



Rep. Michael J. Zalewski

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09700HB3157ham001

LRB097 08722 RLC 54451 a

1 AMENDMENT TO HOUSE BILL 3157

2 AMENDMENT NO. _____. Amend House Bill 3157 on page 2, line
3 3, by inserting after "Section," the following:

4 "and after taking into account the respective interests of all
5 known claimants to the property including the State,"; and

6 on page 2, by inserting immediately after line 8 the following:

7 "Section 6. The Cannabis Control Act is amended by changing
8 Section 12 as follows:

9 (720 ILCS 550/12) (from Ch. 56 1/2, par. 712)

10 Sec. 12. (a) The following are subject to forfeiture:

11 (1) all substances containing cannabis which have been
12 produced, manufactured, delivered, or possessed in
13 violation of this Act;

14 (2) all raw materials, products and equipment of any
15 kind which are produced, delivered, or possessed in

1 connection with any substance containing cannabis in
2 violation of this Act;

3 (3) all conveyances, including aircraft, vehicles or
4 vessels, which are used, or intended for use, to transport,
5 or in any manner to facilitate the transportation, sale,
6 receipt, possession, or concealment of property described
7 in paragraph (1) or (2) that constitutes a felony violation
8 of the Act, but:

9 (i) no conveyance used by any person as a common
10 carrier in the transaction of business as a common
11 carrier is subject to forfeiture under this Section
12 unless it appears that the owner or other person in
13 charge of the conveyance is a consenting party or privy
14 to a violation of this Act;

15 (ii) no conveyance is subject to forfeiture under
16 this Section by reason of any act or omission which the
17 owner proves to have been committed or omitted without
18 his knowledge or consent;

19 (iii) a forfeiture of a conveyance encumbered by a
20 bona fide security interest is subject to the interest
21 of the secured party if he neither had knowledge of nor
22 consented to the act or omission;

23 (4) all money, things of value, books, records, and
24 research products and materials including formulas,
25 microfilm, tapes, and data which are used, or intended for
26 use in a felony violation of this Act;

1 (5) everything of value furnished or intended to be
2 furnished by any person in exchange for a substance in
3 violation of this Act, all proceeds traceable to such an
4 exchange, and all moneys, negotiable instruments, and
5 securities used, or intended to be used, to commit or in
6 any manner to facilitate any felony violation of this Act;

7 (6) all real property, including any right, title, and
8 interest including, but not limited to, any leasehold
9 interest or the beneficial interest to a land trust, in the
10 whole of any lot or tract of land and any appurtenances or
11 improvements, that is used or intended to be used to
12 facilitate the manufacture, distribution, sale, receipt,
13 or concealment of property described in paragraph (1) or
14 (2) of this subsection (a) that constitutes a felony
15 violation of more than 2,000 grams of a substance
16 containing cannabis or that is the proceeds of any felony
17 violation of this Act.

18 (b) Property subject to forfeiture under this Act may be
19 seized by the Director or any peace officer upon process or
20 seizure warrant issued by any court having jurisdiction over
21 the property. Seizure by the Director or any peace officer
22 without process may be made:

23 (1) if the property subject to seizure has been the
24 subject of a prior judgment in favor of the State in a
25 criminal proceeding or in an injunction or forfeiture
26 proceeding based upon this Act or the Drug Asset Forfeiture

1 Procedure Act;

2 (2) if there is probable cause to believe that the
3 property is directly or indirectly dangerous to health or
4 safety;

5 (3) if there is probable cause to believe that the
6 property is subject to forfeiture under this Act and the
7 property is seized under circumstances in which a
8 warrantless seizure or arrest would be reasonable; or

9 (4) in accordance with the Code of Criminal Procedure
10 of 1963.

11 (c) In the event of seizure pursuant to subsection (b),
12 notice shall be given forthwith to all known interest holders
13 that forfeiture proceedings, including a preliminary review,
14 shall be instituted in accordance with the Drug Asset
15 Forfeiture Procedure Act and such proceedings shall thereafter
16 be instituted in accordance with that Act.

17 (c-1) In the event the State's Attorney is of the opinion
18 that real property is subject to forfeiture under this Act,
19 forfeiture proceedings shall be instituted in accordance with
20 the Drug Asset Forfeiture Procedure Act. The exemptions from
21 forfeiture provisions of Section 8 of the Drug Asset Forfeiture
22 Procedure Act are applicable.

