

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 property
9 subject to reporting under this Act shall report the following
10 information about property seized ~~or forfeited~~ under State law
11 to the Illinois State Police no later than 60 days after
12 December 31 of the year in which the property is seized:

13 (1) the name of the law enforcement agency that seized
14 the property or the name of the lead agency if a State
15 multijurisdictional task force seizes the property;

16 (2) the date of the seizure;

17 (3) the type of property seized, including a building,
18 vehicle, boat, cash, negotiable security, or firearm,
19 except reporting is not required for seizures of
20 contraband including alcohol, gambling devices, drug
21 paraphernalia, and controlled substances;

22 (4) a description of the property seized and the
23 estimated value of the property and if the property is a

1 conveyance, the description shall include the make, model,
2 year, and vehicle identification number or serial number;
3 ~~and~~

4 (5) the county, municipality or township, and zip code
5 ~~location~~ where the seizure occurred;

6 (6) the race, sex, age, and residential zip code of
7 the person from whom the property was seized, as
8 self-reported to law enforcement; and

9 (7) a citation to the statutory authorities under
10 which the property was seized and the accused person was
11 arrested, if any.

12 The filing requirement shall be met upon filing Illinois
13 State Police Notice/Inventory of Seized Property (Form 4-64),
14 as amended, supplemented, or replaced to allow for the
15 reporting of elements required in this Section, with the
16 State's Attorney's Office in the county where the forfeiture
17 action is being commenced or with the Attorney General's
18 Office if the forfeiture action is being commenced by that
19 office, and the forwarding of the forms ~~Form 4-64~~ upon
20 approval of the State's Attorney's Office or the Attorney
21 General's Office to the Illinois State Police Asset Forfeiture
22 Section. If an agency did not seize property during the
23 reporting period, it shall file a report with the Illinois
24 State Police stating that the agency made no seizures during
25 the reporting period ~~With regard to seizures for which Form~~
26 ~~4-64 is not required to be filed, the filing requirement shall~~

1 ~~be met by the filing of an annual summary report with the~~
2 ~~Illinois State Police no later than 60 days after December 31~~
3 ~~of that year.~~

4 (a-1) Each prosecuting authority that issues a notice of
5 pending forfeiture of property seized under State law shall
6 report the following information to the Illinois State Police
7 no later than 60 days after December 31 of the year in which
8 the notice of pending forfeiture is issued:

9 (1) the police report number associated with each
10 seizure of property;

11 (2) the forfeiture case number associated with the
12 seizure, and the court or venue in which the case was
13 filed, or if no forfeiture case was filed, any unique
14 identification number that the prosecuting authority
15 assigns to the pending forfeiture associated with each
16 police report number reported under paragraph (1) of this
17 subsection (a-1); and

18 (3) the criminal case number, if any, associated with
19 each police report number reported under paragraph (1) of
20 this subsection (a-1), and the court in which the criminal
21 case was filed.

22 If a prosecuting authority did not issue a notice of
23 pending forfeiture during the reporting period, it shall file
24 a report with the Illinois State Police stating that the
25 prosecuting authority issued no notices of pending forfeiture
26 during the reporting period.

1 (b) Each law enforcement agency, including a drug task
2 force or Metropolitan Enforcement Group (MEG) unit, that
3 receives proceeds from forfeitures subject to reporting under
4 this Act shall file an annual report with the Illinois State
5 Police no later than 60 days after December 31 of that year.
6 The format of the report shall be developed by the Illinois
7 State Police and shall be completed by the law enforcement
8 agency. The report shall include, at a minimum, an aggregate
9 summary of all seizures and forfeitures carried out by the
10 agency and their respective proceeds, the amount of funds and
11 other property distributed to the law enforcement agency by
12 the Illinois State Police, the amount of funds expended by the
13 law enforcement agency, and the category of expenditure,
14 including:

15 (1) crime, gang, or abuse prevention or intervention
16 programs;

17 (2) compensation or services for crime victims;

18 (3) investigation and litigation expenses, including
19 expenses for forensics, witness protection, informant
20 fees, and controlled purchases of contraband, auditing,
21 court reporting, expert witnesses, attorneys, court fees,
22 discovery, court reporters, printing, postage, filing,
23 outside counsel, and awards to opposing parties;

24 (4) salaries, overtime, and benefits, as permitted by
25 law;

26 (5) operating expenses, including, but not limited to,

1 the following: storage, maintenance, repair, and return of
2 seized property; capital expenditures, including
3 expenditures for vehicles, firearms, equipment, computers,
4 software, hardware, appliances, canines, and furniture;
5 advanced surveillance technology, including, but not
6 limited to, international mobile subscriber identity
7 (IMSI) catchers; office supplies, postage, printing,
8 membership fees paid to trade associations; and fees for
9 professional services, including auditing, court
10 reporting, expert witnesses, and attorneys;

11 (6) travel, meals, entertainment, conferences,
12 training, and continuing education seminars; and

13 (7) other expenditures of forfeiture proceeds.

