



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4714

Introduced 2/3/2012, by Rep. Pam Roth

SYNOPSIS AS INTRODUCED:

205 ILCS 510/0.05	
205 ILCS 510/1	from Ch. 17, par. 4651
205 ILCS 510/1.2 new	
205 ILCS 510/1.4 new	
205 ILCS 510/4.5 new	
205 ILCS 510/5	from Ch. 17, par. 4655
205 ILCS 510/6	from Ch. 17, par. 4656
205 ILCS 510/7	from Ch. 17, par. 4657
205 ILCS 510/7.5	
205 ILCS 510/8	from Ch. 17, par. 4658
205 ILCS 510/9	from Ch. 17, par. 4659
205 ILCS 510/11	from Ch. 17, par. 4661
205 ILCS 510/12	

Amends the Pawnbroker Regulation Act. Defines "precious metal scrapper". Provides that the Secretary of Financial and Professional Regulation shall issue licenses on an annual or multi-year basis for operating a precious metal scrapper. Provides that it shall be unlawful to operate a precious metal scrapper without a license issued by the Secretary. Provides that a precious metal scrapper may not, upon physical receipt of gold or silver, offer, promise, or pay the seller an amount less than 60% of the gold or silver's actual melt value. Provides that, upon physical receipt of gold or silver, a precious metal scrapper must maintain possession of the gold or silver for a period of 10 business days. Makes changes concerning the administration of the Act, manager licensing, record requirements, the inspection of records, daily reports, reports to the Secretary, violations of the Act, and hold orders.

LRB097 19222 PJG 64464 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

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

4 Section 5. The Pawnbroker Regulation Act is amended by
5 changing Sections 0.05, 1, 5, 6, 7, 7.5, 8, 9, 11, and 12 and by
6 adding Sections 1.2, 1.4, and 4.5 as follows:

7 (205 ILCS 510/0.05)

8 Sec. 0.05. Administration of Act.

9 (a) This Act shall be administered by the Secretary of
10 Financial and Professional Regulation, and, beginning on July
11 28, 2010 (the effective date of Public Act 96-1365), all
12 references in this Act to the Commissioner of Banks and Real
13 Estate are deemed, in appropriate contexts, to be references to
14 the Secretary of Financial and Professional Regulation, who
15 shall have all of the following powers and duties in
16 administering this Act:

17 (1) To promulgate reasonable rules for the purpose of
18 administering the provisions of this Act.

19 (2) To issue orders for the purpose of administering
20 the provisions of this Act and any rule promulgated in
21 accordance with this Act.

22 (2.5) To order restitution to consumers suffering
23 damages resulting from violations of this Act, rules

1 promulgated in accordance with this Act, or other laws or
2 regulations related to the operation of a pawnshop or
3 precious metal scrapper.

4 (3) To appoint hearing officers and to hire employees
5 or to contract with appropriate persons to execute any of
6 the powers granted to the Secretary under this Section for
7 the purpose of administering this Act and any rule
8 promulgated in accordance with this Act.

9 (4) To subpoena witnesses, to compel their attendance,
10 to administer an oath, to examine any person under oath,
11 and to require the production of any relevant books,
12 papers, accounts, and documents in the course of and
13 pursuant to any investigation being conducted, or any
14 action being taken, by the Secretary in respect of any
15 matter relating to the duties imposed upon, or the powers
16 vested in, the Secretary under the provisions of this Act
17 or any rule promulgated in accordance with this Act.

18 (5) To conduct hearings.

19 (6) To impose civil penalties graduated up to \$1,000
20 against any person for each violation of any provision of
21 this Act, any rule promulgated in accordance with this Act,
22 or any order of the Secretary based upon the seriousness of
23 the violation.

24 (6.5) To initiate, through the Attorney General,
25 injunction proceedings whenever it appears to the
26 Secretary that any person, whether licensed under this Act

1 or not, is engaged or about to engage in an act or practice
2 that constitutes or will constitute a violation of this Act
3 or any rule prescribed under the authority of this Act. The
4 Secretary may, in his or her discretion, through the
5 Attorney General, apply for an injunction, and upon a
6 proper showing, any circuit court may enter a permanent or
7 preliminary injunction or a temporary restraining order
8 without bond to enforce this Act in addition to the
9 penalties and other remedies provided for in this Act.