23 (d) Property taken or detained under this Section shall not
24 be subject to replevin, but is deemed to be in the custody of
25 the Director subject only to the order and judgments of the
26 circuit court having jurisdiction over the forfeiture

1 proceedings and the decisions of the State's Attorney under the
2 Drug Asset Forfeiture Procedure Act. When property is seized
3 under this Act, the seizing agency shall promptly conduct an
4 inventory of the seized property, estimate the property's
5 value, and shall forward a copy of the inventory of seized
6 property and the estimate of the property's value to the
7 Director. Upon receiving notice of seizure, the Director may:

8 (1) place the property under seal;

9 (2) remove the property to a place designated by him;

10 (3) keep the property in the possession of the seizing
11 agency;

12 (4) remove the property to a storage area for
13 safekeeping or, if the property is a negotiable instrument
14 or money and is not needed for evidentiary purposes,
15 deposit it in an interest bearing account;

16 (5) place the property under constructive seizure by
17 posting notice of pending forfeiture on it, by giving
18 notice of pending forfeiture to its owners and interest
19 holders, or by filing notice of pending forfeiture in any
20 appropriate public record relating to the property; or

21 (6) provide for another agency or custodian, including
22 an owner, secured party, or lienholder, to take custody of
23 the property upon the terms and conditions set by the
24 Director.

25 (e) No disposition may be made of property under seal until
26 the time for taking an appeal has elapsed or until all appeals

1 have been concluded unless a court, upon application therefor,
2 orders the sale of perishable substances and the deposit of the
3 proceeds of the sale with the court.

4 (f) When property is forfeited under this Act the Director
5 shall sell all such property unless such property is required
6 by law to be destroyed or is harmful to the public, and shall
7 distribute the proceeds of the sale, together with any moneys
8 forfeited or seized, in accordance with subsection (g).
9 However, upon the application of the seizing agency or
10 prosecutor who was responsible for the investigation, arrest or
11 arrests and prosecution which lead to the forfeiture, the
12 Director may return any item of forfeited property to the
13 seizing agency or prosecutor for official use in the
14 enforcement of laws relating to cannabis or controlled
15 substances, if the agency or prosecutor can demonstrate that
16 the item requested would be useful to the agency or prosecutor
17 in their enforcement efforts. When any forfeited conveyance,
18 including an aircraft, vehicle, or vessel, is returned to the
19 seizing agency or prosecutor, the conveyance may be used
20 immediately in the enforcement of the criminal laws of this
21 State. Upon disposal, all proceeds from the sale of the
22 conveyance must be used for drug enforcement purposes. When any
23 real property returned to the seizing agency is sold by the
24 agency or its unit of government, the proceeds of the sale
25 shall be delivered to the Director and distributed in
26 accordance with subsection (g).

1 (g) All monies and the sale proceeds of all other property
2 forfeited and seized under this Act shall be distributed as
3 follows:

4 (1) 65% shall be distributed to the metropolitan
5 enforcement group, local, municipal, county, or state law
6 enforcement agency or agencies which conducted or
7 participated in the investigation resulting in the
8 forfeiture. The distribution shall bear a reasonable
9 relationship to the degree of direct participation of the
10 law enforcement agency in the effort resulting in the
11 forfeiture, taking into account the total value of the
12 property forfeited and the total law enforcement effort
13 with respect to the violation of the law upon which the
14 forfeiture is based. Amounts distributed to the agency or
15 agencies shall be used for the enforcement of laws
16 governing cannabis and controlled substances or for
17 security cameras used for the prevention or detection of
18 violence, except that amounts distributed to the Secretary
19 of State shall be deposited into the Secretary of State
20 Evidence Fund to be used as provided in Section 2-115 of
21 the Illinois Vehicle Code.

22 (2) (i) 12.5% shall be distributed to the Office of the
23 State's Attorney of the county in which the prosecution
24 resulting in the forfeiture was instituted, deposited in a
25 special fund in the county treasury and appropriated to the
26 State's Attorney for use in the enforcement of laws

1 governing cannabis and controlled substances. In counties
2 over 3,000,000 population, 25% will be distributed to the
3 Office of the State's Attorney for use in the enforcement
4 of laws governing cannabis and controlled substances. If
5 the prosecution is undertaken solely by the Attorney
6 General, the portion provided hereunder shall be
7 distributed to the Attorney General for use in the
8 enforcement of laws governing cannabis and controlled
9 substances.

10 (ii) 12.5% shall be distributed to the Office of the
11 State's Attorneys Appellate Prosecutor and deposited in
12 the Narcotics Profit Forfeiture Fund of that Office to be
13 used for additional expenses incurred in the
14 investigation, prosecution and appeal of cases arising
15 under laws governing cannabis and controlled substances.
16 The Office of the State's Attorneys Appellate Prosecutor
17 shall not receive distribution from cases brought in
18 counties with over 3,000,000 population.

19 (3) 10% shall be retained by the Department of State
20 Police for expenses related to the administration and sale
21 of seized and forfeited property.

22 (Source: P.A. 94-1004, eff. 7-3-06; 95-989, eff. 10-3-08.)

