

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB1628**

Introduced 1/28/2025, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

5 ILCS 810/10

Amends the Seizure and Forfeiture Reporting Act. Provides that each law enforcement agency that seizes, forfeits, or receives property subject to reporting under the Act shall report certain information about each seizure and forfeiture of property to the Illinois State Police no later than 60 days after December 31 of the year in which the property is seized or forfeited. Adds certain required information, including the accused person's race, sex, age, and zip code, as well as a citation to the statutory authorities under which the property was seized and the accused person was arrested, to the information to be submitted in a report. Adds certain required information from court records about each forfeiture of property to the information to be reported to the Illinois State Police. Provides that if an agency did not seize, forfeit, receive, or spend forfeiture funds, it shall file a null report with the Illinois State Police. Provides that the annual report shall include an aggregate summary of all seizures and forfeitures carried out and their respective proceeds, as well as other information, including categories of expenditures, such as investigation and litigation expenses, software, hardware, appliances, canines, surveillance technology, IMSI catchers, operating expenses, and administrative expenses. Provides that the Illinois State Police shall post annually on its website aggregate data for each law enforcement agency with certain information. Provides that the Illinois State Police shall, 120 days after the end of each calendar year, submit to the General Assembly, Attorney General, and Governor, as well as post on its website, a written report that summarizes certain activity in the State for the preceding year regarding property seized and related expenditures at the State and local levels, with categorized accounting and other requirements. Provides that the Illinois State Police may include certain recommendations in its report. Provides that the Illinois State Police shall, on or before January 1, 2026 (rather than 2019), establish and implement the requirements of this Act. Makes other changes.

LRB104 08982 BDA 19038 b

1 AN ACT concerning government.

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

4 Section 5. The Seizure and Forfeiture Reporting Act is
5 amended by changing Section 10 as follows:

6 (5 ILCS 810/10)

7 Sec. 10. Reporting by law enforcement agency.

8 (a) Each law enforcement agency that seizes, forfeits, or
9 receives property subject to reporting under this Act shall
10 report the following information about each seizure and
11 forfeiture of property seized or forfeited under State law to
12 the Illinois State Police no later than 60 days after December
13 31 of the year in which the property is seized or forfeited. If
14 a law enforcement agency does not seize, forfeit, or receive
15 forfeiture funds during a reporting period, it shall file a
16 null report for the reporting period with the Illinois State
17 Police. The Illinois State Police shall update or replace
18 forms, establish processes, and assign to the appropriate
19 seizing, forfeiting, and receiving agencies responsibility for
20 reporting the following information.+

21 The following information about each seizure of property
22 shall be collected from existing law enforcement records about
23 that seizure, such as police reports, and reported to the

1 Illinois State Police, including:

2 (1) the name of the law enforcement agency that seized
3 the property or the name of the lead agency if a State
4 multijurisdictional task force seizes the property;

5 (2) the date of the seizure;

6 (3) the type of property seized, including a building,
7 vehicle, boat, cash, negotiable security, or firearm,
8 except reporting is not required for seizures of
9 contraband including alcohol, gambling devices, drug
10 paraphernalia, and controlled substances;

11 (4) a description of the property seized and the
12 estimated value of the property and if the property is a
13 conveyance, the description shall include the make, model,
14 year, and vehicle identification number or serial number;
15 and

16 (5) the specific location where the seizure occurred
17 as indicated on the police report, such as a mile marker,
18 closest intersection, or address;.

19 (6) the accused person's race, sex, age, and
20 residential zip code as self-reported to law enforcement;
21 and

22 (7) a citation to the statutory authorities under
23 which the property was seized and the accused person was
24 arrested, if any.

