



Rep. Michael J. Zalewski

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09700SB2268ham002

LRB097 10022 RLC 55517 a

1 AMENDMENT TO SENATE BILL 2268

2 AMENDMENT NO. _____. Amend Senate Bill 2268 on page 2,
3 line 3, by inserting after "Section," the following:

4 "and after taking into account the respective interests of all
5 known claimants to the property including the State,"; and

6 on page 2, by inserting immediately after line 8 the following:

7 "Section 6. The Cannabis Control Act is amended by changing
8 Section 12 as follows:

9 (720 ILCS 550/12) (from Ch. 56 1/2, par. 712)

10 Sec. 12. (a) The following are subject to forfeiture:

11 (1) all substances containing cannabis which have been
12 produced, manufactured, delivered, or possessed in
13 violation of this Act;

14 (2) all raw materials, products and equipment of any
15 kind which are produced, delivered, or possessed in

1 connection with any substance containing cannabis in
2 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 paragraph (1) or (2) that constitutes a felony violation
8 of the Act, but:

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

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

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

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

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

7 (6) all real property, including any right, title, and
8 interest including, but not limited to, any leasehold
9 interest or the beneficial interest to a land trust, in the
10 whole of any lot or tract of land and any appurtenances or
11 improvements, that is used or intended to be used to
12 facilitate the manufacture, distribution, sale, receipt,
13 or concealment of property described in paragraph (1) or
14 (2) of this subsection (a) that constitutes a felony
15 violation of more than 2,000 grams of a substance
16 containing cannabis or that is the proceeds of any felony
17 violation of this Act.

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

23 (1) 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 (2) if there is probable cause to believe that the
3 property is directly or indirectly dangerous to health or
4 safety;

5 (3) 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 (4) 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 (c-1) In the event the State's Attorney is of the opinion
20 that real property is subject to forfeiture under this Act,
21 forfeiture proceedings shall be instituted in accordance with
22 the Drug Asset Forfeiture Procedure Act. The exemptions from
23 forfeiture provisions of Section 8 of the Drug Asset Forfeiture
24 Procedure Act are applicable.

25 (d) Property taken or detained under this Section shall not
26 be subject to replevin, but is deemed to be in the custody of

1 the Director subject only to the order and judgments of the
2 circuit court having jurisdiction over the forfeiture
3 proceedings and the decisions of the State's Attorney under the
4 Drug Asset Forfeiture Procedure Act. When property is seized
5 under this Act, the seizing agency shall promptly conduct an
6 inventory of the seized property, estimate the property's
7 value, and shall forward a copy of the inventory of seized
8 property and the estimate of the property's value to the
9 Director. Upon receiving notice of seizure, the Director may:

10 (1) place the property under seal;

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

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

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

18 (5) place the property under constructive seizure by
19 posting notice of pending forfeiture on it, by giving
20 notice of pending forfeiture to its owners and interest
21 holders, or by filing notice of pending forfeiture in any
22 appropriate public record relating to the property; or

23 (6) provide for another agency or custodian, including
24 an owner, secured party, or lienholder, to take custody of
25 the property upon the terms and conditions set by the
26 Director.

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

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

1 shall be delivered to the Director and distributed in
2 accordance with subsection (g).

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

6 (1) 65% shall be distributed to the metropolitan
7 enforcement group, local, municipal, county, or state law
8 enforcement agency or agencies which conducted or
9 participated in the investigation resulting in the
10 forfeiture. The distribution shall bear a reasonable
11 relationship to the degree of direct participation of the
12 law enforcement agency in the effort resulting in the
13 forfeiture, taking into account the total value of the
14 property forfeited and the total law enforcement effort
15 with respect to the violation of the law upon which the
16 forfeiture is based. Amounts distributed to the agency or
17 agencies shall be used for the enforcement of laws
18 governing cannabis and controlled substances or for
19 security cameras used for the prevention or detection of
20 violence, except that amounts distributed to the Secretary
21 of State shall be deposited into the Secretary of State
22 Evidence Fund to be used as provided in Section 2-115 of
23 the Illinois Vehicle Code.

24 (2) (i) 12.5% shall be distributed to the Office of the
25 State's Attorney of the county in which the prosecution
26 resulting in the forfeiture was instituted, deposited in a

1 special fund in the county treasury and appropriated to the
2 State's Attorney for use in the enforcement of laws
3 governing cannabis and controlled substances. In counties
4 over 3,000,000 population, 25% will be distributed to the
5 Office of the State's Attorney for use in the enforcement
6 of laws governing cannabis and controlled substances. If
7 the prosecution is undertaken solely by the Attorney
8 General, the portion provided hereunder shall be
9 distributed to the Attorney General for use in the
10 enforcement of laws governing cannabis and controlled
11 substances.

