

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1717

Introduced 1/28/2025, by Rep. Jed Davis

SYNOPSIS AS INTRODUCED:

See Index

Creates the Seizure and Forfeiture Reporting Act of 2025. Provides that the Illinois Criminal Justice Information Authority shall establish and maintain a case tracking system and searchable public website that includes information about property seized and forfeited under State law and under any agreement with the federal government. Provides that it shall assign the responsibility to report each element to relevant agencies. Provides that the Authority shall also establish and maintain a searchable public website that includes the total amount of funds expended, in specified categories, which resulted from property seized, forfeited, and reported and the total value of seized and forfeited property held by the agency at the end of the reporting period. Provides that the Authority shall not require or disclose: (1) the names, addresses, contact information, or other personally identifying information of owners, other persons, or business entities or (2) the street addresses, vehicle identification number, or serial number of any conveyance. Provides that agencies that fully comply with reporting requirements within the designated timeframe shall be eligible for State recognition and additional funding opportunities through the Authority. Provides that the Authority shall make no disbursement of forfeiture proceeds to an agency or department unless the agency or department meets its reporting obligation. Provides that the Act is effective for the reporting period starting January 1, 2027. Creates the Criminal Forfeiture Process Act. Provides that the Act applies to the seizure and forfeiture of property used in and derived directly from specified crimes. Provides that for property to be forfeited before conviction, the State must demonstrate by clear and convincing evidence that the property is directly linked to the criminal offense, and that immediate seizure is necessary to prevent its loss, destruction, or further use in criminal activity. Repeals the Seizure and Forfeiture Reporting Act, the Drug Asset Forfeiture Procedure Act, and the Forfeiture Article of the Code of Criminal Procedure of 1963. Amends various other Acts to make conforming changes.

LRB104 05515 RLC 17325 b

1 AN ACT concerning criminal forfeiture.

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

4 Article 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Seizure and Forfeiture Reporting Act of 2025. References in
7 this Article to "this Act" mean this Article.

8 Section 1-5. Purpose. Under State and federal forfeiture
9 laws, State law enforcement agencies can seize money,
10 vehicles, and other property. Prosecutors then litigate the
11 forfeiture of those assets. If successful, prosecutors then
12 have the assets sold. In most states, the proceeds may be used
13 to supplement the budgets of law enforcement agencies and
14 prosecutors' offices. It is the responsibility of the General
15 Assembly to monitor seizures and forfeitures. This Act
16 provides the General Assembly with the information necessary
17 for oversight of seizures and forfeitures under State and
18 federal laws.

19 Section 1-10. Definition of law enforcement agency. In
20 this Act:

21 "Law enforcement agency" means any police force,

1 multi-jurisdictional task force, prosecuting attorney, fire
2 department, or other municipal, county, or State agency that:

- 3 (1) has authority under State law; or
4 (2) collaborates with a federal agency under federal
5 law to seize or forfeit property.

6 Section 1-15. Applicability. This Act applies to property
7 seized and forfeited under:

8 (1) The Criminal Code of 2012:

9 (A) Section 36-1 (forfeiture of vessels, watercraft,
10 vehicles, and aircraft).

11 (B) Section 10-9 (involuntary servitude; involuntary
12 servitude of a minor; or trafficking in persons).

13 (C) Subdivision (a)(1) or (a)(4) of Section 11-14.4
14 (promoting juvenile prostitution).

15 (D) A second or subsequent violation of Section 11-20
16 (obscenity).

17 (E) Section 11-20.1 (child pornography).

18 (F) Section 11-23.5 (non-consensual dissemination of
19 private sexual images).

20 (G) Section 12C-65 (unlawful transfer of a
21 telecommunications device to a minor).

22 (H) Section 17-50 (computer fraud).

23 (I) A felony violation of Section 17-6.3 (WIC fraud).

24 (J) A felony violation of Section 48-1 of the Criminal
25 Code of 2012 (dog fighting).

1 (K) Article 29D (terrorism).

2 (2) The Humane Care for Animals Act:

3 A felony violation of Section 4.01 (animals in
4 entertainment).

5 (3) The Illinois Controlled Substances Act, the Cannabis
6 Control Act, the Compassionate Use of Medical Cannabis Program
7 Act, the Cannabis Regulation and Tax Act, the Illinois Food,
8 Drug and Cosmetic Act, and the Methamphetamine Control and
9 Community Protection Act.

10 (4) Any other Section in the Criminal Code of 2012 that
11 authorizes a law enforcement agency to seize property that is
12 used in the commission of a criminal offense.

13 Section 1-20. Case tracking system and searchable public
14 website. The Illinois Criminal Justice Information Authority
15 shall establish and maintain a case tracking system and
16 searchable public website that includes the following
17 information about property seized and forfeited under State
18 law and under any agreement with the federal government. It
19 shall assign the responsibility to report each element to
20 relevant agencies. If forfeiture is sought under federal law,
21 answers to questions 12 through 26 may not be available
22 readily and may be skipped:

23 (1) name of the law enforcement agency that seized the
24 property or the name of the lead agency, if the property is
25 seized by a multi-jurisdictional task force;

1 (2) date of the seizure;

2 (3) type of property seized. Currency or, if property
3 other than currency, a description of property seized
4 including make, model, and year. Reporting is not required
5 of seized contraband including alcohol, drug
6 paraphernalia, and controlled substances;

7 (4) place of seizure: home, business, or traffic stop;

8 (5) if a traffic stop on an interstate or State
9 highway, the direction of the traffic flow: eastbound,
10 westbound, southbound, or northbound;

11 (6) estimated value of the seizure;

12 (7) criminal offense alleged that led to the seizure
13 (include whether under State or federal law);

14 (8) crime for which suspect was charged (include
15 whether under State or federal law);

16 (9) criminal case number and court in which the case
17 was filed;

18 (10) the outcome of suspect's criminal case: no charge
19 was filed, charges dropped, acquittal, plea agreement,
20 jury conviction, or other;

21 (11) whether forfeiture is sought under federal law:
22 (yes or no);

23 (12) if forfeiture is sought under federal law, did a
24 joint State-federal task force make the seizure of
25 property? (yes or no);

26 (13) if forfeiture is sought under federal law, did a

1 federal government adopt the seizure that a State or
2 municipal agency made without a federal agency's
3 involvement in the seizure? (yes or no);

4 (14) forfeiture case number and court in which the
5 case was filed;

6 (15) if a property owner filed a claim or
7 counterclaim, who by: the suspect, innocent owner,
8 creditor, or other owner;

9 (16) type of forfeiture process: civil-administrative,
10 civil-judicial, or criminal;

11 (17) whether the property owner defaulted in the
12 forfeiture litigation: (yes or no);

13 (18) whether there was a forfeiture settlement
14 agreement: (yes or no);

15 (19) date of forfeiture order;

16 (20) property disposition: returned to owner,
17 partially returned to owner, sold, destroyed, retained by
18 a law enforcement agency, or pending disposition;

19 (21) date of property disposition;

20 (22) total value of property forfeited under State law
21 including currency, proceeds from sale of non-currency
22 property, and distributions received from the federal
23 government (excluding the value of contraband);

24 (23) market value of property forfeited under State
25 law that was retained, destroyed, or donated (excluding
26 the value of contraband);

1 (24) estimate of total costs to the agency (i) to
2 store property in impound lots or evidence rooms, (ii) to
3 pay for law enforcement personnel and prosecutors' time
4 and expenses to litigate forfeiture cases and (iii) to
5 sell or dispose of forfeited property;

6 (25) amount of the attorney's fees awarded to property
7 owners; and

8 (26) if any property was retained by a law enforcement
9 agency, the purpose for which it is used.

10 Section 1-25. Searchable public website.

11 The Illinois Criminal Justice Information Authority shall
12 also establish and maintain a searchable public website that
13 includes:

14 (a) The total amount of funds expended, in each of the
15 following 10 categories, which resulted from property seized,
16 forfeited, and reported in Section 1-20:

17 (1) substance use disorder, crime, and gang prevention
18 and other community programs;

19 (2) victim reparations;

20 (3) investigation costs, including controlled buys,
21 forensics, informant fees, and witness protection;

22 (4) expenses related to seized property including
23 storage, maintenance, repairs, and return of seized
24 property;

25 (5) expenses related to forfeiture litigation

1 including court fees and expenses related to auditing,
2 discovery, court reporters, printing, postage, filing,
3 witness, outside counsel, and attorney's fees awarded to
4 opposing counsel;

5 (6) government personnel costs, including salaries,
6 overtime, and benefits, as permitted by law;

7 (7) government travel and training including
8 conferences, continuing education, entertainment, and
9 meals;

10 (8) government administrative and operating expenses
11 including office supplies, postage, printing, utilities,
12 and repairs and maintenance of vehicles and other
13 equipment;

14 (9) government capital expenditures including
15 appliances, canines, computers, equipment, firearms,
16 furniture, and vehicles; and

17 (10) an itemized list of other expenditures of
18 forfeiture proceeds, including payments to trade
19 associations and lobbyists, and transfer to other
20 agencies.

21 (b) The total value of seized and forfeited property held
22 by the agency at the end of the reporting period.

23 (c) The public website must include a user-friendly
24 complaint portal for individuals to report concerns or provide
25 feedback regarding improper seizures, with a clear process for
26 resolution.

1 Section 1-30. Exemption from disclosure. The Illinois
2 Criminal Justice Information Authority shall not require or
3 disclose:

4 (1) the names, addresses, contact information, or
5 other personally identifying information of owners, other
6 persons, or business entities; or

7 (2) the street addresses, vehicle identification
8 number, or serial number of any conveyance.

9 Section 1-35. Delay of reporting. A law enforcement agency
10 may delay the reporting of a particular asset if the asset was
11 seized from a confidential informant under the agency's
12 confidential informant policy. The delay may continue for as
13 long as the confidential informant cooperates with the agency,
14 after which the agency shall report the asset as required by
15 Section 1-20.

16 Section 1-40. Law enforcement agencies that seizes
17 property; prosecutors; update of website. The law enforcement
18 agency that seizes property and prosecutors that litigate
19 related criminal cases and forfeiture proceedings shall update
20 the Illinois Criminal Justice Information Authority's website
21 with the information required under Section 1-20 per a
22 schedule that the Illinois Criminal Justice Information
23 Authority establishes. The commander of a multi-jurisdictional

1 task force may appoint one agency to report its seizures. If an
2 agency has made no seizures during the previous year, a null
3 report shall be filed by the agency specifying that it did not
4 engage in seizures or forfeitures under this title during the
5 reporting period.

6 Section 1-45. Law enforcement agencies that expend
7 forfeiture-related proceeds; update of website. The law
8 enforcement agency that expends forfeiture-related proceeds
9 shall update the Illinois Criminal Justice Information
10 Authority's website with the information required under
11 Section 1-25 within 30 days after the end of the fiscal year.
12 The commander of a multi-jurisdictional task force may appoint
13 one agency to report its expenditures.

14 Section 1-50. Report to Speaker of the House of
15 Representatives, President of the Senate, Attorney General,
16 and Governor. The Illinois Criminal Justice Information
17 Authority, 120 days after the close of the fiscal year, shall
18 submit to the Speaker of the House of Representatives,
19 President of the Senate, the Attorney General, and the
20 Governor a written report summarizing activity in the State,
21 for the preceding fiscal year, the type, approximate value,
22 and disposition of the property seized and the amount of any
23 proceeds received or expended at the State and local levels.
24 The report shall provide a categorized accounting of all

1 proceeds expended. Summary data on seizures, forfeitures, and
2 expenditures of forfeiture proceeds shall be disaggregated by
3 agency. The aggregate report shall also be made available on
4 the Illinois Criminal Justice Information Authority's website.

5 Section 1-55. Recommendations to improve statutes, rules,
6 and policies. The Illinois Criminal Justice Information
7 Authority may include in its aggregate report required by
8 Section 1-40 recommendations to improve statutes, rules, and
9 policies to better ensure that seizure, forfeiture, and
10 expenditures are done and reported in a manner that is fair to
11 crime victims, innocent property owners, secured interest
12 holders, citizens, law enforcement, and taxpayers.

13 Section 1-60. Failure of law enforcement agency to file
14 report. Agencies that fully comply with reporting requirements
15 within the designated timeframe shall be eligible for State
16 recognition and additional funding opportunities through the
17 Illinois Criminal Justice Information Authority.

18 Section 1-65. No disbursement of forfeiture proceeds to
19 law enforcement agencies unless reporting obligations met. The
20 Illinois Criminal Justice Information Authority shall make no
21 disbursement of forfeiture proceeds to an agency or department
22 unless the agency or department meets its reporting
23 obligation.

1 Section 1-70. Fiscal audit. At the request of an elected
2 official, the Auditor General shall perform annually a
3 financial audit under the generally accepted government
4 auditing standards of records submitted to the Illinois
5 Criminal Justice Information Authority related to inventory of
6 seized property and expenditures of forfeiture proceeds. A
7 copy of the final audit report shall be submitted to the
8 Illinois Criminal Justice Information Authority no later than
9 90 days after the end of the fiscal year and shall be made
10 public.

11 Section 1-75. Recoupment of costs. The Illinois Criminal
12 Justice Information Authority may recoup its costs under this
13 Act by charging a fee to the law enforcement agency filing a
14 report. The agency may use forfeiture proceeds to pay the
15 costs of compiling and reporting data under this Act, and to
16 pay any fees imposed by the Illinois Criminal Justice
17 Information Authority. The Illinois Criminal Justice
18 Information Authority shall establish a grant program to
19 provide financial assistance to small or underfunded law
20 enforcement agencies to help meet the reporting and compliance
21 requirements under this Act.

22 Section 1-80. Rules. The Illinois Criminal Justice
23 Information Authority may adopt rules necessary to implement

1 this Act.

2 Section 1-85. Public information. The data and reports
3 compiled and prepared under this Act are public information
4 under the Freedom of Information Act. They are not exempted
5 from disclosure by Section 7.5 of the Freedom of Information
6 Act.

7 Section 1-90. Reporting period. This Act is operative for
8 the reporting period starting January 1, 2027.

9 Article 5.

10 Section 5-1. Short title. This Article may be cited as the
11 Criminal Forfeiture Process Act. References in this Article to
12 "this Act" mean this Article.

13 Section 5-5. Application. This Act applies to property
14 seized and forfeited under the following laws:

15 (1) the Criminal Code of 2012:

16 (A) Section 36-1 (forfeiture of vessels, watercraft,
17 vehicles, and aircraft).

18 (B) Section 10-9 (involuntary servitude; involuntary
19 servitude of a minor; or trafficking in persons).

20 (C) Subdivision (a)(1) or (a)(4) of Section 11-14.4
21 (promoting juvenile prostitution).

1 (D) A second or subsequent violation of Section 11-20
2 (obscenity).

3 (E) Section 11-20.1 (child pornography).

4 (F) Section 11-23.5 (non-consensual dissemination of
5 private sexual images).

6 (G) Section 12C-65 (unlawful transfer of a
7 telecommunications device to a minor).

8 (H) Section 17-50 (computer fraud).

9 (I) A felony violation of Section 17-6.3 (WIC fraud).

10 (J) A felony violation of Section 48-1 of the Criminal
11 Code of 2012 (dog fighting).

12 (K) Article 29D (terrorism).

13 (2) the Humane Care for Animals Act:

14 A felony violation of Section 4.01 (animals in
15 entertainment).

16 (3) the Illinois Controlled Substances Act, the Cannabis
17 Control Act, the Compassionate Use of Medical Cannabis Program
18 Act, the Cannabis Regulation and Tax Act, the Illinois Food,
19 Drug and Cosmetic Act, the Methamphetamine Control and
20 Community Protection Act, and the Narcotics Profit Forfeiture
21 Act.

22 (4) Any other Section in the Criminal Code of 2012 that
23 authorizes a law enforcement agency to seize property that is
24 used in the commission of a criminal offense.

25 Section 5-10. Definitions. In this Act:

1 "Abandoned property" means personal property to which a
2 possessor relinquishes all rights of ownership or control.
3 Real property may not be abandoned.

4 "Actual knowledge" means direct and clear awareness of
5 information, a fact, or a condition.

6 "Contraband" means goods that, in themselves, are unlawful
7 to possess, including scheduled drugs without a lawful
8 prescription and a firearm that is illegal to possess.

9 "Conveyance" means a device used for transportation. It
10 includes a motor vehicle, trailer, snowmobile, airplane,
11 vessel, or any equipment attached to one of these devices. The
12 term does not include property that is stolen in violation of
13 the law.

14 "Innocent owner" means an owner, co-owner, defendant's
15 heir, or a person who regularly uses property subject to
16 forfeiture who does not have actual knowledge of the use of the
17 property in a crime that authorizes the forfeiture of the
18 property. The term does not include the defendant or a secured
19 interest holder.

20 "Instrumentality" means property otherwise lawful to
21 possess that is used in a crime that authorizes the forfeiture
22 of property. It includes land, buildings, containers,
23 conveyances, equipment, materials, products, tools, computers,
24 computer software, telecommunications devices, firearms,
25 ammunition, and ammunition-and-firearm accessories.

26 "Law enforcement agency" means any non-federal police

1 force, or other local, county, or State agency that has the
2 authority under State law to engage in seizure and forfeiture.

3 "Personal property" means a movable object or intangible
4 asset of value that is subject to ownership and is not real
5 property or proceeds.

6 "Proceeds" means United States currency, currency of
7 another nation, digital and cryptocurrency, securities,
8 negotiable instruments, or other means of exchange obtained
9 from the sale of property or contraband.

10 "Prosecuting attorney" means a municipal attorney, State's
11 Attorney, Attorney General, or other government official
12 legally authorized to prosecute crime.

13 "Public defender" means any office of public defender
14 created under Division 3-4 of the Counties Code.

15 "Real property" includes immovable property, real estate
16 and realty, including land and anything growing on, attached
17 to, or erected on land, including a building.

18 "Secured interest holder" means a person who is a secured
19 creditor, mortgagee, lienholder, or other person who has a
20 valid claim, security interest, mortgage, lien, leasehold, or
21 other interest in the property subject to forfeiture. The term
22 does not include the defendant or an innocent owner.

23 Section 5-15. Purpose. Forfeiture is disfavored. The
24 purpose of this Act is to:

25 (1) deter crime by reducing its economic incentives;

1 (2) confiscate property used in the violation of the
2 law;

3 (3) disgorge the fruit of illegal conduct; and

4 (4) protect the due process rights of property owners.

5 Section 5-20. Jurisdiction.

6 (a) There shall be no civil forfeiture under this Act.

7 (b) The court that has jurisdiction in the related
8 criminal case shall have jurisdiction in the forfeiture
9 proceeding under this Act.

10 (c) The forfeiture proceeding shall be part of the
11 prosecution of the related crime. It shall follow a finding of
12 the defendant's guilt or be conducted at the court's
13 discretion. It shall be conducted by the court without a jury.

14 (d) All forfeiture-related motions shall be filed in the
15 circuit court that has jurisdiction of the criminal case at
16 the time of filing.

17 (e) If an initial court bounds over or transfers the
18 criminal case to another court, the initial court shall
19 transfer the forfeiture-related motions along with the
20 criminal case to the other court. At its discretion, the
21 initial court may postpone a forfeiture-related hearing and
22 bound over a forfeiture-related motion to another court in the
23 interests of justice and efficient use of judicial resources.

24 Section 5-25. Seizure of proceeds and personal property

1 with process. At the request of the State, the court may issue
2 an ex parte order to search, attach, seize, or secure proceeds
3 and personal property for which forfeiture is sought and to
4 provide for their custody. Application, issuance, execution,
5 and return are subject to State law and court rules.

6 Section 5-30. Seizure of proceeds without process.
7 Proceeds may be seized without a court order if the State has
8 probable cause to believe the proceeds were used in the
9 purchase of a controlled or other illegal substance, or
10 derived directly from another illegal activity and:

11 (1) the seizure is incident to a lawful arrest;

12 (2) the delay caused by the necessity of obtaining
13 process would reasonably result in the removal or
14 destruction of the proceeds;

15 (3) the proceeds are the subject of a prior and valid
16 judgment of forfeiture in favor of the State; or

17 (4) The proceeds are seized or impounded as evidence
18 in a criminal prosecution or investigation independent of
19 forfeiture.

20 Section 5-35. Seizure of personal property without
21 process. Personal property subject to forfeiture may be seized
22 without a court order if:

23 (1) the seizure is incident to a lawful arrest;

24 (2) the State has probable cause to believe the

1 property was used or was attempted to be used in a manner
2 that makes the property forfeitable under this Act;

3 (3) the State has probable cause to believe the delay
4 caused by the necessity of obtaining process would
5 reasonably result in the removal or destruction of the
6 property that is forfeitable under this Act;

7 (4) the property is the subject of a prior and valid
8 judgment of forfeiture in favor of the State; or

9 (5) the property is seized or impounded as evidence in
10 a criminal prosecution or investigation independent of
11 forfeiture.

12 Section 5-40. Seizure or restraint of real property with
13 process.

14 (a) Real property may not be seized or restrained without
15 a court order.

16 (b) A court may not issue an order for the seizure or
17 restraint of real property unless the defendant and any other
18 person with a known interest in the property receive proper
19 notice and are given an opportunity for a contested hearing to
20 determine the existence of probable cause for the seizure.

21 (c) Notice may be made by publication if personal service
22 has not been realized after reasonable attempts.

23 (d) Nothing in this Section prohibits the State from
24 seeking a lis pendens or restraining order to hinder the sale
25 or destruction of real property. However, if the State obtains

1 a lis pendens or restraining order, the State shall notify the
2 defendant and any other person with a known interest in the
3 property within 30 days.

4 (e) Application, filing, issuance, execution, and return
5 of any order are subject to State law and court rules.

6 Section 5-45. Stolen property and contraband.

7 (a) No property right exists in stolen property or
8 contraband. Such property is subject to seizure.

9 (b) Stolen property shall be returned, and contraband
10 shall be disposed of according to State law.

11 (c) Notwithstanding subsection (b), the court may impose
12 reasonable conditions on the release of stolen property and
13 the disposal of contraband, including the use of photographic
14 evidence, to preserve the property for later use as evidence
15 in proceedings under this Act or the related criminal
16 prosecution.

17 Section 5-50. Storing seized property and depositing
18 seized currency.

19 (a) The seizing agency is responsible for providing
20 adequate storage, security, preservation, and maintenance for
21 seized property unless another agency agrees to accept the
22 responsibility. The commander of a multi-jurisdictional task
23 force may assign the responsibility to one agency.

24 (b) The seizing agency shall store seized equipment and

1 conveyances in an appropriate place for preservation and
2 maintenance.

3 (c) The seizing agency shall deposit seized currency in an
4 interest-bearing account pending the exhaustion of appeals or
5 receiving an order from the court to disburse the seized
6 currency.

7 (d) Notwithstanding subsection (c), the seizing agency may
8 take reasonable actions, including the use of photography, to
9 preserve currency and other property for later use as evidence
10 in proceedings under this Act or the related criminal
11 prosecution.

12 Section 5-55. Receipt.

13 (a) When property is seized, the law enforcement officer
14 shall give an itemized receipt to the person possessing the
15 property at the time of the seizure.

16 (b) The receipt shall be numbered for future reference and
17 shall constitute notice of seizure.

18 (c) If the person possessing the property is not present,
19 the seizing officer shall leave a receipt in the place where
20 the property was found, if possible.

21 Section 5-60. Property exempt from seizure and forfeiture.

22 (a) The prosecuting attorney may establish minimum dollar
23 amounts for seizure of U.S. currency and motor vehicles in the
24 prosecuting attorney's jurisdiction. The prosecuting attorney

1 shall set the minimums in the interests of justice and
2 efficient use of government resources. The minimums shall be
3 based on the prosecuting attorney's exclusive determination
4 and may reflect:

5 (1) the deterrence that minimum dollar seizures have
6 on crime;

7 (2) the criminal offenses that include the seizure of
8 property; and

9 (3) the costs to seize and forfeit property.

10 (b) The prosecuting attorney shall post on its website the
11 publications that law enforcement agencies may use to
12 establish the value of a motor vehicle in the prosecuting
13 attorney's jurisdiction. The publications may include the
14 Kelley Blue Book and the J.D. Power/NADA Official Used Car
15 Guide.

16 (c) No forfeiture action shall be initiated for property
17 valued at less than \$1,000 for cash or currency and \$2,500 for
18 vehicles unless the property is tied to a violent offense or
19 serious felony.

20 Section 5-65. Waivers permitted and prohibited.

21 (a) A person from whom property is seized may relinquish
22 the person's rights, interests, and title in the seized
23 property by knowingly and voluntarily executing a waiver that
24 is agreed to by the prosecuting attorney.

25 (b) A waiver may be part of any agreement with the

1 prosecuting attorney. However, the prosecuting attorney may
2 not condition the initial engagement in plea negotiations upon
3 the waiver of the person's rights, interests, and title in the
4 seized property.

5 (c) A waiver under subsections (a) and (b) is subject to a
6 claim by a secured interest holder, innocent owner, or other
7 person entitled to notice under Section 5-80. Such a claimant
8 may consent to certain issues and request that the court
9 determine any remaining issues.

10 (d) A law enforcement officer, other than the prosecuting
11 attorney, may not request, induce, or require a person to
12 relinquish, for purpose of forfeiture, the person's rights,
13 interests and title in property. Such a waiver is void and
14 inadmissible in court.

15 Section 5-70. Title.

16 (a) Title to the property subject to forfeiture vests with
17 the State when the court issues a forfeiture judgment and
18 relates back to the time the State seizes or restrains the
19 property.

20 (b) Title to substitute assets vests when the court issues
21 an order forfeiting substitute assets.

22 (c) An independent oversight committee, composed of legal
23 experts, community representatives, and law enforcement
24 officials, shall be established to review disputes over
25 seizures and forfeitures, providing non-binding mediation as

1 an alternative to court proceedings.

2 Section 5-75. Counsel and pro se representation.

3 (a) A public defender or counsel appointed by the court
4 shall represent the defendant in the related forfeiture
5 proceeding if the public defender or appointed counsel
6 represents the defendant in the related criminal matter.

7 (b) If the defendant or an innocent owner claimant engages
8 in pro se representation in the forfeiture proceeding, the
9 court may exercise its discretion in applying the rules of
10 pleading, procedure, or evidence.

11 Section 5-80. Notice to other known owners.

12 (a) The prosecuting attorney or designee shall perform a
13 reasonable search of vehicle registrations, property records,
14 and other public records to identify any person, other than
15 the defendant, known to have an interest in the property
16 subject to forfeiture.

17 (b) The prosecuting attorney or designee shall give notice
18 to any person identified to have an interest in the property
19 subject to forfeiture, who is not charged or indicted. The
20 notice shall include the seizure receipt number in Section
21 5-55. Notice may be made by publication if personal service
22 has not been realized after reasonable attempts.

23 (c) The following language must appear substantially and
24 conspicuously in the notice:

1 "WARNING: You may lose the right to be heard in court if
2 you do not file promptly a simple Statement of interest or
3 ownership. You do not have to pay a filing fee to file your
4 notice."

5 (d) If notice is not served by personal service or
6 publication and all extension periods have expired, the court
7 shall order the return of the property within 5 days to a
8 claimant who has a valid interest in the property and is
9 entitled to notice by subsection (b).

10 (e) Upon the court's issuing an order to return the
11 property, no further claim to the property is valid.
12 Contraband shall not be returned.

13 (f) Notwithstanding subsection (d), the court may impose
14 reasonable conditions on the return of the property, including
15 the use of photographic evidence, to preserve the property for
16 later use as evidence in proceedings under this Act or the
17 related criminal prosecution.

18 Section 5-85. Prompt post-seizure hearing.

19 (a) Following seizure, a defendant or any other person
20 with an interest in the property has a right to a prompt
21 post-seizure hearing.

22 (b) A person with an interest in the property may motion
23 the court for a hearing to be held within 14 days after filing
24 the petition.

25 (c) At the court's discretion, the court may hold a prompt

1 post-seizure hearing:

2 (1) as a separate hearing; or

3 (2) at the same time as a probable cause hearing, a
4 post-arraignment hearing, a suppression hearing, an
5 omnibus hearing, or other pretrial hearing.

6 (d) A party, by agreement or for good cause, may move for
7 one extension of the hearing date. Any motion may be supported
8 by affidavits or other submissions.

9 (e) The court shall order the return of property within 5
10 days if the court finds by a preponderance of the evidence
11 that:

12 (1) the seizure was unconstitutional;

13 (2) a criminal charge has not been filed and no time
14 remains to file a charge;

15 (3) the petitioner is an innocent owner or secured
16 interest holder; or

17 (4) the government's continued possession of a motor
18 vehicle will cause substantial hardship to an immediate
19 family member of the defendant, including preventing the
20 family member from working or inconveniencing the
21 transportation of the family member's child.

22 (f) Upon the court's issuing an order to return the
23 property, no further claim to the property is valid.
24 Contraband shall not be returned.

