

1 AN ACT in relation to criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Section 36-1 as follows:

6 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

7 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft
8 used with the knowledge and consent of the owner in the
9 commission of, or in the attempt to commit as defined in
10 Section 8-4 of this Code, an offense prohibited by (a)
11 Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2,
12 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3,
13 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2,
14 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code,
15 paragraph (a) of Section 12-4 of this Code, or paragraph (a)
16 of Section 12-15 or paragraphs (a), (c) or (d) of Section
17 12-16 of this Code, or paragraph (a)(6) or (a)(7) of Section
18 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of the
19 Cigarette Tax Act if the vessel, vehicle or aircraft contains
20 more than 10 cartons of such cigarettes; (c) Section 28, 29
21 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or
22 aircraft contains more than 10 cartons of such cigarettes;
23 (d) Section 44 of the Environmental Protection Act; (e)
24 11-204.1 of the Illinois Vehicle Code; or (f) the offenses
25 described in the following provisions of the Illinois Vehicle
26 Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),
27 (c-1)(3), (d)(1)(A), or (d)(1)(D); may be seized and
28 delivered forthwith to the sheriff of the county of seizure.

29 Within 15 days after such delivery the sheriff shall give
30 notice of seizure to each person according to the following
31 method: Upon each such person whose right, title or interest

1 is of record in the office of the Secretary of State, the
2 Secretary of Transportation, the Administrator of the Federal
3 Aviation Agency, or any other Department of this State, or
4 any other state of the United States if such vessel, vehicle
5 or aircraft is required to be so registered, as the case may
6 be, by mailing a copy of the notice by certified mail to the
7 address as given upon the records of the Secretary of State,
8 the Department of Aeronautics, Department of Public Works and
9 Buildings or any other Department of this State or the United
10 States if such vessel, vehicle or aircraft is required to be
11 so registered. Within that 15 day period the sheriff shall
12 also notify the State's Attorney of the county of seizure
13 about the seizure.

14 In addition, any mobile or portable equipment used in the
15 commission of an act which is in violation of Section 7g of
16 the Metropolitan Water Reclamation District Act shall be
17 subject to seizure and forfeiture under the same procedures
18 provided in this Article for the seizure and forfeiture of
19 vessels, vehicles and aircraft, and any such equipment shall
20 be deemed a vessel, vehicle or aircraft for purposes of this
21 Article.

22 When a person discharges a firearm at another individual
23 from a vehicle with the knowledge and consent of the owner of
24 the vehicle and with the intent to cause death or great
25 bodily harm to that individual and as a result causes death
26 or great bodily harm to that individual, the vehicle shall be
27 subject to seizure and forfeiture under the same procedures
28 provided in this Article for the seizure and forfeiture of
29 vehicles used in violations of clauses (a), (b), (c), or (d)
30 of this Section.

31 If the spouse of the owner of a vehicle seized for a
32 violation of subdivision (c-1)(1), (c-1)(2), (c-1)(3),
33 (d)(1)(A), or (d)(1)(D) of Section 11-501 of the Illinois
34 Vehicle Code or Section 9-3 of this Code makes a showing that

1 the seized vehicle is the only source of transportation and
2 it is determined that the financial hardship to the family as
3 a result of the seizure outweighs the benefit to the State
4 from the seizure, the vehicle may be forfeited to the spouse
5 or family member and the title to the vehicle shall be
6 transferred to the spouse or family member who is properly
7 licensed and who requires the use of the vehicle for
8 employment or family transportation purposes. A written
9 declaration of forfeiture of a vehicle under this Section
10 shall be sufficient cause for the title to be transferred to
11 the spouse or family member. The provisions of this
12 paragraph shall apply only to one forfeiture per vehicle. If
13 the vehicle is the subject of a subsequent forfeiture
14 proceeding by virtue of a subsequent conviction of either
15 spouse or the family member, the spouse or family member to
16 whom the vehicle was forfeited under the first forfeiture
17 proceeding may not utilize the provisions of this paragraph
18 in another forfeiture proceeding. If the owner of the
19 vehicle seized owns more than one vehicle, the procedure set
20 out in this paragraph may be used for only one vehicle.

21 Property declared contraband under Section 40 of the
22 Illinois Streetgang Terrorism Omnibus Prevention Act may be
23 seized and forfeited under this Article.

24 (Source: P.A. 90-134, eff. 7-22-97; 90-216, eff. 1-1-98;
25 90-655, eff. 7-30-98; 90-738, eff. 1-1-99; 91-876, eff.
26 1-1-01.)