



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2356

Introduced 2/14/2023, by Rep. Paul Jacobs

SYNOPSIS AS INTRODUCED:

725 ILCS 5/108-15 new

Amends the Code of Criminal Procedure of 1963. Provides that a State's Attorney may petition the court to impound a vehicle that has been used in the commission of the following offenses under the Criminal Code of 2012: (1) first degree murder; (2) aggravated discharge of a firearm; (3) aggravated battery involving the use of a firearm; (4) reckless discharge of a firearm; or (5) any other offense involving a vehicle in which a firearm was used in the commission of the offense. Provides that if the vehicle was not owned by the defendant, the State's Attorney may petition the court to impound the vehicle if the owner of the vehicle knew or should have known that the vehicle was being used in the commission of the offense. Provides that if the court has probable cause to believe that a vehicle was used in the commission of any of the offenses described in this provision, the court may order the impoundment of the vehicle for a maximum of 90 days.

LRB103 29978 RLC 56397 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 Code of Criminal Procedure of 1963 is
5 amended by adding Section 108-15 as follows:

6 (725 ILCS 5/108-15 new)

7 Sec. 108-15. Impoundment of vehicles in certain cases.

8 (a) A State's Attorney may petition the court to impound a
9 vehicle that has been used in the commission of the following
10 offenses under the Criminal Code of 2012:

11 (1) first degree murder under Section 9-1;

12 (2) aggravated discharge of a firearm under Section
13 24-1.2;

14 (3) aggravated battery under subsection (e) of Section
15 12-3.05;

16 (4) reckless discharge of a firearm under Section 24-1.5;

17 or

18 (5) any other offense involving a vehicle in which a
19 firearm was used in the commission of the offense.

20 (b) If the vehicle was not owned by the defendant, the
21 State's Attorney may petition the court to impound the vehicle
22 if the owner of the vehicle knew or should have known that the
23 vehicle was being used in the commission of the offense.

1 (c) If the court has probable cause to believe that a
2 vehicle was used in the commission of any of the offenses
3 described in this Section, the court may order the impoundment
4 of the vehicle for a maximum of 90 days.