



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5296

Introduced 2/10/2026, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

720 ILCS 5/29B-10
720 ILCS 5/36-2.1
725 ILCS 150/4

from Ch. 56 1/2, par. 1674

Amends the Criminal Code of 2012 and the Drug Asset Forfeiture Procedure Act. In various forfeiture proceedings, provides that notice of the proceedings to the owner or interest holder of the property may be satisfied by service by email as provided in Illinois Supreme Court Rule. Provides that if the property of the owner or interest holder is required by law to be registered at a specific address, the notice may be satisfied by a single certified mailed notice to the address of the registered property.

LRB104 17356 RLC 30781 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 Sections 29B-10 and 36-2.1 as follows:

6 (720 ILCS 5/29B-10)

7 Sec. 29B-10. Notice to owner or interest holder.

8 (a) The first attempted service of notice shall be
9 commenced within 28 days of the latter of filing of the
10 verified claim or the receipt of the notice from the seizing
11 agency by Form 4-64. A complaint for forfeiture or a notice of
12 pending forfeiture shall be served on a claimant if the
13 owner's or interest holder's name and current address are
14 known, then by either: (1) personal service; ~~or~~ (2) mailing a
15 copy of the notice by certified mail, return receipt
16 requested, and first class mail to that address; or (3)
17 service by email as provided in subparagraph (B) of paragraph
18 (1) of subsection (f) of Supreme Court Rule 102. If the
19 property of the owner or interest holder is required by law to
20 be registered at a specific address, the notice provided in
21 paragraph (2) of this subsection may be satisfied by a single
22 certified mailed notice to the address of the registered
23 property.

1 (b) If no signed return receipt is received by the State's
2 Attorney within 28 days of mailing or no communication from
3 the owner or interest holder is received by the State's
4 Attorney documenting actual notice by the parties, the State's
5 Attorney shall, within a reasonable period of time, mail a
6 second copy of the notice by certified mail, return receipt
7 requested, and first class mail to that address. If no signed
8 return receipt is received by the State's Attorney within 28
9 days of the second mailing, or no communication from the owner
10 or interest holder is received by the State's Attorney
11 documenting actual notice by the parties, the State's Attorney
12 shall have 60 days to attempt to serve the notice by personal
13 service, including substitute service by leaving a copy at the
14 usual place of abode with some person of the family or a person
15 residing there, of the age of 13 years or upwards. If, after 3
16 attempts at service in this manner, no service of the notice is
17 accomplished, the notice shall be posted in a conspicuous
18 manner at the address and service shall be made by the posting.
19 The attempts at service and the posting, if required, shall be
20 documented by the person attempting service which shall be
21 made part of a return of service returned to the State's
22 Attorney. The State's Attorney may utilize any Sheriff or
23 Deputy Sheriff, a peace officer, a private process server or
24 investigator, or an employee, agent, or investigator of the
25 State's Attorney's Office to attempt service without seeking
26 leave of court.

1 (c) After the procedures listed are followed, service
2 shall be effective on the owner or interest holder on the date
3 of receipt by the State's Attorney of a return receipt, or on
4 the date of receipt of a communication from an owner or
5 interest holder documenting actual notice, whichever is first
6 in time, or on the date of the last act performed by the
7 State's Attorney in attempting personal service. For purposes
8 of notice under this Section, if a person has been arrested for
9 the conduct giving rise to the forfeiture, the address
10 provided to the arresting agency at the time of arrest shall be
11 deemed to be that person's known address. Provided, however,
12 if an owner or interest holder's address changes prior to the
13 effective date of the notice of pending forfeiture, the owner
14 or interest holder shall promptly notify the seizing agency of
15 the change in address or, if the owner or interest holder's
16 address changes subsequent to the effective date of the notice
17 of pending forfeiture, the owner or interest holder shall
18 promptly notify the State's Attorney of the change in address.
19 If the property seized is a conveyance, notice shall also be
20 directed to the address reflected in the office of the agency
21 or official in which title to or interest in the conveyance is
22 required by law to be recorded.

23 (d) If the owner's or interest holder's address is not
24 known, and is not on record as provided in this Section,
25 service by publication for 3 successive weeks in a newspaper
26 of general circulation in the county in which the seizure

1 occurred shall suffice for service requirements.

2 (e) Notice to any business entity, corporation, limited
3 liability company, limited liability partnership, or
4 partnership shall be completed by a single mailing of a copy of
5 the notice by certified mail, return receipt requested, and
6 first class mail to that address. This notice is complete
7 regardless of the return of a signed return receipt.

