



## 99TH GENERAL ASSEMBLY

### State of Illinois

### 2015 and 2016

### SB0747

Introduced 2/3/2015, by Sen. Antonio Muñoz

#### SYNOPSIS AS INTRODUCED:

765 ILCS 1030/1	from Ch. 141, par. 141
765 ILCS 1030/2	from Ch. 141, par. 142
765 ILCS 1030/3	from Ch. 141, par. 143
765 ILCS 1030/5	from Ch. 141, par. 145

Amends the Law Enforcement Disposition of Property Act. Provides that the Act is applicable to all personal property coming into the possession of (instead of "of which possession is transferred to") a police department or other law enforcement agency of the State or a county, city, village or incorporated town, under circumstances supporting a reasonable belief that such property is (instead of "was") abandoned, lost or stolen, or otherwise illegally possessed. Adds an exception for property seized during a search that is retained and ultimately returned, destroyed or otherwise disposed of pursuant to a local ordinance of a county or city with a population of more than 2,000,000 persons. Provides that firearms (instead of "weapons") that have been confiscated may be destroyed by the confiscating authority. Provides that in a county or city with a population of more than 2,000,000 person, property may be auctioned off if a person entitled to possession is not located within 60 days (rather than 6 months). Provides that notice of the auction may be given by continuous posting on the law enforcement authority's Internet website, or any other publicly accessible State, county, city, village, or incorporated town's website, at least 10 days prior to the auction. Provides that the notice for an online auction shall include the name and address of the online auction company and state that the sale of the property shall be completed no earlier than 10 days from the solicitation for bids in the online auction. Provides that the owner or other person entitled to possession of property being sold through an online auction may claim and recover possession of the property at any time prior to the conclusion of the online auction upon providing reasonable and satisfactory proof of ownership or right to possession to the online auction provider and reimbursing the law enforcement agency for all reasonable expenses relating to its custody of the property.

LRB099 03533 HEP 23541 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Law Enforcement Disposition of Property Act  
5 is amended by changing Sections 1, 2, 3, and 5 as follows:

6 (765 ILCS 1030/1) (from Ch. 141, par. 141)

7 Sec. 1. This Act is applicable to all personal property  
8 coming into the ~~of which~~ possession of ~~is transferred to~~ a  
9 police department or other law enforcement agency of the State  
10 or a county, city, village or incorporated town, under  
11 circumstances supporting a reasonable belief that such  
12 property is ~~was~~ abandoned, lost or stolen, or otherwise  
13 illegally possessed, except property seized during a search  
14 that is, ~~and~~ retained and ultimately returned, destroyed or  
15 otherwise disposed of pursuant to a local ordinance of a county  
16 or city with a population of more than 2,000,000 persons, or  
17 pursuant to order of a court in accordance with Section 108-11,  
18 108-12 or 114-12 of the "Code of Criminal Procedure of 1963" or  
19 other law hereafter applicable to property thus retained, and  
20 except property of which custody and disposition is prescribed  
21 by Article II of Chapter 4 of The Illinois Vehicle Code.

22 (Source: P.A. 84-505.)

1 (765 ILCS 1030/2) (from Ch. 141, par. 142)

2 Sec. 2. (a) Such property believed to be abandoned, lost or  
3 stolen or otherwise illegally possessed shall be retained in  
4 custody by the sheriff, chief of police or other principal  
5 official of the law enforcement agency, which shall make  
6 reasonable inquiry and efforts to identify and notify the owner  
7 or other person entitled to possession thereof, and shall  
8 return the property after such person provides reasonable and  
9 satisfactory proof of his ownership or right to possession and  
10 reimburses the agency for all reasonable expenses of such  
11 custody.

12 (b) Firearms ~~Weapons~~ that have been confiscated as a result  
13 of having been abandoned or illegally possessed may be  
14 destroyed by the confiscating authority or transferred to the  
15 Department of State Police for use by the crime laboratory  
16 system, for training purposes, or for any other application as  
17 deemed appropriate by the Department, if no legitimate claim is  
18 made for the confiscated weapon within 6 months of the date of  
19 confiscation, or within 6 months of final court disposition if  
20 such confiscated weapon was used for evidentiary purposes.

21 (Source: P.A. 85-632.)

22 (765 ILCS 1030/3) (from Ch. 141, par. 143)

23 Sec. 3. If the identity or location of the owner or other  
24 person entitled to possession of the property has not been  
25 ascertained within 6 months, or within 60 days in a county or

1 city with a population of more than 2,000,000 persons, after  
2 the police department or other law enforcement agency obtains  
3 such possession, the sheriff, chief of police or other  
4 principal official thereof shall sell ~~effectuate the sale~~ of  
5 the property ~~for cash~~ to the highest bidder at a public  
6 auction, notice of which (including time, place and a brief  
7 description of such property) shall be published at least once  
8 in a newspaper of general circulation in the county wherein  
9 such official has authority, or continuously on the law  
10 enforcement authority's Internet website, or any other  
11 publicly accessible State, county, city, village, or  
12 incorporated town's website, at least 10 days prior to such  
13 auction. The notice for an online auction shall include the  
14 name and address of the online auction company and state that  
15 the sale of the property shall be completed no earlier than 10  
16 days from the solicitation for bids in the online auction.  
17 However, if the sheriff, chief of police, or other principal  
18 law enforcement official determines that the interests of the  
19 public would best be served thereby, he or she may donate  
20 property that is worth less than \$100, if the donation is  
21 approved by the governing body of which the law enforcement  
22 agency is a part, to a charitable organization that is  
23 currently registered in the State of Illinois, transfer custody  
24 of the property to the government of which his or her law  
25 enforcement agency is a branch, or if the property is in the  
26 custody of a State law enforcement agency, it may be

1 transferred to the Department of Central Management Services,  
2 rather than effectuating the sale of the property by public  
3 auction. Property offered but not sold at such public auction  
4 may be offered and sold at a subsequent public auction without  
5 such notice.

6 (Source: P.A. 97-28, eff. 1-1-12.)

7 (765 ILCS 1030/5) (from Ch. 141, par. 145)

8 Sec. 5. The owner or other person entitled to possession of  
9 such property may claim and recover possession of the property  
10 at any time before its sale at public auction, upon providing  
11 reasonable and satisfactory proof of ownership or right to  
12 possession and reimbursing the law enforcement agency for all  
13 reasonable expenses of custody thereof. The owner or other  
14 person entitled to possession of property being sold through an  
15 online auction may claim and recover possession of the property  
16 at any time prior to the conclusion of the online auction upon  
17 providing reasonable and satisfactory proof of ownership or  
18 right to possession to the online auction provider and  
19 reimbursing the law enforcement agency for all reasonable  
20 expenses relating to its custody of the property.

21 (Source: Laws 1963, p. 3287.)