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

21 (3) 10% shall be retained by the Department of State
22 Police for expenses related to the administration and sale
23 of seized and forfeited property.

24 (Source: P.A. 94-1004, eff. 7-3-06; 95-989, eff. 10-3-08.)

25 Section 7. The Illinois Controlled Substances Act is

1 amended by changing Section 505 as follows:

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

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

4 (1) all substances which have been manufactured,
5 distributed, dispensed, or possessed in violation of this
6 Act;

7 (2) all raw materials, products and equipment of any
8 kind which are used, or intended for use in manufacturing,
9 distributing, dispensing, administering or possessing any
10 substance in violation of this Act;

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

16 (i) no conveyance used by any person as a common
17 carrier in the transaction of business as a common
18 carrier is subject to forfeiture under this Section
19 unless it appears that the owner or other person in
20 charge of the conveyance is a consenting party or privy
21 to a violation of this Act;

22 (ii) no conveyance is subject to forfeiture under
23 this Section by reason of any act or omission which the
24 owner proves to have been committed or omitted without
25 his knowledge or consent;

1 (iii) a forfeiture of a conveyance encumbered by a
2 bona fide security interest is subject to the interest
3 of the secured party if he neither had knowledge of nor
4 consented to the act or omission;

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

9 (5) everything of value furnished, or intended to be
10 furnished, in exchange for a substance in violation of this
11 Act, all proceeds traceable to such an exchange, and all
12 moneys, negotiable instruments, and securities used, or
13 intended to be used, to commit or in any manner to
14 facilitate any violation of this Act;

15 (6) all real property, including any right, title, and
16 interest (including, but not limited to, any leasehold
17 interest or the beneficial interest in a land trust) in the
18 whole of any lot or tract of land and any appurtenances or
19 improvements, which is used or intended to be used, in any
20 manner or part, to commit, or in any manner to facilitate
21 the commission of, any violation or act that constitutes a
22 violation of Section 401 or 405 of this Act or that is the
23 proceeds of any violation or act that constitutes a
24 violation of Section 401 or 405 of this Act.

25 (b) Property subject to forfeiture under this Act may be
26 seized by the Director or any peace officer upon process or

1 seizure warrant issued by any court having jurisdiction over
2 the property. Seizure by the Director or any peace officer
3 without process may be made:

4 (1) if the seizure is incident to inspection under an
5 administrative inspection warrant;

6 (2) if the property subject to seizure has been the
7 subject of a prior judgment in favor of the State in a
8 criminal proceeding, or in an injunction or forfeiture
9 proceeding based upon this Act or the Drug Asset Forfeiture
10 Procedure Act;

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

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

18 (5) in accordance with the Code of Criminal Procedure
19 of 1963.

20 (c) In the event of seizure pursuant to subsection (b),
21 notice shall be given forthwith to all known interest holders
22 that forfeiture proceedings, including a preliminary review,
23 shall be instituted in accordance with the Drug Asset
24 Forfeiture Procedure Act and such proceedings shall thereafter
25 be instituted in accordance with that Act. Upon a showing of
26 good cause, the notice required for a preliminary review under

1 this Section may be postponed.

2 (d) Property taken or detained under this Section shall not
3 be subject to replevin, but is deemed to be in the custody of
4 the Director subject only to the order and judgments of the
5 circuit court having jurisdiction over the forfeiture
6 proceedings and the decisions of the State's Attorney under the
7 Drug Asset Forfeiture Procedure Act. When property is seized
8 under this Act, the seizing agency shall promptly conduct an
9 inventory of the seized property and estimate the property's
10 value, and shall forward a copy of the inventory of seized
11 property and the estimate of the property's value to the
12 Director. Upon receiving notice of seizure, the Director may:

13 (1) place the property under seal;

14 (2) remove the property to a place designated by the
15 Director;

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

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

22 (5) place the property under constructive seizure by
23 posting notice of pending forfeiture on it, by giving
24 notice of pending forfeiture to its owners and interest
25 holders, or by filing notice of pending forfeiture in any
26 appropriate public record relating to the property; or

1 (6) provide for another agency or custodian, including
2 an owner, secured party, or lienholder, to take custody of
3 the property upon the terms and conditions set by the
4 Director.