10 (7) To issue a cease and desist order and, for
11 violations of this Act, any order issued by the Secretary
12 pursuant to this Act, any rule promulgated in accordance
13 with this Act, or any other applicable law in connection
14 with the operation of a pawnshop or precious metal
15 scraper, to suspend a license issued under this Act for up
16 to 30 days.

17 (8) To determine compliance with applicable law and
18 rules related to the operation of pawnshops and precious
19 metal scrapers and to verify the accuracy of reports filed
20 with the Secretary, the Secretary, not more than one time
21 every 2 years, may, but is not required to, conduct a
22 routine examination of a pawnshop or precious metal
23 scraper, and in addition, the Secretary may examine the
24 affairs of any pawnshop or precious metal scraper at any
25 time if the Secretary has reasonable cause to believe that
26 unlawful or fraudulent activity is occurring, or has

1 occurred, therein.

2 (9) In response to a complaint, to address any
3 inquiries to any pawnshop or precious metal scrapper in
4 relation to its affairs, and it shall be the duty of the
5 pawnshop or precious metal scrapper to promptly reply in
6 writing to such inquiries. The Secretary may also require
7 reports or information from any pawnshop or precious metal
8 scrapper at any time the Secretary may deem desirable.

9 (10) To revoke a license issued under this Act if the
10 Secretary determines that (a) a licensee has been convicted
11 of a felony in connection with the operations of a pawnshop
12 or precious metal scrapper; (b) a licensee knowingly,
13 recklessly, or continuously violated this Act or State or
14 federal law or regulation, a rule promulgated in accordance
15 with this Act, or any order of the Secretary; (c) a fact or
16 condition exists that, if it had existed or had been known
17 at the time of the original application, would have
18 justified license refusal; (d) the licensee knowingly
19 submits materially false or misleading documents with the
20 intent to deceive the Secretary or any other party; or (e)
21 the licensee is unable or ceases to continue to operate the
22 pawnshop or precious metal scrapper.

23 (10.2) To remove or prohibit the employment of any
24 officer, director, employee, or agent of the pawnshop or
25 precious metal scrapper who engages in or has engaged in
26 unlawful activities that relate to the operation of a

1 pawntshop or precious metal scrapper.

2 (10.7) To prohibit the hiring of employees who have
3 been convicted of a financial crime or any crime involving
4 breach of trust who do not meet exceptions as established
5 by rule of the Secretary.

6 (11) Following license revocation, to take possession
7 and control of a pawntshop or precious metal scrapper for
8 the purpose of examination, reorganization, or liquidation
9 through receivership and to appoint a receiver, which may
10 be the Secretary, a pawntshop, a precious metal scrapper, or
11 another suitable person.

12 (b) After consultation with local law enforcement
13 officers, the Attorney General, and the industry, the Secretary
14 may by rule require that pawnbrokers or precious metal
15 scrapers operate video camera surveillance systems to record
16 photographic representations of customers and retain the tapes
17 produced for up to 30 days.

18 (c) Pursuant to rule, the Secretary shall issue licenses on
19 an annual or multi-year basis for operating a pawntshop and for
20 operating a precious metal scrapper. Any person currently
21 operating or who has operated a pawntshop in this State during
22 the 2 years preceding the effective date of this amendatory Act
23 of 1997 shall be issued a license upon payment of the fee
24 required under this Act. Any person currently operating or who
25 has operated a precious metal scrapper in this State during the
26 2 years preceding the effective date of this amendatory Act of

1 the 97th General Assembly shall be issued a license upon
2 payment of the fee required under this Act. New applicants
3 shall meet standards for a license as established by the
4 Secretary. Except with the prior written consent of the
5 Secretary, no individual, either a new applicant or a person
6 currently operating a pawnshop or precious metal scrapper, may
7 be issued a license to operate a pawnshop or precious metal
8 scrapper if the individual has been convicted of a felony or of
9 any criminal offense relating to dishonesty or breach of trust
10 in connection with the operations of a pawnshop or precious
11 metal scrapper. The Secretary shall establish license fees. The
12 fees shall not exceed the amount reasonably required for
13 administration of this Act. It shall be unlawful to operate a
14 pawnshop or precious metal scrapper without a license issued by
15 the Secretary.

16 (d) In addition to license fees, the Secretary may, by
17 rule, establish fees in connection with a review, approval, or
18 provision of a service, and levy a reasonable charge to recover
19 the cost of the review, approval, or service (such as a change
20 in control, change in location, or renewal of a license). The
21 Secretary may also levy a reasonable charge to recover the cost
22 of an examination if the Secretary determines that unlawful or
23 fraudulent activity has occurred. The Secretary may require
24 payment of the fees and charges provided in this Act by
25 certified check, money order, an electronic transfer of funds,
26 or an automatic debit of an account.

