



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5341

Introduced 2/8/2012, by Rep. Daniel V. Beiser

#### SYNOPSIS AS INTRODUCED:

205 ILCS 510/12

Amends the Pawnbroker Regulation Act. Removes a provision requiring that property under a hold order released to the custody of a law enforcement officer shall be returned to the pawnbroker upon completion of the criminal investigation. Removes a provision requiring the prosecuting attorney to notify the pawnbroker if property under a hold order may be needed as evidence in a criminal case. Provides that a law enforcement agency shall retain custody of property under a hold order and released by a pawnbroker to the law enforcement agency until the disposition of the case. Provides that, within 15 days after the disposition of the case, if appropriate, the property shall be returned to the owner. Effective immediately.

LRB097 18349 PJG 63575 b

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 Section 12 as follows:

6 (205 ILCS 510/12)

7 Sec. 12. Hold order.

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

18 (b) Upon written notice from a law enforcement officer  
19 indicating that property in the possession of a pawnbroker and  
20 subject to a hold order is needed for the purpose of furthering  
21 a criminal investigation and prosecution, the pawnbroker shall  
22 release the property subject to the hold order to the custody  
23 of the law enforcement officer for such purpose and the officer

1 shall provide a written acknowledgment that the property has  
2 been released to the officer. The release of the property to  
3 the custody of the law enforcement officer shall not be  
4 considered a waiver or release of the pawnbroker's property  
5 rights or interest in the property. The law enforcement agency  
6 shall retain custody of the property until the disposition of  
7 the case. The prosecuting attorney shall notify the pawnbroker  
8 and claimant in writing within 15 days after the disposition of  
9 the case, at which point, if appropriate, the property shall be  
10 returned to the owner in accordance with Section 9 of this Act.

11 ~~Upon completion of the criminal investigation, the property~~  
12 ~~shall be returned to the pawnbroker who consented to its~~  
13 ~~release ; except that, if the law enforcement officer has not~~  
14 ~~completed the criminal investigation within 120 days after its~~  
15 ~~release, the officer shall immediately return the property to~~  
16 ~~the pawnbroker or obtain and furnish to the pawnbroker a~~  
17 ~~warrant for the continued custody of the property.~~

18 (c) The pawnbroker shall not release or dispose of the  
19 property except pursuant to a court order or the expiration of  
20 the holding period of the hold order, 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 in writing. The notice shall~~  
24 ~~contain the case number, the style of the case, and a~~  
25 ~~description of the property. The pawnbroker shall hold such~~  
26 ~~property until receiving notice of the disposition of the case~~

1 ~~from the prosecuting attorney. The prosecuting attorney shall~~  
2 ~~notify the pawnbroker and claimant in writing within 15 days~~  
3 ~~after the disposition of the case.~~

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

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.