8 (f) Notice to a person whose address is not within the
9 State shall be completed by a single mailing of a copy of the
10 notice by certified mail, return receipt requested, and first
11 class mail to that address. This notice is complete regardless
12 of the return of a signed return receipt.

13 (g) Notice to a person whose address is not within the
14 United States shall be completed by a single mailing of a copy
15 of the notice by certified mail, return receipt requested, and
16 first class mail to that address. This notice is complete
17 regardless of the return of a signed return receipt. If
18 certified mail is not available in the foreign country where
19 the person has an address, notice shall proceed by publication
20 requirements under subsection (d) of this Section.

21 (h) Notice to a person whom the State's Attorney
22 reasonably should know is incarcerated within this State shall
23 also include mailing a copy of the notice by certified mail,
24 return receipt requested, and first class mail to the address
25 of the detention facility with the inmate's name clearly
26 marked on the envelope.

1 (i) After a claimant files a verified claim with the
2 State's Attorney and provides an address at which the claimant
3 will accept service, the complaint shall be served and notice
4 shall be complete upon the mailing of the complaint to the
5 claimant at the address the claimant provided via certified
6 mail, return receipt requested, and first class mail. No
7 return receipt need be received, or any other attempts at
8 service need be made to comply with service and notice
9 requirements under this Section. This certified mailing,
10 return receipt requested, shall be proof of service of the
11 complaint on the claimant. If notice is to be shown by actual
12 notice from communication with a claimant, then the State's
13 Attorney shall file an affidavit as proof of service,
14 providing details of the communication, which shall be
15 accepted as proof of service by the court.

16 (j) If the property seized is a conveyance, notice shall
17 also be directed to the address reflected in the office of the
18 agency or official in which title to or interest in the
19 conveyance is required by law to be recorded by mailing a copy
20 of the notice by certified mail, return receipt requested, to
21 that address.

22 (k) Notice served under this Article is effective upon
23 personal service, the last date of publication, or the mailing
24 of written notice, whichever is earlier.

25 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

1 (720 ILCS 5/36-2.1)

2 Sec. 36-2.1. Notice to owner or interest holder. The
3 first attempted service of notice shall be commenced within 28
4 days of the receipt of the notice from the seizing agency by
5 Form 4-64. If the property seized is a conveyance, notice
6 shall also be directed to the address reflected in the office
7 of the agency or official in which title to or interest in the
8 conveyance is required by law to be recorded. A complaint for
9 forfeiture shall be served upon the property owner or interest
10 holder in the following manner:

11 (1) If the owner's or interest holder's name and
12 current address are known, then by either:

13 (A) personal service; ~~or~~

14 (B) mailing a copy of the notice by certified
15 mail, return receipt requested, and first class mail
16 to that address; or

17 (C) service by email as provided in subparagraph
18 (B) of paragraph (1) of subsection (f) of Supreme
19 Court Rule 102.

20 If the property of the owner or interest holder is
21 required by law to be registered at a specific address,
22 the notice provided in subparagraph (B) of paragraph (1)
23 may be satisfied by a single certified mailed notice to
24 the address of the registered property.

25 (i) If notice is sent by certified mail and no
26 signed return receipt is received by the State's

1 Attorney within 28 days of mailing, and no
2 communication from the owner or interest holder is
3 received by the State's Attorney documenting
4 actual notice by said parties, the State's
5 Attorney shall, within a reasonable period of
6 time, mail a second copy of the notice by
7 certified mail, return receipt requested, and
8 first class mail to that address.

9 (ii) If no signed return receipt is received
10 by the State's Attorney within 28 days of the
11 second attempt at service by certified mail, and
12 no communication from the owner or interest holder
13 is received by the State's Attorney documenting
14 actual notice by said parties, the State's
15 Attorney shall have 60 days to attempt to serve
16 the notice by personal service, which also
17 includes substitute service by leaving a copy at
18 the usual place of abode with some person of the
19 family or a person residing there, of the age of 13
20 years or upwards. If, after 3 attempts at service
21 in this manner, no service of the notice is
22 accomplished, then the notice shall be posted in a
23 conspicuous manner at this address and service
24 shall be made by the posting.

25 The attempts at service and the posting, if
26 required, shall be documented by the person attempting

1 service and said documentation shall be made part of a
2 return of service returned to the State's Attorney.

3 The State's Attorney may utilize a Sheriff or
4 Deputy Sheriff, any peace officer, a private process
5 server or investigator, or any employee, agent, or
6 investigator of the State's Attorney's office to
7 attempt service without seeking leave of court.