1 (e) The Pawnbroker Regulation Fund is established as a
2 special fund in the State treasury. Moneys collected under this
3 Act shall be deposited into the Fund and used for the
4 administration of this Act. In the event that General Revenue
5 Funds are appropriated to the Department of Financial and
6 Professional Regulation for the initial implementation of this
7 Act, the Governor may direct the repayment from the Pawnbroker
8 Regulation Fund to the General Revenue Fund of such advance in
9 an amount not to exceed \$30,000. The Governor may direct this
10 interfund transfer at such time as he deems appropriate by
11 giving appropriate written notice. Moneys in the Pawnbroker
12 Regulation Fund may be transferred to the Professions Indirect
13 Cost Fund, as authorized under Section 2105-300 of the
14 Department of Professional Regulation Law of the Civil
15 Administrative Code of Illinois.

16 (f) The Secretary may, by rule, require all pawnshops and
17 precious metal scrappers to provide for the expenses that would
18 arise from the administration of the receivership of a pawnshop
19 or precious metal scrapper under this Act through the
20 assessment of fees, the requirement to pledge surety bonds, or
21 such other methods as determined by the Secretary.

22 (g) All final administrative decisions of the Secretary
23 under this Act shall be subject to judicial review pursuant to
24 the provisions of the Administrative Review Law. For matters
25 involving administrative review, venue shall be in either
26 Sangamon County or Cook County.

1 (Source: P.A. 96-1038, eff. 7-14-10; 96-1365, eff. 7-28-10;
2 97-333, eff. 8-12-11.)

3 (205 ILCS 510/1) (from Ch. 17, par. 4651)

4 Sec. 1. (a) Every individual or business entity which lends
5 money on the deposit or pledge of physically delivered personal
6 property, other than property the ownership of which is subject
7 to a legal dispute, securities, printed evidence of
8 indebtedness or printed evidence of ownership of the personal
9 property, or who deals in the purchase of such property on the
10 condition of selling the property back again at a stipulated
11 price, shall be held and is hereby declared and defined to be a
12 pawnbroker. The business of a pawnbroker does not include the
13 lending of money on deposit or pledge of title to property.

14 (b) (Blank). ~~The Secretary may require employees of~~
15 ~~pawnshops who have the authority to act in a managerial~~
16 ~~capacity to obtain a license from the Department. For the~~
17 ~~purposes of this Section, "managerial capacity" shall mean the~~
18 ~~ability to direct the operations or activities of the pawnshop.~~
19 ~~If the Secretary determines a pawnshop employee's duties and~~
20 ~~responsibilities or other factors amount to acting in a~~
21 ~~managerial capacity, the Secretary may require licensing. The~~
22 ~~license shall be valid for 2 years. The Secretary may by rule~~
23 ~~specify the form of the application for licensure, fees to be~~
24 ~~imposed and conditions for licensure. The licensed employees~~
25 ~~shall report their places of employment to the Secretary.~~

1 (Source: P.A. 96-1365, eff. 7-28-10.)

2 (205 ILCS 510/1.2 new)

3 Sec. 1.2. Precious metal scrapper. Every business entity
4 which offers payment for the physical delivery of gold or
5 silver and at least 50% of whose revenue is generated by the
6 melting down, reformation, or re-selling of that gold or silver
7 shall be held and is hereby declared and defined to be a
8 precious metal scrapper.

9 (205 ILCS 510/1.4 new)

10 Sec. 1.4. Manager licensing. The Secretary may require
11 employees of pawnshops and precious metal scrappers who have
12 the authority to act in a managerial capacity to obtain a
13 license from the Department. For the purposes of this Section,
14 "managerial capacity" shall mean the ability to direct the
15 operations or activities of the pawnshop or precious metal
16 scrapper. If the Secretary determines a pawnshop or precious
17 metal scrapper employee's duties and responsibilities or other
18 factors amount to acting in a managerial capacity, the
19 Secretary may require licensing. The license shall be valid for
20 2 years. The Secretary may by rule specify the form of the
21 application for licensure, fees to be imposed, and conditions
22 for licensure. The licensed employees shall report their places
23 of employment to the Secretary.

