotics Profit Forfeiture Fund of that office to be  
16       used for additional expenses incurred in the  
17       investigation, prosecution and appeal of cases arising  
18       under laws governing cannabis and controlled substances.  
19       The Office of the State's Attorneys Appellate Prosecutor  
20       shall not receive distribution from cases brought in  
21       counties with over 3,000,000 population.

22       (3) 10% shall be retained by the Department of State  
23       Police for expenses related to the administration and sale  
24       of seized and forfeited property.

25       (h) Species of plants from which controlled substances in  
26       Schedules I and II may be derived which have been planted or



1 cultivated in violation of this Act, or of which the owners or  
2 cultivators are unknown, or which are wild growths, may be  
3 seized and summarily forfeited to the State. The failure, upon  
4 demand by the Director or any peace officer, of the person in  
5 occupancy or in control of land or premises upon which the  
6 species of plants are growing or being stored, to produce  
7 registration, or proof that he is the holder thereof,  
8 constitutes authority for the seizure and forfeiture of the  
9 plants.

10 (Source: P.A. 94-1004, eff. 7-3-06.)

11 Section 15. The Methamphetamine Control and Community  
12 Protection Act is amended by changing Section 85 as follows:

13 (720 ILCS 646/85)

14 Sec. 85. Forfeiture.

15 (a) The following are subject to forfeiture:

16 (1) all substances containing methamphetamine which  
17 have been produced, manufactured, delivered, or possessed  
18 in violation of this Act;

19 (2) all methamphetamine manufacturing materials which  
20 have been produced, delivered, or possessed in connection  
21 with any substance containing methamphetamine in violation  
22 of this Act;

23 (3) all conveyances, including aircraft, vehicles or  
24 vessels, which are used, or intended for use, to transport,

1 or in any manner to facilitate the transportation, sale,  
2 receipt, possession, or concealment of property described  
3 in paragraph (1) or (2) that constitutes a felony violation  
4 of the Act, but:

5 (i) no conveyance used by any person as a common  
6 carrier in the transaction of business as a common  
7 carrier is subject to forfeiture under this Section  
8 unless it appears that the owner or other person in  
9 charge of the conveyance is a consenting party or privy  
10 to a violation of this Act;

11 (ii) no conveyance is subject to forfeiture under  
12 this Section by reason of any act or omission which the  
13 owner proves to have been committed or omitted without  
14 his or her knowledge or consent;

15 (iii) a forfeiture of a conveyance encumbered by a  
16 bona fide security interest is subject to the interest  
17 of the secured party if he or she neither had knowledge  
18 of nor consented to the act or omission;

19 (4) all money, things of value, books, records, and  
20 research products and materials including formulas,  
21 microfilm, tapes, and data which are used, or intended for  
22 use in a felony violation of this Act;

23 (5) everything of value furnished or intended to be  
24 furnished by any person in exchange for a substance in  
25 violation of this Act, all proceeds traceable to such an  
26 exchange, and all moneys, negotiable instruments, and

1 securities used, or intended to be used, to commit or in  
2 any manner to facilitate any felony violation of this Act.

3 (6) all real property, including any right, title, and  
4 interest (including, but not limited to, any leasehold  
5 interest or the beneficial interest in a land trust) in the  
6 whole of any lot or tract of land and any appurtenances or  
7 improvements, which is used, or intended to be used, in any  
8 manner or part, to commit, or in any manner to facilitate  
9 the commission of, any violation or act that constitutes a  
10 violation of this Act or that is the proceeds of any  
11 violation or act that constitutes a violation of this Act.

12 (b) Property subject to forfeiture under this Act may be  
13 seized by the Director or any peace officer upon process or  
14 seizure warrant issued by any court having jurisdiction over  
15 the property. Seizure by the Director or any peace officer  
16 without process may be made:

17 (1) if the property subject to seizure has been the  
18 subject of a prior judgment in favor of the State in a  
19 criminal proceeding or in an injunction or forfeiture  
20 proceeding based upon this Act or the Drug Asset Forfeiture  
21 Procedure Act;

22 (2) if there is probable cause to believe that the  
23 property is directly or indirectly dangerous to health or  
24 safety;

25 (3) if there is probable cause to believe that the  
26 property is subject to forfeiture under this Act and the

1 property is seized under circumstances in which a  
2 warrantless seizure or arrest would be reasonable; or

3 (4) in accordance with the Code of Criminal Procedure  
4 of 1963.

5 (c) In the event of seizure pursuant to subsection (b),  
6 forfeiture proceedings shall be instituted in accordance with  
7 the Drug Asset Forfeiture Procedure Act.