25 The following information about each forfeiture of
26 property shall be collected from existing court records and

1 reported to the Illinois State Police, including:

2 (1) the criminal case number, if any, and court in
3 which the case was filed;

4 (2) the outcome of the accused person's criminal case,
5 which specifies whether charges were filed or dropped and
6 whether the accused was acquitted, entered a plea
7 agreement, or was convicted;

8 (3) the forfeiture case number and the court or venue
9 in which the case was filed;

10 (4) whether any of the following claims were filed by
11 a property owner or other interested party, including:

12 (A) any claim contesting the forfeiture of the
13 property, including, but not limited to, a notice of
14 appearance, answer asserting a claim for the property,
15 or verified claim in a nonjudicial forfeiture
16 proceeding;

17 (B) a motion for an innocent owner hearing or
18 other filings asserting innocent owner status;

19 (C) a substantial hardship motion or other filings
20 requesting temporary access to the property for the
21 duration of the case; and

22 (D) a full or partial waiver of court fees;

23 (5) the outcome of the forfeiture action, including
24 any innocent owner motion, substantial hardship motion,
25 default judgment, judgment after a contested hearing;
26 settlement, or other outcome; and

(6) the date the final forfeiture order was entered.

The filing requirement shall be met upon filing Illinois State Police Notice/Inventory of Seized Property (Form 4-64) as amended, supplemented, or replaced to allow for the reporting of elements required in this Section, with the State's Attorney's Office in the county where the forfeiture action is being commenced or with the Attorney General's Office if the forfeiture action is being commenced by that office, and the forwarding of said forms Form 4-64 upon approval of the State's Attorney's Office or the Attorney General's Office to the Illinois State Police Asset Forfeiture Section. ~~With regard to seizures for which Form 4-64 is not required to be filed, the filing requirement shall be met by the filing of an annual summary report with the Illinois State Police no later than 60 days after December 31 of that year.~~

16 (b) Each law enforcement agency, including a drug task
17 force or Metropolitan Enforcement Group (MEG) unit, that
18 receives proceeds from forfeitures subject to reporting under
19 this Act shall file an annual report with the Illinois State
20 Police no later than 60 days after December 31 of that year. If
21 an agency did not seize, forfeit, receive, or spend forfeiture
22 funds during the reporting period, it shall file a null report
23 with the Illinois State Police. The format of the report shall
24 be developed by the Illinois State Police and shall be
25 completed by the law enforcement agency. The report shall
26 include, at a minimum, an aggregate summary of all seizures

1 and forfeitures carried out by the agency and their respective
2 proceeds, the amount of funds and other property distributed
3 to the law enforcement agency by the Illinois State Police,
4 the amount of funds expended by the law enforcement agency,
5 and the category of expenditure, including:

6 (1) crime, gang, or abuse prevention or intervention
7 programs;

8 (2) compensation or services for crime victims;

9 (3) investigation and litigation expenses, including
10 expenses for forensics, witness protection, informant
11 fees, and controlled purchases of contraband, auditing,
12 court reporting, expert witnesses, attorneys, court fees,
13 discovery, court reporters, printing, postage, filings,
14 outside counsel, and awards to opposing parties;

15 (4) salaries, overtime, and benefits, as permitted by
16 law;

17 (5) operating expenses, including but not limited to,
18 capital expenditures, including expenditures for vehicles,
19 firearms, equipment, computers, software, hardware,
20 appliances, canines, furniture, advanced surveillance
21 technology, including, but not limited to, IMSI catchers
22 office supplies, postage, printing, membership fees paid
23 to trade associations, and fees for professional services
24 including auditing, court reporting, expert witnesses, and
25 attorneys;

26 (6) travel, meals, entertainment, conferences,

1 training, and continuing education seminars; and

2 (7) operating expenses related to seized property,
3 including expenses for the storage, maintenance, repair,
4 and return of seized property;

5 (8) administrative expenses, including expenses for
6 office supplies, postage, printing, utilities, and repairs
7 and maintenance of official vehicles and other equipment;
8 and

9 (9) (7) other expenditures of forfeiture proceeds.

10 (c) The Illinois State Police shall ~~establish and~~ maintain
11 on its official website a public case tracking system and
12 searchable database that ~~includes annual aggregate data for~~
13 ~~each law enforcement agency that reports each seizure and~~
14 ~~forfeiture seizures~~ of property in a machine-readable format
15 under subsection (a) of this Section, by each law enforcement
16 agency that receives distributions of forfeiture proceeds
17 subject to reporting under this Act, or reports expenditures
18 under subsection (b) of this Section. ~~This aggregate data~~
19 ~~shall include, for each law enforcement agency.~~

20 (d) The Illinois State Police shall post annually on its
21 website aggregate data for each law enforcement agency
22 required to report under this Section. This annual aggregate
23 data shall include the following information for each law
24 enforcement agency or, if applicable, a null report:

