



**Adopted in House Comm. on Apr 28, 2010**

09600SB2996ham002

LRB096 16388 RPM 40344 a

1 AMENDMENT TO SENATE BILL 2996

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2996 as follows:

3 on page 113, line 10, by replacing "Section 5.5" with "Sections  
4 5.5 and 12"; and

5 on page 122, immediately above line 5, by inserting the  
6 following:

7 "(205 ILCS 510/12 new)

8 Sec. 12. Hold order.

9 (a) For the purposes of this Section "hold order" means a  
10 written legal instrument issued to a pawnbroker by a law  
11 enforcement officer commissioned by the law enforcement agency  
12 of the municipality or county that licenses and regulates the  
13 pawnbroker, ordering the pawnbroker to retain physical  
14 possession of pledged goods in the possession of the pawnbroker  
15 or property purchased by and in the possession of the

1 pawnbroker and not to return, sell, or otherwise dispose of  
2 such property as such property is believed to be  
3 misappropriated goods.

4 (b) Upon written notice from a law enforcement officer  
5 indicating that property in the possession of a pawnbroker and  
6 subject to a hold order is needed for the purpose of furthering  
7 a criminal investigation and prosecution, the pawnbroker shall  
8 release the property subject to the hold order to the custody  
9 of the law enforcement officer for such purpose and the officer  
10 shall provide a written acknowledgment that the property has  
11 been released to the officer. The release of the property to  
12 the custody of the law enforcement officer shall not be  
13 considered a waiver or release of the pawnbroker's property  
14 rights or interest in the property. Upon completion of the  
15 criminal investigation, the property shall be returned to the  
16 pawnbroker who consented to its release; except that, if the  
17 law enforcement officer has not completed the criminal  
18 investigation within 120 days after its release, the officer  
19 shall immediately return the property to the pawnbroker or  
20 obtain and furnish to the pawnbroker a warrant for the  
21 continued custody of the property.

22 The pawnbroker shall not release or dispose of the property  
23 except pursuant to a court order or the expiration of the  
24 holding period of the hold order, including all extensions.

25 In cases where criminal charges have been filed and the  
26 property may be needed as evidence, the prosecuting attorney

1 shall notify the pawnbroker in writing. The notice shall  
2 contain the case number, the style of the case, and a  
3 description of the property. The pawnbroker shall hold such  
4 property until receiving notice of the disposition of the case  
5 from the prosecuting attorney. The prosecuting attorney shall  
6 notify the pawnbroker and claimant in writing within 15 days  
7 after the disposition of the case."