

## 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

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

2           The filing requirement shall be met upon filing Illinois  
3           State Police Notice/Inventory of Seized Property (Form 4-64)  
4           as amended, supplemented, or replaced to allow for the  
5           reporting of elements required in this Section, with the  
6           State's Attorney's Office in the county where the forfeiture  
7           action is being commenced or with the Attorney General's  
8           Office if the forfeiture action is being commenced by that  
9           office, and the forwarding of said forms ~~Form 4-64~~ upon  
10          approval of the State's Attorney's Office or the Attorney  
11          General's Office to the Illinois State Police Asset Forfeiture  
12          Section. ~~With regard to seizures for which Form 4-64 is not~~  
13          ~~required to be filed, the filing requirement shall be met by~~  
14          ~~the filing of an annual summary report with the Illinois State~~  
15          ~~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, filing,  
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;

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

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

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

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

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

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

24          (e) The Illinois State Police shall, 120 days after the  
25          end of each calendar year, submit to the General Assembly,  
26          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.)