8 After the procedures are followed, service shall
9 be effective on an owner or interest holder on the date
10 of receipt by the State's Attorney of a return
11 receipt, or on the date of receipt of a communication
12 from an owner or interest holder documenting actual
13 notice, whichever is first in time, or on the date of
14 the last act performed by the State's Attorney in
15 attempting personal service under item (ii) of this
16 paragraph (1). If notice is to be shown by actual
17 notice from communication with a claimant, then the
18 State's Attorney shall file an affidavit providing
19 details of the communication, which shall be accepted
20 as sufficient proof of service by the court.

21 For purposes of notice under this Section, if a
22 person has been arrested for the conduct giving rise
23 to the forfeiture, the address provided to the
24 arresting agency at the time of arrest shall be deemed
25 to be that person's known address. Provided, however,
26 if an owner or interest holder's address changes prior

1 to the effective date of the complaint for forfeiture,
2 the owner or interest holder shall promptly notify the
3 seizing agency of the change in address or, if the
4 owner or interest holder's address changes subsequent
5 to the effective date of the notice of pending
6 forfeiture, the owner or interest holder shall
7 promptly notify the State's Attorney of the change in
8 address; or if the property seized is a conveyance, to
9 the address reflected in the office of the agency or
10 official in which title to or interest in the
11 conveyance is required by law to be recorded.

12 (2) If the owner's or interest holder's address is not
13 known, and is not on record, then notice shall be served by
14 publication for 3 successive weeks in a newspaper of
15 general circulation in the county in which the seizure
16 occurred.

17 (3) Notice to any business entity, corporation,
18 limited liability company, limited liability partnership,
19 or partnership shall be completed by a single mailing of a
20 copy of the notice by certified mail, return receipt
21 requested, and first class mail to that address. This
22 notice is complete regardless of the return of a signed
23 return receipt.

24 (4) Notice to a person whose address is not within the
25 State shall be completed by a single mailing of a copy of
26 the notice by certified mail, return receipt requested,

1 and first class mail to that address. This notice is
2 complete regardless of the return of a signed return
3 receipt.

4 (5) Notice to a person whose address is not within the
5 United States shall be completed by a single mailing of a
6 copy of the notice by certified mail, return receipt
7 requested, and first class mail to that address. This
8 notice shall be complete regardless of the return of a
9 signed return receipt. If certified mail is not available
10 in the foreign country where the person has an address,
11 then notice shall proceed by publication under paragraph
12 (2) of this Section.

13 (6) Notice to any person whom the State's Attorney
14 reasonably should know is incarcerated within the State
15 shall also include mailing a copy of the notice by
16 certified mail, return receipt requested, and first class
17 mail to the address of the detention facility with the
18 inmate's name clearly marked on the envelope.

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

21 Section 10. The Drug Asset Forfeiture Procedure Act is
22 amended by changing Section 4 as follows:

23 (725 ILCS 150/4) (from Ch. 56 1/2, par. 1674)

24 Sec. 4. Notice to owner or interest holder. The first

1 attempted service of notice shall be commenced within 28 days
2 of the filing of the verified claim or the receipt of the
3 notice from the seizing agency by Illinois State Police
4 Notice/Inventory of Seized Property (Form 4-64), whichever
5 occurs sooner. A complaint for forfeiture or a notice of
6 pending forfeiture shall be served upon the property owner or
7 interest holder in the following manner:

8 (1) If the owner's or interest holder's name and
9 current address are known, then by either:

10 (A) personal service; ~~or~~

11 (B) mailing a copy of the notice by certified
12 mail, return receipt requested, and first class mail
13 to that address.

14 (i) If notice is sent by certified mail and no
15 signed return receipt is received by the State's
16 Attorney within 28 days of mailing, and no
17 communication from the owner or interest holder is
18 received by the State's Attorney documenting
19 actual notice by said parties, then the State's
20 Attorney shall, within a reasonable period of
21 time, mail a second copy of the notice by
22 certified mail, return receipt requested, and
23 first class mail to that address.

24 (ii) If no signed return receipt is received
25 by the State's Attorney within 28 days of the
26 second attempt at service by certified mail, and

1 no communication from the owner or interest holder
2 is received by the State's Attorney documenting
3 actual notice by said parties, then the State's
4 Attorney shall have 60 days to attempt to serve
5 the notice by personal service, which also
6 includes substitute service by leaving a copy at
7 the usual place of abode, with some person of the
8 family or a person residing there, of the age of 13
9 years or upwards. If, after 3 attempts at service
10 in this manner, no service of the notice is
11 accomplished, then the notice shall be posted in a
12 conspicuous manner at this address and service
13 shall be made by posting; ~~or~~.

