



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3406

Introduced 2/18/2025, by Rep. Patrick Sheehan

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/36-1

from Ch. 38, par. 36-1

Amends the Criminal Code of 2012. Provides that any vessel or watercraft, vehicle, or aircraft is subject to forfeiture if the vessel or watercraft, vehicle, or aircraft is used with the knowledge and consent of the owner in the commission of or in the attempt to commit the offense of fleeing or attempting to elude a peace officer.

LRB104 11410 RLC 21498 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 36-1 as follows:

6 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

7 Sec. 36-1. Property subject to forfeiture.

8 (a) Any vessel or watercraft, vehicle, or aircraft is  
9 subject to forfeiture under this Article if the vessel or  
10 watercraft, vehicle, or aircraft is used with the knowledge  
11 and consent of the owner in the commission of or in the attempt  
12 to commit as defined in Section 8-4 of this Code:

13 (1) an offense prohibited by Section 9-1 (first degree  
14 murder), Section 9-3 (involuntary manslaughter and  
15 reckless homicide), Section 10-2 (aggravated kidnaping),  
16 Section 11-1.20 (criminal sexual assault), Section 11-1.30  
17 (aggravated criminal sexual assault), Section 11-1.40  
18 (predatory criminal sexual assault of a child), subsection  
19 (a) of Section 11-1.50 (criminal sexual abuse), subsection  
20 (a), (c), or (d) of Section 11-1.60 (aggravated criminal  
21 sexual abuse), Section 11-6 (indecent solicitation of a  
22 child), Section 11-14.4 (promoting juvenile prostitution  
23 except for keeping a place of juvenile prostitution),

1       Section 11-20.1 (child pornography), paragraph (a)(1),  
2       (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),  
3       (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05  
4       (aggravated battery), Section 12-7.3 (stalking), Section  
5       12-7.4 (aggravated stalking), Section 16-1 (theft if the  
6       theft is of precious metal or of scrap metal), subdivision  
7       (f)(2) or (f)(3) of Section 16-25 (retail theft), Section  
8       18-2 (armed robbery), Section 19-1 (burglary), Section  
9       19-2 (possession of burglary tools), Section 19-3  
10      (residential burglary), Section 20-1 (arson; residential  
11      arson; place of worship arson), Section 20-2 (possession  
12      of explosives or explosive or incendiary devices),  
13      subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful  
14      possession of weapons), Section 24-1.2 (aggravated  
15      discharge of a firearm), Section 24-1.2-5 (aggravated  
16      discharge of a machine gun or a firearm equipped with a  
17      device designed or used for silencing the report of a  
18      firearm), Section 24-1.5 (reckless discharge of a  
19      firearm), Section 28-1 (gambling), or Section 29D-15.2  
20      (possession of a deadly substance) of this Code;

21           (2) an offense prohibited by Section 21, 22, 23, 24 or  
22      26 of the Cigarette Tax Act if the vessel or watercraft,  
23      vehicle, or aircraft contains more than 10 cartons of such  
24      cigarettes;

25           (3) an offense prohibited by Section 28, 29, or 30 of  
26      the Cigarette Use Tax Act if the vessel or watercraft,

1 vehicle, or aircraft contains more than 10 cartons of such  
2 cigarettes;

3 (4) an offense prohibited by Section 44 of the  
4 Environmental Protection Act;

5 (4.1) an offense prohibited by Section 11-204 of the  
6 Illinois Vehicle Code (fleeing or attempting to elude a  
7 peace officer);

8 (5) an offense prohibited by Section 11-204.1 of the  
9 Illinois Vehicle Code (aggravated fleeing or attempting to  
10 elude a peace officer);

11 (6) an offense prohibited by Section 11-501 of the  
12 Illinois Vehicle Code (driving while under the influence  
13 of alcohol or other drug or drugs, intoxicating compound  
14 or compounds or any combination thereof) or a similar  
15 provision of a local ordinance, and:

16 (A) during a period in which his or her driving  
17 privileges are revoked or suspended if the revocation  
18 or suspension was for:

19 (i) Section 11-501 (driving under the  
20 influence of alcohol or other drug or drugs,  
21 intoxicating compound or compounds or any  
22 combination thereof),

23 (ii) Section 11-501.1 (statutory summary  
24 suspension or revocation),

25 (iii) paragraph (b) of Section 11-401 (motor  
26 vehicle crashes involving death or personal

1 injuries), or

2 (iv) reckless homicide as defined in Section  
3 9-3 of this Code;

4 (B) has been previously convicted of reckless  
5 homicide or a similar provision of a law of another  
6 state relating to reckless homicide in which the  
7 person was determined to have been under the influence  
8 of alcohol, other drug or drugs, or intoxicating  
9 compound or compounds as an element of the offense or  
10 the person has previously been convicted of committing  
11 a violation of driving under the influence of alcohol  
12 or other drug or drugs, intoxicating compound or  
13 compounds or any combination thereof and was involved  
14 in a motor vehicle crash that resulted in death, great  
15 bodily harm, or permanent disability or disfigurement  
16 to another, when the violation was a proximate cause  
17 of the death or injuries;

