



**Filed: 2/25/2009**

09600HB0265ham001

LRB096 03952 AJ0 22126 a

1 AMENDMENT TO HOUSE BILL 265

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 265 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Uniform Disposition of Unclaimed Property  
5 Act is amended by changing Section 17 as follows:

6 (765 ILCS 1025/17) (from Ch. 141, par. 117)

7 Sec. 17. (a) All abandoned property, other than money and  
8 that property exempted by paragraphs (1), (2), (3), (4), ~~and~~  
9 (5), and (6) of this subsection, delivered to the State  
10 Treasurer under this Act shall be sold within a reasonable time  
11 to the highest bidder at public sale in whatever city in the  
12 State affords in his or her judgment the most favorable market  
13 for the property involved. The State Treasurer may decline the  
14 highest bid and reoffer the property for sale if he or she  
15 considers the price bid insufficient. The State Treasurer may  
16 group items for auction as "box lots" if the value of the

1 individual items makes it impracticable to sell the items  
2 individually. He or she need not offer any property for sale,  
3 and may destroy or otherwise dispose of the property, if, in  
4 his or her opinion, the probable cost of sale exceeds the value  
5 of the property. Securities or commodities received by the  
6 Office of the State Treasurer may be sold by the State  
7 Treasurer through a broker or sales agent suitable for the sale  
8 of the type of securities or commodities being sold.

9 (1) Property which the State Treasurer determines may  
10 have historical value may be, at his or her discretion,  
11 loaned to a recognized exhibitor in the United States where  
12 it will be kept until such time as the State Treasurer  
13 orders it to be returned to his or her possession.

14 (2) Property returned to the State Treasurer shall be  
15 released to the rightful owner or otherwise disposed of in  
16 accordance with this Act. The State Treasurer shall keep  
17 identifying records of the property so loaned, the name of  
18 rightful owner and the owner's last known address, if  
19 available.

20 (3) The Treasurer, in cooperation with the Department  
21 of State Police, shall develop a procedure to determine  
22 whether a firearm delivered to the Treasurer under this Act  
23 has been stolen or used in the commission of a crime. The  
24 Department of State Police shall determine the appropriate  
25 disposition of a firearm that has been stolen or used in  
26 the commission of a crime. The Treasurer shall attempt to

1 return a firearm that has not been stolen or used in the  
2 commission of a crime to the rightful owner, provided that  
3 the owner may lawfully possess the firearm as determined by  
4 the Department of State Police.

5 If the Treasurer is unable to return a firearm to its  
6 owner, the Treasurer shall transfer custody of the firearm  
7 to the Department of State Police. Legal title to a firearm  
8 transferred to the Department of State Police under this  
9 paragraph (3) is vested in the Department of State Police  
10 by operation of law:

11 (A) if the Treasurer cannot locate the owner of the  
12 firearm;

13 (B) if the owner of the firearm may not lawfully  
14 possess the firearm;

15 (C) if the owner does not respond to notice  
16 published under Section 12 of this Act; or

17 (D) if the owner responds to notice published under  
18 Section 12 and states that he or she no longer claims  
19 an interest in the firearm.

20 With respect to a firearm whose title is transferred to  
21 the Department of State Police under this paragraph (3),  
22 that Department may:

23 (i) retain the firearm for use by the crime  
24 laboratory system, for training purposes, or for any  
25 other application as deemed appropriate by the  
26 Department;

1           (ii) transfer the firearm to the Illinois State  
2           Museum if the firearm has historical value; or

3           (iii) destroy the firearm if it is not retained  
4           pursuant to subparagraph (i) or transferred pursuant  
5           to subparagraph (ii).

6           (4) If human remains are delivered to the Treasurer  
7           under this Act, the Treasurer shall deliver those human  
8           remains to the coroner of the county in which the human  
9           remains were abandoned for disposition under Section  
10          3-3034 of the Counties Code. The only human remains that  
11          may be delivered to the Treasurer under this Act and that  
12          the Treasurer may receive are those that are reported and  
13          delivered as contents of a safe deposit box.

14          (5) If medals awarded to U.S. military personnel are  
15          delivered to the Treasurer under this Act, the Treasurer  
16          shall not offer those medals for sale or at public auction.  
17          The only medals that may be delivered to the Treasurer  
18          under this Act and that the Treasurer may receive are those  
19          that are reported and delivered as contents of a safe  
20          deposit box. Medals shall only be returned to the owner of  
21          the safe deposit box containing the medals or the heirs of  
22          that owner. This paragraph (5) may be referred to as  
23          Operation Search and Restore.

24          (6) Property that may have been used in the commission  
25          of a crime or that may assist in the investigation of a  
26          crime, as determined after consulting standards developed

1       by the Department of State Police, shall be delivered to  
2       the Department of State Police or other appropriate law  
3       enforcement authority to allow law enforcement to  
4       determine whether a criminal investigation should take  
5       place. Any such property delivered to a law enforcement  
6       authority shall be held in accordance with existing  
7       statutes and rules related to the gathering, retention, and  
8       release of evidence.

9       (b) Any sale held under this Section, except a sale of  
10      securities or commodities, shall be preceded by a single  
11      publication of notice thereof, at least 3 weeks in advance of  
12      sale in an English language newspaper of general circulation in  
13      the county where the property is to be sold. When property  
14      fails to sell and is offered again at a subsequent sale, no  
15      additional notice is required for the subsequent sale.

16      (c) The purchaser at any sale conducted by the State  
17      Treasurer pursuant to this Act shall receive title to the  
18      property purchased, free from all claims of the owner or prior  
19      holder thereof and of all persons claiming through or under  
20      them. The State Treasurer shall execute all documents necessary  
21      to complete the transfer of title.

22      (d) The Office of the State Treasurer is not liable for any  
23      reduction in the value of property caused by changing market  
24      conditions.

25      (Source: P.A. 94-422, eff. 8-2-05; 95-829, eff. 8-14-08.)"