5 (e) If the Department of Professional Regulation suspends
6 or revokes a registration, all controlled substances owned or
7 possessed by the registrant at the time of suspension or the
8 effective date of the revocation order may be placed under
9 seal. No disposition may be made of substances under seal until
10 the time for taking an appeal has elapsed or until all appeals
11 have been concluded unless a court, upon application therefor,
12 orders the sale of perishable substances and the deposit of the
13 proceeds of the sale with the court. Upon a revocation rule
14 becoming final, all substances may be forfeited to the
15 Department of Professional Regulation.

16 (f) When property is forfeited under this Act the Director
17 shall sell all such property unless such property is required
18 by law to be destroyed or is harmful to the public, and shall
19 distribute the proceeds of the sale, together with any moneys
20 forfeited or seized, in accordance with subsection (g).
21 However, upon the application of the seizing agency or
22 prosecutor who was responsible for the investigation, arrest or
23 arrests and prosecution which lead to the forfeiture, the
24 Director may return any item of forfeited property to the
25 seizing agency or prosecutor for official use in the
26 enforcement of laws relating to cannabis or controlled

1 substances, if the agency or prosecutor can demonstrate that
2 the item requested would be useful to the agency or prosecutor
3 in their enforcement efforts. When any forfeited conveyance,
4 including an aircraft, vehicle, or vessel, is returned to the
5 seizing agency or prosecutor, the conveyance may be used
6 immediately in the enforcement of the criminal laws of this
7 State. Upon disposal, all proceeds from the sale of the
8 conveyance must be used for drug enforcement purposes. When any
9 real property returned to the seizing agency is sold by the
10 agency or its unit of government, the proceeds of the sale
11 shall be delivered to the Director and distributed in
12 accordance with subsection (g).

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

16 (1) 65% shall be distributed to the metropolitan
17 enforcement group, local, municipal, county, or state law
18 enforcement agency or agencies which conducted or
19 participated in the investigation resulting in the
20 forfeiture. The distribution shall bear a reasonable
21 relationship to the degree of direct participation of the
22 law enforcement agency in the effort resulting in the
23 forfeiture, taking into account the total value of the
24 property forfeited and the total law enforcement effort
25 with respect to the violation of the law upon which the
26 forfeiture is based. Amounts distributed to the agency or

1 agencies shall be used for the enforcement of laws
2 governing cannabis and controlled substances or for
3 security cameras used for the prevention or detection of
4 violence, except that amounts distributed to the Secretary
5 of State shall be deposited into the Secretary of State
6 Evidence Fund to be used as provided in Section 2-115 of
7 the Illinois Vehicle Code.

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. In counties
14 over 3,000,000 population, 25% will be distributed to the
15 Office of the State's Attorney for use in the enforcement
16 of laws governing cannabis and controlled substances. If
17 the prosecution is undertaken solely by the Attorney
18 General, the portion provided hereunder shall be
19 distributed to the Attorney General for use in the
20 enforcement of laws governing cannabis and controlled
21 substances.

22 (ii) 12.5% shall be distributed to the Office of the
23 State's Attorneys Appellate Prosecutor and deposited in
24 the Narcotics Profit Forfeiture Fund of that office to be
25 used for additional expenses incurred in the
26 investigation, prosecution and appeal of cases arising

1 under laws governing cannabis and controlled substances.
2 The Office of the State's Attorneys Appellate Prosecutor
3 shall not receive distribution from cases brought in
4 counties with over 3,000,000 population.

5 (3) 10% shall be retained by the Department of State
6 Police for expenses related to the administration and sale
7 of seized and forfeited property.

8 (h) Species of plants from which controlled substances in
9 Schedules I and II may be derived which have been planted or
10 cultivated in violation of this Act, or of which the owners or
11 cultivators are unknown, or which are wild growths, may be
12 seized and summarily forfeited to the State. The failure, upon
13 demand by the Director or any peace officer, of the person in
14 occupancy or in control of land or premises upon which the
15 species of plants are growing or being stored, to produce
16 registration, or proof that he is the holder thereof,
17 constitutes authority for the seizure and forfeiture of the
18 plants.

19 (Source: P.A. 94-1004, eff. 7-3-06.)

