



Sen. William R. Haine

Filed: 3/19/2012

09700SB3778sam002

LRB097 17712 RLC 67542 a

1 AMENDMENT TO SENATE BILL 3778

2 AMENDMENT NO. _____. Amend Senate Bill 3778, AS AMENDED,
3 by inserting immediately below the enacting clause the
4 following:

5 "Section 2. The Criminal Code of 1961 is amended by
6 changing Section 36-1.5 as follows:

7 (720 ILCS 5/36-1.5)

8 Sec. 36-1.5. Preliminary Review.

9 (a) Within 21 ~~14~~ days of the seizure, the State shall seek
10 a preliminary determination from the circuit court as to
11 whether there is probable cause that the property may be
12 subject to forfeiture.

13 (b) The rules of evidence shall not apply to any proceeding
14 conducted under this Section.

15 (c) The court may conduct the review under subsection (a)
16 simultaneously with a proceeding pursuant to Section 109-1 of

1 the Code of Criminal Procedure of 1963 for a related criminal
2 offense if a prosecution is commenced by information or
3 complaint, however if the review is not conducted
4 simultaneously, the court's findings shall not constitute a
5 collateral estoppel to the filing of criminal charges.

6 (d) The court may accept a finding of probable cause at a
7 preliminary hearing following the filing of an information or
8 complaint charging a related criminal offense or following the
9 return of indictment by a grand jury charging the related
10 offense as sufficient evidence of probable cause as required
11 under subsection (a).

12 (e) (Blank). ~~Upon making a finding of probable cause as~~
13 ~~required under this Section, and after taking into account the~~
14 ~~respective interests of all known claimants to the property~~
15 ~~including the State, the circuit court shall enter a~~
16 ~~restraining order or injunction, or take other appropriate~~
17 ~~action, as necessary to ensure that the property is not removed~~
18 ~~from the court's jurisdiction and is not concealed, destroyed,~~
19 ~~or otherwise disposed of by the property owner or interest~~
20 ~~holder before a forfeiture hearing is conducted.~~

21 (Source: P.A. 97-544, eff. 1-1-12.); and

22 in subsection (e) of Sec. 3.5 of Section 5, by replacing "(e)"
23 with "(e) (Blank)".