



Sen. Jason A. Barickman

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1 AMENDMENT TO SENATE BILL 2270

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2270 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 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 used  
8 with the knowledge and consent of the owner in the commission  
9 of, or in the attempt to commit as defined in Section 8-4 of  
10 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
11 11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a  
12 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
13 11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,  
14 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of  
15 precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1,  
16 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or 29D-15.2 of this Code,

1 subdivision (a) (1), (a) (2), (a) (4), (b) (1), (e) (1), (e) (2),  
2 (e) (3), (e) (4), (e) (5), (e) (6), or (e) (7) of Section 12-3.05,  
3 paragraph (a) of Section 12-4 of this Code, paragraph (a) of  
4 Section 11-1.50, paragraph (a) of Section 12-15, paragraph (a),  
5 (c), or (d) of Section 11-1.60, or paragraphs (a), (c) or (d)  
6 of Section 12-16 of this Code, or paragraph (a) (6) or (a) (7) of  
7 Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of  
8 the Cigarette Tax Act if the vessel, vehicle or aircraft  
9 contains more than 10 cartons of such cigarettes; (c) Section  
10 28, 29 or 30 of the Cigarette Use Tax Act if the vessel,  
11 vehicle or aircraft contains more than 10 cartons of such  
12 cigarettes; (d) Section 44 of the Environmental Protection Act;  
13 (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving  
14 under the influence of alcohol or other drug or drugs,  
15 intoxicating compound or compounds or any combination thereof  
16 under Section 11-501 of the Illinois Vehicle Code during a  
17 period in which his or her driving privileges are revoked or  
18 suspended where the revocation or suspension was for driving  
19 under the influence of alcohol or other drug or drugs,  
20 intoxicating compound or compounds or any combination thereof,  
21 Section 11-501.1, paragraph (b) of Section 11-401, or for  
22 reckless homicide as defined in Section 9-3 of the Criminal  
23 Code of 1961 or the Criminal Code of 2012; (2) driving while  
24 under the influence of alcohol, other drug or drugs,  
25 intoxicating compound or compounds or any combination thereof  
26 and has been previously convicted of reckless homicide or a

1 similar provision of a law of another state relating to  
2 reckless homicide in which the person was determined to have  
3 been under the influence of alcohol, other drug or drugs, or  
4 intoxicating compound or compounds as an element of the offense  
5 or the person has previously been convicted of committing a  
6 violation of driving under the influence of alcohol or other  
7 drug or drugs, intoxicating compound or compounds or any  
8 combination thereof and was involved in a motor vehicle  
9 accident that resulted in death, great bodily harm, or  
10 permanent disability or disfigurement to another, when the  
11 violation was a proximate cause of the death or injuries; (3)  
12 the person committed a violation of driving under the influence  
13 of alcohol or other drug or drugs, intoxicating compound or  
14 compounds or any combination thereof under Section 11-501 of  
15 the Illinois Vehicle Code or a similar provision for the third  
16 or subsequent time; (4) the person committed the violation  
17 while he or she did not possess a driver's license or permit or  
18 a restricted driving permit or a judicial driving permit or a  
19 monitoring device driving permit; or (5) the person committed  
20 the violation while he or she knew or should have known that  
21 the vehicle he or she was driving was not covered by a  
22 liability insurance policy; (g) an offense described in  
23 subsection (g) of Section 6-303 of the Illinois Vehicle Code;  
24 or (h) an offense described in subsection (e) of Section 6-101  
25 of the Illinois Vehicle Code; may be seized and delivered  
26 forthwith to the sheriff of the county of seizure.

1       Any vehicle used with the knowledge and consent of the  
2 owner in the commission of, or in the attempt to commit as  
3 defined in Section 8-4 of this Code, two or more instances,  
4 within 90 days, of aggravated home repair fraud, as defined in  
5 Section 5 of the Home Repair Fraud Act, may be seized and  
6 delivered forthwith to the sheriff of the county of seizure.

7       Within 15 days after such delivery the sheriff shall give  
8 notice of seizure to each person according to the following  
9 method: Upon each such person whose right, title or interest is  
10 of record in the office of the Secretary of State, the  
11 Secretary of Transportation, the Administrator of the Federal  
12 Aviation Agency, or any other Department of this State, or any  
13 other state of the United States if such vessel, vehicle or  
14 aircraft is required to be so registered, as the case may be,  
15 by mailing a copy of the notice by certified mail to the  
16 address as given upon the records of the Secretary of State,  
17 the Department of Aeronautics, Department of Public Works and  
18 Buildings or any other Department of this State or the United  
19 States if such vessel, vehicle or aircraft is required to be so  
20 registered. Within that 15 day period the sheriff shall also  
21 notify the State's Attorney of the county of seizure about the  
22 seizure.

23       In addition, any mobile or portable equipment used in the  
24 commission of an act which is in violation of Section 7g of the  
25 Metropolitan Water Reclamation District Act shall be subject to  
26 seizure and forfeiture under the same procedures provided in

1 this Article for the seizure and forfeiture of vessels,  
2 vehicles and aircraft, and any such equipment shall be deemed a  
3 vessel, vehicle or aircraft for purposes of this Article.

4 When a person discharges a firearm at another individual  
5 from a vehicle with the knowledge and consent of the owner of  
6 the vehicle and with the intent to cause death or great bodily  
7 harm to that individual and as a result causes death or great  
8 bodily harm to that individual, the vehicle shall be subject to  
9 seizure and forfeiture under the same procedures provided in  
10 this Article for the seizure and forfeiture of vehicles used in  
11 violations of clauses (a), (b), (c), or (d) of this Section.

12 If the spouse of the owner of a vehicle seized for an  
13 offense described in subsection (g) of Section 6-303 of the  
14 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
15 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
16 11-501 of the Illinois Vehicle Code, or Section 9-3 of this  
17 Code makes a showing that the seized vehicle is the only source  
18 of transportation and it is determined that the financial  
19 hardship to the family as a result of the seizure outweighs the  
20 benefit to the State from the seizure, the vehicle may be  
21 forfeited to the spouse or family member and the title to the  
22 vehicle shall be transferred to the spouse or family member who  
23 is properly licensed and who requires the use of the vehicle  
24 for employment or family transportation purposes. A written  
25 declaration of forfeiture of a vehicle under this Section shall  
26 be sufficient cause for the title to be transferred to the

1 spouse or family member. The provisions of this paragraph shall  
2 apply only to one forfeiture per vehicle. If the vehicle is the  
3 subject of a subsequent forfeiture proceeding by virtue of a  
4 subsequent conviction of either spouse or the family member,  
5 the spouse or family member to whom the vehicle was forfeited  
6 under the first forfeiture proceeding may not utilize the  
7 provisions of this paragraph in another forfeiture proceeding.  
8 If the owner of the vehicle seized owns more than one vehicle,  
9 the procedure set out in this paragraph may be used for only  
10 one vehicle.

11 Property declared contraband under Section 40 of the  
12 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
13 seized and forfeited under this Article.

14 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;  
15 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.  
16 1-1-11; 96-1551, Article 1, Section 960, eff. 7-1-11; 96-1551,  
17 Article 2, Section 1035, eff. 7-1-11; 97-333, eff. 8-12-11;  
18 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)".