1 (205 ILCS 510/4.5 new)

2 Sec. 4.5. Offer, promise, or payment amount; period of
3 possession.

4 (a) Upon physical receipt of gold or silver, a precious
5 metal scrapper may not offer, promise, or pay the seller an
6 amount less than 60% of the gold or silver's actual melt value,
7 which shall be determined using the gold or silver's weight,
8 purity, and spot value taken from the previous 3 business days
9 of trading on a major stock exchange located within the United
10 States.

11 (b) Upon physical receipt of gold or silver, each precious
12 metal scrapper must maintain possession of the gold or silver
13 and may not melt or otherwise alter, re-form, or re-sell the
14 gold or silver for a period of 10 business days.

15 (205 ILCS 510/5) (from Ch. 17, par. 4655)

16 Sec. 5. Record requirements.

17 (a) Except in municipalities located in counties having
18 3,000,000 or more inhabitants, every pawn and loan broker and
19 precious metal scrapper shall keep a standard record book that
20 has been approved by the sheriff of the county in which the
21 pawnbroker or precious metal scrapper does business. In
22 municipalities in counties with 3,000,000 or more inhabitants,
23 the record book shall be approved by the police department of
24 the municipality in which the pawn or loan broker or precious
25 metal scrapper does business. At the time of each and every

1 purchase, loan, or taking of a pledge, an accurate account and
2 description, in the English language, of all the goods,
3 articles and other things pawned, purchased, or pledged, the
4 amount of money, value or thing loaned or purchased thereon,
5 the time of pledging the same, the rate of interest to be paid
6 on such loan, the weight, purity, and spot price of any gold or
7 silver purchased, and the name and residence of the person
8 making such pawn, sale, or pledge shall be printed, typed, or
9 written in ink in the record book. Such entry shall include the
10 serial number or identification number of items received which
11 bear such number. Except for items purchased from dealers
12 possessing a federal employee identification number who have
13 provided a receipt to the pawnbroker or precious metal
14 scrapper, every pawnbroker and precious metal scrapper shall
15 also record in his book, an accurate account and description,
16 in the English language, of all goods, articles and other
17 things purchased or received for the purpose of resale or loan
18 collateral by the pawnbroker or precious metal scrapper from
19 any source, not in the course of a pledge or loan, the time of
20 such purchase or receipt and the name and address of the person
21 or business which sold or delivered such goods, articles, or
22 other things to the pawnbroker or precious metal scrapper. No
23 entry in such book shall be erased, mutilated or changed.

24 (b) Every pawnbroker and precious metal scrapper shall
25 require identification to be shown him by each person selling,
26 pledging, or pawning any goods, articles or other things to the

1 pawnbroker or precious metal scrapper. If the identification
2 shown is a driver's license or a State identification card
3 issued by the Secretary of State and contains a photograph of
4 the person being identified, only one form of identification
5 must be shown. If the identification shown is not a driver's
6 license or a State identification card issued by the Secretary
7 of State and does not contain a photograph, 2 forms of
8 identification must be shown, and one of the 2 forms of
9 identification must include his or her residence address. These
10 forms of identification shall include, but not be limited to,
11 any of the following: driver's license, social security card,
12 utility bill, employee or student identification card, credit
13 card, or a civic, union or professional association membership
14 card. In addition, in a municipality with a population of
15 1,000,000 or more inhabitants, if the customer does not have an
16 identification issued by a governmental entity containing a
17 photograph of the person being identified, the pawnbroker or
18 precious metal scrapper shall photograph the customer in color
19 and record the customer's name, residence address, date of
20 birth, social security number, gender, height, and weight on
21 the reverse side of the photograph. If the customer has no
22 social security number, the pawnbroker or precious metal
23 scrapper shall record this fact.

24 A county or municipality, including a home rule unit, may
25 regulate a pawnbroker's or precious metal scrapper's
26 identification requirements for persons selling, pledging, or

1 pawning goods, articles, or other things to the pawnbroker or
2 precious metal scrapper in a manner that is not less
3 restrictive than the regulation by the State of a precious
4 metal scrapper's or pawnbroker's identification requirements
5 for persons selling, pledging, or pawning goods, articles, or
6 other things. A home rule unit may not regulate a precious
7 metal scrapper's or pawnbroker's identification requirements
8 for persons selling, pledging, or pawning goods, articles, or
9 other things to the pawnbroker or precious metal scrapper in a
10 manner less restrictive than the regulation by the State of a
11 precious metal scrapper's or pawnbroker's identification
12 requirements for persons pledging or pawning goods, articles,
13 or other things. This Section is a limitation under subsection
14 (i) of Section 6 of Article VII of the Illinois Constitution on
15 the concurrent exercise by home rule units of the powers and
16 functions exercised by the State.

