

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 notice shall be given forthwith to all known interest holders  
2 that forfeiture proceedings, including a preliminary review,  
3 shall be instituted in accordance with the Drug Asset  
4 Forfeiture Procedure Act and such proceedings shall thereafter  
5 be instituted in accordance with that Act. Upon a showing of  
6 good cause, the notice required for a preliminary review under  
7 this Section may be postponed.

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

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

25 (1) place the property under seal;

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

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) No disposition may be made of property under seal until  
17          the time for taking an appeal has elapsed or until all appeals  
18          have been concluded unless a court, upon application therefor,  
19          orders the sale of perishable substances and the deposit of the  
20          proceeds of the sale with the court.

21          (f) When property is forfeited under this Act the Director  
22          shall sell all such property unless such property is required  
23          by law to be destroyed or is harmful to the public, and shall  
24          distribute the proceeds of the sale, together with any moneys  
25          forfeited or seized, in accordance with subsection (g).  
26          However, upon the application of the seizing agency or

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

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

21 (1) (i) 65% shall be distributed to the metropolitan  
22 enforcement group, local, municipal, county, or state law  
23 enforcement agency or agencies which conducted or  
24 participated in the investigation resulting in the  
25 forfeiture. The distribution shall bear a reasonable  
26 relationship to the degree of direct participation of the

1 law enforcement agency in the effort resulting in the  
2 forfeiture, taking into account the total value of the  
3 property forfeited and the total law enforcement effort  
4 with respect to the violation of the law upon which the  
5 forfeiture is based. Amounts distributed to the agency or  
6 agencies shall be used for the enforcement of laws  
7 governing cannabis and controlled substances or for  
8 security cameras used for the prevention or detection of  
9 violence, except that amounts distributed to the Secretary  
10 of State shall be deposited into the Secretary of State  
11 Evidence Fund to be used as provided in Section 2-115 of  
12 the Illinois Vehicle Code.

13 (ii) Any local, municipal, or county law enforcement  
14 agency entitled to receive a monetary distribution of  
15 forfeiture proceeds may share those forfeiture proceeds  
16 pursuant to the terms of an intergovernmental agreement  
17 with a municipality that has a population in excess of  
18 20,000 if:

19 (I) the receiving agency has entered into an  
20 intergovernmental agreement with the municipality to  
21 provide police services;

22 (II) the intergovernmental agreement for police  
23 services provides for consideration in an amount of not  
24 less than \$1,000,000 per year;

25 (III) the seizure took place within the  
26 geographical limits of the municipality; and

1           (IV) the funds are used only for the enforcement of  
2           laws governing cannabis and controlled substances or  
3           for security cameras used for the prevention or  
4           detection of violence or the establishment of a  
5           municipal police force, including the training of  
6           officers, construction of a police station, the  
7           purchase of law enforcement equipment, or vehicles.

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. 97-253, eff. 1-1-12; 97-544, eff. 1-1-12; revised  
15 9-14-11.)

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

18 (720 ILCS 570/505) (from Ch. 56 1/2, par. 1505)

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

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

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

1 distributing, dispensing, administering or possessing any  
2 substance in violation of this Act;

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

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

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

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

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

26 (5) everything of value furnished, or intended to be

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

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

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

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

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

1 Procedure Act;

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

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

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

11 (c) In the event of seizure pursuant to subsection (b),  
12 notice shall be given forthwith to all known interest holders  
13 that forfeiture proceedings, including a preliminary review,  
14 shall be instituted in accordance with the Drug Asset  
15 Forfeiture Procedure Act and such proceedings shall thereafter  
16 be instituted in accordance with that Act. Upon a showing of  
17 good cause, the notice required for a preliminary review under  
18 this Section may be postponed.

19 (d) Property taken or detained under this Section shall not  
20 be subject to replevin, but is deemed to be in the custody of  
21 the Director subject only to the order and judgments of the  
22 circuit court having jurisdiction over the forfeiture  
23 proceedings and the decisions of the State's Attorney under the  
24 Drug Asset Forfeiture Procedure Act. When property is seized  
25 under this Act, the seizing agency shall promptly conduct an  
26 inventory of the seized property and estimate the property's

1 value, and shall forward a copy of the inventory of seized  
2 property and the estimate of the property's value to the  
3 Director. Upon receiving notice of seizure, the Director may:

4 (1) place the property under seal;

5 (2) remove the property to a place designated by the  
6 Director;

7 (3) keep the property in the possession of the seizing  
8 agency;

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

13 (5) place the property under constructive seizure by  
14 posting notice of pending forfeiture on it, by giving  
15 notice of pending forfeiture to its owners and interest  
16 holders, or by filing notice of pending forfeiture in any  
17 appropriate public record relating to the property; or

18 (6) provide for another agency or custodian, including  
19 an owner, secured party, or lienholder, to take custody of  
20 the property upon the terms and conditions set by the  
21 Director.