14 If an agency did not receive proceeds from a forfeiture
15 subject to reporting under this Act during the reporting
16 period, it shall file a report with the Illinois State Police
17 stating that the agency received no forfeiture proceeds during
18 the reporting period.

19 (c) The Illinois State Police shall ~~establish and~~ maintain
20 on its official website a public searchable database that
21 ~~includes annual aggregate data for each law enforcement agency~~
22 ~~that~~ reports in a machine-readable format each seizure and
23 forfeiture seizures of property under subsections (a) and
24 (a-1) subsection (a) of this Section, by each law enforcement
25 agency that receives distributions of forfeiture proceeds
26 subject to reporting under this Act, or reports expenditures

1 under subsection (b) of this Section. ~~This aggregate data~~
2 ~~shall include, for each law enforcement agency:~~

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

9 (c-5) The Illinois State Police shall post annually on its
10 website aggregate data for each law enforcement agency
11 required to report under this Section. This annual aggregate
12 data shall include the following information for each law
13 enforcement agency or, if applicable, a null report:

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

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

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

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

25 (5) the monetary value of distributions by the
26 Illinois State Police of forfeited currency or auction

1 proceeds from forfeited property to the law enforcement
2 agency during the calendar year; and

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

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

13 (c-10) The Illinois State Police shall, 120 days after the
14 end of each calendar year, submit to the General Assembly,
15 Attorney General, and Governor a written report that
16 summarizes activity in the State for the preceding year and
17 includes aggregate data on the type, approximate value, and
18 disposition of the property seized and the amount of proceeds
19 received and expended at the State and local levels. The
20 report shall provide a categorized aggregated accounting of
21 all proceeds expended, by agency, and summary data on
22 seizures, forfeitures, and expenditures of forfeiture
23 proceeds. The Illinois State Police shall post the aggregate
24 report on its website.

25 (c-15) The Illinois State Police may include in its
26 aggregate report recommendations to improve statutes, rules,

1 and policies to better ensure that seizures, forfeitures, and
2 expenditures are conducted and reported in a manner that is
3 fair to crime victims, innocent property owners, secured
4 interest holders, law enforcement officials, citizens, and
5 taxpayers.

6 (d) The Illinois State Police shall adopt rules to
7 administer the asset forfeiture program, including the
8 categories of authorized expenditures consistent with the
9 statutory guidelines for each of the included forfeiture
10 statutes, the use of forfeited funds, other expenditure
11 requirements, and the reporting of seizure and forfeiture
12 information. The Illinois State Police shall update or replace
13 forms, establish processes, and assign to the appropriate
14 seizing, forfeiting, and receiving agencies responsibility for
15 reporting the information as set forth in this Section. The
16 Illinois State Police may adopt rules necessary to implement
17 this Act through the use of emergency rulemaking under Section
18 5-45 of the Illinois Administrative Procedure Act for a period
19 not to exceed 180 days after the effective date of this Act.

20 (e) The Illinois State Police shall have authority and
21 oversight over all law enforcement agencies receiving
22 forfeited funds from the Illinois State Police. This authority
23 shall include enforcement of rules and regulations adopted by
24 the Illinois State Police and sanctions for violations of any
25 rules and regulations, including the withholding of
26 distributions of forfeiture proceeds from the law enforcement

1 agency in violation.

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

14 (g) The Illinois State Police shall, on or before July 1,
15 2026 ~~January 1, 2019~~, establish and implement the requirements
16 of this Act.

17 (h) (1) The Illinois State Police, in consultation with and
18 subject to the approval of the Chief Procurement Officer, may
19 procure a single contract or multiple contracts to implement
20 this Act.

21 (2) A contract or contracts under this subsection (h) are
22 not subject to the Illinois Procurement Code, except for
23 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
24 that Code, provided that the Chief Procurement Officer may, in
25 writing with justification, waive any certification required
26 under Article 50 of the Illinois Procurement Code. The

1 provisions of this paragraph (2), other than this sentence,
2 are inoperative on and after July 1, 2026 ~~2019~~.
3 (Source: P.A. 102-538, eff. 8-20-21; 103-609, eff. 7-1-24.)