

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.)