

SB1033



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1033

Introduced 2/6/2009, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

725 ILCS 150/2

from Ch. 56 1/2, par. 1672

Amends the Drug Asset Forfeiture Procedure Act. Makes a technical change in a Section concerning a legislative declaration.

LRB096 07106 RLC 17192 b

A BILL FOR

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 Drug Asset Forfeiture Procedure Act is
5 amended by changing Section 2 as follows:

6 (725 ILCS 150/2) (from Ch. 56 1/2, par. 1672)

7 Sec. 2. Legislative Declaration. The ~~The~~ General Assembly
8 finds that the civil forfeiture of property which is used or
9 intended to be used in, is attributable to or facilitates the
10 manufacture, sale, transportation, distribution, possession or
11 use of substances in certain violations of the Illinois
12 Controlled Substances Act, the Cannabis Control Act, or the
13 Methamphetamine Control and Community Protection Act will have
14 a significant beneficial effect in deterring the rising
15 incidence of the abuse and trafficking of such substances
16 within this State. While forfeiture may secure for State and
17 local units of government some resources for deterring drug
18 abuse and drug trafficking, forfeiture is not intended to be an
19 alternative means of funding the administration of criminal
20 justice. The General Assembly further finds that the federal
21 narcotics civil forfeiture statute upon which this Act is based
22 has been very successful in deterring the use and distribution
23 of controlled substances within this State and throughout the

1 country. It is therefore the intent of the General Assembly
2 that the forfeiture provisions of this Act be construed in
3 light of the federal forfeiture provisions contained in 21
4 U.S.C. 881 as interpreted by the federal courts, except to the
5 extent that the provisions of this Act expressly differ
6 therefrom.

7 (Source: P.A. 94-556, eff. 9-11-05.)