**Section 1225.50 Disposition of Seized Property After Forfeiture**

a) Property forfeited under the Act shall be sold by the Director except in the following circumstances:

1) Law requires the property to be destroyed; or

2) The property is harmful to the public; or

3) The seizing agency or the prosecutor responsible for the forfeiture requests in writing that the Director return the property to the agency or prosecutor; and

A) The returned property would be used for the enforcement of laws relating to cannabis or controlled substances; and

B) The Director finds that return of the property to the agency or prosecutor would be more effective in the enforcement of laws relating to cannabis and controlled substances than would the distribution of proceeds of the sale of the property; and

C) If more than one agency participated in the seizure, the Director may require agreement among the participating agencies that return of the property to a particular agency or prosecutor is appropriate.

b) Real property may be returned to a seizing agency to be used for the enforcement of laws relating to cannabis and controlled substances. (See Section 121(g) of the Cannabis Control Act (Ill. Rev. Stat. 1989, ch. 56½, pars. 701 et seq.) and Section 505(a) of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1989, ch. 56½, pars. 1101 et seq.)). The agency in possession of forfeited real property shall maintain all records related to the use and possession of the property. These records shall be available for inspection by the Director on request.

c) In the event real property returned to a seizing agency is sold by the seizing agency, the proceeds of that sale shall be returned to the Director for distribution in accordance with this Part. Forfeited real property shall not be sold for less than fair market value.

d) All money forfeited and the net proceeds of the sale of forfeited property, after reasonable expenses relating to the maintenance and sale of the property have been deducted, shall be distributed by the Director in the percentages indicated at Section 12(g) of the Cannabis Control Act and Section 505(g) of the Illinois Controlled Substances Act.

e) In the event more than one agency participated in the law enforcement effort resulting in the forfeiture, the distribution among the agencies shall bear a reasonable relationship to the degree of participation by each agency. In making this determination, the Director shall consider:

1) The extent to which each agency contributed information that led to the seizure, and the resources expended by each agency to develop that information;

2) The extent to which each agency contributed unique or specialized assistance to the law enforcement effort resulting in the forfeiture;

3) The extent to which each agency located and identified particular assets eligible for seizure and forfeiture;

4) The extent to which each agency contributed general agency resources for the investigation, seizure, and forfeiture process.