25 (g) Notwithstanding subsection (e), the court may impose
26 reasonable conditions on the return of the property, including

1 the use of photographic evidence, to preserve the property for
2 later use as evidence in proceedings under this Act or the
3 related criminal prosecution.

4 (h) The court shall ensure that a post-seizure hearing is
5 held within 7 business days of the motion filing to determine
6 the validity of the seizure unless good cause for delay is
7 shown. At this hearing, the court must address any claims of
8 undue hardship caused by the seizure.

9 Section 5-90. Notice of proposed forfeiture.

10 (a) In a case in which the State seeks forfeiture of
11 property the prosecuting attorney shall file with the court a
12 notice of proposed forfeiture.

13 (b) The notice shall be a separate document. It shall
14 include:

- 15 (1) a description of the property seized;
16 (2) the time, date, and place of the seizure;
17 (3) the seizure receipt number in Section 5-55, if
18 available; and
19 (4) a description of how the property was used in or
20 derived from the alleged crime.

21 (c) The prosecuting attorney shall allege, in the notice,
22 the forfeiture of property as a process after the conviction
23 of the crime for which the defendant is charged.

24 (d) The notice shall not be read to the jury.

25 (e) The prosecuting attorney shall serve the notice:

1 (1) with the initial charging instrument;

2 (2) separately but not later than 90 days after the
3 presentment of the charging instrument for a misdemeanor;

4 (3) the earlier of 90 days after presentment to a
5 grand jury or the filing of an information by the
6 prosecuting attorney or 180 days after an arrest for a
7 felony; or

8 (4) at the court's discretion.

9 (f) At the court's discretion, the court may allow the
10 prosecuting attorney to amend the notice as required in the
11 interest of justice.

12 (g) The notice shall include notification of the
13 provisions of this Act.

14 (h) The court shall order the return of the property to the
15 owner within 5 days if the prosecuting attorney does not file a
16 charging instrument as provided by the court's rules, the
17 period of an extension expires, or the court does not grant an
18 extension unless a charge is not filed pursuant to an
19 agreement or waiver.

20 (i) Upon the court's issuing an order to return the
21 property, no further claim to the property is valid.
22 Contraband shall not be returned.

23 (j) Notwithstanding subsection (h), the court may impose
24 reasonable conditions on the return of the property, including
25 the use of photographic evidence, to preserve the property for
26 later use as evidence in another criminal prosecution.

1 Section 5-95. Discovery. Discovery related to the
2 forfeiture proceeding is subject to the rules of criminal
3 procedure or court rules for general discovery.

4 Section 5-100. Trial, conviction required, and standard of
5 proof.

6 (a) Property may be forfeited if:

7 (1) the State secures a conviction of a crime under
8 Section 5-5; and

9 (2) the State establishes by a preponderance of the
10 evidence that the property is an instrumentality of, or
11 proceeds derived directly from the crime for which the
12 State secured a conviction.

13 (a-1) For property to be forfeited before conviction, the
14 State must demonstrate by clear and convincing evidence that
15 the property is directly linked to the criminal offense, and
16 that immediate seizure is necessary to prevent its loss,
17 destruction, or further use in criminal activity.

18 (b) The court shall hold the forfeiture proceeding after
19 the defendant's conviction in the criminal prosecution. At its
20 discretion, the court may hold the forfeiture proceeding as
21 soon as practicable including concurrent with sentencing. The
22 court shall conduct the forfeiture proceeding without a jury.

23 (c) Provided that all persons entitled to notice under
24 Section 5-80 consent to the forfeiture, nothing in this Act

1 shall prohibit property from being forfeited by:

2 (1) consent order or plea agreement approved by the
3 court;

4 (2) a diversion agreement; or

5 (3) a grant of immunity or reduced punishment, with or
6 without the filing of a criminal charge, in exchange for
7 testifying or assisting a law enforcement investigation or
8 prosecution.

9 (d) Persons entitled to notice may consent to some issues
10 and litigate remaining issues before the court without a jury.

11 Section 5-105. Exceptions to the conviction requirement.

12 (a) The court may waive the conviction requirement in
13 Section 5-100 and grant title to the property to the State if
14 the prosecuting attorney files an ex parte motion in either
15 the same criminal court or a civil court in the same
16 jurisdiction no fewer than 90 days after seizure and shows by a
17 preponderance of the evidence that the defendant, before
18 conviction:

19 (1) abandoned the property;

20 (2) absconded from the jurisdiction;

21 (3) was deported by the U.S. government;

22 (4) was extradited to another state or foreign
23 jurisdiction; or

24 (5) died.

25 (b) The death of the defendant does not preclude the

1 defendant's heir or legatee from filing a claim for the
2 property as an innocent owner under Section 5-120.

3 Section 5-110. Proportionality.

4 (a) The defendant may motion the court to determine
5 whether the forfeiture is unconstitutionally excessive under
6 the constitution of this State or the United States.

7 (b) At the court's discretion, the court may hold a
8 proportionality hearing:

9 (1) as a separate hearing;

10 (2) at the same time as a probable cause hearing, an
11 omnibus hearing, or other pretrial hearing;

12 (3) at trial; or

13 (4) upon conviction.

14 (c) The defendant has the burden of establishing the
15 forfeiture is unconstitutionally excessive by a preponderance
16 of the evidence at a hearing conducted by the court without a
17 jury.

18 (d) At a hearing prior to conviction under paragraph (1),
19 (2) or (3) of subsection (b), the court first shall determine,
20 by a preponderance of the evidence, if the prosecuting
21 attorney will secure a conviction. The court then shall
22 determine if the forfeiture is unconstitutionally excessive.

23 (e) At any hearing held under subsection (b), the court
24 may consider all relevant factors to determine if the
25 forfeiture is unconstitutionally excessive, including:

1 (1) the seriousness of the crime and its impact on the
2 community, including the duration of the activity, use of
3 a firearm, and harm caused by the defendant;

4 (2) the extent to which the defendant participated in
5 the crime;

6 (3) the extent to which the property was integral to
7 facilitating the crime;

8 (4) whether the crime was completed or attempted; and

9 (5) the sentence or fine to be imposed for committing
10 the crime.

11 (f) In determining the value of the instrumentality
12 subject to forfeiture, the court may consider all relevant
13 factors related to the fair market value of the property,
14 including information in any publication advised by the
15 prosecuting attorney in subsection (b) of Section 5-60.

16 (g) The court may not consider the benefit or value of the
17 property to the State in determining whether the forfeiture is
18 unconstitutionally excessive.

19 (h) The court shall order the return of property that is
20 unconstitutionally excessive within 5 days.

21 (i) Upon the court's issuing an order to return the
22 property, no further claim to the property is valid.
23 Contraband shall not be returned.

24 Section 5-115. Secured interest holder.

25 (a) Property encumbered by a security interest shall not

1 be forfeited up to the value of the interest.

2 (b) The prosecuting attorney shall summarily return
3 property to a secured interest holder up to the value of the
4 interest. Contraband shall not be returned.

5 (c) If the property is not summarily returned, the secured
6 interest holder may motion the court at any time before the
7 court enters judgment in the criminal prosecution or grants
8 the motion in Section 5-105. The motion shall include the
9 seizure receipt number in Section 5-55, if available.

10 (d) The court shall hear the motion within 30 days after
11 filing or at the court's discretion. The hearing shall be held
12 before the court without a jury. The court may consolidate the
13 hearing on the motion with any other hearing before the court
14 in the case.

15 (e) The secured interest holder shall allege the validity
16 of the security interest, mortgage, lien, leasehold, lease,
17 rental agreement, or other agreement.

18 (f) If the prosecuting attorney seeks to proceed, the
19 prosecuting attorney shall prove by a preponderance of the
20 evidence that:

21 (1) the interest is invalid;

22 (2) the interest resulted from a fraudulent
23 conveyance;

24 (3) the interest is held through a straw purchase,
25 trust, or otherwise for the benefit of the defendant; or

26 (4) the secured interest holder consented to the use

1 of the property in the crime for which the defendant is
2 charged.

3 (g) If the State fails to meet the burden established in
4 subsection (f), the court shall order the State to relinquish
5 claims to the property, up to the value of the interest, and
6 return the interest to the secured interest holder within 5
7 days.

8 (h) Notwithstanding subsection (g), the court may impose
9 reasonable conditions on the return of the property, including
10 the use of photographic evidence, to preserve the property for
11 later use as evidence in proceedings under this Act or the
12 related criminal prosecution.

13 (i) Upon the court's issuing an order, no further claim on
14 the property up to the value of the secured interest is valid.
15 The forfeiture of the remaining interest may be litigated as
16 provided by this Act.

17 Section 5-120. Innocent owner.

18 (a) Property of an innocent owner shall not be forfeited.

19 (b) The prosecuting attorney shall summarily return
20 property to an innocent owner. Contraband shall not be
21 returned.

22 (c) If the property is not summarily returned, an innocent
23 owner claimant may motion the court at any time before the
24 court enters judgment in the criminal prosecution or grants
25 the motion in Section 5-105.

1 (d) The court shall hear the innocent owner claimant's
2 motion within 30 days after filing or at the court's
3 discretion. The hearing shall be held before the court without
4 a jury. The court may consolidate the hearing on the
5 claimant's motion with any other hearing before the court in
6 the case.

7 (e) The innocent owner claimant may motion the court by
8 filing a simple Statement that sets forth:

9 (1) the claimant's interest in or regular use of the
10 property;

11 (2) the time and circumstances of the claimant's
12 acquisition of the interest in the property;

13 (3) additional facts or evidence supporting the
14 claimant's claim;

15 (4) an affirmation of the validity of interest or
16 regular use of the property;

17 (5) the relief sought by the claimant; and

18 (6) the seizure receipt number in Section 5-55, if
19 available.

20 (f) The filing fee for the claimant's motion under this
21 Section is waived.

22 (g) If the prosecuting attorney seeks to proceed, the
23 prosecuting attorney shall prove by a preponderance of the
24 evidence the claimant is not an innocent owner because:

25 (1) the claimant did not regularly use the property;

26 (2) the claimant's interest in the property is

1 invalid;

2 (3) the claimant's interest is held through a straw
3 purchase, trust or otherwise for the benefit of the
4 defendant;

5 (4) the claimant was not a bona fide purchaser without
6 notice of any defect in title and for valuable
7 consideration;

8 (5) the claimant consented to the use of the property
9 in the crime for which the defendant is charged;

10 (6) the claimant was willfully blind to the crime for
11 which the defendant is charged; or

12 (7) the claimant had actual knowledge and the claimant
13 did not take reasonable steps to prevent the use of the
14 property in the crime for which the defendant is charged.
15 The claimant is not required to take steps the claimant
16 reasonably believes would subject the claimant to physical
17 danger.

18 (h) If the prosecuting attorney fails to meet its burden
19 in subsection (g), the court shall order the State to
20 relinquish all claims and return the property to the innocent
21 owner within 5 days.

22 (i) Upon the court's issuing an order, no further claim on
23 the property is valid.

24 (j) Notwithstanding subsection (h), the court may impose
25 reasonable conditions on the return of the property, including
26 the use of photographic evidence, to preserve the property for

1 later use as evidence in proceedings under this Act or the
2 related criminal prosecution.

3 (k) No information in the claimant's Statement in
4 subsection (d) shall be used as evidence in the related
5 criminal prosecution.

6 (l) Nothing in this Section prohibits the claimant from
7 providing information to any party or testifying in any trial
8 as to facts known by the claimant.

9 (m) The defendant or convicted offender may invoke the
10 right against self-incrimination or marital privilege in the
11 forfeiture proceeding. The trier of fact may draw an adverse
12 inference from the invocation of the right or privilege in the
13 forfeiture proceeding.

14 (n) The prosecuting attorney shall ensure that all
15 potential innocent owners receive direct and written notice of
16 their rights within 7 days of a seizure. A streamlined
17 petition process shall be provided, allowing innocent owners
18 to file claims electronically or in person without requiring
19 legal representation.

20 Section 5-125. Judgment.

21 (a) If the prosecuting attorney fails to meet its burden
22 in the criminal prosecution or forfeiture proceeding, the
23 court shall enter judgment dismissing the forfeiture
24 proceeding and ordering the return of property within 5 days,
25 unless possession of the property is illegal. Contraband shall

1 not be returned.

2 (b) If the prosecuting attorney meets its burden in the
3 criminal prosecution and forfeiture proceeding, the court
4 shall enter judgment forfeiting the property.

5 (c) The court may enter judgment following a hearing,
6 pursuant to a stipulation, consent order, or plea agreement,
7 or at the court's discretion.

8 Section 5-130. Substitution of assets. Upon the
9 prosecuting attorney's motion following conviction or at the
10 court's discretion, the court may order the forfeiture of
11 substitute property owned solely by the defendant up to the
12 value of property that is beyond the court's jurisdiction or
13 cannot be located through due diligence, if the State proves
14 by a preponderance of the evidence that the defendant
15 intentionally:

16 (1) dissipated the property;

17 (2) transferred, sold, or deposited property with a
18 third party to avoid forfeiture;

19 (3) diminished substantially the value of the
20 property; or

21 (4) commingled property with other property that
22 cannot be divided without difficulty.

23 Section 5-135. No additional remedies. The State may not
24 seek personal money judgments or other remedies related to the

1 forfeiture of property not provided for in this Act.

2 Section 5-140. No joint-and-several liability. A defendant
3 is not jointly and severally liable for forfeiture awards owed
4 by other defendants. When ownership is unclear, the court may
5 order each defendant to forfeit property on a pro rata basis or
6 by another means the court finds equitable.

7 Section 5-145. Appeals.

8 (a) A party to the forfeiture proceeding, other than the
9 defendant, may appeal the court's order concerning the
10 disposition of the property upon the issuance of the order per
11 the State's rules of procedure and court rules.

12 (b) The defendant may appeal the court's decision
13 regarding the seizure or forfeiture of property following
14 final judgment in the forfeiture proceeding.

15 Section 5-150. Attorney's fees. In any proceeding in which
16 a property owner recovers at least half of the value of the
17 property or currency claimed, the court shall order the
18 seizing agency or prosecuting attorney at fault to pay:

19 (1) reasonable attorney's fees and other litigation
20 costs incurred by the claimant; and

21 (2) interest from the date of seizure.

22 Section 5-155. Return of property, damages and costs.

1 (a) If the court orders the return of property, the law
2 enforcement agency that holds the property shall return the
3 property to the owner within 5 days. Contraband shall not be
4 returned.

5 (b) The owner shall not be subject to any expenses related
6 to towing, storage or preservation of the property.

7 (c) The law enforcement agency that holds the property is
8 responsible for any damages, storage fees, and related costs
9 applicable to property returned under this Section.

10 Section 5-160. Disposition of forfeited property and
11 proceeds.

12 (a) The court may order contraband to be sold or destroyed
13 according to State law when it is no longer needed as evidence.

14 (b) The court may order property to be sold when it is no
15 longer needed as evidence.

16 (c) If the court grants forfeiture, the court may order
17 the sale of forfeited personal and real property.

18 (d) After all forfeited property is reduced to proceeds,
19 the court may order, upon conclusion of all direct appeals or
20 at its discretion, the distribution of forfeited proceeds
21 according to the following priorities:

22 (1) pay restitution to the victim of the crime;

23 (2) satisfy secured interest holders;

24 (3) pay reasonable costs for the towing, storage,
25 maintenance, repairs, advertising and sale, and other

1 operating costs related to the forfeited property;

2 (4) reimburse the seizing law enforcement agency for
3 non-personnel operating costs, including controlled-drug
4 buy money and confidential informants, related to the
5 investigation of the crime; and

6 (5) reimburse the prosecuting attorney, public
7 defender, or court-appointed attorney for non-personnel
8 court costs, including filing fees, subpoenas, court
9 reporters and transcripts.

10 (f) After disbursements under subsection (d), the court
11 may order the remaining net proceeds from the forfeiture to be
12 disbursed to:

13 (1) the Common School Fund; and

14 (2) the State's General Revenue Fund.

15 (g) Local law enforcement agencies may retain up to 50% of
16 forfeiture proceeds for community-focused public safety
17 initiatives, such as victim services, officer training, or
18 equipment purchases, provided that detailed expenditure
19 reports are submitted annually.

20 Section 5-165. Sale restrictions. No law enforcement
21 agency may sell forfeited property directly or indirectly to
22 an employee of the law enforcement agency or to a person
23 related to an employee within the third degree of
24 consanguinity.

1 Section 5-170. Preemption. A unit of local government,
2 including a home rule unit, may not regulate civil and
3 criminal forfeiture in a manner inconsistent with this Act.
4 This Section is a limitation under subsection (i) of Section 6
5 of Article VII of the Illinois Constitution on the concurrent
6 exercise by home rule units of powers and functions exercised
7 by the State.

8 Section 5-175. Limitation on federal adoption.

9 (a) A State or local law enforcement agency shall not
10 offer for adoption property, seized under State law, to a
11 federal agency for the purpose of forfeiture under 18 U.S.
12 Code Chapter 46, or other federal law.

13 (b) The limitation in subsection (a) applies only to a
14 seizure by State and or local law enforcement agencies
15 pursuant to their own authority under State law and without
16 involvement of the federal government.

17 (c) Nothing in subsection (a) shall be construed to limit
18 State and local agencies from participating in joint task
19 forces with the federal government.

20 (d) State and local law enforcement agencies are
21 prohibited from accepting payment of any kind or distribution
22 of forfeiture proceeds from the federal government if the
23 State or local law enforcement agency violates subsection (a).
24 All such proceeds shall be directed to the State's General
25 Revenue Fund.

1 (e) State and local agencies may collaborate with federal
2 authorities on multi-jurisdictional investigations but must
3 report all federal equitable sharing proceeds to the Illinois
4 Criminal Justice Information Authority, including a summary of
5 how such funds were used.

6 Section 5-180. Guidance.

7 (a) A prosecuting attorney shall consult with the
8 responsible U.S. Attorney to minimize circumvention of State
9 law under this Act through the use of the federal government's
10 equitable sharing program and other programs. This shall
11 include establishing guidelines for joint task forces and
12 multi-jurisdictional collaboration in the prosecuting
13 attorney's jurisdiction.

14 (b) The guidelines established under subsection (a) shall
15 be consistent with federal safeguards to ensure that
16 activities are conducted in compliance with U.S. Department of
17 Justice policies.

18 (c) The Illinois State Police, from time to time, may
19 offer training on seizure and forfeiture under this Act.

20 (d) The Illinois State Police shall, in collaboration with
21 the Illinois Criminal Justice Information Authority, provide
22 mandatory annual training for law enforcement officers on
23 constitutional rights, seizure procedures, and best practices
24 in asset forfeiture.

Article 10.

Section 10-5. The Statute on Statutes is amended by adding Section 1.46 as follows:

(5 ILCS 70/1.46 new)

Sec. 1.46. References to the Seizure and Forfeiture Reporting Act, the Drug Asset Forfeiture Procedure Act, and Article 124B of the Code of Criminal Procedure of 1963. Whenever there is a reference in any Act to the "Seizure and Forfeiture Reporting Act", the term shall be construed as a reference to the "Seizure and Forfeiture Reporting Act of 2025". Whenever there is a reference in any Act to the "Drug Asset Forfeiture Procedure Act" or "Article 124B of the Code of Criminal Procedure of 1963", the terms shall be construed as a reference to the "Criminal Forfeiture Process Act".

Section 10-10. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and

1 Development Act.

2 (b) Library circulation and order records identifying
3 library users with specific materials under the Library
4 Records Confidentiality Act.

5 (c) Applications, related documents, and medical
6 records received by the Experimental Organ Transplantation
7 Procedures Board and any and all documents or other
8 records prepared by the Experimental Organ Transplantation
9 Procedures Board or its staff relating to applications it
10 has received.

11 (d) Information and records held by the Department of
12 Public Health and its authorized representatives relating
13 to known or suspected cases of sexually transmitted
14 infection or any information the disclosure of which is
15 restricted under the Illinois Sexually Transmitted
16 Infection Control Act.

17 (e) Information the disclosure of which is exempted
18 under Section 30 of the Radon Industry Licensing Act.

19 (f) Firm performance evaluations under Section 55 of
20 the Architectural, Engineering, and Land Surveying
21 Qualifications Based Selection Act.

22 (g) Information the disclosure of which is restricted
23 and exempted under Section 50 of the Illinois Prepaid
24 Tuition Act.

25 (h) Information the disclosure of which is exempted
26 under the State Officials and Employees Ethics Act, and

1 records of any lawfully created State or local inspector
2 general's office that would be exempt if created or
3 obtained by an Executive Inspector General's office under
4 that Act.

5 (i) Information contained in a local emergency energy
6 plan submitted to a municipality in accordance with a
7 local emergency energy plan ordinance that is adopted
8 under Section 11-21.5-5 of the Illinois Municipal Code.

9 (j) Information and data concerning the distribution
10 of surcharge moneys collected and remitted by carriers
11 under the Emergency Telephone System Act.

12 (k) Law enforcement officer identification information
13 or driver identification information compiled by a law
14 enforcement agency or the Department of Transportation
15 under Section 11-212 of the Illinois Vehicle Code.

16 (l) Records and information provided to a residential
17 health care facility resident sexual assault and death
18 review team or the Executive Council under the Abuse
19 Prevention Review Team Act.

20 (m) Information provided to the predatory lending
21 database created pursuant to Article 3 of the Residential
22 Real Property Disclosure Act, except to the extent
23 authorized under that Article.

24 (n) Defense budgets and petitions for certification of
25 compensation and expenses for court appointed trial
26 counsel as provided under Sections 10 and 15 of the

1 Capital Crimes Litigation Act (repealed). This subsection
2 (n) shall apply until the conclusion of the trial of the
3 case, even if the prosecution chooses not to pursue the
4 death penalty prior to trial or sentencing.

5 (o) Information that is prohibited from being
6 disclosed under Section 4 of the Illinois Health and
7 Hazardous Substances Registry Act.

8 (p) Security portions of system safety program plans,
9 investigation reports, surveys, schedules, lists, data, or
10 information compiled, collected, or prepared by or for the
11 Department of Transportation under Sections 2705-300 and
12 2705-616 of the Department of Transportation Law of the
13 Civil Administrative Code of Illinois, the Regional
14 Transportation Authority under Section 2.11 of the
15 Regional Transportation Authority Act, or the St. Clair
16 County Transit District under the Bi-State Transit Safety
17 Act (repealed).

18 (q) Information prohibited from being disclosed by the
19 Personnel Record Review Act.

20 (r) Information prohibited from being disclosed by the
21 Illinois School Student Records Act.

22 (s) Information the disclosure of which is restricted
23 under Section 5-108 of the Public Utilities Act.

24 (t) (Blank).

25 (u) Records and information provided to an independent
26 team of experts under the Developmental Disability and

1 Mental Health Safety Act (also known as Brian's Law).

2 (v) Names and information of people who have applied
3 for or received Firearm Owner's Identification Cards under
4 the Firearm Owners Identification Card Act or applied for
5 or received a concealed carry license under the Firearm
6 Concealed Carry Act, unless otherwise authorized by the
7 Firearm Concealed Carry Act; and databases under the
8 Firearm Concealed Carry Act, records of the Concealed
9 Carry Licensing Review Board under the Firearm Concealed
10 Carry Act, and law enforcement agency objections under the
11 Firearm Concealed Carry Act.

12 (v-5) Records of the Firearm Owner's Identification
13 Card Review Board that are exempted from disclosure under
14 Section 10 of the Firearm Owners Identification Card Act.

15 (w) Personally identifiable information which is
16 exempted from disclosure under subsection (g) of Section
17 19.1 of the Toll Highway Act.

18 (x) Information which is exempted from disclosure
19 under Section 5-1014.3 of the Counties Code or Section
20 8-11-21 of the Illinois Municipal Code.

21 (y) Confidential information under the Adult
22 Protective Services Act and its predecessor enabling
23 statute, the Elder Abuse and Neglect Act, including
24 information about the identity and administrative finding
25 against any caregiver of a verified and substantiated
26 decision of abuse, neglect, or financial exploitation of

1 an eligible adult maintained in the Registry established
2 under Section 7.5 of the Adult Protective Services Act.

3 (z) Records and information provided to a fatality
4 review team or the Illinois Fatality Review Team Advisory
5 Council under Section 15 of the Adult Protective Services
6 Act.

7 (aa) Information which is exempted from disclosure
8 under Section 2.37 of the Wildlife Code.

9 (bb) Information which is or was prohibited from
10 disclosure by the Juvenile Court Act of 1987.

11 (cc) Recordings made under the Law Enforcement
12 Officer-Worn Body Camera Act, except to the extent
13 authorized under that Act.

14 (dd) Information that is prohibited from being
15 disclosed under Section 45 of the Condominium and Common
16 Interest Community Ombudsperson Act.

17 (ee) Information that is exempted from disclosure
18 under Section 30.1 of the Pharmacy Practice Act.

19 (ff) Information that is exempted from disclosure
20 under the Revised Uniform Unclaimed Property Act.

21 (gg) Information that is prohibited from being
22 disclosed under Section 7-603.5 of the Illinois Vehicle
23 Code.

24 (hh) Records that are exempt from disclosure under
25 Section 1A-16.7 of the Election Code.

26 (ii) Information which is exempted from disclosure

1 under Section 2505-800 of the Department of Revenue Law of
2 the Civil Administrative Code of Illinois.

3 (jj) Information and reports that are required to be
4 submitted to the Department of Labor by registering day
5 and temporary labor service agencies but are exempt from
6 disclosure under subsection (a-1) of Section 45 of the Day
7 and Temporary Labor Services Act.

8 (kk) Information prohibited from disclosure under the
9 Seizure and Forfeiture Reporting Act before the effective
10 date of this amendatory Act of the 104th General Assembly
11 or the Seizure and Forfeiture Reporting Act of 2025.

12 (ll) Information the disclosure of which is restricted
13 and exempted under Section 5-30.8 of the Illinois Public
14 Aid Code.

15 (mm) Records that are exempt from disclosure under
16 Section 4.2 of the Crime Victims Compensation Act.

17 (nn) Information that is exempt from disclosure under
18 Section 70 of the Higher Education Student Assistance Act.

19 (oo) Communications, notes, records, and reports
20 arising out of a peer support counseling session
21 prohibited from disclosure under the First Responders
22 Suicide Prevention Act.

23 (pp) Names and all identifying information relating to
24 an employee of an emergency services provider or law
25 enforcement agency under the First Responders Suicide
26 Prevention Act.

1 (qq) Information and records held by the Department of
2 Public Health and its authorized representatives collected
3 under the Reproductive Health Act.

4 (rr) Information that is exempt from disclosure under
5 the Cannabis Regulation and Tax Act.

6 (ss) Data reported by an employer to the Department of
7 Human Rights pursuant to Section 2-108 of the Illinois
8 Human Rights Act.

9 (tt) Recordings made under the Children's Advocacy
10 Center Act, except to the extent authorized under that
11 Act.

12 (uu) Information that is exempt from disclosure under
13 Section 50 of the Sexual Assault Evidence Submission Act.

14 (vv) Information that is exempt from disclosure under
15 subsections (f) and (j) of Section 5-36 of the Illinois
16 Public Aid Code.

17 (wv) Information that is exempt from disclosure under
18 Section 16.8 of the State Treasurer Act.

19 (xx) Information that is exempt from disclosure or
20 information that shall not be made public under the
21 Illinois Insurance Code.

22 (yy) Information prohibited from being disclosed under
23 the Illinois Educational Labor Relations Act.

24 (zz) Information prohibited from being disclosed under
25 the Illinois Public Labor Relations Act.

26 (aaa) Information prohibited from being disclosed

1 under Section 1-167 of the Illinois Pension Code.

2 (bbb) Information that is prohibited from disclosure
3 by the Illinois Police Training Act and the Illinois State
4 Police Act.

5 (ccc) Records exempt from disclosure under Section
6 2605-304 of the Illinois State Police Law of the Civil
7 Administrative Code of Illinois.

8 (ddd) Information prohibited from being disclosed
9 under Section 35 of the Address Confidentiality for
10 Victims of Domestic Violence, Sexual Assault, Human
11 Trafficking, or Stalking Act.

12 (eee) Information prohibited from being disclosed
13 under subsection (b) of Section 75 of the Domestic
14 Violence Fatality Review Act.

15 (fff) Images from cameras under the Expressway Camera
16 Act. This subsection (fff) is inoperative on and after
17 July 1, 2025.

18 (ggg) Information prohibited from disclosure under
19 paragraph (3) of subsection (a) of Section 14 of the Nurse
20 Agency Licensing Act.

21 (hhh) Information submitted to the Illinois State
22 Police in an affidavit or application for an assault
23 weapon endorsement, assault weapon attachment endorsement,
24 .50 caliber rifle endorsement, or .50 caliber cartridge
25 endorsement under the Firearm Owners Identification Card
26 Act.

1 (iii) Data exempt from disclosure under Section 50 of
2 the School Safety Drill Act.

3 (jjj) Information exempt from disclosure under Section
4 30 of the Insurance Data Security Law.

5 (kkk) Confidential business information prohibited
6 from disclosure under Section 45 of the Paint Stewardship
7 Act.