20 Section 8. The Methamphetamine Control and Community
21 Protection Act is amended by changing Section 85 as follows:

22 (720 ILCS 646/85)

23 Sec. 85. Forfeiture.

24 (a) The following are subject to forfeiture:

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

4 (2) all methamphetamine manufacturing materials which
5 have been produced, delivered, or possessed in connection
6 with any substance containing methamphetamine in violation
7 of this Act;

8 (3) all conveyances, including aircraft, vehicles or
9 vessels, which are used, or intended for use, to transport,
10 or in any manner to facilitate the transportation, sale,
11 receipt, possession, or concealment of property described
12 in paragraph (1) or (2) that constitutes a felony violation
13 of the Act, but:

14 (i) no conveyance used by any person as a common
15 carrier in the transaction of business as a common
16 carrier is subject to forfeiture under this Section
17 unless it appears that the owner or other person in
18 charge of the conveyance is a consenting party or privy
19 to a violation of this Act;

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

24 (iii) a forfeiture of a conveyance encumbered by a
25 bona fide security interest is subject to the interest
26 of the secured party if he or she neither had knowledge

1 of nor consented to the act or omission;

2 (4) all money, things of value, books, records, and
3 research products and materials including formulas,
4 microfilm, tapes, and data which are used, or intended for
5 use in a felony violation of this Act;

6 (5) everything of value furnished or intended to be
7 furnished by any person in exchange for a substance in
8 violation of this Act, all proceeds traceable to such an
9 exchange, and all moneys, negotiable instruments, and
10 securities used, or intended to be used, to commit or in
11 any manner to facilitate any felony violation of this Act.

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

21 (b) Property subject to forfeiture under this Act may be
22 seized by the Director or any peace officer upon process or
23 seizure warrant issued by any court having jurisdiction over
24 the property. Seizure by the Director or any peace officer
25 without process may be made:

26 (1) if the property subject to seizure has been the

1 subject of a prior judgment in favor of the State in a
2 criminal proceeding or in an injunction or forfeiture
3 proceeding based upon this Act or the Drug Asset Forfeiture
4 Procedure Act;

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

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

12 (4) in accordance with the Code of Criminal Procedure
13 of 1963.

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

22 (d) Property taken or detained under this Section is not
23 subject to replevin, but is deemed to be in the custody of the
24 Director subject only to the order and judgments of the circuit
25 court having jurisdiction over the forfeiture proceedings and
26 the decisions of the State's Attorney under the Drug Asset

1 Forfeiture Procedure Act. When property is seized under this
2 Act, the seizing agency shall promptly conduct an inventory of
3 the seized property, estimate the property's value, and forward
4 a copy of the inventory of seized property and the estimate of
5 the property's value to the Director. Upon receiving notice of
6 seizure, the Director may:

7 (1) place the property under seal;

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

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

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

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

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

25 (e) No disposition may be made of property under seal until
26 the time for taking an appeal has elapsed or until all appeals

1 have been concluded unless a court, upon application therefor,
2 orders the sale of perishable substances and the deposit of the
3 proceeds of the sale with the court.

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

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

4 (1) 65% shall be distributed to the metropolitan
5 enforcement group, local, municipal, county, or State law
6 enforcement agency or agencies which conducted or
7 participated in the investigation resulting in the
8 forfeiture. The distribution shall bear a reasonable
9 relationship to the degree of direct participation of the
10 law enforcement agency in the effort resulting in the
11 forfeiture, taking into account the total value of the
12 property forfeited and the total law enforcement effort
13 with respect to the violation of the law upon which the
14 forfeiture is based. Amounts distributed to the agency or
15 agencies shall be used for the enforcement of laws
16 governing methamphetamine, cannabis, and controlled
17 substances or for security cameras used for the prevention
18 or detection of violence, except that amounts distributed
19 to the Secretary of State shall be deposited into the
20 Secretary of State Evidence Fund to be used as provided in
21 Section 2-115 of the Illinois Vehicle Code.

22 (2) (i) 12.5% shall be distributed to the Office of the
23 State's Attorney of the county in which the prosecution
24 resulting in the forfeiture was instituted, deposited in a
25 special fund in the county treasury and appropriated to the
26 State's Attorney for use in the enforcement of laws

1 governing methamphetamine, cannabis, and controlled
2 substances. In counties with a population over 3,000,000,
3 25% shall be distributed to the Office of the State's
4 Attorney for use in the enforcement of laws governing
5 methamphetamine, cannabis, and controlled substances. If
6 the prosecution is undertaken solely by the Attorney
7 General, the portion provided hereunder shall be
8 distributed to the Attorney General for use in the
9 enforcement of laws governing methamphetamine, cannabis,
10 and controlled substances.

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

20 (3) 10% shall be retained by the Department of State
21 Police for expenses related to the administration and sale
22 of seized and forfeited property.

23 (Source: P.A. 94-556, eff. 9-11-05; 94-1004, eff. 7-3-06.);
24 and

25 on page 3, line 8, by inserting after "Section," the following:

1 "and after taking into account the respective interests of all
2 known claimants to the property including the State,".