17 (c) A pawnbroker or precious metal scrapper may maintain
18 the records required by subsection (a) in computer form if the
19 computer form has been approved by the Commissioner, the
20 sheriff of the county in which the shop is located, and the
21 police department of the municipality in which the shop is
22 located.

23 (d) Records, including reports to the Secretary,
24 maintained by pawnbrokers and precious metal scrappers shall be
25 confidential, and no disclosure of pawnbroker or precious metal
26 scrapper records shall be made except disclosures authorized by

1 this Act or ordered by a court of competent jurisdiction. No
2 record transferred to a governmental official shall be
3 improperly disclosed, provided that use of those records as
4 evidence of a felony or misdemeanor shall be a proper purpose.

5 (e) Pawnbrokers, precious metal scrappers, and their
6 associations may lawfully give appropriate governmental
7 agencies computer equipment for the purpose of transferring
8 information pursuant to this Act.

9 (Source: P.A. 96-1038, eff. 7-14-10.)

10 (205 ILCS 510/6) (from Ch. 17, par. 4656)

11 Sec. 6. Inspection of records.

12 (a) The book or computer records, as well as every article
13 or other thing of value so sold, pawned, or pledged, shall at
14 all times be open to the inspection of the Secretary, the
15 sheriff of the county, his deputies, or any members of the
16 police force of any city in the county in which such pawnbroker
17 or precious metal scrapper does business. In addition, the
18 Secretary shall be authorized to inspect the books or records
19 of any business he or she has reasonable cause to believe is
20 conducting pawn or precious metal scrapping transactions and
21 should be licensed under this Act.

22 (b) The book or computer records, pawn tickets, or any
23 other records required by the Secretary under this Act or any
24 rule promulgated in accordance with this Act shall be
25 maintained for a period of 3 years after the date on which the

1 record or ticket was prepared. These records and tickets shall
2 be open to inspection of the Secretary at all times during the
3 3-year period.

4 (Source: P.A. 96-1038, eff. 7-14-10.)

5 (205 ILCS 510/7) (from Ch. 17, par. 4657)

6 Sec. 7. Daily report.

7 (a) Except as provided in subsection (b), it shall be the
8 duty of every pawnbroker and precious metal scrapper to make
9 out and deliver to the sheriff of the county in which such
10 pawnbroker or precious metal scrapper does business, on each
11 day before the hours of 12 o'clock noon, a legible and exact
12 copy from the standard record book, as required in Section 5 of
13 this Act, that lists all personal property and any other
14 valuable thing received on deposit or purchased during the
15 preceding day, including the exact time when received or
16 purchased, and a description of the person or person by whom
17 left in pledge, or from whom the same were purchased; provided,
18 that in cities or towns having 25,000 or more inhabitants, a
19 copy of the such report shall at the same time also be
20 delivered to the superintendent of police or the chief police
21 officer of such city or town. Such report may be made by
22 computer printout or input memory device if the format has been
23 approved by the local law enforcement agency.

24 (b) In counties with more than 3,000,000 inhabitants, a
25 pawnbroker or precious metal scrapper must provide the daily

1 report to the sheriff only if the pawnshop or precious metal
2 scraper is located in an unincorporated area of the county.
3 Pawnbrokers and precious metal scrapers located in cities or
4 towns in such counties must deliver such reports to the
5 superintendent of police or the chief police officer of such
6 city or town.

7 (Source: P.A. 90-477, eff. 7-1-98; 90-602, eff. 7-1-98.)

8 (205 ILCS 510/7.5)

9 Sec. 7.5. Report to the Secretary. The Secretary, as often
10 as the Secretary shall deem necessary or proper, may require a
11 pawnshop or precious metal scraper to submit a full and
12 detailed report of its operations including, but not limited
13 to, the number of pawns and purchases made, the amount financed
14 on pawn and purchase transactions, and the number and amount of
15 pawns and purchases surrendered to law enforcement.

16 The Secretary shall prescribe the form of the report and
17 establish the date by which the report must be filed.

18 (Source: P.A. 96-1038, eff. 7-14-10.)