8 (lll) Data exempt from disclosure under Section
9 2-3.196 of the School Code.

10 (mmm) Information prohibited from being disclosed
11 under subsection (e) of Section 1-129 of the Illinois
12 Power Agency Act.

13 (nnn) Materials received by the Department of Commerce
14 and Economic Opportunity that are confidential under the
15 Music and Musicians Tax Credit and Jobs Act.

16 (ooo) ~~(nnn)~~ Data or information provided pursuant to
17 Section 20 of the Statewide Recycling Needs and Assessment
18 Act.

19 (ppp) ~~(nnn)~~ Information that is exempt from disclosure
20 under Section 28-11 of the Lawful Health Care Activity
21 Act.

22 (qqq) ~~(nnn)~~ Information that is exempt from disclosure
23 under Section 7-101 of the Illinois Human Rights Act.

24 (rrr) ~~(mmm)~~ Information prohibited from being
25 disclosed under Section 4-2 of the Uniform Money
26 Transmission Modernization Act.

1 (sss) ~~(nnn)~~ Information exempt from disclosure under
2 Section 40 of the Student-Athlete Endorsement Rights Act.
3 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
4 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
5 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
6 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
7 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
8 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
9 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.
10 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786,
11 eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24;
12 103-1049, eff. 8-9-24; revised 11-26-24.)

13 (5 ILCS 810/Act rep.)

14 Section 10-15. The Seizure and Forfeiture Reporting Act is
15 repealed.

16 Section 10-20. The Archaeological and Paleontological
17 Resources Protection Act is amended by changing Section 12 as
18 follows:

19 (20 ILCS 3435/12)

20 Sec. 12. Seizure.

21 (a) Every device, equipment, tool, vehicle or conveyance,
22 when used or operated illegally, or attempted to be used or
23 operated illegally by any person in taking, transporting,

1 holding, disturbing, exploring, excavating, collecting or
2 conveying any archaeological or paleontological resources,
3 contrary to the provisions of this Act, including
4 administrative rules, is a public nuisance and subject to
5 seizure and confiscation by any authorized employee of the
6 Department; upon the seizure of such item the Department shall
7 take and hold the same until disposed of as hereinafter
8 provided.

9 (b) Upon the seizure of any property as herein provided,
10 the authorized employee of the Department making such seizure
11 shall forthwith cause a complaint to be filed before the
12 circuit court and a summons to be issued requiring the person
13 who illegally used or operated or attempted to use or operate
14 such property and the owner and person in possession of such
15 property to appear in court and show cause why the property
16 seized should not be forfeited to the State. Upon the return of
17 the summons duly served or other notice as herein provided,
18 the court shall proceed to determine the question of the
19 illegality of the use of the seized property and upon judgment
20 being entered to the effect that such property was illegally
21 used, an order may be entered providing for the forfeiture of
22 such seized property to the Department and shall thereupon
23 become the property of the Department; but the owner of such
24 property may have a jury determine the illegality of its use,
25 and shall have the right of an appeal, as in other cases. Such
26 confiscation or forfeiture shall not preclude or mitigate

1 against prosecution and assessment of penalties otherwise
2 provided in this Act.

3 (c) Upon seizure of any property under circumstances
4 supporting a reasonable belief that such property was
5 abandoned, lost or stolen or otherwise illegally possessed or
6 used contrary to the provisions of this Act, except property
7 seized during a search or arrest, and ultimately returned,
8 destroyed, or otherwise disposed of pursuant to order of a
9 court in accordance with this Act, the Department shall make
10 reasonable inquiry and efforts to identify and notify the
11 owner or other person entitled to possession thereof, and
12 shall return the property after such person provides
13 reasonable and satisfactory proof of his ownership or right to
14 possession and reimburses the Department for all reasonable
15 expenses of such custody. If the identity or location of the
16 owner or other person entitled to possession of the property
17 has not been ascertained within 6 months after the Department
18 obtains such possession, the Department shall effectuate the
19 sale of the property for cash to the highest bidder at a public
20 auction. The owner or other person entitled to possession of
21 such property may claim and recover possession of the property
22 at any time before its sale at public auction, upon providing
23 reasonable and satisfactory proof of ownership or right of
24 possession and reimbursing the Department for all reasonable
25 expenses of custody thereof.

26 (d) Any property forfeited to the State by court order

1 pursuant to this Section may be disposed of by public auction,
2 except that any property which is the subject of such a court
3 order shall not be disposed of pending appeal of the order. The
4 proceeds of the sales at auction shall be deposited in the
5 Historic Sites Fund.

6 (e) The Department shall pay all costs of notices required
7 by this Section.

8 Property seized or forfeited under this Section is subject
9 to reporting under the Seizure and Forfeiture Reporting Act of
10 2025.

11 (f) This Section does not apply to archaeological or
12 paleontological resources that were recovered by the
13 Department or other law enforcement agency during an
14 investigation of a violation of this Act.

15 (Source: P.A. 103-446, eff. 8-4-23.)

16 Section 10-25. The Narcotic Control Division Abolition Act
17 is amended by changing Section 7 as follows:

18 (20 ILCS 2620/7) (from Ch. 127, par. 55j)

19 Sec. 7. Expenditures; evidence; forfeited property.

20 (a) The Director and the inspectors appointed by him, when
21 authorized by the Director, may expend such sums as the
22 Director deems necessary in the purchase of controlled
23 substances and cannabis for evidence and in the employment of
24 persons to obtain evidence.

1 Such sums to be expended shall be advanced to the officer
2 who is to make such purchase or employment from funds
3 appropriated or made available by law for the support or use of
4 the Illinois State Police on vouchers therefor signed by the
5 Director. The Director and such officers are authorized to
6 maintain one or more commercial checking accounts with any
7 State banking corporation or corporations organized under or
8 subject to the Illinois Banking Act for the deposit and
9 withdrawal of moneys to be used for the purchase of evidence
10 and for the employment of persons to obtain evidence; provided
11 that no check may be written on nor any withdrawal made from
12 any such account except on the written signatures of 2 persons
13 designated by the Director to write such checks and make such
14 withdrawals.

15 (b) The Director is authorized to maintain one or more
16 commercial bank accounts with any State banking corporation or
17 corporations organized under or subject to the Illinois
18 Banking Act, as now or hereafter amended, for the deposit or
19 withdrawal of (i) moneys forfeited to the Illinois State
20 Police, including the proceeds of the sale of forfeited
21 property, as provided in Section 2 of the State Officers and
22 Employees Money Disposition Act, as now or hereafter amended,
23 pending disbursement to participating agencies and deposit of
24 the Illinois State Police's share as provided in subsection
25 (c), and (ii) all moneys being held as evidence by the Illinois
26 State Police, pending final court disposition; provided that

1 no check may be written on or any withdrawal made from any such
2 account except on the written signatures of 2 persons
3 designated by the Director to write such checks and make such
4 withdrawals.

5 (c) All moneys received by the Illinois State Police as
6 their share of forfeited funds (including the proceeds of the
7 sale of forfeited property) received pursuant to the Criminal
8 Forfeiture Process Act ~~Drug Asset Forfeiture Procedure Act~~,
9 the Cannabis Control Act, the Illinois Controlled Substances
10 Act, the Methamphetamine Control and Community Protection Act,
11 the Environmental Protection Act, or any other Illinois law
12 shall be deposited into the State Asset Forfeiture Fund, which
13 is hereby created as an interest-bearing special fund in the
14 State treasury.

15 All moneys received by the Illinois State Police as their
16 share of forfeited funds (including the proceeds of the sale
17 of forfeited property) received pursuant to federal equitable
18 sharing transfers shall be deposited into the Federal Asset
19 Forfeiture Fund, which is hereby created as an
20 interest-bearing special fund in the State treasury.

21 The moneys deposited into the State Asset Forfeiture Fund
22 and the Federal Asset Forfeiture Fund shall be appropriated to
23 the Illinois State Police and may be used by the Illinois State
24 Police in accordance with law.

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 Section 10-30. The Human Remains Protection Act is amended
2 by changing Section 16.3 as follows:

3 (20 ILCS 3440/16.3)

4 Sec. 16.3. Forfeiture.

5 (a) Every device, equipment, tool, vehicle or conveyance,
6 when used or operated illegally, or attempted to be used or
7 operated illegally by any person in taking, transporting,
8 holding, disturbing, exploring, excavating, collecting or
9 conveying any human remains, grave artifacts, or grave
10 markers, contrary to the provisions of this Act, including
11 administrative rules, is a public nuisance and subject to
12 seizure and confiscation by any authorized employee of the
13 Department; upon the seizure of such item the Department shall
14 take and hold the same until disposed of as hereinafter
15 provided.

16 (b) Upon the seizure of any property as herein provided,
17 the authorized employee of the Department making such seizure
18 shall forthwith cause a complaint to be filed before the
19 circuit court and a summons to be issued requiring the person
20 who illegally used or operated or attempted to use or operate
21 such property and the owner and person in possession of such
22 property to appear in court and show cause why the property
23 seized should not be forfeited to the State. Upon the return of
24 the summons duly served or other notice as herein provided,
25 the court shall proceed to determine the question of the

1 illegality of the use of the seized property and upon judgment
2 being entered to the effect that such property was illegally
3 used, an order may be entered providing for the forfeiture of
4 such seized property to the Department and shall thereupon
5 become the property of the Department; but the owner of such
6 property may have a jury determine the illegality of its use,
7 and shall have the right of an appeal, as in other cases. Such
8 confiscation or forfeiture shall not preclude or mitigate
9 against prosecution and assessment of penalties otherwise
10 provided in this Act.

11 (c) Upon seizure of any property under circumstances
12 supporting a reasonable belief that such property was
13 abandoned, lost or stolen or otherwise illegally possessed or
14 used contrary to the provisions of this Act, except property
15 seized during a search or arrest, and ultimately returned,
16 destroyed, or otherwise disposed of pursuant to order of a
17 court in accordance with this Act, the Department shall make
18 reasonable inquiry and efforts to identify and notify the
19 owner or other person entitled to possession thereof, and
20 shall return the property after such person provides
21 reasonable and satisfactory proof of his ownership or right to
22 possession and reimburses the Department for all reasonable
23 expenses of such custody. If the identity or location of the
24 owner or other person entitled to possession of the property
25 has not been ascertained within 6 months after the Department
26 obtains such possession, the Department shall effectuate the

1 sale of the property for cash to the highest bidder at a public
2 auction. The owner or other person entitled to possession of
3 such property may claim and recover possession of the property
4 at any time before its sale at public auction, upon providing
5 reasonable and satisfactory proof of ownership or right of
6 possession and reimbursing the Department for all reasonable
7 expenses of custody thereof.

8 (d) Any property forfeited to the State by court order
9 pursuant to this Section may be disposed of by public auction,
10 except that any property which is the subject of such a court
11 order shall not be disposed of pending appeal of the order. The
12 proceeds of the sales at auction shall be deposited in the
13 Repatriation and Reinterment Fund.

14 (e) The Department shall pay all costs of notices required
15 by this Section.

16 (f) Property seized or forfeited under this Section is
17 subject to reporting under the Seizure and Forfeiture
18 Reporting Act of 2025.

19 (g) This Section does not apply to human remains, grave
20 artifacts, or grave markers that were recovered by the
21 Department or other law enforcement agency during an
22 investigation of a violation of this Act.

23 (Source: P.A. 103-446, eff. 8-4-23.)

24 Section 10-35. The Timber Buyers Licensing Act is amended
25 by changing Section 16 as follows:

1 (225 ILCS 735/16) (from Ch. 111, par. 716)

2 Sec. 16. Forfeiture and seizure. Any timber, forestry, or
3 wood cutting device or equipment, including vehicles and
4 conveyances used or operated in violation of this Act,
5 including administrative rules, or attempted to be used in
6 violation of this Act or administrative rules shall be deemed
7 a public nuisance and subject to the seizure and confiscation
8 by any authorized employee of the Department; upon the seizure
9 of such item the Department shall take and hold the same until
10 disposed of as hereinafter provided.

11 Upon the seizure of any property as herein provided, the
12 authorized employee of the Department making such seizure
13 shall forthwith cause a complaint to be filed before the
14 Circuit Court and a summons to be issued requiring the person
15 who illegally used or operated or attempted to use or operate
16 such property and the owner and person in possession of such
17 property to appear in court and show cause why the property
18 seized should not be forfeited to the State. Upon the return of
19 the summons duly served or other notice as herein provided,
20 the court shall proceed to determine the question of the
21 illegality of the use of the seized property and upon judgment
22 being entered to the effect that such property was illegally
23 used, an order may be entered providing for the forfeiture of
24 such seized property to the Department and shall thereupon
25 become the property of the Department; but the owner of such

1 property may have a jury determine the illegality of its use,
2 and shall have the right of an appeal, as in other cases. Such
3 confiscation or forfeiture shall not preclude or mitigate
4 against prosecution and assessment of penalties otherwise
5 provided in this Act.

6 Upon seizure of any property under circumstances
7 supporting a reasonable belief that such property was
8 abandoned, lost, or stolen or otherwise illegally possessed or
9 used contrary to the provisions of this Act, except property
10 seized during a search or arrest, and ultimately returned,
11 destroyed, or otherwise disposed of pursuant to order of a
12 court in accordance with this Act, the authorized employee of
13 the Department shall make reasonable inquiry and efforts to
14 identify and notify the owner or other person entitled to
15 possession thereof, and shall return the property after such
16 person provides reasonable and satisfactory proof of his
17 ownership or right to possession and reimburses the Department
18 for all reasonable expenses of such custody. If the identity
19 or location of the owner or other person entitled to
20 possession of the property has not been ascertained within 6
21 months after the Department obtains such possession, the
22 Department shall effectuate the sale of the property for cash
23 to the highest bidder at a public auction. The owner or other
24 person entitled to possession of such property may claim and
25 recover possession of the property at any time before its sale
26 at public auction, upon providing reasonable and satisfactory

1 proof of ownership or right of possession and reimbursing the
2 Department for all reasonable expenses of custody thereof.

3 Any property forfeited to the State by court order
4 pursuant to this Section may be disposed of by public auction,
5 except that any property which is the subject of such a court
6 order shall not be disposed of pending appeal of the order. The
7 proceeds of the sales at auction shall be deposited in the
8 Illinois Forestry Development Fund.

9 The Department shall pay all costs of notices required by
10 this Section. Property seized or forfeited under this Section
11 is subject to reporting under Section 1-15 ~~5~~ of the Seizure and
12 Forfeiture Reporting Act of 2025.

13 (Source: P.A. 103-218, eff. 1-1-24.)

14 Section 10-40. The Illinois Food, Drug and Cosmetic Act is
15 amended by changing Section 3.23 as follows:

16 (410 ILCS 620/3.23)

17 Sec. 3.23. Legend drug prohibition.

18 (a) In this Section:

19 "Legend drug" means a drug limited by the Federal Food,
20 Drug and Cosmetic Act to being dispensed by or upon a medical
21 practitioner's prescription because the drug is:

22 (1) habit forming;

23 (2) toxic or having potential for harm; or

24 (3) limited in use by the new drug application for the

1 drug to use only under a medical practitioner's
2 supervision.

3 "Medical practitioner" means any person licensed to
4 practice medicine in all its branches in the State.

5 "Deliver" or "delivery" means the actual, constructive, or
6 attempted transfer of possession of a legend drug, with or
7 without consideration, whether or not there is an agency
8 relationship.

9 "Manufacture" means the production, preparation,
10 propagation, compounding, conversion, or processing of a
11 legend drug, either directly or indirectly, by extraction from
12 substances of natural origin, or independently by means of
13 chemical synthesis, or by a combination of extraction and
14 chemical synthesis, and includes any packaging or repackaging
15 of the substance or labeling of its container. "Manufacture"
16 does not include:

17 (1) by an ultimate user, the preparation or
18 compounding of a legend drug for his or her own use; or

19 (2) by a medical practitioner, or his or her
20 authorized agent under his or her supervision, the
21 preparation, compounding, packaging, or labeling of a
22 legend drug:

23 (A) as an incident to his or her administering or
24 dispensing of a legend drug in the course of his or her
25 professional practice; or

26 (B) as an incident to lawful research, teaching,

1 or chemical analysis and not for sale.

2 "Prescription" has the same meaning ascribed to it in
3 Section 3 of the Pharmacy Practice Act.

4 (b) It is unlawful for any person to knowingly manufacture
5 or deliver or possess with the intent to manufacture or
6 deliver a legend drug of 6 or more pills, tablets, capsules, or
7 caplets or 30 ml or more of a legend drug in liquid form who is
8 not licensed by applicable law to prescribe or dispense legend
9 drugs or is not an employee of the licensee operating in the
10 normal course of business under the supervision of the
11 licensee. Any person who violates this Section is guilty of a
12 Class 3 felony, the fine for which shall not exceed \$100,000. A
13 person convicted of a second or subsequent violation of this
14 Section is guilty of a Class 1 felony, the fine for which shall
15 not exceed \$250,000.

16 (c) The following are subject to forfeiture:

17 (1) (blank);

18 (2) all raw materials, products, and equipment of any
19 kind which are used, or intended for use, in
20 manufacturing, distributing, dispensing, administering,
21 or possessing any substance in violation of this Section;

22 (3) all conveyances, including aircraft, vehicles, or
23 vessels, which are used, or intended for use, to
24 transport, or in any manner to facilitate the
25 transportation, sale, receipt, possession, or concealment
26 of any substance manufactured, distributed, dispensed, or

1 possessed in violation of this Section or property
2 described in paragraph (2) of this subsection (c), but:

3 (A) no conveyance used by any person as a common
4 carrier in the transaction of business as a common
5 carrier is subject to forfeiture under this Section
6 unless it appears that the owner or other person in
7 charge of the conveyance is a consenting party or
8 privy to the violation;

9 (B) no conveyance is subject to forfeiture under
10 this Section by reason of any act or omission which the
11 owner proves to have been committed or omitted without
12 his or her knowledge or consent; and

13 (C) a forfeiture of a conveyance encumbered by a
14 bona fide security interest is subject to the interest
15 of the secured party if he or she neither had knowledge
16 of nor consented to the act or omission;

17 (4) all money, things of value, books, records, and
18 research products and materials including formulas,
19 microfilm, tapes, and data that are used, or intended to
20 be used, in violation of this Section;

21 (5) everything of value furnished, or intended to be
22 furnished, in exchange for a substance in violation of
23 this Section, all proceeds traceable to such an exchange,
24 and all moneys, negotiable instruments, and securities
25 used, or intended to be used, to commit or in any manner to
26 facilitate any violation of this Section; and

1 (6) all real property, including any right, title, and
2 interest, including, but not limited to, any leasehold
3 interest or the beneficial interest in a land trust, in
4 the whole of any lot or tract of land and any appurtenances
5 or improvements, which is used or intended to be used, in
6 any manner or part, to commit, or in any manner to
7 facilitate the commission of, any violation or act that
8 constitutes a violation of this Section or that is the
9 proceeds of any violation or act that constitutes a
10 violation of this Section.

11 (d) Property subject to forfeiture under this Act may be
12 seized under the Criminal Forfeiture Process Act ~~Drug Asset~~
13 ~~Forfeiture Procedure Act~~. In the event of seizure, forfeiture
14 proceedings shall be instituted under the Criminal Forfeiture
15 Process Act ~~Drug Asset Forfeiture Procedure Act~~.

16 (e) Forfeiture under this Act is subject to an 8th
17 Amendment to the United States Constitution disproportionate
18 penalties analysis as provided under Section 5-110 of the
19 Criminal Forfeiture Process Act ~~9.5 of the Drug Asset~~
20 ~~Forfeiture Procedure Act~~.

21 (f) With regard to possession of legend drug offenses
22 only, a sum of currency with a value of less than \$500 shall
23 not be subject to forfeiture under this Act. For all other
24 offenses under this Act, a sum of currency with a value of less
25 than \$100 shall not be subject to forfeiture under this Act. In
26 seizures of currency in excess of these amounts, this Section

1 shall not create an exemption for these amounts.

2 (f-5) For felony offenses involving possession of legend
3 drug only, no property shall be subject to forfeiture under
4 this Act because of the possession of less than 2 single unit
5 doses of a legend drug. This exemption shall not apply in
6 instances when the possessor, or another person at the
7 direction of the possessor, is engaged in the destruction of
8 any amount of a legend drug. The amount of a single unit dose
9 shall be the State's burden to prove in its case in chief.

10 (g) If the Department suspends or revokes a registration,
11 all legend drugs owned or possessed by the registrant at the
12 time of suspension or the effective date of the revocation
13 order may be placed under seal. No disposition may be made of
14 substances under seal until the time for taking an appeal has
15 elapsed or until all appeals have been concluded unless a
16 court, upon application therefor, orders the sale of
17 perishable substances and the deposit of the proceeds of the
18 sale with the court. Upon a revocation rule becoming final,
19 all substances are subject to seizure and forfeiture under the
20 Drug Asset Forfeiture Procedure Act.

21 (h) (Blank).

22 (i) (Blank).

23 (j) Contraband, including legend drugs possessed without a
24 prescription or other authorization under State or federal
25 law, is not subject to forfeiture. No property right exists in
26 contraband. Contraband is subject to seizure and shall be

1 disposed of according to State law.

2 (k) The changes made to this Section by Public Act 100-512
3 and Public Act 100-699 only apply to property seized on and
4 after July 1, 2018.

5 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
6 100-1163, eff. 12-20-18.)

7 Section 10-45. The Environmental Protection Act is amended
8 by changing Section 44.1 as follows:

9 (415 ILCS 5/44.1)

10 Sec. 44.1. (a) In addition to all other civil and criminal
11 penalties provided by law, any person convicted of a criminal
12 violation of this Act or the regulations adopted thereunder
13 shall forfeit to the State (1) an amount equal to the value of
14 all profits earned, savings realized, and benefits incurred as
15 a direct or indirect result of such violation, and (2) any
16 vehicle or conveyance used in the perpetration of such
17 violation, except as provided in subsection (b).

18 (b) Forfeiture of conveyances shall be subject to the
19 following exceptions:

20 (1) No conveyance used by any person as a common
21 carrier in the transaction of business as a common carrier
22 is subject to forfeiture under this Section unless it is
23 proven that the owner or other person in charge of the
24 conveyance consented to or was privy to the covered

1 violation.

2 (2) No conveyance is subject to forfeiture under this
3 Section by reason of any covered violation which the owner
4 proves to have been committed without his knowledge or
5 consent.

6 (3) A forfeiture of a conveyance encumbered by a bona
7 fide security interest is subject to the interest of the
8 secured party if he neither had knowledge of nor consented
9 to the covered violation.

10 (c) Except as provided in subsection (d), all property
11 subject to forfeiture under this Section shall be seized
12 pursuant to the order of a circuit court.

13 (d) Property subject to forfeiture under this Section may
14 be seized by the Director or any peace officer without
15 process:

16 (1) if the seizure is incident to an inspection under
17 an administrative inspection warrant, or incident to the
18 execution of a criminal search or arrest warrant;

19 (2) if the property subject to seizure has been the
20 subject of a prior judgment in favor of the State in a
21 criminal proceeding, or in an injunction or forfeiture
22 proceeding based upon this Act; or

23 (3) if there is probable cause to believe that the
24 property is directly or indirectly dangerous to health or
25 safety.

26 (e) Property taken or detained under this Section shall

1 not be subject to eviction or replevin, but is deemed to be in
2 the custody of the Director subject only to the order and
3 judgments of the circuit court having jurisdiction over the
4 forfeiture proceedings. When property is seized under this
5 Act, the Director may:

6 (1) place the property under seal;

7 (2) secure the property or remove the property to a
8 place designated by him; or

9 (3) require the sheriff of the county in which the
10 seizure occurs to take custody of the property and secure
11 or remove it to an appropriate location for disposition in
12 accordance with law.

13 (f) All amounts forfeited under item (1) of subsection (a)
14 shall be apportioned in the following manner:

15 (1) 40% shall be deposited in the Hazardous Waste Fund
16 created in Section 22.2;

17 (2) 30% shall be paid to the office of the Attorney
18 General or the State's Attorney of the county in which the
19 violation occurred, whichever brought and prosecuted the
20 action; and

21 (3) 30% shall be paid to the law enforcement agency
22 which investigated the violation.

23 Any funds received under this subsection (f) shall be used
24 solely for the enforcement of the environmental protection
25 laws of this State.

26 (g) When property is forfeited under this Section the

1 court may order:

2 (1) that the property shall be made available for the
3 official use of the Agency, the Office of the Attorney
4 General, the State's Attorney of the county in which the
5 violation occurred, or the law enforcement agency which
6 investigated the violation, to be used solely for the
7 enforcement of the environmental protection laws of this
8 State;

9 (2) the sheriff of the county in which the forfeiture
10 occurs to take custody of the property and remove it for
11 disposition in accordance with law; or

12 (3) the sheriff of the county in which the forfeiture
13 occurs to sell that which is not required to be destroyed
14 by law and which is not harmful to the public. The proceeds
15 of such sale shall be used for payment of all proper
16 expenses of the proceedings for forfeiture and sale,
17 including expenses of seizure, maintenance of custody,
18 advertising and court costs, and the balance, if any,
19 shall be apportioned pursuant to subsection (f).

20 (h) Property seized or forfeited under this Section is
21 subject to reporting under the Seizure and Forfeiture
22 Reporting Act of 2025.

23 (Source: P.A. 100-173, eff. 1-1-18; 100-512, eff. 7-1-18;
24 100-863, eff. 8-14-18.)

25 Section 10-50. The Herptiles-Herps Act is amended by

1 changing Section 105-55 as follows:

2 (510 ILCS 68/105-55)

3 Sec. 105-55. Illegal collecting devices; public nuisance.
4 Every collecting device, including seines, nets, traps,
5 pillowcases, bags, snake hooks or tongs, or any electrical
6 device or any other devices including vehicles or conveyance,
7 watercraft, or aircraft used or operated illegally or
8 attempted to be used or operated illegally by any person in
9 taking, transporting, holding, or conveying any herptile life
10 or any part or parts of a herptile, contrary to this Act,
11 including administrative rules, shall be deemed a public
12 nuisance and therefore illegal and subject to seizure and
13 confiscation by any authorized employee of the Department.
14 Upon the seizure of this item, the Department shall take and
15 hold the item until disposed of as provided in this Act.

16 Upon the seizure of any device because of its illegal use,
17 the officer or authorized employee of the Department making
18 the seizure shall, as soon as reasonably possible, cause a
19 complaint to be filed before the circuit court and a summons to
20 be issued requiring the owner or person in possession of the
21 property to appear in court and show cause why the device
22 seized should not be forfeited to the State. Upon the return of
23 the summons duly served or upon posting or publication of
24 notice as provided in this Act, the court shall proceed to
25 determine the question of the illegality of the use of the

1 seized property. Upon judgment being entered that the property
2 was illegally used, an order shall be entered providing for
3 the forfeiture of the seized property to the State. The owner
4 of the property may have a jury determine the illegality of its
5 use and shall have the right of an appeal as in other civil
6 cases. Confiscation or forfeiture shall not preclude or
7 mitigate against prosecution and assessment of penalties
8 provided in this Act.

9 Upon seizure of any property under circumstances
10 supporting a reasonable belief that the property was
11 abandoned, lost, stolen, or otherwise illegally possessed or
12 used contrary to this Act, except property seized during a
13 search or arrest, and ultimately returned, destroyed, or
14 otherwise disposed of under order of a court in accordance
15 with this Act, the authorized employee of the Department shall
16 make reasonable inquiry and efforts to identify and notify the
17 owner or other person entitled to possession of the property
18 and shall return the property after the person provides
19 reasonable and satisfactory proof of his or her ownership or
20 right to possession and reimburses the Department for all
21 reasonable expenses of custody. If the identity or location of
22 the owner or other person entitled to possession of the
23 property has not been ascertained within 6 months after the
24 Department obtains possession, the Department shall effectuate
25 the sale of the property for cash to the highest bidder at a
26 public auction. The owner or other person entitled to

1 possession of the property may claim and recover possession of
2 the property at any time before its sale at public auction upon
3 providing reasonable and satisfactory proof of ownership or
4 right of possession and reimbursing the Department for all
5 reasonable expenses of custody.

6 Any property forfeited to the State by court order under
7 this Section may be disposed of by public auction, except that
8 any property that is the subject of a court order shall not be
9 disposed of pending appeal of the order. The proceeds of the
10 sales at auction shall be deposited in the Illinois Wildlife
11 Preservation Fund.

12 The Department shall pay all costs of posting or
13 publication of notices required by this Section.

14 Property seized or forfeited under this Section is subject
15 to reporting under the Seizure and Forfeiture Reporting Act of
16 2025.

17 (Source: P.A. 102-315, eff. 1-1-22; 103-363, eff. 7-28-23.)

18 Section 10-55. The Humane Care for Animals Act is amended
19 by changing Section 4.01 as follows:

20 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

21 Sec. 4.01. Animals in entertainment. This Section does not
22 apply when the only animals involved are dogs. (Section 48-1
23 of the Criminal Code of 2012, rather than this Section,
24 applies when the only animals involved are dogs.)