8 (d) Property taken or detained under this Section is not  
9 subject to replevin, but is deemed to be in the custody of the  
10 Director subject only to the order and judgments of the circuit  
11 court having jurisdiction over the forfeiture proceedings and  
12 the decisions of the State's Attorney under the Drug Asset  
13 Forfeiture Procedure Act. When property is seized under this  
14 Act, the seizing agency shall promptly conduct an inventory of  
15 the seized property, estimate the property's value, and forward  
16 a copy of the inventory of seized property and the estimate of  
17 the property's value to the Director. Upon receiving notice of  
18 seizure, the Director may:

19 (1) place the property under seal;

20 (2) remove the property to a place designated by him or  
21 her;

22 (3) keep the property in the possession of the seizing  
23 agency;

24 (4) remove the property to a storage area for  
25 safekeeping or, if the property is a negotiable instrument  
26 or money and is not needed for evidentiary purposes,

1 deposit it in an interest bearing account;

2 (5) place the property under constructive seizure by  
3 posting notice of pending forfeiture on it, by giving  
4 notice of pending forfeiture to its owners and interest  
5 holders, or by filing notice of pending forfeiture in any  
6 appropriate public record relating to the property; or

7 (6) provide for another agency or custodian, including  
8 an owner, secured party, or lienholder, to take custody of  
9 the property upon the terms and conditions set by the  
10 Director.

11 (e) No disposition may be made of property under seal until  
12 the time for taking an appeal has elapsed or until all appeals  
13 have been concluded unless a court, upon application therefor,  
14 orders the sale of perishable substances and the deposit of the  
15 proceeds of the sale with the court.

16 (f) When property is forfeited under this Act, the Director  
17 shall sell the property unless the property is required by law  
18 to be destroyed or is harmful to the public, and shall  
19 distribute the proceeds of the sale, together with any moneys  
20 forfeited or seized, in accordance with subsection (g).  
21 However, upon the application of the seizing agency or  
22 prosecutor who was responsible for the investigation, arrest or  
23 arrests and prosecution which lead to the forfeiture, the  
24 Director may return any item of forfeited property to the  
25 seizing agency or prosecutor for official use in the  
26 enforcement of laws relating to methamphetamine, cannabis, or

1 controlled substances, if the agency or prosecutor  
2 demonstrates that the item requested would be useful to the  
3 agency or prosecutor in their enforcement efforts. When any  
4 forfeited conveyance, including an aircraft, vehicle, or  
5 vessel, is returned to the seizing agency or prosecutor, the  
6 conveyance may be used immediately in the enforcement of the  
7 criminal laws of this State. Upon disposal, all proceeds from  
8 the sale of the conveyance must be used for drug enforcement  
9 purposes. When any real property returned to the seizing agency  
10 is sold by the agency or its unit of government, the proceeds  
11 of the sale shall be delivered to the Director and distributed  
12 in accordance with subsection (g).

13 (g) All moneys and the sale proceeds of all other property  
14 forfeited and seized under this Act shall be distributed as  
15 follows:

16 (1) 65% shall be distributed to the metropolitan  
17 enforcement group, local, municipal, county, or State law  
18 enforcement agency or agencies which conducted or  
19 participated in the investigation resulting in the  
20 forfeiture. The distribution shall bear a reasonable  
21 relationship to the degree of direct participation of the  
22 law enforcement agency in the effort resulting in the  
23 forfeiture, taking into account the total value of the  
24 property forfeited and the total law enforcement effort  
25 with respect to the violation of the law upon which the  
26 forfeiture is based. Amounts distributed to the agency or

1 agencies shall be used for the enforcement of laws  
2 governing methamphetamine, cannabis, and controlled  
3 substances or for security cameras used for the prevention  
4 or detection of violence, except that amounts distributed  
5 to the Secretary of State shall be deposited into the  
6 Secretary of State Evidence Fund to be used as provided in  
7 Section 2-115 of the Illinois Vehicle Code.

8 (2) (i) 12.5% shall be distributed to the Office of the  
9 State's Attorney of the county in which the prosecution  
10 resulting in the forfeiture was instituted, deposited in a  
11 special fund in the county treasury and appropriated to the  
12 State's Attorney for use in the enforcement of laws  
13 governing methamphetamine, cannabis, and controlled  
14 substances, or at the discretion of the State's Attorney,  
15 in addition to other authorized purposes, to make grants to  
16 local substance abuse treatment facilities and half-way  
17 houses. In counties with a population over 3,000,000, 25%  
18 shall be distributed to the Office of the State's Attorney  
19 for use in the enforcement of laws governing  
20 methamphetamine, cannabis, and controlled substances, or  
21 at the discretion of the State's Attorney, in addition to  
22 other authorized purposes, to make grants to local  
23 substance abuse treatment facilities and half-way houses.  
24 If the prosecution is undertaken solely by the Attorney  
25 General, the portion provided hereunder shall be  
26 distributed to the Attorney General for use in the

1 enforcement of laws governing methamphetamine, cannabis,  
2 and controlled substances.

3 (ii) 12.5% shall be distributed to the Office of the  
4 State's Attorneys Appellate Prosecutor and deposited in  
5 the Narcotics Profit Forfeiture Fund of that Office to be  
6 used for additional expenses incurred in the  
7 investigation, prosecution and appeal of cases arising  
8 under laws governing methamphetamine, cannabis, and  
9 controlled substances. The Office of the State's Attorneys  
10 Appellate Prosecutor shall not receive distribution from  
11 cases brought in counties with a population over 3,000,000.

12 (3) 10% shall be retained by the Department of State  
13 Police for expenses related to the administration and sale  
14 of seized and forfeited property.

15 (Source: P.A. 94-556, eff. 9-11-05; 94-1004, eff. 7-3-06.)