18 (C) the person committed a violation of driving  
19 under the influence of alcohol or other drug or drugs,  
20 intoxicating compound or compounds or any combination  
21 thereof under Section 11-501 of the Illinois Vehicle  
22 Code or a similar provision for the third or  
23 subsequent time;

24 (D) he or she did not possess a valid driver's  
25 license or permit or a valid restricted driving permit  
26 or a valid judicial driving permit or a valid

1 monitoring device driving permit; or

2 (E) he or she knew or should have known that the  
3 vehicle he or she was driving was not covered by a  
4 liability insurance policy;

5 (7) an offense described in subsection (g) of Section  
6 6-303 of the Illinois Vehicle Code;

7 (8) an offense described in subsection (e) of Section  
8 6-101 of the Illinois Vehicle Code; or

9 (9) (A) operating a watercraft under the influence of  
10 alcohol, other drug or drugs, intoxicating compound or  
11 compounds, or combination thereof under Section 5-16 of  
12 the Boat Registration and Safety Act during a period in  
13 which his or her privileges to operate a watercraft are  
14 revoked or suspended and the revocation or suspension was  
15 for operating a watercraft under the influence of alcohol,  
16 other drug or drugs, intoxicating compound or compounds,  
17 or combination thereof; (B) operating a watercraft under  
18 the influence of alcohol, other drug or drugs,  
19 intoxicating compound or compounds, or combination thereof  
20 and has been previously convicted of reckless homicide or  
21 a similar provision of a law in another state relating to  
22 reckless homicide in which the person was determined to  
23 have been under the influence of alcohol, other drug or  
24 drugs, intoxicating compound or compounds, or combination  
25 thereof as an element of the offense or the person has  
26 previously been convicted of committing a violation of

1 operating a watercraft under the influence of alcohol,  
2 other drug or drugs, intoxicating compound or compounds,  
3 or combination thereof and was involved in an accident  
4 that resulted in death, great bodily harm, or permanent  
5 disability or disfigurement to another, when the violation  
6 was a proximate cause of the death or injuries; or (C) the  
7 person committed a violation of operating a watercraft  
8 under the influence of alcohol, other drug or drugs,  
9 intoxicating compound or compounds, or combination thereof  
10 under Section 5-16 of the Boat Registration and Safety Act  
11 or a similar provision for the third or subsequent time.

12 (b) In addition, any mobile or portable equipment used in  
13 the commission of an act which is in violation of Section 7g of  
14 the Metropolitan Water Reclamation District Act shall be  
15 subject to seizure and forfeiture under the same procedures  
16 provided in this Article for the seizure and forfeiture of  
17 vessels or watercraft, vehicles, and aircraft, and any such  
18 equipment shall be deemed a vessel or watercraft, vehicle, or  
19 aircraft for purposes of this Article.

20 (c) In addition, when a person discharges a firearm at  
21 another individual from a vehicle with the knowledge and  
22 consent of the owner of the vehicle and with the intent to  
23 cause death or great bodily harm to that individual and as a  
24 result causes death or great bodily harm to that individual,  
25 the vehicle shall be subject to seizure and forfeiture under  
26 the same procedures provided in this Article for the seizure

1 and forfeiture of vehicles used in violations of clauses (1),  
2 (2), (3), or (4) of subsection (a) of this Section.

3 (d) If the spouse of the owner of a vehicle seized for an  
4 offense described in subsection (g) of Section 6-303 of the  
5 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
6 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
7 11-501 of the Illinois Vehicle Code, or Section 9-3 of this  
8 Code makes a showing that the seized vehicle is the only source  
9 of transportation and it is determined that the financial  
10 hardship to the family as a result of the seizure outweighs the  
11 benefit to the State from the seizure, the vehicle may be  
12 forfeited to the spouse or family member and the title to the  
13 vehicle shall be transferred to the spouse or family member  
14 who is properly licensed and who requires the use of the  
15 vehicle for employment or family transportation purposes. A  
16 written declaration of forfeiture of a vehicle under this  
17 Section shall be sufficient cause for the title to be  
18 transferred to the spouse or family member. The provisions of  
19 this paragraph shall apply only to one forfeiture per vehicle.  
20 If the vehicle is the subject of a subsequent forfeiture  
21 proceeding by virtue of a subsequent conviction of either  
22 spouse or the family member, the spouse or family member to  
23 whom the vehicle was forfeited under the first forfeiture  
24 proceeding may not utilize the provisions of this paragraph in  
25 another forfeiture proceeding. If the owner of the vehicle  
26 seized owns more than one vehicle, the procedure set out in



1     this paragraph may be used for only one vehicle.

2           (e) In addition, property subject to forfeiture under  
3     Section 40 of the Illinois Streetgang Terrorism Omnibus  
4     Prevention Act may be seized and forfeited under this Article.

5     (Source: P.A. 102-982, eff. 7-1-23; 103-822, eff. 1-1-25.)