1 (a) No person may own, capture, breed, train, or lease any
2 animal which he or she knows or should know is intended for use
3 in any show, exhibition, program, or other activity featuring
4 or otherwise involving a fight between such animal and any
5 other animal or human, or the intentional killing of any
6 animal for the purpose of sport, wagering, or entertainment.

7 (b) No person shall promote, conduct, carry on, advertise,
8 collect money for or in any other manner assist or aid in the
9 presentation for purposes of sport, wagering, or
10 entertainment, any show, exhibition, program, or other
11 activity involving a fight between 2 or more animals or any
12 animal and human, or the intentional killing of any animal.

13 (c) No person shall sell or offer for sale, ship,
14 transport, or otherwise move, or deliver or receive any animal
15 which he or she knows or should know has been captured, bred,
16 or trained, or will be used, to fight another animal or human
17 or be intentionally killed, for the purpose of sport,
18 wagering, or entertainment.

19 (d) No person shall manufacture for sale, shipment,
20 transportation or delivery any device or equipment which that
21 person knows or should know is intended for use in any show,
22 exhibition, program, or other activity featuring or otherwise
23 involving a fight between 2 or more animals, or any human and
24 animal, or the intentional killing of any animal for purposes
25 of sport, wagering or entertainment.

26 (e) No person shall own, possess, sell or offer for sale,

1 ship, transport, or otherwise move any equipment or device
2 which such person knows or should know is intended for use in
3 connection with any show, exhibition, program, or activity
4 featuring or otherwise involving a fight between 2 or more
5 animals, or any animal and human, or the intentional killing
6 of any animal for purposes of sport, wagering or
7 entertainment.

8 (f) No person shall make available any site, structure, or
9 facility, whether enclosed or not, which he or she knows or
10 should know is intended to be used for the purpose of
11 conducting any show, exhibition, program, or other activity
12 involving a fight between 2 or more animals, or any animal and
13 human, or the intentional killing of any animal.

14 (g) No person shall knowingly attend or otherwise
15 patronize any show, exhibition, program, or other activity
16 featuring or otherwise involving a fight between 2 or more
17 animals, or any animal and human, or the intentional killing
18 of any animal for the purposes of sport, wagering or
19 entertainment.

20 (h) (Blank).

21 (i) Any animals or equipment involved in a violation of
22 this Section shall be immediately seized and impounded under
23 Section 12 by the Department when located at any show,
24 exhibition, program, or other activity featuring or otherwise
25 involving an animal fight for the purposes of sport, wagering,
26 or entertainment.

1 (j) Any vehicle or conveyance other than a common carrier
2 that is used in violation of this Section shall be seized,
3 held, and offered for sale at public auction by the sheriff's
4 department of the proper jurisdiction, and the proceeds from
5 the sale shall be remitted to the general fund of the county
6 where the violation took place.

7 (k) Any veterinarian in this State who is presented with
8 an animal for treatment of injuries or wounds resulting from
9 fighting where there is a reasonable possibility that the
10 animal was engaged in or utilized for a fighting event for the
11 purposes of sport, wagering, or entertainment shall file a
12 report with the Department and cooperate by furnishing the
13 owners' names, dates, and descriptions of the animal or
14 animals involved. Any veterinarian who in good faith complies
15 with the requirements of this subsection has immunity from any
16 liability, civil, criminal, or otherwise, that may result from
17 his or her actions. For the purposes of any proceedings, civil
18 or criminal, the good faith of the veterinarian shall be
19 rebuttably presumed.

20 (l) No person shall solicit a minor to violate this
21 Section.

22 (m) The penalties for violations of this Section shall be
23 as follows:

24 (1) A person convicted of violating subsection (a),
25 (b), or (c) of this Section or any rule, regulation, or
26 order of the Department pursuant thereto is guilty of a

1 Class 4 felony for the first offense. A second or
2 subsequent offense involving the violation of subsection
3 (a), (b), or (c) of this Section or any rule, regulation,
4 or order of the Department pursuant thereto is a Class 3
5 felony.

6 (2) A person convicted of violating subsection (d),
7 (e), or (f) of this Section or any rule, regulation, or
8 order of the Department pursuant thereto is guilty of a
9 Class 4 felony for the first offense. A second or
10 subsequent violation is a Class 3 felony.

11 (3) A person convicted of violating subsection (g) of
12 this Section or any rule, regulation, or order of the
13 Department pursuant thereto is guilty of a Class 4 felony
14 for the first offense. A second or subsequent violation is
15 a Class 3 felony.

16 (4) A person convicted of violating subsection (l) of
17 this Section is guilty of a Class 4 felony for the first
18 offense. A second or subsequent violation is a Class 3
19 felony.

20 (n) A person who commits a felony violation of this
21 Section is subject to the property forfeiture provisions set
22 forth in the Criminal Forfeiture Process Act ~~Article 124B of~~
23 ~~the Code of Criminal Procedure of 1963.~~

24 (Source: P.A. 96-226, eff. 8-11-09; 96-712, eff. 1-1-10;
25 96-1000, eff. 7-2-10; 97-1108, eff. 1-1-13; 97-1150, eff.
26 1-25-13.)

1 Section 10-60. The Fish and Aquatic Life Code is amended
2 by changing Section 1-215 as follows:

3 (515 ILCS 5/1-215) (from Ch. 56, par. 1-215)

4 Sec. 1-215. Illegal fishing devices; public nuisance.
5 Every fishing device, including seines, nets, or traps, or any
6 electrical device or any other devices, including vehicles,
7 watercraft, or aircraft, used or operated illegally or
8 attempted to be used or operated illegally by any person in
9 taking, transporting, holding, or conveying any aquatic life
10 contrary to this Code, including administrative rules, shall
11 be deemed a public nuisance and therefore illegal and subject
12 to seizure and confiscation by any authorized employee of the
13 Department. Upon the seizure of such an item the Department
14 shall take and hold the item until disposed of as provided in
15 this Code.

16 Upon the seizure of any device because of its illegal use,
17 the officer or authorized employee of the Department making
18 the seizure shall, as soon as reasonably possible, cause a
19 complaint to be filed before the Circuit Court and a summons to
20 be issued requiring the owner or person in possession of the
21 property to appear in court and show cause why the device
22 seized should not be forfeited to the State. Upon the return of
23 the summons duly served or upon posting or publication of
24 notice as provided in this Code, the court shall proceed to

1 determine the question of the illegality of the use of the
2 seized property. Upon judgment being entered to the effect
3 that the property was illegally used, an order shall be
4 entered providing for the forfeiture of the seized property to
5 the State. The owner of the property, however, may have a jury
6 determine the illegality of its use, and shall have the right
7 of an appeal as in other civil cases. Confiscation or
8 forfeiture shall not preclude or mitigate against prosecution
9 and assessment of penalties provided in Section 20-35 of this
10 Code.

11 Upon seizure of any property under circumstances
12 supporting a reasonable belief that the property was
13 abandoned, lost, stolen, or otherwise illegally possessed or
14 used contrary to this Code, except property seized during a
15 search or arrest, and ultimately returned, destroyed, or
16 otherwise disposed of under order of a court in accordance
17 with this Code, the authorized employee of the Department
18 shall make reasonable inquiry and efforts to identify and
19 notify the owner or other person entitled to possession of the
20 property and shall return the property after the person
21 provides reasonable and satisfactory proof of his or her
22 ownership or right to possession and reimburses the Department
23 for all reasonable expenses of custody. If the identity or
24 location of the owner or other person entitled to possession
25 of the property has not been ascertained within 6 months after
26 the Department obtains possession, the Department shall

1 effectuate the sale of the property for cash to the highest
2 bidder at a public auction. The owner or other person entitled
3 to possession of the property may claim and recover possession
4 of the property at any time before its sale at public auction
5 upon providing reasonable and satisfactory proof of ownership
6 or right of possession and reimbursing the Department for all
7 reasonable expenses of custody.

8 Any property forfeited to the State by court order under
9 this Section may be disposed of by public auction, except that
10 any property that is the subject of a court order shall not be
11 disposed of pending appeal of the order. The proceeds of the
12 sales at auction shall be deposited in the Wildlife and Fish
13 Fund.

14 The Department shall pay all costs of posting or
15 publication of notices required by this Section.

16 Property seized or forfeited under this Section is subject
17 to reporting under the Seizure and Forfeiture Reporting Act of
18 2025.

19 (Source: P.A. 100-512, eff. 7-1-18.)

20 Section 10-65. The Wildlife Code is amended by changing
21 Section 1.25 as follows:

22 (520 ILCS 5/1.25) (from Ch. 61, par. 1.25)

23 Sec. 1.25. Every hunting or trapping device, vehicle or
24 conveyance, when used or operated illegally, or attempted to

1 be used or operated illegally by any person in taking,
2 transporting, holding, or conveying any wild bird or wild
3 mammal, contrary to the provisions of this Act, including
4 administrative rules, is a public nuisance and subject to
5 seizure and confiscation by any authorized employee of the
6 Department; upon the seizure of such item the Department shall
7 take and hold the same until disposed of as hereinafter
8 provided.

9 Upon the seizure of any property as herein provided, the
10 authorized employee of the Department making such seizure
11 shall forthwith cause a complaint to be filed before the
12 Circuit Court and a summons to be issued requiring the person
13 who illegally used or operated or attempted to use or operate
14 such property and the owner and person in possession of such
15 property to appear in court and show cause why the property
16 seized should not be forfeited to the State. Upon the return of
17 the summons duly served or other notice as herein provided,
18 the court shall proceed to determine the question of the
19 illegality of the use of the seized property and upon judgment
20 being entered to the effect that such property was illegally
21 used, an order may be entered providing for the forfeiture of
22 such seized property to the Department and shall thereupon
23 become the property of the Department; but the owner of such
24 property may have a jury determine the illegality of its use,
25 and shall have the right of an appeal, as in other cases. Such
26 confiscation or forfeiture shall not preclude or mitigate

1 against prosecution and assessment of penalties otherwise
2 provided in this Act.

3 Upon seizure of any property under circumstances
4 supporting a reasonable belief that such property was
5 abandoned, lost or stolen or otherwise illegally possessed or
6 used contrary to the provisions of this Act, except property
7 seized during a search or arrest, and ultimately returned,
8 destroyed, or otherwise disposed of pursuant to order of a
9 court in accordance with this Act, the authorized employee of
10 the Department shall make reasonable inquiry and efforts to
11 identify and notify the owner or other person entitled to
12 possession thereof, and shall return the property after such
13 person provides reasonable and satisfactory proof of his
14 ownership or right to possession and reimburses the Department
15 for all reasonable expenses of such custody. If the identity
16 or location of the owner or other person entitled to
17 possession of the property has not been ascertained within 6
18 months after the Department obtains such possession, the
19 Department shall effectuate the sale of the property for cash
20 to the highest bidder at a public auction. The owner or other
21 person entitled to possession of such property may claim and
22 recover possession of the property at any time before its sale
23 at public auction, upon providing reasonable and satisfactory
24 proof of ownership or right of possession and reimbursing the
25 Department for all reasonable expenses of custody thereof.

26 Any property, including guns, forfeited to the State by

1 court order pursuant to this Section, may be disposed of by
2 public auction, except that any property which is the subject
3 of such a court order shall not be disposed of pending appeal
4 of the order. The proceeds of the sales at auction shall be
5 deposited in the Wildlife and Fish Fund.

6 The Department shall pay all costs of notices required by
7 this Section.

8 Property seized or forfeited under this Section is subject
9 to reporting under the Seizure and Forfeiture Reporting Act of
10 2025.

11 (Source: P.A. 100-512, eff. 7-1-18.)

12 Section 10-70. The Criminal Code of 2012 is amended by
13 changing Sections 10-9, 11-14.4, 11-20, 11-20.1, 11-20.4,
14 11-23.5, 11-23.7, 12C-65, 17-6.3, 17-10.6, 17-50, 28-5,
15 29D-65, 47-15, and 48-1 as follows:

16 (720 ILCS 5/10-9)

17 Sec. 10-9. Trafficking in persons, involuntary servitude,
18 and related offenses.

19 (a) Definitions. In this Section:

20 (1) "Intimidation" has the meaning prescribed in Section
21 12-6.

22 (2) "Commercial sexual activity" means any sex act on
23 account of which anything of value is given, promised to, or
24 received by any person.

1 (2.5) "Company" means any sole proprietorship,
2 organization, association, corporation, partnership, joint
3 venture, limited partnership, limited liability partnership,
4 limited liability limited partnership, limited liability
5 company, or other entity or business association, including
6 all wholly owned subsidiaries, majority-owned subsidiaries,
7 parent companies, or affiliates of those entities or business
8 associations, that exist for the purpose of making profit.

9 (3) "Financial harm" includes intimidation that brings
10 about financial loss, criminal usury, or employment contracts
11 that violate the Frauds Act.

12 (4) (Blank).

13 (5) "Labor" means work of economic or financial value.

14 (6) "Maintain" means, in relation to labor or services, to
15 secure continued performance thereof, regardless of any
16 initial agreement on the part of the victim to perform that
17 type of service.

18 (7) "Obtain" means, in relation to labor or services, to
19 secure performance thereof.

20 (7.5) "Serious harm" means any harm, whether physical or
21 nonphysical, including psychological, financial, or
22 reputational harm, that is sufficiently serious, under all the
23 surrounding circumstances, to compel a reasonable person of
24 the same background and in the same circumstances to perform
25 or to continue performing labor or services in order to avoid
26 incurring that harm.

1 (8) "Services" means activities resulting from a
2 relationship between a person and the actor in which the
3 person performs activities under the supervision of or for the
4 benefit of the actor. Commercial sexual activity and
5 sexually-explicit performances are forms of activities that
6 are "services" under this Section. Nothing in this definition
7 may be construed to legitimize or legalize prostitution.

8 (9) "Sexually-explicit performance" means a live,
9 recorded, broadcast (including over the Internet), or public
10 act or show intended to arouse or satisfy the sexual desires or
11 appeal to the prurient interests of patrons.

12 (10) "Trafficking victim" means a person subjected to the
13 practices set forth in subsection (b), (c), or (d).

14 (b) Involuntary servitude. A person commits involuntary
15 servitude when he or she knowingly subjects, attempts to
16 subject, or engages in a conspiracy to subject another person
17 to labor or services obtained or maintained through any of the
18 following means, or any combination of these means:

19 (1) causes or threatens to cause physical harm to any
20 person;

21 (2) physically restrains or threatens to physically
22 restrain another person;

23 (3) abuses or threatens to abuse the law or legal
24 process;

25 (4) knowingly destroys, conceals, removes,
26 confiscates, or possesses any actual or purported passport

1 or other immigration document, or any other actual or
2 purported government identification document, of another
3 person;

4 (5) uses intimidation, or exerts financial control
5 over any person; or

6 (6) uses any scheme, plan, or pattern intended to
7 cause the person to believe that, if the person did not
8 perform the labor or services, that person or another
9 person would suffer serious harm or physical restraint.

10 Sentence. Except as otherwise provided in subsection (e)
11 or (f), a violation of subsection (b)(1) is a Class X felony,
12 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)
13 is a Class 3 felony, (b)(5) and (b)(6) is a Class 4 felony.

14 (c) Involuntary sexual servitude of a minor. A person
15 commits involuntary sexual servitude of a minor when he or she
16 knowingly recruits, entices, harbors, transports, provides, or
17 obtains by any means, or attempts to recruit, entice, harbor,
18 provide, or obtain by any means, another person under 18 years
19 of age, knowing that the minor will engage in commercial
20 sexual activity, a sexually-explicit performance, or the
21 production of pornography, or causes or attempts to cause a
22 minor to engage in one or more of those activities and:

23 (1) there is no overt force or threat and the minor is
24 between the ages of 17 and 18 years;

25 (2) there is no overt force or threat and the minor is
26 under the age of 17 years; or

1 (3) there is overt force or threat.

2 Sentence. Except as otherwise provided in subsection (e)
3 or (f), a violation of subsection (c)(1) is a Class 1 felony,
4 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

5 (d) Trafficking in persons. A person commits trafficking
6 in persons when he or she knowingly: (1) recruits, entices,
7 harbors, transports, provides, or obtains by any means, or
8 attempts to recruit, entice, harbor, transport, provide, or
9 obtain by any means, another person, intending or knowing that
10 the person will be subjected to involuntary servitude; or (2)
11 benefits, financially or by receiving anything of value, from
12 participation in a venture that has engaged in an act of
13 involuntary servitude or involuntary sexual servitude of a
14 minor. A company commits trafficking in persons when the
15 company knowingly benefits, financially or by receiving
16 anything of value, from participation in a venture that has
17 engaged in an act of involuntary servitude or involuntary
18 sexual servitude of a minor.

19 Sentence. Except as otherwise provided in subsection (e)
20 or (f), a violation of this subsection by a person is a Class 1
21 felony. A violation of this subsection by a company is a
22 business offense for which a fine of up to \$100,000 may be
23 imposed.

24 (e) Aggravating factors. A violation of this Section
25 involving kidnapping or an attempt to kidnap, aggravated
26 criminal sexual assault or an attempt to commit aggravated

1 criminal sexual assault, or an attempt to commit first degree
2 murder is a Class X felony.

3 (f) Sentencing considerations.

4 (1) Bodily injury. If, pursuant to a violation of this
5 Section, a victim suffered bodily injury, the defendant
6 may be sentenced to an extended-term sentence under
7 Section 5-8-2 of the Unified Code of Corrections. The
8 sentencing court must take into account the time in which
9 the victim was held in servitude, with increased penalties
10 for cases in which the victim was held for between 180 days
11 and one year, and increased penalties for cases in which
12 the victim was held for more than one year.

13 (2) Number of victims. In determining sentences within
14 statutory maximums, the sentencing court should take into
15 account the number of victims, and may provide for
16 substantially increased sentences in cases involving more
17 than 10 victims.

18 (g) Restitution. Restitution is mandatory under this
19 Section. In addition to any other amount of loss identified,
20 the court shall order restitution including the greater of (1)
21 the gross income or value to the defendant of the victim's
22 labor or services or (2) the value of the victim's labor as
23 guaranteed under the Minimum Wage Law and overtime provisions
24 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
25 whichever is greater.

26 (g-5) Fine distribution. If the court imposes a fine under

1 subsection (b), (c), or (d) of this Section, it shall be
2 collected and distributed to the Specialized Services for
3 Survivors of Human Trafficking Fund in accordance with Section
4 5-9-1.21 of the Unified Code of Corrections.

5 (h) Trafficking victim services. Subject to the
6 availability of funds, the Department of Human Services may
7 provide or fund emergency services and assistance to
8 individuals who are victims of one or more offenses defined in
9 this Section.

10 (i) Certification. The Attorney General, a State's
11 Attorney, or any law enforcement official shall certify in
12 writing to the United States Department of Justice or other
13 federal agency, such as the United States Department of
14 Homeland Security, that an investigation or prosecution under
15 this Section has begun and the individual who is a likely
16 victim of a crime described in this Section is willing to
17 cooperate or is cooperating with the investigation to enable
18 the individual, if eligible under federal law, to qualify for
19 an appropriate special immigrant visa and to access available
20 federal benefits. Cooperation with law enforcement shall not
21 be required of victims of a crime described in this Section who
22 are under 18 years of age. This certification shall be made
23 available to the victim and his or her designated legal
24 representative.

25 (j) A person who commits involuntary servitude,
26 involuntary sexual servitude of a minor, or trafficking in

1 persons under subsection (b), (c), or (d) of this Section is
2 subject to the property forfeiture provisions set forth in the
3 Criminal Forfeiture Process Act ~~Article 124B of the Code of~~
4 ~~Criminal Procedure of 1963.~~

5 (Source: P.A. 101-18, eff. 1-1-20.)

6 (720 ILCS 5/11-14.4)

7 Sec. 11-14.4. Promoting juvenile prostitution.

8 (a) Any person who knowingly performs any of the following
9 acts commits promoting juvenile prostitution:

10 (1) advances prostitution as defined in Section
11 11-0.1, where the minor engaged in prostitution, or any
12 person engaged in prostitution in the place, is under 18
13 years of age or is a person with a severe or profound
14 intellectual disability at the time of the offense;

15 (2) profits from prostitution by any means where the
16 prostituted person is under 18 years of age or is a person
17 with a severe or profound intellectual disability at the
18 time of the offense;

19 (3) profits from prostitution by any means where the
20 prostituted person is under 13 years of age at the time of
21 the offense;

22 (4) confines a child under the age of 18 or a person
23 with a severe or profound intellectual disability against
24 his or her will by the infliction or threat of imminent
25 infliction of great bodily harm or permanent disability or

1 disfigurement or by administering to the child or the
2 person with a severe or profound intellectual disability,
3 without his or her consent or by threat or deception and
4 for other than medical purposes, any alcoholic intoxicant
5 or a drug as defined in the Illinois Controlled Substances
6 Act or the Cannabis Control Act or methamphetamine as
7 defined in the Methamphetamine Control and Community
8 Protection Act and:

9 (A) compels the child or the person with a severe
10 or profound intellectual disability to engage in
11 prostitution;

12 (B) arranges a situation in which the child or the
13 person with a severe or profound intellectual
14 disability may practice prostitution; or

15 (C) profits from prostitution by the child or the
16 person with a severe or profound intellectual
17 disability.

18 (b) For purposes of this Section, administering drugs, as
19 defined in subdivision (a) (4), or an alcoholic intoxicant to a
20 child under the age of 13 or a person with a severe or profound
21 intellectual disability shall be deemed to be without consent
22 if the administering is done without the consent of the
23 parents or legal guardian or if the administering is performed
24 by the parents or legal guardian for other than medical
25 purposes.

26 (c) If the accused did not have a reasonable opportunity

1 to observe the prostituted person, it is an affirmative
2 defense to a charge of promoting juvenile prostitution, except
3 for a charge under subdivision (a)(4), that the accused
4 reasonably believed the person was of the age of 18 years or
5 over or was not a person with a severe or profound intellectual
6 disability at the time of the act giving rise to the charge.

7 (d) Sentence. A violation of subdivision (a)(1) is a Class
8 1 felony, unless committed within 1,000 feet of real property
9 comprising a school, in which case it is a Class X felony. A
10 violation of subdivision (a)(2) is a Class 1 felony. A
11 violation of subdivision (a)(3) is a Class X felony. A
12 violation of subdivision (a)(4) is a Class X felony, for which
13 the person shall be sentenced to a term of imprisonment of not
14 less than 6 years and not more than 60 years. A second or
15 subsequent violation of subdivision (a)(1), (a)(2), or (a)(3),
16 or any combination of convictions under subdivision (a)(1),
17 (a)(2), or (a)(3) and Sections 11-14 (prostitution), 11-14.1
18 (solicitation of a sexual act), 11-14.3 (promoting
19 prostitution), 11-15 (soliciting for a prostitute), 11-15.1
20 (soliciting for a juvenile prostitute), 11-16 (pandering),
21 11-17 (keeping a place of prostitution), 11-17.1 (keeping a
22 place of juvenile prostitution), 11-18 (patronizing a
23 prostitute), 11-18.1 (patronizing a juvenile prostitute),
24 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated
25 juvenile pimping), or 11-19.2 (exploitation of a child) of
26 this Code, is a Class X felony.

1 (e) Forfeiture. Any person convicted of a violation of
2 this Section that involves promoting juvenile prostitution by
3 keeping a place of juvenile prostitution or convicted of a
4 violation of subdivision (a)(4) is subject to the property
5 forfeiture provisions set forth in the Criminal Forfeiture
6 Process Act ~~Article 124B of the Code of Criminal Procedure of~~
7 ~~1963.~~

8 (f) For the purposes of this Section, "prostituted person"
9 means any person who engages in, or agrees or offers to engage
10 in, any act of sexual penetration as defined in Section 11-0.1
11 of this Code for any money, property, token, object, or
12 article or anything of value, or any touching or fondling of
13 the sex organs of one person by another person, for any money,
14 property, token, object, or article or anything of value, for
15 the purpose of sexual arousal or gratification.

16 (Source: P.A. 99-143, eff. 7-27-15.)

17 (720 ILCS 5/11-20) (from Ch. 38, par. 11-20)

18 Sec. 11-20. Obscenity.

19 (a) Elements of the Offense. A person commits obscenity
20 when, with knowledge of the nature or content thereof, or
21 recklessly failing to exercise reasonable inspection which
22 would have disclosed the nature or content thereof, he or she:

23 (1) Sells, delivers or provides, or offers or agrees
24 to sell, deliver or provide any obscene writing, picture,
25 record or other representation or embodiment of the

1 obscene; or

2 (2) Presents or directs an obscene play, dance or
3 other performance or participates directly in that portion
4 thereof which makes it obscene; or

5 (3) Publishes, exhibits or otherwise makes available
6 anything obscene; or

7 (4) Performs an obscene act or otherwise presents an
8 obscene exhibition of his or her body for gain; or

9 (5) Creates, buys, procures or possesses obscene
10 matter or material with intent to disseminate it in
11 violation of this Section, or of the penal laws or
12 regulations of any other jurisdiction; or

13 (6) Advertises or otherwise promotes the sale of
14 material represented or held out by him or her to be
15 obscene, whether or not it is obscene.

16 (b) Obscene Defined.

17 Any material or performance is obscene if: (1) the average
18 person, applying contemporary adult community standards, would
19 find that, taken as a whole, it appeals to the prurient
20 interest; and (2) the average person, applying contemporary
21 adult community standards, would find that it depicts or
22 describes, in a patently offensive way, ultimate sexual acts
23 or sadomasochistic sexual acts, whether normal or perverted,
24 actual or simulated, or masturbation, excretory functions or
25 lewd exhibition of the genitals; and (3) taken as a whole, it
26 lacks serious literary, artistic, political or scientific

1 value.

2 (c) Interpretation of Evidence.

3 Obscenity shall be judged with reference to ordinary
4 adults, except that it shall be judged with reference to
5 children or other specially susceptible audiences if it
6 appears from the character of the material or the
7 circumstances of its dissemination to be specially designed
8 for or directed to such an audience.

9 Where circumstances of production, presentation, sale,
10 dissemination, distribution, or publicity indicate that
11 material is being commercially exploited for the sake of its
12 prurient appeal, such evidence is probative with respect to
13 the nature of the matter and can justify the conclusion that
14 the matter is lacking in serious literary, artistic, political
15 or scientific value.

16 In any prosecution for an offense under this Section
17 evidence shall be admissible to show:

18 (1) The character of the audience for which the
19 material was designed or to which it was directed;

20 (2) What the predominant appeal of the material would
21 be for ordinary adults or a special audience, and what
22 effect, if any, it would probably have on the behavior of
23 such people;

24 (3) The artistic, literary, scientific, educational or
25 other merits of the material, or absence thereof;

26 (4) The degree, if any, of public acceptance of the

1 material in this State;

2 (5) Appeal to prurient interest, or absence thereof,
3 in advertising or other promotion of the material;

4 (6) Purpose of the author, creator, publisher or
5 disseminator.

6 (d) Sentence.

7 Obscenity is a Class A misdemeanor. A second or subsequent
8 offense is a Class 4 felony.

9 (e) Permissive Inference.

10 The trier of fact may infer an intent to disseminate from
11 the creation, purchase, procurement or possession of a mold,
12 engraved plate or other embodiment of obscenity specially
13 adapted for reproducing multiple copies, or the possession of
14 more than 3 copies of obscene material.

15 (f) Affirmative Defenses.

16 It shall be an affirmative defense to obscenity that the
17 dissemination:

18 (1) Was not for gain and was made to personal
19 associates other than children under 18 years of age;

20 (2) Was to institutions or individuals having
21 scientific or other special justification for possession
22 of such material.