25 (1) the total number of asset seizures reported by
26 each law enforcement agency during the calendar year;

(2) the monetary value of all currency or its equivalent seized by the law enforcement agency during the calendar year;

(3) the number of conveyances seized by the law enforcement agency during the calendar year, and the aggregate estimated value;

(4) the aggregate estimated value of all other property seized by the law enforcement agency during the calendar year;

(5) the monetary value of distributions by the Illinois State Police of forfeited currency or auction proceeds from forfeited property to the law enforcement agency during the calendar year; and

(6) the total amount of the seizing law enforcement agency's expenditures of forfeiture proceeds during the calendar year, categorized as provided under subsection (b) of this Section.

The database shall not provide names, addresses, phone numbers, or other personally identifying information of owners or interest holders, persons, business entities, covert office locations, or business entities involved in the forfeiture action and shall not disclose the vehicle identification number or serial number of any conveyance.

(e) The Illinois State Police shall, 120 days after the end of each calendar year, submit to the General Assembly, Attorney General, and Governor a written report that

1 summarizes activity in the State for the preceding year and
2 includes the type, approximate value, and disposition of the
3 property seized and the amount of proceeds received and
4 expended at the State and local levels. The report shall
5 provide a categorized accounting of all proceeds expended. It
6 shall disaggregate, by agency, summary data on seizures,
7 forfeitures, and expenditures of forfeiture proceeds. The
8 Illinois State Police shall post the aggregate report on its
9 website.

10 (f) The Illinois State Police may include in its aggregate
11 report recommendations to improve statutes, rules, and
12 policies to better ensure that seizures, forfeitures, and
13 expenditures are conducted and reported in a manner that is
14 fair to crime victims, innocent property owners, secured
15 interest holders, law enforcement officials, citizens, and
16 taxpayers.

17 (g) (d) The Illinois State Police shall adopt rules to
18 administer the asset forfeiture program, including the
19 categories of authorized expenditures consistent with the
20 statutory guidelines for each of the included forfeiture
21 statutes, the use of forfeited funds, other expenditure
22 requirements, and the reporting of seizure and forfeiture
23 information. The Illinois State Police may adopt rules
24 necessary to implement this Act through the use of emergency
25 rulemaking under Section 5-45 of the Illinois Administrative
26 Procedure Act for a period not to exceed 180 days after the

1 effective date of this Act.

2 (h) (e) The Illinois State Police shall have authority and
3 oversight over all law enforcement agencies receiving
4 forfeited funds from the Illinois State Police. This authority
5 shall include enforcement of rules and regulations adopted by
6 the Illinois State Police and sanctions for violations of any
7 rules and regulations, including the withholding of
8 distributions of forfeiture proceeds from the law enforcement
9 agency in violation.

10 (i) (f) Upon application by a law enforcement agency to
11 the Illinois State Police, the reporting of a particular asset
12 forfeited under this Section may be delayed if the asset in
13 question was seized from a person who has become a
14 confidential informant under the agency's confidential
15 informant policy, or if the asset was seized as part of an
16 ongoing investigation. This delayed reporting shall be granted
17 by the Illinois State Police for a maximum period of 6 months
18 if the confidential informant is still providing cooperation
19 to law enforcement or the investigation is still ongoing,
20 after which the asset shall be reported as required under this
21 Act.

22 (j) (g) The Illinois State Police shall, on or before
23 January 1, 2026 2019, establish and implement the requirements
24 of this Act.

25 (k) (h) (1) The Illinois State Police, in consultation with
26 and subject to the approval of the Chief Procurement Officer,

1 may procure a single contract or multiple contracts to
2 implement this Act.

3 (2) A contract or contracts under this subsection (k) ~~(h)~~
4 are not subject to the Illinois Procurement Code, except for
5 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
6 that Code, provided that the Chief Procurement Officer may, in
7 writing with justification, waive any certification required
8 under Article 50 of the Illinois Procurement Code. The
9 provisions of this paragraph (2), other than this sentence,
10 are inoperative on and after July 1, 2019.

11 (Source: P.A. 102-538, eff. 8-20-21; 103-609, eff. 7-1-24.)