19 (205 ILCS 510/8) (from Ch. 17, par. 4658)

20 Sec. 8. No pawnbroker or precious metal scraper shall take
21 or receive any purchase, pawn, or pledge for any advancement or
22 loan, any property of any kind from any minor who is under 18
23 years of age, or the ownership of which is in, or which is
24 claimed by, any such minor, or which may be in the possession

1 or under the control of any such minor.

2 (Source: P.A. 84-478.)

3 (205 ILCS 510/9) (from Ch. 17, par. 4659)

4 Sec. 9. No pawnbroker or precious metal scrapper shall
5 purchase or take any article in pawn or pledge from any person
6 appearing to be intoxicated, nor from any person known to have
7 been convicted of theft. A law enforcement officer may provide
8 such criminal conviction information to a pawnbroker or
9 precious metal scrapper. When any person is found to be the
10 owner of stolen property which has been pawned or sold, such
11 property shall be returned to the owner thereof without the
12 payment of the money advanced by the pawnbroker or precious
13 metal scrapper thereon or any costs or charges of any kind
14 which the pawnbroker or precious metal scrapper may have placed
15 upon the same.

16 (Source: P.A. 84-1308.)

17 (205 ILCS 510/11) (from Ch. 17, par. 4661)

18 Sec. 11. Violations. Every person who knowingly violates
19 the provisions of this Act shall, for the first offense, be
20 guilty of a Class C misdemeanor, and for each subsequent
21 offense shall be guilty of a Class A misdemeanor, except that a
22 person who knowingly violates this Act by operating a pawnshop
23 or precious metal scrapper without a license shall be guilty of
24 a Class B misdemeanor for the first offense and shall be guilty

1 of a Class A misdemeanor for any subsequent offense. This Act
2 shall not be construed as to, in any wise, impair the power of
3 cities or villages in this State to license, tax, regulate
4 except as to fee amounts, suppress, and prohibit pawnbrokers or
5 precious metal scrappers as now provided by law.

6 (Source: P.A. 92-215, eff. 8-2-01.)

7 (205 ILCS 510/12)

8 Sec. 12. Hold order.

9 (a) For the purposes of this Section, "hold order" means a
10 written legal instrument issued to a pawnbroker or precious
11 metal scrapper by a law enforcement officer commissioned by the
12 law enforcement agency of the municipality or county that
13 licenses and regulates the pawnbroker or precious metal
14 scrapper, ordering the pawnbroker or precious metal scrapper to
15 retain physical possession of pledged goods in the possession
16 of the pawnbroker or precious metal scrapper or property
17 purchased by and in the possession of the pawnbroker or
18 precious metal scrapper and not to return, sell, or otherwise
19 dispose of such property as such property is believed to be
20 misappropriated goods.

21 (b) Upon written notice from a law enforcement officer
22 indicating that property in the possession of a pawnbroker or
23 precious metal scrapper and subject to a hold order is needed
24 for the purpose of furthering a criminal investigation and
25 prosecution, the pawnbroker or precious metal scrapper shall

1 release the property subject to the hold order to the custody
2 of the law enforcement officer for such purpose and the officer
3 shall provide a written acknowledgment that the property has
4 been released to the officer. The release of the property to
5 the custody of the law enforcement officer shall not be
6 considered a waiver or release of the precious metal scrapper's
7 or pawnbroker's property rights or interest in the property.
8 Upon completion of the criminal investigation, the property
9 shall be returned to the pawnbroker or precious metal scrapper
10 who consented to its release; except that, if the law
11 enforcement officer has not completed the criminal
12 investigation within 120 days after its release, the officer
13 shall immediately return the property to the pawnbroker or
14 precious metal scrapper or obtain and furnish to the pawnbroker
15 or precious metal scrapper a warrant for the continued custody
16 of the property.

17 The pawnbroker or precious metal scrapper shall not release
18 or dispose of the property except pursuant to a court order or
19 the expiration of the holding period of the hold order,
20 including all extensions.

21 In cases where criminal charges have been filed and the
22 property may be needed as evidence, the prosecuting attorney
23 shall notify the pawnbroker or precious metal scrapper in
24 writing. The notice shall contain the case number, the style of
25 the case, and a description of the property. The pawnbroker or
26 precious metal scrapper shall hold such property until

1 receiving notice of the disposition of the case from the
2 prosecuting attorney. The prosecuting attorney shall notify
3 the pawnbroker or precious metal scrapper and claimant in
4 writing within 15 days after the disposition of the case.

5 (Source: P.A. 96-1365, eff. 7-28-10.)