23 (g) Forfeiture of property. A person who has been
24 convicted previously of the offense of obscenity and who is
25 convicted of a second or subsequent offense of obscenity is
26 subject to the property forfeiture provisions set forth in the

1 Criminal Forfeiture Process Act ~~Article 124B of the Code of~~
2 ~~Criminal Procedure of 1963.~~

3 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

4 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

5 Sec. 11-20.1. Child pornography.

6 (a) A person commits child pornography who:

7 (1) films, videotapes, photographs, or otherwise
8 depicts or portrays by means of any similar visual medium
9 or reproduction or depicts by computer any child whom he
10 or she knows or reasonably should know to be under the age
11 of 18 or any person with a severe or profound intellectual
12 disability where such child or person with a severe or
13 profound intellectual disability is:

14 (i) actually or by simulation engaged in any act
15 of sexual penetration or sexual conduct with any
16 person or animal; or

17 (ii) actually or by simulation engaged in any act
18 of sexual penetration or sexual conduct involving the
19 sex organs of the child or person with a severe or
20 profound intellectual disability and the mouth, anus,
21 or sex organs of another person or animal; or which
22 involves the mouth, anus or sex organs of the child or
23 person with a severe or profound intellectual
24 disability and the sex organs of another person or
25 animal; or

1 (iii) actually or by simulation engaged in any act
2 of masturbation; or

3 (iv) actually or by simulation portrayed as being
4 the object of, or otherwise engaged in, any act of lewd
5 fondling, touching, or caressing involving another
6 person or animal; or

7 (v) actually or by simulation engaged in any act
8 of excretion or urination within a sexual context; or

9 (vi) actually or by simulation portrayed or
10 depicted as bound, fettered, or subject to sadistic,
11 masochistic, or sadomasochistic abuse in any sexual
12 context; or

13 (vii) depicted or portrayed in any pose, posture
14 or setting involving a lewd exhibition of the
15 unclothed or transparently clothed genitals, pubic
16 area, buttocks, or, if such person is female, a fully
17 or partially developed breast of the child or other
18 person; or

19 (2) with the knowledge of the nature or content
20 thereof, reproduces, disseminates, offers to disseminate,
21 exhibits or possesses with intent to disseminate any film,
22 videotape, photograph or other similar visual reproduction
23 or depiction by computer of any child or person with a
24 severe or profound intellectual disability whom the person
25 knows or reasonably should know to be under the age of 18
26 or to be a person with a severe or profound intellectual

1 disability, engaged in any activity described in
2 subparagraphs (i) through (vii) of paragraph (1) of this
3 subsection; or

4 (3) with knowledge of the subject matter or theme
5 thereof, produces any stage play, live performance, film,
6 videotape or other similar visual portrayal or depiction
7 by computer which includes a child whom the person knows
8 or reasonably should know to be under the age of 18 or a
9 person with a severe or profound intellectual disability
10 engaged in any activity described in subparagraphs (i)
11 through (vii) of paragraph (1) of this subsection; or

12 (4) solicits, uses, persuades, induces, entices, or
13 coerces any child whom he or she knows or reasonably
14 should know to be under the age of 18 or a person with a
15 severe or profound intellectual disability to appear in
16 any stage play, live presentation, film, videotape,
17 photograph or other similar visual reproduction or
18 depiction by computer in which the child or person with a
19 severe or profound intellectual disability is or will be
20 depicted, actually or by simulation, in any act, pose or
21 setting described in subparagraphs (i) through (vii) of
22 paragraph (1) of this subsection; or

23 (5) is a parent, step-parent, legal guardian or other
24 person having care or custody of a child whom the person
25 knows or reasonably should know to be under the age of 18
26 or a person with a severe or profound intellectual

1 disability and who knowingly permits, induces, promotes,
2 or arranges for such child or person with a severe or
3 profound intellectual disability to appear in any stage
4 play, live performance, film, videotape, photograph or
5 other similar visual presentation, portrayal or simulation
6 or depiction by computer of any act or activity described
7 in subparagraphs (i) through (vii) of paragraph (1) of
8 this subsection; or

9 (6) with knowledge of the nature or content thereof,
10 possesses any film, videotape, photograph or other similar
11 visual reproduction or depiction by computer of any child
12 or person with a severe or profound intellectual
13 disability whom the person knows or reasonably should know
14 to be under the age of 18 or to be a person with a severe
15 or profound intellectual disability, engaged in any
16 activity described in subparagraphs (i) through (vii) of
17 paragraph (1) of this subsection; or

18 (7) solicits, or knowingly uses, persuades, induces,
19 entices, or coerces, a person to provide a child under the
20 age of 18 or a person with a severe or profound
21 intellectual disability to appear in any videotape,
22 photograph, film, stage play, live presentation, or other
23 similar visual reproduction or depiction by computer in
24 which the child or person with a severe or profound
25 intellectual disability will be depicted, actually or by
26 simulation, in any act, pose, or setting described in

1 subparagraphs (i) through (vii) of paragraph (1) of this
2 subsection.

3 (a-5) The possession of each individual film, videotape,
4 photograph, or other similar visual reproduction or depiction
5 by computer in violation of this Section constitutes a single
6 and separate violation. This subsection (a-5) does not apply
7 to multiple copies of the same film, videotape, photograph, or
8 other similar visual reproduction or depiction by computer
9 that are identical to each other.

10 (b)(1) It shall be an affirmative defense to a charge of
11 child pornography that the defendant reasonably believed,
12 under all of the circumstances, that the child was 18 years of
13 age or older or that the person was not a person with a severe
14 or profound intellectual disability but only where, prior to
15 the act or acts giving rise to a prosecution under this
16 Section, he or she took some affirmative action or made a
17 bonafide inquiry designed to ascertain whether the child was
18 18 years of age or older or that the person was not a person
19 with a severe or profound intellectual disability and his or
20 her reliance upon the information so obtained was clearly
21 reasonable.

22 (1.5) Telecommunications carriers, commercial mobile
23 service providers, and providers of information services,
24 including, but not limited to, Internet service providers and
25 hosting service providers, are not liable under this Section
26 by virtue of the transmission, storage, or caching of

1 electronic communications or messages of others or by virtue
2 of the provision of other related telecommunications,
3 commercial mobile services, or information services used by
4 others in violation of this Section.

5 (2) (Blank).

6 (3) The charge of child pornography shall not apply to the
7 performance of official duties by law enforcement or
8 prosecuting officers or persons employed by law enforcement or
9 prosecuting agencies, court personnel or attorneys, nor to
10 bonafide treatment or professional education programs
11 conducted by licensed physicians, psychologists or social
12 workers. In any criminal proceeding, any property or material
13 that constitutes child pornography shall remain in the care,
14 custody, and control of either the State or the court. A motion
15 to view the evidence shall comply with subsection (e-5) of
16 this Section.

17 (4) If the defendant possessed more than one of the same
18 film, videotape or visual reproduction or depiction by
19 computer in which child pornography is depicted, then the
20 trier of fact may infer that the defendant possessed such
21 materials with the intent to disseminate them.

22 (5) The charge of child pornography does not apply to a
23 person who does not voluntarily possess a film, videotape, or
24 visual reproduction or depiction by computer in which child
25 pornography is depicted. Possession is voluntary if the
26 defendant knowingly procures or receives a film, videotape, or

1 visual reproduction or depiction for a sufficient time to be
2 able to terminate his or her possession.

3 (6) Any violation of paragraph (1), (2), (3), (4), (5), or
4 (7) of subsection (a) that includes a child engaged in,
5 solicited for, depicted in, or posed in any act of sexual
6 penetration or bound, fettered, or subject to sadistic,
7 masochistic, or sadomasochistic abuse in a sexual context
8 shall be deemed a crime of violence.

9 (c) If the violation does not involve a film, videotape,
10 or other moving depiction, a violation of paragraph (1), (4),
11 (5), or (7) of subsection (a) is a Class 1 felony with a
12 mandatory minimum fine of \$2,000 and a maximum fine of
13 \$100,000. If the violation involves a film, videotape, or
14 other moving depiction, a violation of paragraph (1), (4),
15 (5), or (7) of subsection (a) is a Class X felony with a
16 mandatory minimum fine of \$2,000 and a maximum fine of
17 \$100,000. If the violation does not involve a film, videotape,
18 or other moving depiction, a violation of paragraph (3) of
19 subsection (a) is a Class 1 felony with a mandatory minimum
20 fine of \$1500 and a maximum fine of \$100,000. If the violation
21 involves a film, videotape, or other moving depiction, a
22 violation of paragraph (3) of subsection (a) is a Class X
23 felony with a mandatory minimum fine of \$1500 and a maximum
24 fine of \$100,000. If the violation does not involve a film,
25 videotape, or other moving depiction, a violation of paragraph
26 (2) of subsection (a) is a Class 1 felony with a mandatory

1 minimum fine of \$1000 and a maximum fine of \$100,000. If the
2 violation involves a film, videotape, or other moving
3 depiction, a violation of paragraph (2) of subsection (a) is a
4 Class X felony with a mandatory minimum fine of \$1000 and a
5 maximum fine of \$100,000. If the violation does not involve a
6 film, videotape, or other moving depiction, a violation of
7 paragraph (6) of subsection (a) is a Class 3 felony with a
8 mandatory minimum fine of \$1000 and a maximum fine of
9 \$100,000. If the violation involves a film, videotape, or
10 other moving depiction, a violation of paragraph (6) of
11 subsection (a) is a Class 2 felony with a mandatory minimum
12 fine of \$1000 and a maximum fine of \$100,000.

13 (c-5) Where the child depicted is under the age of 13, a
14 violation of paragraph (1), (2), (3), (4), (5), or (7) of
15 subsection (a) is a Class X felony with a mandatory minimum
16 fine of \$2,000 and a maximum fine of \$100,000. Where the child
17 depicted is under the age of 13, a violation of paragraph (6)
18 of subsection (a) is a Class 2 felony with a mandatory minimum
19 fine of \$1,000 and a maximum fine of \$100,000. Where the child
20 depicted is under the age of 13, a person who commits a
21 violation of paragraph (1), (2), (3), (4), (5), or (7) of
22 subsection (a) where the defendant has previously been
23 convicted under the laws of this State or any other state of
24 the offense of child pornography, aggravated child
25 pornography, aggravated criminal sexual abuse, aggravated
26 criminal sexual assault, predatory criminal sexual assault of

1 a child, or any of the offenses formerly known as rape, deviate
2 sexual assault, indecent liberties with a child, or aggravated
3 indecent liberties with a child where the victim was under the
4 age of 18 years or an offense that is substantially equivalent
5 to those offenses, is guilty of a Class X felony for which the
6 person shall be sentenced to a term of imprisonment of not less
7 than 9 years with a mandatory minimum fine of \$2,000 and a
8 maximum fine of \$100,000. Where the child depicted is under
9 the age of 13, a person who commits a violation of paragraph
10 (6) of subsection (a) where the defendant has previously been
11 convicted under the laws of this State or any other state of
12 the offense of child pornography, aggravated child
13 pornography, aggravated criminal sexual abuse, aggravated
14 criminal sexual assault, predatory criminal sexual assault of
15 a child, or any of the offenses formerly known as rape, deviate
16 sexual assault, indecent liberties with a child, or aggravated
17 indecent liberties with a child where the victim was under the
18 age of 18 years or an offense that is substantially equivalent
19 to those offenses, is guilty of a Class 1 felony with a
20 mandatory minimum fine of \$1,000 and a maximum fine of
21 \$100,000. The issue of whether the child depicted is under the
22 age of 13 is an element of the offense to be resolved by the
23 trier of fact.

24 (d) If a person is convicted of a second or subsequent
25 violation of this Section within 10 years of a prior
26 conviction, the court shall order a presentence psychiatric

1 examination of the person. The examiner shall report to the
2 court whether treatment of the person is necessary.

3 (e) Any film, videotape, photograph or other similar
4 visual reproduction or depiction by computer which includes a
5 child under the age of 18 or a person with a severe or profound
6 intellectual disability engaged in any activity described in
7 subparagraphs (i) through (vii) or paragraph 1 of subsection
8 (a), and any material or equipment used or intended for use in
9 photographing, filming, printing, producing, reproducing,
10 manufacturing, projecting, exhibiting, depiction by computer,
11 or disseminating such material shall be seized and forfeited
12 in the manner, method and procedure provided by Section 36-1
13 of this Code for the seizure and forfeiture of vessels,
14 vehicles and aircraft.

15 In addition, any person convicted under this Section is
16 subject to the property forfeiture provisions set forth in the
17 Criminal Forfeiture Process Act ~~Article 124B of the Code of~~
18 ~~Criminal Procedure of 1963.~~

19 (e-5) Upon the conclusion of a case brought under this
20 Section, the court shall seal all evidence depicting a victim
21 or witness that is sexually explicit. The evidence may be
22 unsealed and viewed, on a motion of the party seeking to unseal
23 and view the evidence, only for good cause shown and in the
24 discretion of the court. The motion must expressly set forth
25 the purpose for viewing the material. The State's attorney and
26 the victim, if possible, shall be provided reasonable notice

1 of the hearing on the motion to unseal the evidence. Any person
2 entitled to notice of a hearing under this subsection (e-5)
3 may object to the motion.

4 (f) Definitions. For the purposes of this Section:

5 (1) "Disseminate" means (i) to sell, distribute,
6 exchange or transfer possession, whether with or without
7 consideration or (ii) to make a depiction by computer
8 available for distribution or downloading through the
9 facilities of any telecommunications network or through
10 any other means of transferring computer programs or data
11 to a computer.

12 (2) "Produce" means to direct, promote, advertise,
13 publish, manufacture, issue, present or show.

14 (3) "Reproduce" means to make a duplication or copy.

15 (4) "Depict by computer" means to generate or create,
16 or cause to be created or generated, a computer program or
17 data that, after being processed by a computer either
18 alone or in conjunction with one or more computer
19 programs, results in a visual depiction on a computer
20 monitor, screen, or display.

21 (5) "Depiction by computer" means a computer program
22 or data that, after being processed by a computer either
23 alone or in conjunction with one or more computer
24 programs, results in a visual depiction on a computer
25 monitor, screen, or display.

26 (6) "Computer", "computer program", and "data" have

1 the meanings ascribed to them in Section 17.05 of this
2 Code.

3 (7) For the purposes of this Section, "child
4 pornography" includes a film, videotape, photograph, or
5 other similar visual medium or reproduction or depiction
6 by computer that is, or appears to be, that of a person,
7 either in part, or in total, under the age of 18 or a
8 person with a severe or profound intellectual disability,
9 regardless of the method by which the film, videotape,
10 photograph, or other similar visual medium or reproduction
11 or depiction by computer is created, adopted, or modified
12 to appear as such. "Child pornography" also includes a
13 film, videotape, photograph, or other similar visual
14 medium or reproduction or depiction by computer that is
15 advertised, promoted, presented, described, or distributed
16 in such a manner that conveys the impression that the
17 film, videotape, photograph, or other similar visual
18 medium or reproduction or depiction by computer is of a
19 person under the age of 18 or a person with a severe or
20 profound intellectual disability. "Child pornography"
21 includes the depiction of a part of an actual child under
22 the age of 18 who, by manipulation, creation, or
23 modification, appears to be engaged in any activity
24 described in subparagraphs (i) through (vii) of paragraph
25 (1) of subsection (a). "Child pornography" does not
26 include images or materials in which the creator of the

1 image or materials is the sole subject of the depiction.

2 (g) Re-enactment; findings; purposes.

3 (1) The General Assembly finds and declares that:

4 (i) Section 50-5 of Public Act 88-680, effective
5 January 1, 1995, contained provisions amending the
6 child pornography statute, Section 11-20.1 of the
7 Criminal Code of 1961. Section 50-5 also contained
8 other provisions.

9 (ii) In addition, Public Act 88-680 was entitled
10 "AN ACT to create a Safe Neighborhoods Law". (A)
11 Article 5 was entitled JUVENILE JUSTICE and amended
12 the Juvenile Court Act of 1987. (B) Article 15 was
13 entitled GANGS and amended various provisions of the
14 Criminal Code of 1961 and the Unified Code of
15 Corrections. (C) Article 20 was entitled ALCOHOL ABUSE
16 and amended various provisions of the Illinois Vehicle
17 Code. (D) Article 25 was entitled DRUG ABUSE and
18 amended the Cannabis Control Act and the Illinois
19 Controlled Substances Act. (E) Article 30 was entitled
20 FIREARMS and amended the Criminal Code of 1961 and the
21 Code of Criminal Procedure of 1963. (F) Article 35
22 amended the Criminal Code of 1961, the Rights of Crime
23 Victims and Witnesses Act, and the Unified Code of
24 Corrections. (G) Article 40 amended the Criminal Code
25 of 1961 to increase the penalty for compelling
26 organization membership of persons. (H) Article 45

1 created the Secure Residential Youth Care Facility
2 Licensing Act and amended the State Finance Act, the
3 Juvenile Court Act of 1987, the Unified Code of
4 Corrections, and the Private Correctional Facility
5 Moratorium Act. (I) Article 50 amended the WIC Vendor
6 Management Act, the Firearm Owners Identification Card
7 Act, the Juvenile Court Act of 1987, the Criminal Code
8 of 1961, the Wrongs to Children Act, and the Unified
9 Code of Corrections.

10 (iii) On September 22, 1998, the Third District
11 Appellate Court in People v. Dainty, 701 N.E. 2d 118,
12 ruled that Public Act 88-680 violates the single
13 subject clause of the Illinois Constitution (Article
14 IV, Section 8 (d)) and was unconstitutional in its
15 entirety. As of the time this amendatory Act of 1999
16 was prepared, People v. Dainty was still subject to
17 appeal.

18 (iv) Child pornography is a vital concern to the
19 people of this State and the validity of future
20 prosecutions under the child pornography statute of
21 the Criminal Code of 1961 is in grave doubt.

22 (2) It is the purpose of this amendatory Act of 1999 to
23 prevent or minimize any problems relating to prosecutions
24 for child pornography that may result from challenges to
25 the constitutional validity of Public Act 88-680 by
26 re-enacting the Section relating to child pornography that

1 was included in Public Act 88-680.

2 (3) This amendatory Act of 1999 re-enacts Section
3 11-20.1 of the Criminal Code of 1961, as it has been
4 amended. This re-enactment is intended to remove any
5 question as to the validity or content of that Section; it
6 is not intended to supersede any other Public Act that
7 amends the text of the Section as set forth in this
8 amendatory Act of 1999. The material is shown as existing
9 text (i.e., without underscoring) because, as of the time
10 this amendatory Act of 1999 was prepared, People v. Dainty
11 was subject to appeal to the Illinois Supreme Court.

12 (4) The re-enactment by this amendatory Act of 1999 of
13 Section 11-20.1 of the Criminal Code of 1961 relating to
14 child pornography that was amended by Public Act 88-680 is
15 not intended, and shall not be construed, to imply that
16 Public Act 88-680 is invalid or to limit or impair any
17 legal argument concerning whether those provisions were
18 substantially re-enacted by other Public Acts.

19 (Source: P.A. 102-567, eff. 1-1-22; 103-825, eff. 1-1-25.)

20 (720 ILCS 5/11-20.4)

21 Sec. 11-20.4. Obscene depiction of a purported child.

22 (a) In this Section:

23 "Obscene depiction" means a visual representation of
24 any kind, including an image, video, or computer-generated
25 image or video, whether made, produced, or altered by

1 electronic, mechanical, or other means, that:

2 (i) the average person, applying contemporary
3 adult community standards, would find that, taken as a
4 whole, it appeals to the prurient interest;

5 (ii) the average person, applying contemporary
6 adult community standards, would find that it depicts
7 or describes, in a patently offensive way, sexual acts
8 or sadomasochistic sexual acts, whether normal or
9 perverted, actual or simulated, or masturbation,
10 excretory functions, or lewd exhibition of the
11 unclothed or transparently clothed genitals, pubic
12 area, buttocks or, if such person is a female, the
13 fully or partially developed breast of the child or
14 other person; and

15 (iii) taken as a whole, it lacks serious literary,
16 artistic, political, or scientific value.

17 "Purported child" means a visual representation that
18 appears to depict a child under the age of 18 but may or
19 may not depict an actual child under the age of 18.

20 (b) A person commits obscene depiction of a purported
21 child when, with knowledge of the nature or content thereof,
22 the person:

23 (1) receives, obtains, or accesses in any way with the
24 intent to view, any obscene depiction of a purported
25 child; or

26 (2) reproduces, disseminates, offers to disseminate,

1 exhibits, or possesses with intent to disseminate, any
2 obscene depiction of a purported child.

3 (c) A violation of paragraph (1) of subsection (b) is a
4 Class 3 felony, and a second or subsequent offense is a Class 2
5 felony. A violation of paragraph (2) of subsection (b) is a
6 Class 1 felony, and a second or subsequent offense is a Class X
7 felony.

8 (d) If the age of the purported child depicted is under the
9 age of 13, a violation of paragraph (1) of subsection (b) is a
10 Class 2 felony, and a second or subsequent offense is a Class 1
11 felony. If the age of the purported child depicted is under the
12 age of 13, a violation of paragraph (2) of subsection (b) is a
13 Class X felony, and a second or subsequent offense is a Class X
14 felony for which the person shall be sentenced to a term of
15 imprisonment of not less than 9 years.

16 (e) Nothing in this Section shall be construed to impose
17 liability upon the following entities solely as a result of
18 content or information provided by another person:

19 (1) an interactive computer service, as defined in 47
20 U.S.C. 230(f) (2);

21 (2) a provider of public mobile services or private
22 radio services, as defined in Section 13-214 of the Public
23 Utilities Act; or

24 (3) a telecommunications network or broadband
25 provider.

26 (f) A person convicted under this Section is subject to

1 the forfeiture provisions in the Criminal Forfeiture Process
2 Act ~~Article 124B of the Code of Criminal Procedure of 1963.~~

3 (Source: P.A. 103-825, eff. 1-1-25.)

4 (720 ILCS 5/11-23.5)

5 Sec. 11-23.5. Non-consensual dissemination of private
6 sexual images.

7 (a) Definitions. For the purposes of this Section:

8 "Computer", "computer program", and "data" have the
9 meanings ascribed to them in Section 17-0.5 of this Code.

10 "Image" includes a photograph, film, videotape,
11 digital recording, or other depiction or portrayal of an
12 object, including a human body.

13 "Intimate parts" means the fully unclothed, partially
14 unclothed or transparently clothed genitals, pubic area,
15 anus, or if the person is female, a partially or fully
16 exposed nipple, including exposure through transparent
17 clothing.

18 "Personal identifying information" has the meaning
19 ascribed to the term in Section 16-0.1.

20 "Sexual act" means sexual penetration, masturbation,
21 or sexual activity.

22 "Sexual activity" means any:

23 (1) knowing touching or fondling by the victim or
24 another person or animal, either directly or through
25 clothing, of the sex organs, anus, or breast of the

1 victim or another person or animal for the purpose of
2 sexual gratification or arousal; or

3 (2) any transfer or transmission of semen upon any
4 part of the clothed or unclothed body of the victim,
5 for the purpose of sexual gratification or arousal of
6 the victim or another; or

7 (3) an act of urination within a sexual context;
8 or

9 (4) any bondage, fetter, or sadism masochism; or

10 (5) sadomasochism abuse in any sexual context.

11 (b) A person commits non-consensual dissemination of
12 private sexual images when he or she:

13 (1) intentionally disseminates an image of another
14 person:

15 (A) (blank); and

16 (B) who is identifiable from the image itself, or
17 whose personal identifying information is displayed or
18 disseminated in connection with the image, or whose
19 identity is known to the person who disseminated the
20 image; and

21 (C) who is engaged in a sexual act or whose
22 intimate parts are exposed, in whole or in part; and

23 (2) obtains the image under circumstances in which a
24 reasonable person would know or understand that the image
25 was to remain private; and

26 (3) knows or should have known that the person in the

1 image has not consented to the dissemination.

2 (c) The following activities are exempt from the
3 provisions of this Section:

4 (1) The intentional dissemination of an image of
5 another identifiable person who is engaged in a sexual act
6 or whose intimate parts are exposed when the dissemination
7 is made for the purpose of a criminal investigation that
8 is otherwise lawful.

9 (2) The intentional dissemination of an image of
10 another identifiable person who is engaged in a sexual act
11 or whose intimate parts are exposed when the dissemination
12 is for the purpose of, or in connection with, the
13 reporting of unlawful conduct.

14 (3) The intentional dissemination of an image of
15 another identifiable person who is engaged in a sexual act
16 or whose intimate parts are exposed when the images
17 involve voluntary exposure in public or commercial
18 settings.

19 (4) The intentional dissemination of an image of
20 another identifiable person who is engaged in a sexual act
21 or whose intimate parts are exposed when the dissemination
22 serves a lawful public purpose.

23 (d) Nothing in this Section shall be construed to impose
24 liability upon the following entities solely as a result of
25 content or information provided by another person:

26 (1) an interactive computer service, as defined in 47

1 U.S.C. 230(f)(2);

2 (2) a provider of public mobile services or private
3 radio services, as defined in Section 13-214 of the Public
4 Utilities Act; or

5 (3) a telecommunications network or broadband
6 provider.

7 (e) A person convicted under this Section is subject to
8 the forfeiture provisions in the Criminal Forfeiture Process
9 Act ~~Article 124B of the Code of Criminal Procedure of 1963.~~

10 (f) Sentence. Non-consensual dissemination of private
11 sexual images is a Class 4 felony.

12 (Source: P.A. 103-825, eff. 1-1-25.)

13 (720 ILCS 5/11-23.7)

14 Sec. 11-23.7. Non-consensual dissemination of sexually
15 explicit digitized depictions.

16 (a) Definitions. For the purposes of this Section:

17 "Intimate parts" means the fully unclothed, partially
18 unclothed or transparently clothed genitals, pubic area, anus,
19 or if the person is female, a partially or fully exposed
20 nipple, including exposure through transparent clothing.

21 "Personal identifying information" has the meaning
22 ascribed to it in Section 16-0.1.

23 "Sexual activity" means:

24 (1) any knowing touching or fondling of the victim or
25 another person or animal, either directly or through

1 clothing, of the sex organs, anus, or breast of the victim
2 or another person or animal for the purpose of sexual
3 gratification or arousal;

4 (2) any transfer or transmission of semen upon any
5 part of the clothed or unclothed body of the victim, for
6 the purpose of sexual gratification or arousal of the
7 victim or another;

8 (3) an act of urination within a sexual context;

9 (4) any bondage, fetter, or sadism masochism; or

10 (5) sadomasochism abuse in any sexual context.

11 "Sexually explicit digitized depiction" means any image,
12 photograph, film, video, digital recording, or other depiction
13 or portrayal that has been created, altered, or otherwise
14 modified to realistically depict either:

15 (1) the intimate parts of another human being as the
16 intimate parts of the depicted individual or
17 computer-generated intimate parts as the intimate parts of
18 the depicted individual; or

19 (2) the depicted individual engaging in sexual
20 activity in which the depicted individual did not engage.

21 (b) A person commits non-consensual dissemination of
22 sexually explicit digitized depictions when the person:

23 (1) intentionally disseminates a sexually explicit
24 digitized depiction of another person who is identifiable
25 from the image itself, or whose personal identifying
26 information is displayed or disseminated in connection

1 with the image, or whose identity ~~identify~~ is known to the
2 person who disseminates the image; and

3 (2) knows or should have known that the person in the
4 image has not consented to the dissemination.

5 (c) The following activities are exempt from the
6 provisions of this Section:

7 (1) The intentional dissemination of an image of
8 another identifiable person who is engaged in a sexual act
9 or whose intimate parts are exposed when the dissemination
10 is made for the purpose of a criminal investigation that
11 is otherwise lawful.

12 (2) The intentional dissemination of an image of
13 another identifiable person who is engaged in a sexual act
14 or whose intimate parts are exposed when the dissemination
15 is for the purpose of, or in connection with, the
16 reporting of unlawful conduct.

17 (3) The intentional dissemination of an image of
18 another identifiable person who is engaged in a sexual act
19 or whose intimate parts are exposed when the images
20 involve voluntary exposure in public or commercial
21 settings.

22 (4) The intentional dissemination of an image of
23 another identifiable person who is engaged in a sexual act
24 or whose intimate parts are exposed when the dissemination
25 serves a lawful public purpose.

26 (d) Nothing in this Section shall be construed to impose

1 liability upon the following entities solely as a result of
2 content or information provided by another person:

3 (1) an interactive computer service, as defined in 47
4 U.S.C. 230(f)(2);

5 (2) a provider of public mobile services or private
6 radio services, as defined in Section 13-214 of the Public
7 Utilities Act; or

8 (3) a telecommunications network or broadband
9 provider.

10 (e) A person convicted under this Section is subject to
11 the forfeiture provisions in the Criminal Forfeiture Process
12 Act ~~Article 124B of the Code of Criminal Procedure of 1963.~~

13 (f) Sentence. Non-consensual dissemination of sexually
14 explicit digitized depictions is a Class 4 felony.

15 (Source: P.A. 103-825, eff. 1-1-25; revised 10-24-24.)

16 (720 ILCS 5/12C-65) (was 720 ILCS 5/44-2 and 5/44-3)

17 Sec. 12C-65. Unlawful transfer of a telecommunications
18 device to a minor.

19 (a) A person commits unlawful transfer of a
20 telecommunications device to a minor when he or she gives,
21 sells or otherwise transfers possession of a
22 telecommunications device to a person under 18 years of age
23 with the intent that the device be used to commit any offense
24 under this Code, the Cannabis Control Act, the Illinois
25 Controlled Substances Act, or the Methamphetamine Control and

1 Community Protection Act.

2 (b) "Telecommunications device" or "device" means a device
3 which is portable or which may be installed in a motor vehicle,
4 boat or other means of transportation, and which is capable of
5 receiving or transmitting speech, data, signals or other
6 information, including but not limited to paging devices,
7 cellular and mobile telephones, and radio transceivers,
8 transmitters and receivers, but not including radios designed
9 to receive only standard AM and FM broadcasts.

10 (c) Sentence. A violation of this Section is a Class A
11 misdemeanor.

12 (d) Seizure and forfeiture of property. Any person who
13 commits the offense of unlawful transfer of a
14 telecommunications device to a minor as set forth in this
15 Section is subject to the property forfeiture provisions in
16 the Criminal Forfeiture Process Act ~~Article 124B of the Code~~
17 ~~of Criminal Procedure of 1963.~~

18 (Source: P.A. 97-1109, eff. 1-1-13.)