22 (e) If the Department of Financial and Professional  
23 Regulation suspends or revokes a registration, all controlled  
24 substances owned or possessed by the registrant at the time of  
25 suspension or the effective date of the revocation order may be  
26 placed under seal by the Director. No disposition may be made

1 of substances under seal until the time for taking an appeal  
2 has elapsed or until all appeals have been concluded unless a  
3 court, upon application therefor, orders the sale of perishable  
4 substances and the deposit of the proceeds of the sale with the  
5 court. Upon a suspension or revocation order becoming final,  
6 all substances may be forfeited to the Illinois State Police.

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

1 agency or its unit of government, the proceeds of the sale  
2 shall be delivered to the Director and distributed in  
3 accordance with subsection (g).

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

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

25 (ii) Any local, municipal, or county law enforcement  
26 agency entitled to receive a monetary distribution of

1 forfeiture proceeds may share those forfeiture proceeds  
2 pursuant to the terms of an intergovernmental agreement  
3 with a municipality that has a population in excess of  
4 20,000 if:

5 (I) the receiving agency has entered into an  
6 intergovernmental agreement with the municipality to  
7 provide police services;

8 (II) the intergovernmental agreement for police  
9 services provides for consideration in an amount of not  
10 less than \$1,000,000 per year;

11 (III) the seizure took place within the  
12 geographical limits of the municipality; and

13 (IV) the funds are used only for the enforcement of  
14 laws governing cannabis and controlled substances or  
15 for security cameras used for the prevention or  
16 detection of violence or the establishment of a  
17 municipal police force, including the training of  
18 officers, construction of a police station, the  
19 purchase of law enforcement equipment, or vehicles.

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



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

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

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

26 (h) Species of plants from which controlled substances in

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

11 (Source: P.A. 94-1004, eff. 7-3-06; 97-253, eff. 1-1-12;  
12 97-334, eff. 1-1-12; 97-544, eff. 1-1-12; revised 9-14-11.)

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

15 (720 ILCS 646/85)

16 Sec. 85. Forfeiture.

17 (a) The following are subject to forfeiture:

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

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

1           (3) all conveyances, including aircraft, vehicles or  
2           vessels, which are used, or intended for use, to transport,  
3           or in any manner to facilitate the transportation, sale,  
4           receipt, possession, or concealment of property described  
5           in paragraph (1) or (2) that constitutes a felony violation  
6           of the Act, 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 or her 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 or she neither had knowledge  
20                   of nor 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 for  
24           use in a felony violation of this Act;

25           (5) everything of value furnished or intended to be  
26           furnished by any person in exchange for a substance in

1 violation of this Act, all proceeds traceable to such an  
2 exchange, and all moneys, negotiable instruments, and  
3 securities used, or intended to be used, to commit or in  
4 any manner to facilitate any felony 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 this Act or that is the proceeds of any  
13 violation or act that constitutes a violation of this Act.

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

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

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

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

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

7           (c) In the event of seizure pursuant to subsection (b),  
8           notice shall be given forthwith to all known interest holders  
9           that forfeiture proceedings, including a preliminary review,  
10          shall be instituted in accordance with the Drug Asset  
11          Forfeiture Procedure Act and such proceedings shall thereafter  
12          be instituted in accordance with that Act. Upon a showing of  
13          good cause, the notice required for a preliminary review under  
14          this Section may be postponed.

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

26                 (1) place the property under seal;

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

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

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

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

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

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

23           (f) When property is forfeited under this Act, the Director  
24 shall sell the property unless the property is required by law  
25 to be destroyed or is harmful to the public, and shall  
26 distribute the proceeds of the sale, together with any moneys

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

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

23 (1) (i) 65% shall be distributed to the metropolitan  
24 enforcement group, local, municipal, county, or State law  
25 enforcement agency or agencies which conducted or  
26 participated in the investigation resulting in the

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

15 (ii) Any local, municipal, or county law enforcement  
16 agency entitled to receive a monetary distribution of  
17 forfeiture proceeds may share those forfeiture proceeds  
18 pursuant to the terms of an intergovernmental agreement  
19 with a municipality that has a population in excess of  
20 20,000 if:

21 (I) the receiving agency has entered into an  
22 intergovernmental agreement with the municipality to  
23 provide police services;

24 (II) the intergovernmental agreement for police  
25 services provides for consideration in an amount of not  
26 less than \$1,000,000 per year;



1           (III) the seizure took place within the  
2           geographical limits of the municipality; and

3           (IV) the funds are used only for the enforcement of  
4           laws governing cannabis and controlled substances or  
5           for security cameras used for the prevention or  
6           detection of violence or the establishment of a  
7           municipal police force, including the training of  
8           officers, construction of a police station, the  
9           purchase of law enforcement equipment, or vehicles.

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

1 General, the portion provided hereunder shall be  
2 distributed to the Attorney General for use in the  
3 enforcement of laws governing methamphetamine, cannabis,  
4 and controlled substances.

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

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

17 (Source: P.A. 97-253, eff. 1-1-12; 97-544, eff. 1-1-12; revised  
18 9-14-11.)