

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.)