19 (720 ILCS 5/17-6.3)

20 Sec. 17-6.3. WIC fraud.

21 (a) For the purposes of this Section, the Special
22 Supplemental Food Program for Women, Infants and Children
23 administered by the Illinois Department of Public Health or
24 Department of Human Services shall be referred to as "WIC".

25 (b) A person commits WIC fraud if he or she knowingly (i)

1 uses, acquires, possesses, or transfers WIC Food Instruments
2 or authorizations to participate in WIC in any manner not
3 authorized by law or the rules of the Illinois Department of
4 Public Health or Department of Human Services or (ii) uses,
5 acquires, possesses, or transfers altered WIC Food Instruments
6 or authorizations to participate in WIC.

7 (c) Administrative malfeasance.

8 (1) A person commits administrative malfeasance if he
9 or she knowingly or recklessly misappropriates, misuses,
10 or unlawfully withholds or converts to his or her own use
11 or to the use of another any public funds made available
12 for WIC.

13 (2) An official or employee of the State or a unit of
14 local government who knowingly aids, abets, assists, or
15 participates in a known violation of this Section is
16 subject to disciplinary proceedings under the rules of the
17 applicable State agency or unit of local government.

18 (d) Unauthorized possession of identification document. A
19 person commits unauthorized possession of an identification
20 document if he or she knowingly possesses, with intent to
21 commit a misdemeanor or felony, another person's
22 identification document issued by the Illinois Department of
23 Public Health or Department of Human Services. For purposes of
24 this Section, "identification document" includes, but is not
25 limited to, an authorization to participate in WIC or a card or
26 other document that identifies a person as being entitled to

1 WIC benefits.

2 (e) Penalties.

3 (1) If an individual, firm, corporation, association,
4 agency, institution, or other legal entity is found by a
5 court to have engaged in an act, practice, or course of
6 conduct declared unlawful under subsection (a), (b), or
7 (c) of this Section and:

8 (A) the total amount of money involved in the
9 violation, including the monetary value of the WIC
10 Food Instruments and the value of commodities, is less
11 than \$150, the violation is a Class A misdemeanor; a
12 second or subsequent violation is a Class 4 felony;

13 (B) the total amount of money involved in the
14 violation, including the monetary value of the WIC
15 Food Instruments and the value of commodities, is \$150
16 or more but less than \$1,000, the violation is a Class
17 4 felony; a second or subsequent violation is a Class 3
18 felony;

19 (C) the total amount of money involved in the
20 violation, including the monetary value of the WIC
21 Food Instruments and the value of commodities, is
22 \$1,000 or more but less than \$5,000, the violation is a
23 Class 3 felony; a second or subsequent violation is a
24 Class 2 felony;

25 (D) the total amount of money involved in the
26 violation, including the monetary value of the WIC

1 Food Instruments and the value of commodities, is
2 \$5,000 or more but less than \$10,000, the violation is
3 a Class 2 felony; a second or subsequent violation is a
4 Class 1 felony; or

5 (E) the total amount of money involved in the
6 violation, including the monetary value of the WIC
7 Food Instruments and the value of commodities, is
8 \$10,000 or more, the violation is a Class 1 felony and
9 the defendant shall be permanently ineligible to
10 participate in WIC.

11 (2) A violation of subsection (d) is a Class 4 felony.

12 (3) The State's Attorney of the county in which the
13 violation of this Section occurred or the Attorney General
14 shall bring actions arising under this Section in the name
15 of the People of the State of Illinois.

16 (4) For purposes of determining the classification of
17 an offense under this subsection (e), all of the money
18 received as a result of the unlawful act, practice, or
19 course of conduct, including the value of any WIC Food
20 Instruments and the value of commodities, shall be
21 aggregated.

22 (f) Seizure and forfeiture of property.

23 (1) A person who commits a felony violation of this
24 Section is subject to the property forfeiture provisions
25 set forth in the Criminal Forfeiture Process Act ~~Article~~
26 ~~124B of the Code of Criminal Procedure of 1963.~~

1 (2) Property subject to forfeiture under this
2 subsection (f) may be seized by the Director of the
3 Illinois State Police or any local law enforcement agency
4 upon process or seizure warrant issued by any court having
5 jurisdiction over the property. The Director or a local
6 law enforcement agency may seize property under this
7 subsection (f) without process under any of the following
8 circumstances:

9 (A) If the seizure is incident to inspection under
10 an administrative inspection warrant.

11 (B) If the property subject to seizure has been
12 the subject of a prior judgment in favor of the State
13 in a criminal proceeding or in an injunction or
14 forfeiture proceeding under the Criminal Forfeiture
15 Process Act ~~Article 124B of the Code of Criminal~~
16 ~~Procedure of 1963.~~

17 (C) If there is probable cause to believe that the
18 property is directly or indirectly dangerous to health
19 or safety.

20 (D) If there is probable cause to believe that the
21 property is subject to forfeiture under this
22 subsection (f) and Article 124B of the Code of
23 Criminal Procedure of 1963 and the property is seized
24 under circumstances in which a warrantless seizure or
25 arrest would be reasonable.

26 (E) In accordance with the Code of Criminal

1 Procedure of 1963.

2 (g) Future participation as WIC vendor. A person who has
3 been convicted of a felony violation of this Section is
4 prohibited from participating as a WIC vendor for a minimum
5 period of 3 years following conviction and until the total
6 amount of money involved in the violation, including the value
7 of WIC Food Instruments and the value of commodities, is
8 repaid to WIC. This prohibition shall extend to any person
9 with management responsibility in a firm, corporation,
10 association, agency, institution, or other legal entity that
11 has been convicted of a violation of this Section and to an
12 officer or person owning, directly or indirectly, 5% or more
13 of the shares of stock or other evidences of ownership in a
14 corporate vendor.

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 (720 ILCS 5/17-10.6)

17 Sec. 17-10.6. Financial institution fraud.

18 (a) Misappropriation of financial institution property. A
19 person commits misappropriation of a financial institution's
20 property whenever he or she knowingly obtains or exerts
21 unauthorized control over any of the moneys, funds, credits,
22 assets, securities, or other property owned by or under the
23 custody or control of a financial institution, or under the
24 custody or care of any agent, officer, director, or employee
25 of such financial institution.

1 (b) Commercial bribery of a financial institution.

2 (1) A person commits commercial bribery of a financial
3 institution when he or she knowingly confers or offers or
4 agrees to confer any benefit upon any employee, agent, or
5 fiduciary without the consent of the latter's employer or
6 principal, with the intent to influence his or her conduct
7 in relation to his or her employer's or principal's
8 affairs.

9 (2) An employee, agent, or fiduciary of a financial
10 institution commits commercial bribery of a financial
11 institution when, without the consent of his or her
12 employer or principal, he or she knowingly solicits,
13 accepts, or agrees to accept any benefit from another
14 person upon an agreement or understanding that such
15 benefit will influence his or her conduct in relation to
16 his or her employer's or principal's affairs.

17 (c) Financial institution fraud. A person commits
18 financial institution fraud when he or she knowingly executes
19 or attempts to execute a scheme or artifice:

20 (1) to defraud a financial institution; or

21 (2) to obtain any of the moneys, funds, credits,
22 assets, securities, or other property owned by or under
23 the custody or control of a financial institution, by
24 means of pretenses, representations, or promises he or she
25 knows to be false.

26 (d) Loan fraud. A person commits loan fraud when he or she

1 knowingly, with intent to defraud, makes any false statement
2 or report, or overvalues any land, property, or security, with
3 the intent to influence in any way the action of a financial
4 institution to act upon any application, advance, discount,
5 purchase, purchase agreement, repurchase agreement,
6 commitment, or loan, or any change or extension of any of the
7 same, by renewal, deferment of action, or otherwise, or the
8 acceptance, release, or substitution of security.

9 (e) Concealment of collateral. A person commits
10 concealment of collateral when he or she, with intent to
11 defraud, knowingly conceals, removes, disposes of, or converts
12 to the person's own use or to that of another any property
13 mortgaged or pledged to or held by a financial institution.

14 (f) Financial institution robbery. A person commits
15 robbery when he or she knowingly, by force or threat of force,
16 or by intimidation, takes, or attempts to take, from the
17 person or presence of another, or obtains or attempts to
18 obtain by extortion, any property or money or any other thing
19 of value belonging to, or in the care, custody, control,
20 management, or possession of, a financial institution.

21 (g) Conspiracy to commit a financial crime.

22 (1) A person commits conspiracy to commit a financial
23 crime when, with the intent that any violation of this
24 Section be committed, he or she agrees with another person
25 to the commission of that offense.

26 (2) No person may be convicted of conspiracy to commit

1 a financial crime unless an overt act or acts in
2 furtherance of the agreement is alleged and proved to have
3 been committed by that person or by a co-conspirator and
4 the accused is a part of a common scheme or plan to engage
5 in the unlawful activity.

6 (3) It shall not be a defense to conspiracy to commit a
7 financial crime that the person or persons with whom the
8 accused is alleged to have conspired:

9 (A) has not been prosecuted or convicted;

10 (B) has been convicted of a different offense;

11 (C) is not amenable to justice;

12 (D) has been acquitted; or

13 (E) lacked the capacity to commit the offense.

14 (h) Continuing financial crimes enterprise. A person
15 commits a continuing financial crimes enterprise when he or
16 she knowingly, within an 18-month period, commits 3 or more
17 separate offenses constituting any combination of the
18 following:

19 (1) an offense under this Section;

20 (2) a felony offense in violation of Section 16A-3 or
21 subsection (a) of Section 16-25 or paragraph (4) or (5) of
22 subsection (a) of Section 16-1 of this Code for the
23 purpose of reselling or otherwise re-entering the
24 merchandise in commerce, including conveying the
25 merchandise to a merchant in exchange for anything of
26 value; or

1 (3) if involving a financial institution, any other
2 felony offense under this Code.

3 (i) Organizer of a continuing financial crimes enterprise.

4 (1) A person commits being an organizer of a
5 continuing financial crimes enterprise when he or she:

6 (A) with the intent to commit any offense, agrees
7 with another person to the commission of any
8 combination of the following offenses on 3 or more
9 separate occasions within an 18-month period:

10 (i) an offense under this Section;

11 (ii) a felony offense in violation of Section
12 16A-3 or subsection (a) of Section 16-25 or
13 paragraph (4) or (5) of subsection (a) of Section
14 16-1 of this Code for the purpose of reselling or
15 otherwise re-entering the merchandise in commerce,
16 including conveying the merchandise to a merchant
17 in exchange for anything of value; or

18 (iii) if involving a financial institution,
19 any other felony offense under this Code; and

20 (B) with respect to the other persons within the
21 conspiracy, occupies a position of organizer,
22 supervisor, or financier or other position of
23 management.

24 (2) The person with whom the accused agreed to commit
25 the 3 or more offenses under this Section, or, if
26 involving a financial institution, any other felony

1 offenses under this Code, need not be the same person or
2 persons for each offense, as long as the accused was a part
3 of the common scheme or plan to engage in each of the 3 or
4 more alleged offenses.

5 (j) Sentence.

6 (1) Except as otherwise provided in this subsection, a
7 violation of this Section, the full value of which:

8 (A) does not exceed \$500, is a Class A
9 misdemeanor;

10 (B) does not exceed \$500, and the person has been
11 previously convicted of a financial crime or any type
12 of theft, robbery, armed robbery, burglary,
13 residential burglary, possession of burglary tools, or
14 home invasion, is guilty of a Class 4 felony;

15 (C) exceeds \$500 but does not exceed \$10,000, is a
16 Class 3 felony;

17 (D) exceeds \$10,000 but does not exceed \$100,000,
18 is a Class 2 felony;

19 (E) exceeds \$100,000 but does not exceed \$500,000,
20 is a Class 1 felony;

21 (F) exceeds \$500,000 but does not exceed
22 \$1,000,000, is a Class 1 non-probationable felony;
23 when a charge of financial crime, the full value of
24 which exceeds \$500,000 but does not exceed \$1,000,000,
25 is brought, the value of the financial crime involved
26 is an element of the offense to be resolved by the

trier of fact as either exceeding or not exceeding
\$500,000;

(G) exceeds \$1,000,000, is a Class X felony; when
a charge of financial crime, the full value of which
exceeds \$1,000,000, is brought, the value of the
financial crime involved is an element of the offense
to be resolved by the trier of fact as either exceeding
or not exceeding \$1,000,000.

(2) A violation of subsection (f) is a Class 1 felony.

(3) A violation of subsection (h) is a Class 1 felony.

(4) A violation for subsection (i) is a Class X
felony.

(k) A "financial crime" means an offense described in this
Section.

(l) Period of limitations. The period of limitations for
prosecution of any offense defined in this Section begins at
the time when the last act in furtherance of the offense is
committed.

(m) Forfeiture. Any violation of subdivision (2) of
subsection (h) or subdivision (i)(1)(A)(ii) shall be subject
to the remedies, procedures, and forfeiture as set forth in
Article 29B of this Code.

Property seized or forfeited under this Section is subject
to reporting under the Seizure and Forfeiture Reporting Act of
2025.

(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

1 (720 ILCS 5/17-50) (was 720 ILCS 5/16D-5 and 5/16D-6)

2 Sec. 17-50. Computer fraud.

3 (a) A person commits computer fraud when he or she
4 knowingly:

5 (1) Accesses or causes to be accessed a computer or
6 any part thereof, or a program or data, with the intent of
7 devising or executing any scheme or artifice to defraud,
8 or as part of a deception;

9 (2) Obtains use of, damages, or destroys a computer or
10 any part thereof, or alters, deletes, or removes any
11 program or data contained therein, in connection with any
12 scheme or artifice to defraud, or as part of a deception;
13 or

14 (3) Accesses or causes to be accessed a computer or
15 any part thereof, or a program or data, and obtains money
16 or control over any such money, property, or services of
17 another in connection with any scheme or artifice to
18 defraud, or as part of a deception.

19 (b) Sentence.

20 (1) A violation of subdivision (a)(1) of this Section
21 is a Class 4 felony.

22 (2) A violation of subdivision (a)(2) of this Section
23 is a Class 3 felony.

24 (3) A violation of subdivision (a)(3) of this Section:

25 (i) is a Class 4 felony if the value of the money,

property, or services is \$1,000 or less; or

(ii) is a Class 3 felony if the value of the money, property, or services is more than \$1,000 but less than \$50,000; or

(iii) is a Class 2 felony if the value of the money, property, or services is \$50,000 or more.

(c) Forfeiture of property. Any person who commits computer fraud as set forth in subsection (a) is subject to the property forfeiture provisions set forth in the Criminal Forfeiture Process Act ~~Article 124B of the Code of Criminal Procedure of 1963.~~

(Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

(720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

Sec. 28-5. Seizure of gambling devices and gambling funds.

(a) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a "gambling device", and shall be subject to seizure, confiscation and destruction by the Illinois State Police or by any municipal, or other local authority, within whose jurisdiction the same may be found. As used in this Section, a "gambling device" includes any slot machine, and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return, or to cause someone to return, on chance to the player thereof money, property or a right to receive money or

1 property. With the exception of any device designed for
2 gambling which is incapable of lawful use, no gambling device
3 shall be forfeited or destroyed unless an individual with a
4 property interest in said device knows of the unlawful use of
5 the device.

6 (b) Every gambling device shall be seized and forfeited to
7 the county wherein such seizure occurs. Any money or other
8 thing of value integrally related to acts of gambling shall be
9 seized and forfeited to the county wherein such seizure
10 occurs.

11 (c) If, within 60 days after any seizure pursuant to
12 subparagraph (b) of this Section, a person having any property
13 interest in the seized property is charged with an offense,
14 the court which renders judgment upon such charge shall,
15 within 30 days after such judgment, conduct a forfeiture
16 hearing to determine whether such property was a gambling
17 device at the time of seizure. Such hearing shall be commenced
18 by a written petition by the State, including material
19 allegations of fact, the name and address of every person
20 determined by the State to have any property interest in the
21 seized property, a representation that written notice of the
22 date, time and place of such hearing has been mailed to every
23 such person by certified mail at least 10 days before such
24 date, and a request for forfeiture. Every such person may
25 appear as a party and present evidence at such hearing. The
26 quantum of proof required shall be a preponderance of the

1 evidence, and the burden of proof shall be on the State. If the
2 court determines that the seized property was a gambling
3 device at the time of seizure, an order of forfeiture and
4 disposition of the seized property shall be entered: a
5 gambling device shall be received by the State's Attorney, who
6 shall effect its destruction, except that valuable parts
7 thereof may be liquidated and the resultant money shall be
8 deposited in the general fund of the county wherein such
9 seizure occurred; money and other things of value shall be
10 received by the State's Attorney and, upon liquidation, shall
11 be deposited in the general fund of the county wherein such
12 seizure occurred. However, in the event that a defendant
13 raises the defense that the seized slot machine is an antique
14 slot machine described in subparagraph (b) (7) of Section 28-1
15 of this Code and therefore he is exempt from the charge of a
16 gambling activity participant, the seized antique slot machine
17 shall not be destroyed or otherwise altered until a final
18 determination is made by the Court as to whether it is such an
19 antique slot machine. Upon a final determination by the Court
20 of this question in favor of the defendant, such slot machine
21 shall be immediately returned to the defendant. Such order of
22 forfeiture and disposition shall, for the purposes of appeal,
23 be a final order and judgment in a civil proceeding.

24 (d) If a seizure pursuant to subparagraph (b) of this
25 Section is not followed by a charge pursuant to subparagraph
26 (c) of this Section, or if the prosecution of such charge is

1 permanently terminated or indefinitely discontinued without
2 any judgment of conviction or acquittal (1) the State's
3 Attorney shall commence an in rem proceeding for the
4 forfeiture and destruction of a gambling device, or for the
5 forfeiture and deposit in the general fund of the county of any
6 seized money or other things of value, or both, in the circuit
7 court and (2) any person having any property interest in such
8 seized gambling device, money or other thing of value may
9 commence separate civil proceedings in the manner provided by
10 law.

11 (e) Any gambling device displayed for sale to a riverboat
12 gambling operation, casino gambling operation, or organization
13 gaming facility or used to train occupational licensees of a
14 riverboat gambling operation, casino gambling operation, or
15 organization gaming facility as authorized under the Illinois
16 Gambling Act is exempt from seizure under this Section.

17 (f) Any gambling equipment, devices, and supplies provided
18 by a licensed supplier in accordance with the Illinois
19 Gambling Act which are removed from a riverboat, casino, or
20 organization gaming facility for repair are exempt from
21 seizure under this Section.

22 (g) The following video gaming terminals are exempt from
23 seizure under this Section:

24 (1) Video gaming terminals for sale to a licensed
25 distributor or operator under the Video Gaming Act.

26 (2) Video gaming terminals used to train licensed

1 technicians or licensed terminal handlers.

2 (3) Video gaming terminals that are removed from a
3 licensed establishment, licensed truck stop establishment,
4 licensed large truck stop establishment, licensed
5 fraternal establishment, or licensed veterans
6 establishment for repair.

7 (h) Property seized or forfeited under this Section is
8 subject to reporting under the Seizure and Forfeiture
9 Reporting Act of 2025.

10 (i) Any sports lottery terminals provided by a central
11 system provider that are removed from a lottery retailer for
12 repair under the Sports Wagering Act are exempt from seizure
13 under this Section.

14 (Source: P.A. 101-31, Article 25, Section 25-915, eff.
15 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;
16 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

17 (720 ILCS 5/29D-65)

18 Sec. 29D-65. Forfeiture of property acquired in connection
19 with a violation of this Article; property freeze or seizure.

20 (a) If there is probable cause to believe that a person
21 used, is using, is about to use, or is intending to use
22 property in a way that would violate this Article, then that
23 person's assets may be frozen or seized pursuant to the
24 Criminal Forfeiture Process Act ~~Part 800 of Article 124B of~~
25 ~~the Code of Criminal Procedure of 1963.~~

1 (b) Any person who commits any offense under this Article
2 is subject to the property forfeiture provisions set forth in
3 Article 124B of the Code of Criminal Procedure of 1963.
4 Forfeiture under this subsection may be pursued in addition to
5 or in lieu of proceeding under Section 124B-805 (property
6 freeze or seizure; ex parte proceeding) of the Code of
7 Criminal Procedure of 1963.

8 (Source: P.A. 96-712, eff. 1-1-10.)

9 (720 ILCS 5/47-15)

10 Sec. 47-15. Dumping garbage upon real property.

11 (a) It is unlawful for a person to dump, deposit, or place
12 garbage, rubbish, trash, or refuse upon real property not
13 owned by that person without the consent of the owner or person
14 in possession of the real property.

15 (b) A person who violates this Section is liable to the
16 owner or person in possession of the real property on which the
17 garbage, rubbish, trash, or refuse is dumped, deposited, or
18 placed for the reasonable costs incurred by the owner or
19 person in possession for cleaning up and properly disposing of
20 the garbage, rubbish, trash, or refuse, and for reasonable
21 attorneys' fees.

22 (c) A person violating this Section is guilty of a Class B
23 misdemeanor for which the court must impose a minimum fine of
24 \$500. A second conviction for an offense committed after the
25 first conviction is a Class A misdemeanor for which the court

1 must impose a minimum fine of \$500. A third or subsequent
2 violation, committed after a second conviction, is a Class 4
3 felony for which the court must impose a minimum fine of \$500.
4 A person who violates this Section and who has an equity
5 interest in a motor vehicle used in violation of this Section
6 is presumed to have the financial resources to pay the minimum
7 fine not exceeding his or her equity interest in the vehicle.
8 Personal property used by a person in violation of this
9 Section shall on the third or subsequent conviction of the
10 person be forfeited to the county where the violation occurred
11 and disposed of at a public sale. Before the forfeiture, the
12 court shall conduct a hearing to determine whether property is
13 subject to forfeiture under this Section. At the forfeiture
14 hearing the State has the burden of establishing by a
15 preponderance of the evidence that property is subject to
16 forfeiture under this Section. Property seized or forfeited
17 under this Section is subject to reporting under the Seizure
18 and Forfeiture Reporting Act of 2025.

19 (d) The statutory minimum fine required by subsection (c)
20 is not subject to reduction or suspension unless the defendant
21 is indigent. If the defendant files a motion with the court
22 asserting his or her inability to pay the mandatory fine
23 required by this Section, the court must set a hearing on the
24 motion before sentencing. The court must require an affidavit
25 signed by the defendant containing sufficient information to
26 ascertain the assets and liabilities of the defendant. If the

1 court determines that the defendant is indigent, the court
2 must require that the defendant choose either to pay the
3 minimum fine of \$500 or to perform 100 hours of community
4 service.

5 (Source: P.A. 100-512, eff. 7-1-18.)

6 (720 ILCS 5/48-1) (was 720 ILCS 5/26-5)

7 Sec. 48-1. Dog fighting. (For other provisions that may
8 apply to dog fighting, see the Humane Care for Animals Act. For
9 provisions similar to this Section that apply to animals other
10 than dogs, see in particular Section 4.01 of the Humane Care
11 for Animals Act.)

12 (a) No person may own, capture, breed, train, or lease any
13 dog which he or she knows is intended for use in any show,
14 exhibition, program, or other activity featuring or otherwise
15 involving a fight between the dog and any other animal or
16 human, or the intentional killing of any dog for the purpose of
17 sport, wagering, or entertainment.

18 (b) No person may promote, conduct, carry on, advertise,
19 collect money for or in any other manner assist or aid in the
20 presentation for purposes of sport, wagering, or entertainment
21 of any show, exhibition, program, or other activity involving
22 a fight between 2 or more dogs or any dog and human, or the
23 intentional killing of any dog.

24 (c) No person may sell or offer for sale, ship, transport,
25 or otherwise move, or deliver or receive any dog which he or

1 she knows has been captured, bred, or trained, or will be used,
2 to fight another dog or human or be intentionally killed for
3 purposes of sport, wagering, or entertainment.

4 (c-5) No person may solicit a minor to violate this
5 Section.

6 (d) No person may manufacture for sale, shipment,
7 transportation, or delivery any device or equipment which he
8 or she knows or should know is intended for use in any show,
9 exhibition, program, or other activity featuring or otherwise
10 involving a fight between 2 or more dogs, or any human and dog,
11 or the intentional killing of any dog for purposes of sport,
12 wagering, or entertainment.

13 (e) No person may own, possess, sell or offer for sale,
14 ship, transport, or otherwise move any equipment or device
15 which he or she knows or should know is intended for use in
16 connection with any show, exhibition, program, or activity
17 featuring or otherwise involving a fight between 2 or more
18 dogs, or any dog and human, or the intentional killing of any
19 dog for purposes of sport, wagering or entertainment.

20 (f) No person may knowingly make available any site,
21 structure, or facility, whether enclosed or not, that he or
22 she knows is intended to be used for the purpose of conducting
23 any show, exhibition, program, or other activity involving a
24 fight between 2 or more dogs, or any dog and human, or the
25 intentional killing of any dog or knowingly manufacture,
26 distribute, or deliver fittings to be used in a fight between 2

1 or more dogs or a dog and human.

2 (g) No person may knowingly attend or otherwise patronize
3 any show, exhibition, program, or other activity featuring or
4 otherwise involving a fight between 2 or more dogs, or any dog
5 and human, or the intentional killing of any dog for purposes
6 of sport, wagering, or entertainment.

7 (h) No person may tie or attach or fasten any live animal
8 to any machine or device propelled by any power for the purpose
9 of causing the animal to be pursued by a dog or dogs. This
10 subsection (h) applies only when the dog is intended to be used
11 in a dog fight.

12 (i) Sentence.

13 (1) Any person convicted of violating subsection (a),
14 (b), (c), or (h) of this Section is guilty of a Class 4
15 felony for a first violation and a Class 3 felony for a
16 second or subsequent violation, and may be fined an amount
17 not to exceed \$50,000.

18 (1.5) A person who knowingly owns a dog for fighting
19 purposes or for producing a fight between 2 or more dogs or
20 a dog and human or who knowingly offers for sale or sells a
21 dog bred for fighting is guilty of a Class 3 felony and may
22 be fined an amount not to exceed \$50,000, if the dog
23 participates in a dogfight and any of the following
24 factors is present:

25 (i) the dogfight is performed in the presence of a
26 person under 18 years of age;

1 (ii) the dogfight is performed for the purpose of
2 or in the presence of illegal wagering activity; or

3 (iii) the dogfight is performed in furtherance of
4 streetgang related activity as defined in Section 10
5 of the Illinois Streetgang Terrorism Omnibus
6 Prevention Act.

7 (1.7) A person convicted of violating subsection (c-5)
8 of this Section is guilty of a Class 4 felony.

9 (2) Any person convicted of violating subsection (d)
10 or (e) of this Section is guilty of a Class 4 felony for a
11 first violation. A second or subsequent violation of
12 subsection (d) or (e) of this Section is a Class 3 felony.

13 (2.5) Any person convicted of violating subsection (f)
14 of this Section is guilty of a Class 4 felony. Any person
15 convicted of violating subsection (f) of this Section in
16 which the site, structure, or facility made available to
17 violate subsection (f) is located within 1,000 feet of a
18 school, public park, playground, child care institution,
19 day care center, part day child care facility, day care
20 home, group day care home, or a facility providing
21 programs or services exclusively directed toward persons
22 under 18 years of age is guilty of a Class 3 felony for a
23 first violation and a Class 2 felony for a second or
24 subsequent violation.

25 (3) Any person convicted of violating subsection (g)
26 of this Section is guilty of a Class 4 felony for a first

1 violation. A second or subsequent violation of subsection
2 (g) of this Section is a Class 3 felony. If a person under
3 13 years of age is present at any show, exhibition,
4 program, or other activity prohibited in subsection (g),
5 the parent, legal guardian, or other person who is 18
6 years of age or older who brings that person under 13 years
7 of age to that show, exhibition, program, or other
8 activity is guilty of a Class 3 felony for a first
9 violation and a Class 2 felony for a second or subsequent
10 violation.

11 (i-5) A person who commits a felony violation of this
12 Section is subject to the property forfeiture provisions set
13 forth in the Criminal Forfeiture Process Act ~~Article 124B of~~
14 ~~the Code of Criminal Procedure of 1963.~~

15 (j) Any dog or equipment involved in a violation of this
16 Section shall be immediately seized and impounded under
17 Section 12 of the Humane Care for Animals Act when located at
18 any show, exhibition, program, or other activity featuring or
19 otherwise involving a dog fight for the purposes of sport,
20 wagering, or entertainment.

21 (k) Any vehicle or conveyance other than a common carrier
22 that is used in violation of this Section shall be seized,
23 held, and offered for sale at public auction by the sheriff's
24 department of the proper jurisdiction, and the proceeds from
25 the sale shall be remitted to the general fund of the county
26 where the violation took place.

