

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

13 The pawnbroker shall not release or dispose of the property  
14 except pursuant to a court order or the expiration of the  
15 holding period of the hold order, including all extensions.

16 In cases where criminal charges have been filed and the  
17 property may be needed as evidence, the prosecuting attorney  
18 shall notify the pawnbroker in writing. The notice shall  
19 contain the case number, the style of the case, and a  
20 description of the property. The prosecuting attorney may  
21 retain custody of the property until the disposition of the  
22 case by providing written notice to the pawnbroker. If the  
23 prosecuting attorney does not retain custody of the property,  
24 the ~~The~~ pawnbroker shall hold such property until receiving  
25 notice of the disposition of the case from the prosecuting  
26 attorney. The prosecuting attorney shall notify the pawnbroker

1 and claimant in writing within 15 days after the disposition of  
2 the case. If the prosecuting attorney has retained custody of  
3 the property until the disposition of the case, the property  
4 shall be returned to the pawnbroker within 15 days after the  
5 disposition of the case unless a court order stipulates  
6 transfer of ownership to another person. A court order  
7 stipulating transfer of ownership to another person shall  
8 provide that the defendant pay restitution to the pawnbroker in  
9 the amount received by the defendant for the property together  
10 with reasonable attorney's fees plus any interest or fees due  
11 to the pawnbroker.

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.