



Rep. Will Guzzardi

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10400HB1628ham001

LRB104 08982 BDA 24771 a

1 AMENDMENT TO HOUSE BILL 1628

2 AMENDMENT NO. _____. Amend House Bill 1628 by replacing
3 everything after the enacting clause with the following:

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;

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

6 (4) a description of the property seized and the
7 estimated value of the property and if the property is a
8 conveyance, the description shall include the make, model,
9 year, and vehicle identification number or serial number;
10 ~~and~~

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

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

16 (7) a citation to the statutory authorities under
17 which the property was seized and the accused person was
18 arrested, if any.

19 The filing requirement shall be met upon filing Illinois
20 State Police Notice/Inventory of Seized Property (Form 4-64),
21 as amended, supplemented, or replaced to allow for the
22 reporting of elements required in this Section, with the
23 State's Attorney's Office in the county where the forfeiture
24 action is being commenced or with the Attorney General's
25 Office if the forfeiture action is being commenced by that
26 office, and the forwarding of the forms ~~Form 4-64~~ upon

1 approval of the State's Attorney's Office or the Attorney
2 General's Office to the Illinois State Police Asset Forfeiture
3 Section. If an agency did not seize property during the
4 reporting period, it shall file a report with the Illinois
5 State Police stating that the agency made no seizures during
6 the reporting period ~~With regard to seizures for which Form~~
7 ~~4-64 is not required to be filed, the filing requirement shall~~
8 ~~be met by the filing of an annual summary report with the~~
9 ~~Illinois State Police no later than 60 days after December 31~~
10 ~~of that year.~~

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

16 (1) the police report number associated with each
17 seizure of property;

18 (2) the forfeiture case number associated with the
19 seizure, and the court or venue in which the case was
20 filed, or if no forfeiture case was filed, any unique
21 identification number that the prosecuting authority
22 assigns to the pending forfeiture associated with each
23 police report number reported under paragraph (1) of this
24 subsection (a-1); and

25 (3) the criminal case number, if any, associated with
26 each police report number reported under paragraph (1) of

1 this subsection (a-1), and the court in which the criminal
2 case was filed.

3 If a prosecuting authority did not issue a notice of
4 pending forfeiture during the reporting period, it shall file
5 a report with the Illinois State Police stating that the
6 prosecuting authority issued no notices of pending forfeiture
7 during the reporting period.

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

22 (1) crime, gang, or abuse prevention or intervention
23 programs;

24 (2) compensation or services for crime victims;

25 (3) investigation and litigation expenses, including
26 expenses for forensics, witness protection, informant

1 fees, and controlled purchases of contraband, auditing,
2 court reporting, expert witnesses, attorneys, court fees,
3 discovery, court reporters, printing, postage, filing,
4 outside counsel, and awards to opposing parties;

5 (4) salaries, overtime, and benefits, as permitted by
6 law;

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

18 (6) travel, meals, entertainment, conferences,
19 training, and continuing education seminars; and

20 (7) other expenditures of forfeiture proceeds.

21 If an agency did not receive proceeds from a forfeiture
22 subject to reporting under this Act during the reporting
23 period, it shall file a report with the Illinois State Police
24 stating that the agency received no forfeiture proceeds during
25 the reporting period.

26 (c) The Illinois State Police shall ~~establish and~~ maintain

1 on its official website a public searchable database that
2 ~~includes annual aggregate data for each law enforcement agency~~
3 ~~that~~ reports in a machine-readable format each seizure and
4 forfeiture seizures of property under subsections (a) and
5 (a-1) subsection (a) of this Section, by each law enforcement
6 agency that receives distributions of forfeiture proceeds
7 subject to reporting under this Act, or reports expenditures
8 under subsection (b) of this Section. ~~This aggregate data~~
9 ~~shall include, for each law enforcement agency:~~

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

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

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

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

26 (3) the number of conveyances seized by the law

1 enforcement agency during the calendar year, and the
2 aggregate estimated value;

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

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

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

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

20 (c-10) The Illinois State Police shall, 120 days after the
21 end of each calendar year, submit to the General Assembly,
22 Attorney General, and Governor a written report that
23 summarizes activity in the State for the preceding year and
24 includes aggregate data on the type, approximate value, and
25 disposition of the property seized and the amount of proceeds
26 received and expended at the State and local levels. The

1 report shall provide a categorized aggregated accounting of
2 all proceeds expended, by agency, and summary data on
3 seizures, forfeitures, and expenditures of forfeiture
4 proceeds. The Illinois State Police shall post the aggregate
5 report on its website.

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

13 (d) The Illinois State Police shall adopt rules to
14 administer the asset forfeiture program, including the
15 categories of authorized expenditures consistent with the
16 statutory guidelines for each of the included forfeiture
17 statutes, the use of forfeited funds, other expenditure
18 requirements, and the reporting of seizure and forfeiture
19 information. The Illinois State Police shall update or replace
20 forms, establish processes, and assign to the appropriate
21 seizing, forfeiting, and receiving agencies responsibility for
22 reporting the information as set forth in this Section. The
23 Illinois State Police may adopt rules necessary to implement
24 this Act through the use of emergency rulemaking under Section
25 5-45 of the Illinois Administrative Procedure Act for a period
26 not to exceed 180 days after the effective date of this Act.

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

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

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

24 (h) (1) The Illinois State Police, in consultation with and
25 subject to the approval of the Chief Procurement Officer, may
26 procure a single contract or multiple contracts to implement

1 this Act.

2 (2) A contract or contracts under this subsection (h) are
3 not subject to the Illinois Procurement Code, except for
4 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
5 that Code, provided that the Chief Procurement Officer may, in
6 writing with justification, waive any certification required
7 under Article 50 of the Illinois Procurement Code. The
8 provisions of this paragraph (2), other than this sentence,
9 are inoperative on and after July 1, 2026 ~~2019~~.

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