1 (1) Any veterinarian in this State who is presented with a
2 dog for treatment of injuries or wounds resulting from
3 fighting where there is a reasonable possibility that the dog
4 was engaged in or utilized for a fighting event for the
5 purposes of sport, wagering, or entertainment shall file a
6 report with the Department of Agriculture and cooperate by
7 furnishing the owners' names, dates, and descriptions of the
8 dog or dogs involved. Any veterinarian who in good faith
9 complies with the requirements of this subsection has immunity
10 from any liability, civil, criminal, or otherwise, that may
11 result from his or her actions. For the purposes of any
12 proceedings, civil or criminal, the good faith of the
13 veterinarian shall be rebuttably presumed.

14 (m) In addition to any other penalty provided by law, upon
15 conviction for violating this Section, the court may order
16 that the convicted person and persons dwelling in the same
17 household as the convicted person who conspired, aided, or
18 abetted in the unlawful act that was the basis of the
19 conviction, or who knew or should have known of the unlawful
20 act, may not own, harbor, or have custody or control of any dog
21 or other animal for a period of time that the court deems
22 reasonable.

23 (n) A violation of subsection (a) of this Section may be
24 inferred from evidence that the accused possessed any device
25 or equipment described in subsection (d), (e), or (h) of this
26 Section, and also possessed any dog.

1 (o) When no longer required for investigations or court
2 proceedings relating to the events described or depicted
3 therein, evidence relating to convictions for violations of
4 this Section shall be retained and made available for use in
5 training peace officers in detecting and identifying
6 violations of this Section. Such evidence shall be made
7 available upon request to other law enforcement agencies and
8 to schools certified under the Illinois Police Training Act.

9 (p) For the purposes of this Section, "school" has the
10 meaning ascribed to it in Section 11-9.3 of this Code; and
11 "public park", "playground", "child care institution", "day
12 care center", "part day child care facility", "day care home",
13 "group day care home", and "facility providing programs or
14 services exclusively directed toward persons under 18 years of
15 age" have the meanings ascribed to them in Section 11-9.4 of
16 this Code.

17 (Source: P.A. 96-226, eff. 8-11-09; 96-712, eff. 1-1-10;
18 96-1000, eff. 7-2-10; 96-1091, eff. 1-1-11; 97-1108, eff.
19 1-1-13.)

20 (720 ILCS 5/36-1.1 rep.)

21 (720 ILCS 5/36-1.2 rep.)

22 (720 ILCS 5/36-1.3 rep.)

23 (720 ILCS 5/36-1.4 rep.)

24 (720 ILCS 5/36-1.5 rep.)

25 (720 ILCS 5/36-1a rep.)

(720 ILCS 5/36-2 rep.)

(720 ILCS 5/36-2.1 rep.)

(720 ILCS 5/36-2.2 rep.)

(720 ILCS 5/36-2.5 rep.)

(720 ILCS 5/36-2.7 rep.)

(720 ILCS 5/36-3 rep.)

(720 ILCS 5/36-3.1 rep.)

(720 ILCS 5/36-4 rep.)

(720 ILCS 5/36-5 rep.)

(720 ILCS 5/36-6 rep.)

(720 ILCS 5/36-7 rep.)

(720 ILCS 5/36-9 rep.)

Section 10-75. The Criminal Code of 2012 is amended by repealing Sections 36-1.1, 36-1.2, 36-1.3, 36-1.4, 36-1.5, 36-1a, 36-2, 36-2.1, 36-2.2, 36-2.5, 36-2.7, 36-3, 36-3.1, 36-4, 36-5, 36-6, 36-7, and 36-9.

Section 10-80. The Cannabis Control Act is amended by changing Section 12 as follows:

(720 ILCS 550/12) (from Ch. 56 1/2, par. 712)

Sec. 12. Forfeiture.

(a) The following are subject to forfeiture:

(1) (blank);

(2) all raw materials, products, and equipment of any kind which are produced, delivered, or possessed in

1 connection with any substance containing cannabis in a
2 felony violation of this Act;

3 (3) all conveyances, including aircraft, vehicles, or
4 vessels, which are used, or intended for use, to
5 transport, or in any manner to facilitate the
6 transportation, sale, receipt, possession, or concealment
7 of any substance containing cannabis or property described
8 in paragraph (2) of this subsection (a) that constitutes a
9 felony violation of the Act, but:

10 (i) no conveyance used by any person as a common
11 carrier in the transaction of business as a common
12 carrier is subject to forfeiture under this Section
13 unless it appears that the owner or other person in
14 charge of the conveyance is a consenting party or
15 privy to the violation;

16 (ii) no conveyance is subject to forfeiture under
17 this Section by reason of any act or omission which the
18 owner proves to have been committed or omitted without
19 his or her knowledge or consent;

20 (iii) a forfeiture of a conveyance encumbered by a
21 bona fide security interest is subject to the interest
22 of the secured party if he or she neither had knowledge
23 of nor consented to the act or omission;

24 (4) all money, things of value, books, records, and
25 research products and materials including formulas,
26 microfilm, tapes, and data which are used, or intended for

1 use, in a felony violation of this Act;

2 (5) everything of value furnished or intended to be
3 furnished by any person in exchange for a substance in
4 violation of this Act, all proceeds traceable to such an
5 exchange, and all moneys, negotiable instruments, and
6 securities used, or intended to be used, to commit or in
7 any manner to facilitate any felony violation of this Act;

8 (6) all real property, including any right, title, and
9 interest including, but not limited to, any leasehold
10 interest or the beneficial interest in a land trust, in
11 the whole of any lot or tract of land and any appurtenances
12 or improvements, that is used or intended to be used to
13 facilitate the manufacture, distribution, sale, receipt,
14 or concealment of a substance containing cannabis or
15 property described in paragraph (2) of this subsection (a)
16 that constitutes a felony violation of this Act involving
17 more than 2,000 grams of a substance containing cannabis
18 or that is the proceeds of any felony violation of this
19 Act.

20 (b) Property subject to forfeiture under this Act may be
21 seized under the Drug Asset Forfeiture Procedure Act. In the
22 event of seizure, forfeiture proceedings shall be instituted
23 under the Drug Asset Forfeiture Procedure Act.

24 (c) Forfeiture under this Act is subject to an 8th
25 Amendment to the United States Constitution disproportionate
26 penalties analysis as provided under Section 5-110 of the

1 ~~Criminal Forfeiture Process Act 9.5 of the Drug Asset~~
2 ~~Forfeiture Procedure Act.~~

3 (c-1) With regard to possession of cannabis offenses only,
4 a sum of currency with a value of less than \$500 shall not be
5 subject to forfeiture under this Act. For all other offenses
6 under this Act, a sum of currency with a value of less than
7 \$100 shall not be subject to forfeiture under this Act. In
8 seizures of currency in excess of these amounts, this Section
9 shall not create an exemption for these amounts.

10 (d) (Blank).

11 (e) (Blank).

12 (f) (Blank).

13 (g) (Blank).

14 (h) Contraband, including cannabis possessed without
15 authorization under State or federal law, is not subject to
16 forfeiture. No property right exists in contraband. Contraband
17 is subject to seizure and shall be disposed of according to
18 State law.

19 (i) The changes made to this Section by Public Act 100-512
20 and Public Act 100-699 only apply to property seized on and
21 after July 1, 2018.

22 (j) The changes made to this Section by Public Act 100-699
23 are subject to Section 4 of the Statute on Statutes.

24 (Source: P.A. 99-686, eff. 7-29-16; 100-512, eff. 7-1-18;
25 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

1 Section 10-85. The Illinois Controlled Substances Act is
2 amended by changing Section 505 as follows:

3 (720 ILCS 570/505) (from Ch. 56 1/2, par. 1505)

4 Sec. 505. (a) The following are subject to forfeiture:

5 (1) (blank);

6 (2) all raw materials, products, and equipment of any
7 kind which are used, or intended for use, in
8 manufacturing, distributing, dispensing, administering or
9 possessing any substance in violation of this Act;

10 (3) all conveyances, including aircraft, vehicles, or
11 vessels, which are used, or intended for use, to
12 transport, or in any manner to facilitate the
13 transportation, sale, receipt, possession, or concealment
14 of substances manufactured, distributed, dispensed, or
15 possessed in violation of this Act, or property described
16 in paragraph (2) of this subsection (a), but:

17 (i) no conveyance used by any person as a common
18 carrier in the transaction of business as a common
19 carrier is subject to forfeiture under this Section
20 unless it appears that the owner or other person in
21 charge of the conveyance is a consenting party or
22 privy to a violation of this Act;

23 (ii) no conveyance is subject to forfeiture under
24 this Section by reason of any act or omission which the
25 owner proves to have been committed or omitted without

1 his or her knowledge or consent;

2 (iii) a forfeiture of a conveyance encumbered by a
3 bona fide security interest is subject to the interest
4 of the secured party if he or she neither had knowledge
5 of nor consented to the act or omission;

6 (4) all money, things of value, books, records, and
7 research products and materials including formulas,
8 microfilm, tapes, and data which are used, or intended to
9 be used, in violation of this Act;

10 (5) everything of value furnished, or intended to be
11 furnished, in exchange for a substance in violation of
12 this Act, all proceeds traceable to such an exchange, and
13 all moneys, negotiable instruments, and securities used,
14 or intended to be used, to commit or in any manner to
15 facilitate any violation of this Act;

16 (6) all real property, including any right, title, and
17 interest (including, but not limited to, any leasehold
18 interest or the beneficial interest in a land trust) in
19 the whole of any lot or tract of land and any appurtenances
20 or improvements, which is used or intended to be used, in
21 any manner or part, to commit, or in any manner to
22 facilitate the commission of, any violation or act that
23 constitutes a violation of Section 401 or 405 of this Act
24 or that is the proceeds of any violation or act that
25 constitutes a violation of Section 401 or 405 of this Act.

26 (b) Property subject to forfeiture under this Act may be

1 seized under the Drug Asset Forfeiture Procedure Act. In the
2 event of seizure, forfeiture proceedings shall be instituted
3 under the Drug Asset Forfeiture Procedure Act.

4 (c) Forfeiture under this Act is subject to an 8th
5 Amendment to the United States Constitution disproportionate
6 penalties analysis as provided under Section 5-110 of the
7 Criminal Forfeiture Process Act ~~9.5 of the Drug Asset~~
8 ~~Forfeiture Procedure Act.~~

9 (d) With regard to possession of controlled substances
10 offenses only, a sum of currency with a value of less than \$500
11 shall not be subject to forfeiture under this Act. For all
12 other offenses under this Act, a sum of currency with a value
13 of less than \$100 shall not be subject to forfeiture under this
14 Act. In seizures of currency in excess of these amounts, this
15 Section shall not create an exemption for these amounts.

16 (d-5) For felony offenses involving possession of
17 controlled substances only, no property shall be subject to
18 forfeiture under this Act because of the possession of less
19 than 2 single unit doses of a controlled substance. This
20 exemption shall not apply in instances when the possessor, or
21 another person at the direction of the possessor, engaged in
22 the destruction of any amount of a controlled substance. The
23 amount of a single unit dose shall be the State's burden to
24 prove in its case in chief.

25 (e) If the Department of Financial and Professional
26 Regulation suspends or revokes a registration, all controlled

1 substances owned or possessed by the registrant at the time of
2 suspension or the effective date of the revocation order may
3 be placed under seal by the Director. No disposition may be
4 made of substances under seal until the time for taking an
5 appeal has elapsed or until all appeals have been concluded
6 unless a court, upon application therefor, orders the sale of
7 perishable substances and the deposit of the proceeds of the
8 sale with the court. Upon a suspension or revocation order
9 becoming final, all substances are subject to seizure and
10 forfeiture under the Drug Asset Forfeiture Procedure Act.

11 (f) (Blank).

12 (g) (Blank).

13 (h) (Blank).

14 (i) Contraband, including controlled substances possessed
15 without authorization under State or federal law, is not
16 subject to forfeiture. No property right exists in contraband.
17 Contraband is subject to seizure and shall be disposed of
18 according to State law.

19 (j) The changes made to this Section by Public Act 100-512
20 and Public Act 100-699 only apply to property seized on and
21 after July 1, 2018.

22 (k) The changes made to this Section by Public Act 100-699
23 are subject to Section 4 of the Statute on Statutes.

24 (Source: P.A. 99-686, eff. 7-29-16; 100-512, eff. 7-1-18;
25 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

1 Section 10-90. The Methamphetamine Control and Community
2 Protection Act is amended by changing Section 85 as follows:

3 (720 ILCS 646/85)

4 Sec. 85. Forfeiture.

5 (a) The following are subject to forfeiture:

6 (1) (blank);

7 (2) all methamphetamine manufacturing materials which
8 have been produced, delivered, or possessed in connection
9 with any substance containing methamphetamine in violation
10 of this Act;

11 (3) all conveyances, including aircraft, vehicles, or
12 vessels, which are used, or intended for use, to
13 transport, or in any manner to facilitate the
14 transportation, sale, receipt, possession, or concealment
15 of any substance containing methamphetamine or property
16 described in paragraph (2) of this subsection (a) that
17 constitutes a felony violation of the Act, but:

18 (i) no conveyance used by any person as a common
19 carrier in the transaction of business as a common
20 carrier is subject to forfeiture under this Section
21 unless it appears that the owner or other person in
22 charge of the conveyance is a consenting party or
23 privy to the violation;

24 (ii) no conveyance is subject to forfeiture under
25 this Section by reason of any act or omission which the

1 owner proves to have been committed or omitted without
2 his or her knowledge or consent;

3 (iii) a forfeiture of a conveyance encumbered by a
4 bona fide security interest is subject to the interest
5 of the secured party if he or she neither had knowledge
6 of nor consented to the act or omission;

7 (4) all money, things of value, books, records, and
8 research products and materials including formulas,
9 microfilm, tapes, and data which are used, or intended for
10 use in a felony violation of this Act;

11 (5) everything of value furnished or intended to be
12 furnished by any person in exchange for a substance in
13 violation of this Act, all proceeds traceable to such an
14 exchange, and all moneys, negotiable instruments, and
15 securities used, or intended to be used, to commit or in
16 any manner to facilitate any felony violation of this Act;

17 (6) all real property, including any right, title, and
18 interest (including, but not limited to, any leasehold
19 interest or the beneficial interest in a land trust) in
20 the whole of any lot or tract of land and any appurtenances
21 or improvements, which is used, or intended to be used, in
22 any manner or part, to commit, or in any manner to
23 facilitate the commission of, any violation or act that
24 constitutes a violation of this Act or that is the
25 proceeds of any violation or act that constitutes a
26 violation of this Act.

1 (b) Property subject to forfeiture under this Act may be
2 seized under the Drug Asset Forfeiture Procedure Act. In the
3 event of seizure, forfeiture proceedings shall be instituted
4 under the Drug Asset Forfeiture Procedure Act.

5 (c) Forfeiture under this Act is subject to an 8th
6 Amendment to the United States Constitution disproportionate
7 penalties analysis as provided under Section 5-110 of the
8 Criminal Forfeiture Process Act ~~9.5 of the Drug Asset~~
9 ~~Forfeiture Procedure Act.~~

10 (d) With regard to possession of methamphetamine offenses
11 only, a sum of currency with a value of less than \$500 shall
12 not be subject to forfeiture under this Act. For all other
13 offenses under this Act, a sum of currency with a value of less
14 than \$100 shall not be subject to forfeiture under this Act. In
15 seizures of currency in excess of these amounts, this Section
16 shall not create an exemption for these amounts.

17 (e) For felony offenses involving possession of a
18 substance containing methamphetamine only, no property shall
19 be subject to forfeiture under this Act because of the
20 possession of less than 2 single unit doses of a substance.
21 This exemption shall not apply in instances when the
22 possessor, or another person at the direction of the
23 possessor, is engaged in the destruction of any amount of a
24 substance containing methamphetamine. The amount of a single
25 unit dose shall be the State's burden to prove in its case in
26 chief.

1 (f) (Blank).

2 (g) (Blank).

3 (h) Contraband, including methamphetamine or any
4 controlled substance possessed without authorization under
5 State or federal law, is not subject to forfeiture. No
6 property right exists in contraband. Contraband is subject to
7 seizure and shall be disposed of according to State law.

8 (i) The changes made to this Section by Public Act
9 100-0512 and this amendatory Act of the 100th General Assembly
10 only apply to property seized on and after July 1, 2018.

11 (j) The changes made to this Section by this amendatory
12 Act of the 100th General Assembly are subject to Section 4 of
13 the Statute on Statutes.

14 (Source: P.A. 99-686, eff. 7-29-16; 100-512, eff. 7-1-18;
15 100-699, eff. 8-3-18.)

16 (725 ILCS 5/Art. 124B rep.)

17 Section 10-95. The Code of Criminal Procedure of 1963 is
18 amended by repealing Article 124B.

19 (725 ILCS 150/Act rep.)

20 Section 10-100. The Drug Asset Forfeiture Procedure Act is
21 repealed.

22 Section 10-105. The Narcotics Profit Forfeiture Act is
23 amended by changing Section 6.5 as follows:

1 (725 ILCS 175/6.5)

2 Sec. 6.5. Reporting. Property seized or forfeited under
3 this Act is subject to reporting under the Seizure and
4 Forfeiture Reporting Act of 2025.

5 (Source: P.A. 100-512, eff. 7-1-18.)

6 Section 10-110. The State's Attorneys Appellate
7 Prosecutor's Act is amended by changing Section 4.01 as
8 follows:

9 (725 ILCS 210/4.01) (from Ch. 14, par. 204.01)

10 Sec. 4.01. (a) The Office and all attorneys employed
11 thereby may represent the People of the State of Illinois on
12 appeal in all cases which emanate from a county containing
13 less than 3,000,000 inhabitants, when requested to do so and
14 at the direction of the State's Attorney, otherwise
15 responsible for prosecuting the appeal, and may, with the
16 advice and consent of the State's Attorney prepare, file and
17 argue such appellate briefs in the Illinois Appellate Court
18 and, when requested and authorized to do so by the Attorney
19 General, in the Illinois Supreme Court.

20 (b) Notwithstanding the population restriction contained
21 in subsection (a), the Office may also assist County State's
22 Attorneys in the discharge of their duties under the Illinois
23 Controlled Substances Act, the Cannabis Control Act, the

1 Methamphetamine Control and Community Protection Act, the
2 Criminal Forfeiture Process Act, ~~the Drug Asset Forfeiture~~
3 ~~Procedure Act, the Narcotics Profit Forfeiture Act,~~ and the
4 Illinois Public Labor Relations Act, including negotiations
5 conducted on behalf of a county or pursuant to an
6 intergovernmental agreement as well as in the trial and appeal
7 of said cases and of tax objections, and the counties which use
8 services relating to labor relations shall reimburse the
9 Office on pro-rated shares as determined by the board based
10 upon the population and number of labor relations cases of the
11 participating counties. In addition, the Office and all
12 attorneys employed by the Office may also assist State's
13 Attorneys in the discharge of their duties in the prosecution,
14 trial, or hearing on post-conviction of other cases when
15 requested to do so by, and at the direction of, the State's
16 Attorney otherwise responsible for the case. In addition, the
17 Office and all attorneys employed by the Office may act as
18 Special Prosecutor if duly appointed to do so by a court having
19 jurisdiction. To be effective, the order appointing the Office
20 or its attorneys as Special Prosecutor must (i) identify the
21 case and its subject matter and (ii) state that the Special
22 Prosecutor serves at the pleasure of the Attorney General, who
23 may substitute himself or herself as the Special Prosecutor
24 when, in his or her judgment, the interest of the people of the
25 State so requires. Within 5 days after receiving a copy of an
26 order from the court appointing the Office or any of its

1 attorneys as a Special Prosecutor, the Office must forward a
2 copy of the order to the Springfield office of the Attorney
3 General.

4 (Source: P.A. 100-319, eff. 8-24-17.)

5 Section 10-115. The Violent Crime Victims Assistance Act
6 is amended by changing Section 10 as follows:

7 (725 ILCS 240/10) (from Ch. 70, par. 510)

8 Sec. 10. Violent Crime Victims Assistance Fund.

9 (a) The "Violent Crime Victims Assistance Fund" is created
10 as a special fund in the State Treasury to provide monies for
11 the grants to be awarded under this Act.

12 (b) (Blank).

13 (c) (Blank).

14 (d) Monies forfeited, and proceeds from the sale of
15 property forfeited and seized, under the forfeiture provisions
16 set forth in the Criminal Forfeiture Process Act ~~Part 500 of~~
17 ~~Article 124B of the Code of Criminal Procedure of 1963~~ shall be
18 accepted for the Violent Crime Victims Assistance Fund.

19 (e) Investment income which is attributable to the
20 investment of monies in the Violent Crime Victims Assistance
21 Fund shall be credited to that fund for uses specified in this
22 Act. The Treasurer shall provide the Attorney General a
23 monthly status report on the amount of money in the Fund.

24 (f) Monies from the fund may be granted on and after July

1 1, 1984.

2 (g) (Blank).

3 (Source: P.A. 100-987, eff. 7-1-19.)

4 Section 10-120. The Illinois Streetgang Terrorism Omnibus
5 Prevention Act is amended by changing Section 40 as follows:

6 (740 ILCS 147/40)

7 Sec. 40. Forfeiture.

8 (a) The following are subject to seizure and forfeiture:

9 (1) any property that is directly or indirectly used
10 or intended for use in any manner to facilitate streetgang
11 related activity; and

12 (2) any property constituting or derived from gross
13 profits or other proceeds obtained from streetgang related
14 activity.

15 (b) Property subject to forfeiture under this Section may
16 be seized under the procedures set forth in Section 36-2.1 of
17 the Criminal Code of 2012, except that actual physical seizure
18 of real property subject to forfeiture under this Act requires
19 the issuance of a seizure warrant. Nothing in this Section
20 prohibits the constructive seizure of real property through
21 the filing of a complaint for forfeiture in circuit court and
22 the recording of a lis pendens against the real property
23 without a hearing, warrant application, or judicial approval.

24 (c) The State's Attorney may initiate forfeiture

1 proceedings under the procedures in Article 36 of the Criminal
2 Code of 2012. The State shall bear the burden of proving by a
3 preponderance of the evidence that the property was acquired
4 through a pattern of streetgang related activity.

5 (d) Property forfeited under this Section shall be
6 disposed of in accordance with Section 36-7 of Article 36 of
7 the Criminal Code of 2012 for the forfeiture of vehicles,
8 vessels, and aircraft.

9 (e) Within 60 days of the date of the seizure of contraband
10 under this Section, the State's Attorney shall initiate
11 forfeiture proceedings as provided in Article 36 of the
12 Criminal Code of 2012. An owner or person who has a lien on the
13 property may establish as a defense to the forfeiture of
14 property that is subject to forfeiture under this Section that
15 the owner or lienholder had no knowledge that the property was
16 acquired through a pattern of streetgang related activity.
17 Property that is forfeited under this Section shall be
18 disposed of as provided in Article 36 of the Criminal Code of
19 2012 for the forfeiture of vehicles, vessels, and aircraft.
20 The proceeds of the disposition shall be paid to the Gang
21 Violence Victims and Witnesses Fund to be used to assist in the
22 prosecution of gang crimes.

23 (f) Property seized or forfeited under this Section is
24 subject to reporting under the Seizure and Forfeiture
25 Reporting Act of 2025.

26 (g) The changes made to this Section by Public Act 100-512

1 only apply to property seized on and after July 1, 2018.

2 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
3 100-1163, eff. 12-20-18.)

4 Section 10-125. The Illinois Securities Law of 1953 is
5 amended by changing Section 11 as follows:

6 (815 ILCS 5/11) (from Ch. 121 1/2, par. 137.11)

7 Sec. 11. Duties and powers of the Secretary of State.

8 A. (1) The administration of this Act is vested in the
9 Secretary of State, who may from time to time make, amend and
10 rescind such rules and regulations as may be necessary to
11 carry out this Act, including rules and regulations governing
12 procedures of registration, statements, applications and
13 reports for various classes of securities, persons and matters
14 within his or her jurisdiction and defining any terms, whether
15 or not used in this Act, insofar as the definitions are not
16 inconsistent with this Act. The rules and regulations adopted
17 by the Secretary of State under this Act shall be effective in
18 the manner provided for in the Illinois Administrative
19 Procedure Act.

20 (2) Among other things, the Secretary of State shall have
21 authority, for the purposes of this Act, to prescribe the form
22 or forms in which required information shall be set forth,
23 accounting practices, the items or details to be shown in
24 balance sheets and earning statements, and the methods to be

1 followed in the preparation of accounts, in the appraisal or
2 valuation of assets and liabilities, in the determination of
3 depreciation and depletion, in the differentiation of
4 recurring and non-recurring income, in the differentiation of
5 investment and operating income, and in the preparation of
6 consolidated balance sheets or income accounts of any person,
7 directly or indirectly, controlling or controlled by the
8 issuer, or any person under direct or indirect common control
9 with the issuer.

10 (3) No provision of this Act imposing any liability shall
11 apply to any act done or omitted in good faith in conformity
12 with any rule or regulation of the Secretary of State under
13 this Act, notwithstanding that the rule or regulation may,
14 after the act or omission, be amended or rescinded or be
15 determined by judicial or other authority to be invalid for
16 any reason.

17 (4) The Securities Department of the Office of the
18 Secretary of State shall be deemed a criminal justice agency
19 for purposes of all federal and state laws and regulations
20 and, in that capacity, shall be entitled to access to any
21 information available to criminal justice agencies and has the
22 power to appoint special agents to conduct all investigations,
23 searches, seizures, arrests, and other duties imposed under
24 the provisions of any law administered by the Department. The
25 special agents have and may exercise all the powers of peace
26 officers solely for the purpose of enforcing provisions of

1 this Act.

2 The Director must authorize to each special agent employed
3 under this Section a distinct badge that, on its face, (i)
4 clearly states that the badge is authorized by the Department
5 and (ii) contains a unique and identifying number.

6 Special agents shall comply with all training requirements
7 established for law enforcement officers by provisions of the
8 Illinois Police Training Act.

9 (5) The Secretary of State, by rule, may conditionally or
10 unconditionally exempt any person, security, or transaction,
11 or any class or classes of persons, securities, or
12 transactions from any provision of Section 5, 6, 7, 8, 8a, or 9
13 of this Act or of any rule promulgated under these Sections, to
14 the extent that such exemption is necessary or appropriate in
15 the public interest, and is consistent with the protection of
16 investors.

17 B. The Secretary of State may, anything in this Act to the
18 contrary notwithstanding, require financial statements and
19 reports of the issuer, dealer, Internet portal, salesperson,
20 investment adviser, or investment adviser representative as
21 often as circumstances may warrant. In addition, the Secretary
22 of State may secure information or books and records from or
23 through others and may make or cause to be made investigations
24 respecting the business, affairs, and property of the issuer
25 of securities, any person involved in the sale or offer for
26 sale, purchase or offer to purchase of any mineral investment

1 contract, mineral deferred delivery contract, or security and
2 of dealers, Internet portals, salespersons, investment
3 advisers, and investment adviser representatives that are
4 registered or are the subject of an application for
5 registration under this Act. The costs of an investigation
6 shall be borne by the registrant or the applicant, provided
7 that the registrant or applicant shall not be obligated to pay
8 the costs without his, her or its consent in advance.

9 C. Whenever it shall appear to the Secretary of State,
10 either upon complaint or otherwise, that this Act, or any rule
11 or regulation prescribed under authority thereof, has been or
12 is about to be violated, he or she may, in his or her
13 discretion, do one or more of the following:

14 (1) require or permit the person to file with the
15 Secretary of State a statement in writing under oath, or
16 otherwise, as to all the facts and circumstances
17 concerning the subject matter which the Secretary of State
18 believes to be in the public interest to investigate,
19 audit, examine, or inspect;

20 (2) conduct an investigation, audit, examination, or
21 inspection as necessary or advisable for the protection of
22 the interests of the public; and

23 (3) appoint investigators to conduct all
24 investigations, searches, seizures, arrests, and other
25 duties imposed under the provisions of any law
26 administered by the Department. The Director must

1 authorize to each investigator employed under this Section
2 a distinct badge that, on its face, (i) clearly states
3 that the badge is authorized by the Department and (ii)
4 contains a unique and identifying number.

5 D. (1) For the purpose of all investigations, audits,
6 examinations, or inspections which in the opinion of the
7 Secretary of State are necessary and proper for the
8 enforcement of this Act, the Secretary of State or a person
9 designated by him or her is empowered to administer oaths and
10 affirmations, subpoena witnesses, take evidence, and require,
11 by subpoena or other lawful means provided by this Act or the
12 rules adopted by the Secretary of State, the production of any
13 books and records, papers, or other documents which the
14 Secretary of State or a person designated by him or her deems
15 relevant or material to the inquiry.

16 (2) The Secretary of State or a person designated by him or
17 her is further empowered to administer oaths and affirmations,
18 subpoena witnesses, take evidence, and require the production
19 of any books and records, papers, or other documents in this
20 State at the request of a securities agency of another state,
21 if the activities constituting the alleged violation for which
22 the information is sought would be in violation of Section 12
23 of this Act if the activities had occurred in this State.