14 (C) service by email as provided in subparagraph
15 (B) of paragraph (1) of subsection (f) of Supreme
16 Court Rule 102.

17 If the property of the owner or interest holder is
18 required by law to be registered at a specific address,
19 the notice provided in subparagraph (B) of paragraph (1)
20 may be satisfied by a single certified mailed notice to
21 the address of the registered property.

22 The attempts at service and the posting, if
23 required, shall be documented by the person
24 attempting service and said documentation shall be
25 made part of a return of service returned to the
26 State's Attorney.

1 The State's Attorney may utilize any Sheriff
2 or Deputy Sheriff, any peace officer, a private
3 process server or investigator, or any employee,
4 agent, or investigator of the State's Attorney's
5 Office to attempt service without seeking leave of
6 court.

7 After the procedures set forth are followed,
8 service shall be effective on an owner or interest
9 holder on the date of receipt by the State's
10 Attorney of a return receipt, or on the date of
11 receipt of a communication from an owner or
12 interest holder documenting actual notice,
13 whichever is first in time, or on the date of the
14 last act performed by the State's Attorney in
15 attempting personal service under subparagraph
16 (ii) above. If notice is to be shown by actual
17 notice from communication with a claimant, then
18 the State's Attorney shall file an affidavit
19 providing details of the communication, which may
20 be accepted as sufficient proof of service by the
21 court.

22 After a claimant files a verified claim with
23 the State's Attorney and provides an address at
24 which the claimant will accept service, the
25 complaint shall be served and notice shall be
26 perfected upon mailing of the complaint to the

1 claimant at the address the claimant provided via
2 certified mail, return receipt requested, and
3 first class mail. No return receipt need be
4 received, or any other attempts at service need be
5 made to comply with service and notice
6 requirements under this Act. This certified
7 mailing, return receipt requested, shall be proof
8 of service of the complaint on the claimant.

9 For purposes of notice under this Section, if
10 a person has been arrested for the conduct giving
11 rise to the forfeiture, then the address provided
12 to the arresting agency at the time of arrest
13 shall be deemed to be that person's known address.
14 Provided, however, if an owner or interest
15 holder's address changes prior to the effective
16 date of the notice of pending forfeiture, the
17 owner or interest holder shall promptly notify the
18 seizing agency of the change in address or, if the
19 owner or interest holder's address changes
20 subsequent to the effective date of the notice of
21 pending forfeiture, the owner or interest holder
22 shall promptly notify the State's Attorney of the
23 change in address; or if the property seized is a
24 conveyance, to the address reflected in the office
25 of the agency or official in which title to or
26 interest in the conveyance is required by law to

1 be recorded.

2 (2) If the owner's or interest holder's address is not
3 known, and is not on record, then notice shall be served by
4 publication for 3 successive weeks in a newspaper of
5 general circulation in the county in which the seizure
6 occurred.

7 (3) After a claimant files a verified claim with the
8 State's Attorney and provides an address at which the
9 claimant will accept service, the complaint shall be
10 served and notice shall be perfected upon mailing of the
11 complaint to the claimant at the address the claimant
12 provided via certified mail, return receipt requested, and
13 first class mail. No return receipt need be received or
14 any other attempts at service need be made to comply with
15 service and notice requirements under this Act. This
16 certified mailing, return receipt requested, shall be
17 proof of service of the complaint on the claimant.

18 (4) Notice to any business entity, corporation,
19 limited liability company, limited liability partnership,
20 or partnership shall be completed by a single mailing of a
21 copy of the notice by certified mail, return receipt
22 requested, and first class mail to that address. This
23 notice is complete regardless of the return of a signed
24 return receipt.

25 (5) Notice to a person whose address is not within the
26 State shall be completed by a single mailing of a copy of

1 the notice by certified mail, return receipt requested,
2 and first class mail to that address. This notice is
3 complete regardless of the return of a signed return
4 receipt.

5 (6) Notice to a person whose address is not within the
6 United States shall be completed by a single mailing of a
7 copy of the notice by certified mail, return receipt
8 requested, and first class mail to that address. This
9 notice shall be complete regardless of the return of a
10 signed return receipt. If certified mail is not available
11 in the foreign country where the person has an address,
12 then notice shall proceed by publication under paragraph
13 (2) of this Section.

14 (7) Notice to any person whom the State's Attorney
15 reasonably should know is incarcerated within the State
16 shall also include the mailing a copy of the notice by
17 certified mail, return receipt requested, and first class
18 mail to the address of the detention facility with the
19 inmate's name clearly marked on the envelope.

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