24 (3) The Circuit Court of any County of this State, upon
25 application of the Secretary of State or a person designated
26 by him or her may order the attendance of witnesses, the

1 production of books and records, papers, accounts and
2 documents and the giving of testimony before the Secretary of
3 State or a person designated by him or her; and any failure to
4 obey the order may be punished by the Circuit Court as a
5 contempt thereof.

6 (4) The fees of subpoenaed witnesses under this Act for
7 attendance and travel shall be the same as fees of witnesses
8 before the Circuit Courts of this State, to be paid when the
9 witness is excused from further attendance, provided, the
10 witness is subpoenaed at the instance of the Secretary of
11 State; and payment of the fees shall be made and audited in the
12 same manner as other expenses of the Secretary of State.

13 (5) Whenever a subpoena is issued at the request of a
14 complainant or respondent as the case may be, the Secretary of
15 State may require that the cost of service and the fee of the
16 witness shall be borne by the party at whose instance the
17 witness is summoned.

18 (6) The Secretary of State shall have power at his or her
19 discretion, to require a deposit to cover the cost of the
20 service and witness fees and the payment of the legal witness
21 fee and mileage to the witness served with subpoena.

22 (7) A subpoena issued under this Act shall be served in the
23 same manner as a subpoena issued out of a circuit court.

24 (8) The Secretary of State may in any investigation,
25 audits, examinations, or inspections cause the taking of
26 depositions of persons residing within or without this State

1 in the manner provided in civil actions under the laws of this
2 State.

3 E. Anything in this Act to the contrary notwithstanding:

4 (1) If the Secretary of State shall find that the
5 offer or sale or proposed offer or sale or method of offer
6 or sale of any securities by any person, whether exempt or
7 not, in this State, is fraudulent, or would work or tend to
8 work a fraud or deceit, or is being offered or sold in
9 violation of Section 12, or there has been a failure or
10 refusal to submit any notification filing or fee required
11 under this Act, the Secretary of State may by written
12 order prohibit or suspend the offer or sale of securities
13 by that person or deny or revoke the registration of the
14 securities or the exemption from registration for the
15 securities.

16 (2) If the Secretary of State shall find that any
17 person has violated subsection C, D, E, F, G, H, I, J, or K
18 of Section 12 of this Act, the Secretary of State may by
19 written order temporarily or permanently prohibit or
20 suspend the person from offering or selling any
21 securities, any mineral investment contract, or any
22 mineral deferred delivery contract in this State, provided
23 that any person who is the subject of an order of permanent
24 prohibition may petition the Secretary of State for a
25 hearing to present evidence of rehabilitation or change in
26 circumstances justifying the amendment or termination of

1 the order of permanent prohibition.

2 (3) If the Secretary of State shall find that any
3 person is engaging or has engaged in the business of
4 selling or offering for sale securities as a dealer,
5 Internet portal, or salesperson or is acting or has acted
6 as an investment adviser, investment adviser
7 representative, or federal covered investment adviser,
8 without prior thereto and at the time thereof having
9 complied with the registration or notice filing
10 requirements of this Act, the Secretary of State may by
11 written order prohibit or suspend the person from engaging
12 in the business of selling or offering for sale
13 securities, or acting as an investment adviser, investment
14 adviser representative, or federal covered investment
15 adviser, in this State.

16 (4) In addition to any other sanction or remedy
17 contained in this subsection E, the Secretary of State,
18 after finding that any provision of this Act has been
19 violated, may impose a fine as provided by rule,
20 regulation or order not to exceed \$10,000 for each
21 violation of this Act, may issue an order of public
22 censure against the violator, and may charge as costs of
23 investigation all reasonable expenses, including
24 attorney's fees and witness fees.

25 F. (1) The Secretary of State shall not deny, suspend or
26 revoke the registration of securities, suspend or revoke the

1 registration of a dealer, Internet portal, salesperson,
2 investment adviser, or investment adviser representative,
3 prohibit or suspend the offer or sale of any securities,
4 prohibit or suspend any person from offering or selling any
5 securities in this State, prohibit or suspend a dealer or
6 salesperson from engaging in the business of selling or
7 offering for sale securities, prohibit or suspend a person
8 from acting as an investment adviser or federal covered
9 investment adviser, or investment adviser representative,
10 impose any fine for violation of this Act, issue an order of
11 public censure, or enter into an agreed settlement except
12 after an opportunity for hearing upon not less than 10 days
13 notice given by personal service or registered mail or
14 certified mail, return receipt requested, to the person or
15 persons concerned. Such notice shall state the date and time
16 and place of the hearing and shall contain a brief statement of
17 the proposed action of the Secretary of State and the grounds
18 for the proposed action. A failure to appear at the hearing or
19 otherwise respond to the allegations set forth in the notice
20 of hearing shall constitute an admission of any facts alleged
21 therein and shall constitute sufficient basis to enter an
22 order.

23 (2) Anything herein contained to the contrary
24 notwithstanding, the Secretary of State may temporarily
25 prohibit or suspend, for a maximum period of 90 days, by an
26 order effective immediately, the offer or sale or registration

1 of securities, the registration of a dealer, Internet portal,
2 salesperson, investment adviser, or investment adviser
3 representative, or the offer or sale of securities by any
4 person, or the business of rendering investment advice,
5 without the notice and prior hearing in this subsection
6 prescribed, if the Secretary of State shall in his or her
7 opinion, based on credible evidence, deem it necessary to
8 prevent an imminent violation of this Act or to prevent losses
9 to investors which the Secretary of State reasonably believes
10 will occur as a result of a prior violation of this Act.
11 Immediately after taking action without such notice and
12 hearing, the Secretary of State shall deliver a copy of the
13 temporary order to the respondent named therein by personal
14 service or registered mail or certified mail, return receipt
15 requested. The temporary order shall set forth the grounds for
16 the action and shall advise that the respondent may request a
17 hearing, that the request for a hearing will not stop the
18 effectiveness of the temporary order and that respondent's
19 failure to request a hearing within 30 days after the date of
20 the entry of the temporary order shall constitute an admission
21 of any facts alleged therein and shall constitute sufficient
22 basis to make the temporary order final. Any provision of this
23 paragraph (2) to the contrary notwithstanding, the Secretary
24 of State may not pursuant to the provisions of this paragraph
25 (2) suspend the registration of a dealer, limited Canadian
26 dealer, salesperson, investment adviser, or investment adviser

1 representative based upon sub-paragraph (n) of paragraph (1)
2 of subsection E of Section 8 of this Act or revoke the
3 registration of securities or revoke the registration of any
4 dealer, salesperson, investment adviser representative, or
5 investment adviser.

6 (3) The Secretary of State may issue a temporary order
7 suspending or delaying the effectiveness of any registration
8 of securities under subsection A or B of Section 5, 6 or 7 of
9 this Act subsequent to and upon the basis of the issuance of
10 any stop, suspension or similar order by the Securities and
11 Exchange Commission with respect to the securities which are
12 the subject of the registration under subsection A or B of
13 Section 5, 6 or 7 of this Act, and the order shall become
14 effective as of the date and time of effectiveness of the
15 Securities and Exchange Commission order and shall be vacated
16 automatically at such time as the order of the Securities and
17 Exchange Commission is no longer in effect.

18 (4) When the Secretary of State finds that an application
19 for registration as a dealer, Internet portal, salesperson,
20 investment adviser, or investment adviser representative
21 should be denied, the Secretary of State may enter an order
22 denying the registration. Immediately after taking such
23 action, the Secretary of State shall deliver a copy of the
24 order to the respondent named therein by personal service or
25 registered mail or certified mail, return receipt requested.
26 The order shall state the grounds for the action and that the

1 matter will be set for hearing upon written request filed with
2 the Secretary of State within 30 days after the receipt of the
3 request by the respondent. The respondent's failure to request
4 a hearing within 30 days after receipt of the order shall
5 constitute an admission of any facts alleged therein and shall
6 make the order final. If a hearing is held, the Secretary of
7 State shall affirm, vacate, or modify the order.

8 (5) The findings and decision of the Secretary of State
9 upon the conclusion of each final hearing held pursuant to
10 this subsection shall be set forth in a written order signed on
11 behalf of the Secretary of State by his or her designee and
12 shall be filed as a public record. All hearings shall be held
13 before a person designated by the Secretary of State, and
14 appropriate records thereof shall be kept.

15 (6) Notwithstanding the foregoing, the Secretary of State,
16 after notice and opportunity for hearing, may at his or her
17 discretion enter into an agreed settlement, stipulation or
18 consent order with a respondent in accordance with the
19 provisions of the Illinois Administrative Procedure Act. The
20 provisions of the agreed settlement, stipulation or consent
21 order shall have the full force and effect of an order issued
22 by the Secretary of State.

23 (7) Anything in this Act to the contrary notwithstanding,
24 whenever the Secretary of State finds that a person is
25 currently expelled from, refused membership in or association
26 with, or limited in any material capacity by a self-regulatory

1 organization registered under the Federal 1934 Act or the
2 Federal 1974 Act because of a fraudulent or deceptive act or a
3 practice in violation of a rule, regulation, or standard duly
4 promulgated by the self-regulatory organization, the Secretary
5 of State may, at his or her discretion, enter a Summary Order
6 of Prohibition, which shall prohibit the offer or sale of any
7 securities, mineral investment contract, or mineral deferred
8 delivery contract by the person in this State. The order shall
9 take effect immediately upon its entry. Immediately after
10 taking the action the Secretary of State shall deliver a copy
11 of the order to the named Respondent by personal service or
12 registered mail or certified mail, return receipt requested. A
13 person who is the subject of an Order of Prohibition may
14 petition the Secretary of State for a hearing to present
15 evidence of rehabilitation or change in circumstances
16 justifying the amendment or termination of the Order of
17 Prohibition.

18 G. No administrative action shall be brought by the
19 Secretary of State for relief under this Act or upon or because
20 of any of the matters for which relief is granted by this Act
21 after the earlier to occur of (i) 3 years from the date upon
22 which the Secretary of State had notice of facts which in the
23 exercise of reasonable diligence would lead to actual
24 knowledge of the alleged violation of the Act, or (ii) 5 years
25 from the date on which the alleged violation occurred.

26 H. The action of the Secretary of State in denying,

1 suspending, or revoking the registration of a dealer, Internet
2 portal, limited Canadian dealer, salesperson, investment
3 adviser, or investment adviser representative, in prohibiting
4 any person from engaging in the business of offering or
5 selling securities as a dealer, limited Canadian dealer, or
6 salesperson, in prohibiting or suspending the offer or sale of
7 securities by any person, in prohibiting a person from acting
8 as an investment adviser, federal covered investment adviser,
9 or investment adviser representative, in denying, suspending,
10 or revoking the registration of securities, in prohibiting or
11 suspending the offer or sale or proposed offer or sale of
12 securities, in imposing any fine for violation of this Act, or
13 in issuing any order shall be subject to judicial review in the
14 Circuit Courts of Cook or Sangamon Counties in this State. The
15 Administrative Review Law shall apply to and govern every
16 action for the judicial review of final actions or decisions
17 of the Secretary of State under this Act.

18 I. Notwithstanding any other provisions of this Act to the
19 contrary, whenever it shall appear to the Secretary of State
20 that any person is engaged or about to engage in any acts or
21 practices which constitute or will constitute a violation of
22 this Act or of any rule or regulation prescribed under
23 authority of this Act, the Secretary of State may at his or her
24 discretion, through the Attorney General take any of the
25 following actions:

26 (1) File a complaint and apply for a temporary

1 restraining order without notice, and upon a proper
2 showing the court may enter a temporary restraining order
3 without bond, to enforce this Act.

4 (2) File a complaint and apply for a preliminary or
5 permanent injunction, and, after notice and a hearing and
6 upon a proper showing, the court may grant a preliminary
7 or permanent injunction and may order the defendant to
8 make an offer of rescission with respect to any sales or
9 purchases of securities, mineral investment contracts, or
10 mineral deferred delivery contracts determined by the
11 court to be unlawful under this Act.

12 (3) Seek the seizure of assets when probable cause
13 exists that the assets were obtained by a defendant
14 through conduct in violation of Section 12, paragraph F,
15 G, I, J, K, or L of this Act, and thereby subject to a
16 judicial forfeiture hearing as required under this Act.

17 (a) In the event that such probable cause exists
18 that the subject of an investigation who is alleged to
19 have committed one of the relevant violations of this
20 Act has in his possession assets obtained as a result
21 of the conduct giving rise to the violation, the
22 Secretary of State may seek a seizure warrant in any
23 circuit court in Illinois.

24 (b) In seeking a seizure warrant, the Secretary of
25 State, or his or her designee, shall submit to the
26 court a sworn affidavit detailing the probable cause

1 evidence for the seizure, the location of the assets
2 to be seized, the relevant violation under Section 12
3 of this Act, and a statement detailing any known
4 owners or interest holders in the assets.

5 (c) Seizure of the assets shall be made by any
6 peace officer upon process of the seizure warrant
7 issued by the court. Following the seizure of assets
8 under this Act and pursuant to a seizure warrant,
9 notice of seizure, including a description of the
10 seized assets, shall immediately be returned to the
11 issuing court. Seized assets shall be maintained
12 pending a judicial forfeiture hearing in accordance
13 with the instructions of the court.

14 (d) In the event that management of seized assets
15 becomes necessary to prevent the devaluation,
16 dissipation, or otherwise to preserve the property,
17 the court shall have jurisdiction to appoint a
18 receiver, conservator, ancillary receiver, or
19 ancillary conservator for that purpose, as provided in
20 item (2) of this subsection.

21 (4) Seek the forfeiture of assets obtained through
22 conduct in violation of Section 12, paragraph F, G, H, I,
23 J, K, or L when authorized by law. A forfeiture must be
24 ordered by a circuit court or an action brought by the
25 Secretary of State as provided for in this Act, under a
26 verified complaint for forfeiture.

1 (a) In the event assets have been seized pursuant
2 to this Act, forfeiture proceedings shall be
3 instituted by the Attorney General within 45 days of
4 seizure.

5 (b) Service of the complaint filed under the
6 provisions of this Act shall be made in the manner as
7 provided in civil actions in this State.

8 (c) Only an owner of or interest holder in the
9 property may file an answer asserting a claim against
10 the property. For purposes of this Section, the owner
11 or interest holder shall be referred to as claimant.

12 (d) The answer must be signed by the owner or
13 interest holder under penalty of perjury and must set
14 forth:

15 (i) the caption of the proceedings as set
16 forth on the notice of pending forfeiture and the
17 name of the claimant;

18 (ii) the address at which the claimant will
19 accept mail;

20 (iii) the nature and extent of the claimant's
21 interest in the property;

22 (iv) the date, identity of the transferor, and
23 circumstances of the claimant's acquisition of the
24 interest in the property;

25 (v) the names and addresses of all other
26 persons known to have an interest in the property;

1 (vi) the specific provisions of this Act
2 relied on in asserting that the property is not
3 subject to forfeiture;

4 (vii) all essential facts supporting each
5 assertion; and

6 (viii) the precise relief sought.

7 (e) The answer must be filed with the court within
8 45 days after service of the complaint.

9 (f) A property interest is exempt from forfeiture
10 under this Act if its owner or interest holder
11 establishes by a preponderance of evidence that the
12 owner or interest holder:

13 (i) is not legally accountable for the conduct
14 giving rise to the forfeiture, did not acquiesce
15 in it, and did not know and could not reasonably
16 have known of the conduct or that the conduct was
17 likely to occur;

18 (ii) with respect to conveyances, did not hold
19 the property jointly or in common with a person
20 whose conduct gave rise to the forfeiture;

21 (iii) does not hold the property for the
22 benefit of or as a nominee for any person whose
23 conduct gave rise to its forfeiture and the owner
24 or interest holder acquires it as a bona fide
25 purchaser for value without knowingly taking part
26 in the conduct giving rise to the forfeiture; or

1 (iv) acquired the interest after the
2 commencement of the conduct giving rise to its
3 forfeiture and the owner or interest holder
4 acquired the interest as a mortgagee, secured
5 creditor, lienholder, or bona fide purchaser for
6 value without knowledge of the conduct that gave
7 rise to the forfeiture.

8 (g) The hearing must be held within 60 days after
9 the answer is filed unless continued for good cause.

10 (h) During the probable cause portion of the
11 judicial in rem proceeding wherein the Secretary of
12 State presents its case-in-chief, the court must
13 receive and consider, among other things, any relevant
14 hearsay evidence and information. The laws of evidence
15 relating to civil actions shall apply to all other
16 portions of the judicial in rem proceeding.

17 (i) The Secretary of State shall show the
18 existence of probable cause for forfeiture of the
19 property. If the Secretary of State shows probable
20 cause, the claimant has the burden of showing by a
21 preponderance of the evidence that the claimant's
22 interest in the property is not subject to forfeiture.

23 (j) If the Secretary of State does not show the
24 existence of probable cause or a claimant has an
25 interest that is exempt under subdivision I (4)(d) of
26 this Section, the court shall order the interest in

1 the property returned or conveyed to the claimant and
2 shall order all other property forfeited to the
3 Secretary of State pursuant to all provisions of this
4 Act. If the Secretary of State does show the existence
5 of probable cause and the claimant does not establish
6 by a preponderance of the evidence that the claimant
7 has an interest that is exempt under subsection D
8 herein, the court shall order all the property
9 forfeited to the Secretary of State pursuant to the
10 provisions of the Section.

11 (k) A defendant convicted in any criminal
12 proceeding is precluded from later denying the
13 essential allegations of the criminal offense of which
14 the defendant was convicted in any proceeding for
15 violations of the Act giving rise to forfeiture of
16 property herein regardless of the pendency of an
17 appeal from that conviction. However, evidence of the
18 pendency of an appeal is admissible.

19 (l) An acquittal or dismissal in a criminal
20 proceeding for violations of the Act giving rise to
21 the forfeiture of property herein shall not preclude
22 civil proceedings under this provision; however, for
23 good cause shown, on a motion by the Secretary of
24 State, the court may stay civil forfeiture proceedings
25 during the criminal trial for a related criminal
26 indictment or information alleging violation of the

1 provisions of Section 12 of the Illinois Securities
2 Law of 1953. Property subject to forfeiture under this
3 Section shall not be subject to return or release by a
4 court exercising jurisdiction over a criminal case
5 involving the seizure of the property unless the
6 return or release is consented to by the Secretary of
7 State.

8 (m) All property declared forfeited under this Act
9 vests in the State on the commission of the conduct
10 giving rise to forfeiture together with the proceeds
11 of the property after that time. Any such property or
12 proceeds subsequently transferred to any person remain
13 subject to forfeiture and thereafter shall be ordered
14 forfeited unless the transferee claims and establishes
15 in a hearing under the provisions of this Act that the
16 transferee's interest is exempt under the Act. Any
17 assets forfeited to the State shall be disposed of in
18 following manner:

19 (i) all forfeited property and assets shall be
20 liquidated by the Secretary of State in accordance
21 with all laws and rules governing the disposition
22 of such property;

23 (ii) the Secretary of State shall provide the
24 court at the time the property and assets are
25 declared forfeited a verified statement of
26 investors subject to the conduct giving rise to

1 the forfeiture;

2 (iii) after payment of any costs of sale,
3 receivership, storage, or expenses for
4 preservation of the property seized, other costs
5 to the State, and payment to claimants for any
6 amount deemed exempt from forfeiture, the proceeds
7 from liquidation shall be distributed pro rata to
8 investors subject to the conduct giving rise to
9 the forfeiture; and

10 (iv) any proceeds remaining after all verified
11 investors have been made whole shall be
12 distributed 25% to the Securities Investors
13 Education Fund, 25% to the Securities Audit and
14 Enforcement Fund, 25% to the Attorney General or
15 any State's Attorney bringing criminal charges for
16 the conduct giving rise to the forfeiture, and 25%
17 to other law enforcement agencies participating in
18 the investigation of the criminal charges for the
19 conduct giving rise to the forfeiture. In the
20 event that no other law enforcement agencies are
21 involved in the investigation of the conduct
22 giving rise to the forfeiture, then the portion to
23 other law enforcement agencies shall be
24 distributed to the Securities Investors Education
25 Fund.

26 (n) The Secretary of State shall notify by

1 certified mail, return receipt requested, all known
2 investors in the matter giving rise to the forfeiture
3 of the forfeiture proceeding and sale of assets
4 forfeited arising from the violations of this Act, and
5 shall further publish notice in a paper of general
6 circulation in the district in which the violations
7 were prosecuted. The notice to investors shall
8 identify the name, address, and other identifying
9 information about any defendant prosecuted for
10 violations of this Act that resulted in forfeiture and
11 sale of property, the offense for which the defendant
12 was convicted, and that the court has ordered
13 forfeiture and sale of property for claims of
14 investors who incurred losses or damages as a result
15 of the violations. Investors may then file a claim in a
16 form prescribed by the Secretary of State in order to
17 share in disbursement of the proceeds from sale of the
18 forfeited property. Investor claims must be filed with
19 the Secretary of State within 30 days after receipt of
20 the certified mail return receipt, or within 30 days
21 after the last date of publication of the general
22 notice in a paper of general circulation in the
23 district in which the violations were prosecuted,
24 whichever occurs last.

25 (o) A civil action under this subsection must be
26 commenced within 5 years after the last conduct giving

1 rise to the forfeiture became known or should have
2 become known or 5 years after the forfeitable property
3 is discovered, whichever is later, excluding time
4 during which either the property or claimant is out of
5 this State or in confinement or during which criminal
6 proceedings relating to the same conduct are in
7 progress.

8 (p) If property is seized for evidence and for
9 forfeiture, the time periods for instituting judicial
10 forfeiture proceedings shall not begin until the
11 property is no longer necessary for evidence.

12 (q) Notwithstanding other provisions of this Act,
13 the Secretary of State and a claimant of forfeitable
14 property may enter into an agreed-upon settlement
15 concerning the forfeitable property in such an amount
16 and upon such terms as are set out in writing in a
17 settlement agreement.

18 (r) Nothing in this Act shall apply to property
19 that constitutes reasonable bona fide attorney's fees
20 paid to an attorney for services rendered or to be
21 rendered in the forfeiture proceeding or criminal
22 proceeding relating directly thereto when the property
23 was paid before its seizure and before the issuance of
24 any seizure warrant or court order prohibiting
25 transfer of the property and when the attorney, at the
26 time he or she received the property, did not know that

1 it was property subject to forfeiture under this Act.

2 The court shall further have jurisdiction and authority,
3 in addition to the penalties and other remedies in this Act
4 provided, to enter an order for the appointment of the court or
5 a person as a receiver, conservator, ancillary receiver or
6 ancillary conservator for the defendant or the defendant's
7 assets located in this State, or to require restitution,
8 damages or disgorgement of profits on behalf of the person or
9 persons injured by the act or practice constituting the
10 subject matter of the action, and may assess costs against the
11 defendant for the use of the State; provided, however, that
12 the civil remedies of rescission and appointment of a
13 receiver, conservator, ancillary receiver or ancillary
14 conservator shall not be available against any person by
15 reason of the failure to file with the Secretary of State, or
16 on account of the contents of, any report of sale provided for
17 in subsection G or P of Section 4, paragraph (2) of subsection
18 D of Sections 5 and 6, or paragraph (2) of subsection F of
19 Section 7 of this Act. Appeals may be taken as in other civil
20 cases.

21 I-5. Property forfeited under this Section is subject to
22 reporting under the Seizure and Forfeiture Reporting Act of
23 2025.

24 J. In no case shall the Secretary of State, or any of his
25 or her employees or agents, in the administration of this Act,
26 incur any official or personal liability by instituting an

1 injunction or other proceeding or by denying, suspending or
2 revoking the registration of a dealer or salesperson, or by
3 denying, suspending or revoking the registration of securities
4 or prohibiting the offer or sale of securities, or by
5 suspending or prohibiting any person from acting as a dealer,
6 limited Canadian dealer, salesperson, investment adviser, or
7 investment adviser representative or from offering or selling
8 securities.

9 K. No provision of this Act shall be construed to require
10 or to authorize the Secretary of State to require any
11 investment adviser or federal covered investment adviser
12 engaged in rendering investment supervisory services to
13 disclose the identity, investments, or affairs of any client
14 of the investment adviser or federal covered investment
15 adviser, except insofar as the disclosure may be necessary or
16 appropriate in a particular proceeding or investigation having
17 as its object the enforcement of this Act.

18 L. Whenever, after an examination, investigation or
19 hearing, the Secretary of State deems it of public interest or
20 advantage, he or she may certify a record to the State's
21 Attorney of the county in which the act complained of,
22 examined or investigated occurred. The State's Attorney of
23 that county within 90 days after receipt of the record shall
24 file a written statement at the Office of the Secretary of
25 State, which statement shall set forth the action taken upon
26 the record, or if no action has been taken upon the record that

1 fact, together with the reasons therefor, shall be stated.

2 M. The Secretary of State may initiate, take, pursue, or
3 prosecute any action authorized or permitted under Section 6d
4 of the Federal 1974 Act.

5 N. (1) Notwithstanding any provision of this Act to the
6 contrary, to encourage uniform interpretation, administration,
7 and enforcement of the provisions of this Act, the Secretary
8 of State may cooperate with the securities agencies or
9 administrators of one or more states, Canadian provinces or
10 territories, or another country, the Securities and Exchange
11 Commission, the Commodity Futures Trading Commission, the
12 Securities Investor Protection Corporation, any
13 self-regulatory organization, and any governmental law
14 enforcement or regulatory agency.

15 (2) The cooperation authorized by paragraph (1) of this
16 subsection includes, but is not limited to, the following:

17 (a) establishing or participating in a central
18 depository or depositories for registration under this Act
19 and for documents or records required under this Act;

20 (b) making a joint audit, inspection, examination, or
21 investigation;

22 (c) holding a joint administrative hearing;

23 (d) filing and prosecuting a joint civil or criminal
24 proceeding;

25 (e) sharing and exchanging personnel;

26 (f) sharing and exchanging information and documents;

1 or

2 (g) issuing any joint statement or policy.

3 (Source: P.A. 99-182, eff. 1-1-16; 100-512, eff. 7-1-18;

4 100-699, eff. 8-3-18.)

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 70/1.46 new

5 5 ILCS 140/7.5

6 5 ILCS 810/Act rep.

7 20 ILCS 3435/12

8 20 ILCS 2620/7 from Ch. 127, par. 55j

9 20 ILCS 3440/16.3

10 225 ILCS 735/16 from Ch. 111, par. 716

11 410 ILCS 620/3.23

12 415 ILCS 5/44.1

13 510 ILCS 68/105-55

14 510 ILCS 70/4.01 from Ch. 8, par. 704.01

15 515 ILCS 5/1-215 from Ch. 56, par. 1-215

16 520 ILCS 5/1.25 from Ch. 61, par. 1.25

17 720 ILCS 5/10-9

18 720 ILCS 5/11-14.4

19 720 ILCS 5/11-20 from Ch. 38, par. 11-20

20 720 ILCS 5/11-20.1 from Ch. 38, par. 11-20.1

21 720 ILCS 5/11-20.4

22 720 ILCS 5/11-23.5

23 720 ILCS 5/11-23.7

24 720 ILCS 5/12C-65 was 720 ILCS 5/44-2 and 5/44-3

25 720 ILCS 5/17-6.3

1	720 ILCS 5/17-10.6	
2	720 ILCS 5/17-50	was 720 ILCS 5/16D-5 and 5/16D-6
3	720 ILCS 5/28-5	from Ch. 38, par. 28-5
4	720 ILCS 5/29D-65	
5	720 ILCS 5/47-15	
6	720 ILCS 5/48-1	was 720 ILCS 5/26-5
7	720 ILCS 5/36-1.1 rep.	
8	720 ILCS 5/36-1.2 rep.	
9	720 ILCS 5/36-1.3 rep.	
10	720 ILCS 5/36-1.4 rep.	
11	720 ILCS 5/36-1.5 rep.	
12	720 ILCS 5/36-1a rep.	
13	720 ILCS 5/36-2 rep.	
14	720 ILCS 5/36-2.1 rep.	
15	720 ILCS 5/36-2.2 rep.	
16	720 ILCS 5/36-2.5 rep.	
17	720 ILCS 5/36-2.7 rep.	
18	720 ILCS 5/36-3 rep.	
19	720 ILCS 5/36-3.1 rep.	
20	720 ILCS 5/36-4 rep.	
21	720 ILCS 5/36-5 rep.	
22	720 ILCS 5/36-6 rep.	
23	720 ILCS 5/36-7 rep.	
24	720 ILCS 5/36-9 rep.	
25	720 ILCS 550/12	from Ch. 56 1/2, par. 712
26	720 ILCS 570/505	from Ch. 56 1/2, par. 1505

- 1 720 ILCS 646/85
- 2 725 ILCS 5/Art. 124B rep.
- 3 725 ILCS 150/Act rep.
- 4 725 ILCS 175/6.5
- 5 725 ILCS 210/4.01 from Ch. 14, par. 204.01
- 6 725 ILCS 240/10 from Ch. 70, par. 510
- 7 740 ILCS 147/40
- 8 815 ILCS 5/11 from Ch. 121 1/2, par. 137.11