23 Section 7. The Illinois Controlled Substances Act is
24 amended by changing Section 505 as follows:

1 (720 ILCS 570/505) (from Ch. 56 1/2, par. 1505)

2 Sec. 505. (a) The following are subject to forfeiture:

3 (1) all substances which have been manufactured,
4 distributed, dispensed, or possessed in violation of this
5 Act;

6 (2) all raw materials, products and equipment of any
7 kind which are used, or intended for use in manufacturing,
8 distributing, dispensing, administering or possessing any
9 substance in violation of this Act;

10 (3) all conveyances, including aircraft, vehicles or
11 vessels, which are used, or intended for use, to transport,
12 or in any manner to facilitate the transportation, sale,
13 receipt, possession, or concealment of property described
14 in paragraphs (1) and (2), but:

15 (i) no conveyance used by any person as a common
16 carrier in the transaction of business as a common
17 carrier is subject to forfeiture under this Section
18 unless it appears that the owner or other person in
19 charge of the conveyance is a consenting party or privy
20 to a violation of this Act;

21 (ii) no conveyance is subject to forfeiture under
22 this Section by reason of any act or omission which the
23 owner proves to have been committed or omitted without
24 his knowledge or consent;

25 (iii) a forfeiture of a conveyance encumbered by a
26 bona fide security interest is subject to the interest

1 of the secured party if he neither had knowledge of nor
2 consented to the act or omission;

3 (4) all money, things of value, books, records, and
4 research products and materials including formulas,
5 microfilm, tapes, and data which are used, or intended to
6 be used in violation of this Act;

7 (5) everything of value furnished, or intended to be
8 furnished, in exchange for a substance in violation of this
9 Act, all proceeds traceable to such an exchange, and all
10 moneys, negotiable instruments, and securities used, or
11 intended to be used, to commit or in any manner to
12 facilitate any violation of this Act;

13 (6) all real property, including any right, title, and
14 interest (including, but not limited to, any leasehold
15 interest or the beneficial interest in a land trust) in the
16 whole of any lot or tract of land and any appurtenances or
17 improvements, which is used or intended to be used, in any
18 manner or part, to commit, or in any manner to facilitate
19 the commission of, any violation or act that constitutes a
20 violation of Section 401 or 405 of this Act or that is the
21 proceeds of any violation or act that constitutes a
22 violation of Section 401 or 405 of this Act.

23 (b) Property subject to forfeiture under this Act may be
24 seized by the Director or any peace officer upon process or
25 seizure warrant issued by any court having jurisdiction over
26 the property. Seizure by the Director or any peace officer

1 without process may be made:

2 (1) if the seizure is incident to inspection under an
3 administrative inspection warrant;

4 (2) if the property subject to seizure has been the
5 subject of a prior judgment in favor of the State in a
6 criminal proceeding, or in an injunction or forfeiture
7 proceeding based upon this Act or the Drug Asset Forfeiture
8 Procedure Act;

9 (3) if there is probable cause to believe that the
10 property is directly or indirectly dangerous to health or
11 safety;

12 (4) if there is probable cause to believe that the
13 property is subject to forfeiture under this Act and the
14 property is seized under circumstances in which a
15 warrantless seizure or arrest would be reasonable; or

16 (5) in accordance with the Code of Criminal Procedure
17 of 1963.

18 (c) In the event of seizure pursuant to subsection (b),
19 notice shall be given forthwith to all known interest holders
20 that forfeiture proceedings, including a preliminary review,
21 shall be instituted in accordance with the Drug Asset
22 Forfeiture Procedure Act and such proceedings shall thereafter
23 be instituted in accordance with that Act.

24 (d) Property taken or detained under this Section shall not
25 be subject to replevin, but is deemed to be in the custody of
26 the Director subject only to the order and judgments of the

1 circuit court having jurisdiction over the forfeiture
2 proceedings and the decisions of the State's Attorney under the
3 Drug Asset Forfeiture Procedure Act. When property is seized
4 under this Act, the seizing agency shall promptly conduct an
5 inventory of the seized property and estimate the property's
6 value, and shall forward a copy of the inventory of seized
7 property and the estimate of the property's value to the
8 Director. Upon receiving notice of seizure, the Director may:

9 (1) place the property under seal;

10 (2) remove the property to a place designated by the
11 Director;

12 (3) keep the property in the possession of the seizing
13 agency;

14 (4) remove the property to a storage area for
15 safekeeping or, if the property is a negotiable instrument
16 or money and is not needed for evidentiary purposes,
17 deposit it in an interest bearing account;

18 (5) place the property under constructive seizure by
19 posting notice of pending forfeiture on it, by giving
20 notice of pending forfeiture to its owners and interest
21 holders, or by filing notice of pending forfeiture in any
22 appropriate public record relating to the property; or

23 (6) provide for another agency or custodian, including
24 an owner, secured party, or lienholder, to take custody of
25 the property upon the terms and conditions set by the
26 Director.

1 (e) If the Department of Professional Regulation suspends
2 or revokes a registration, all controlled substances owned or
3 possessed by the registrant at the time of suspension or the
4 effective date of the revocation order may be placed under
5 seal. No disposition may be made of substances under seal until
6 the time for taking an appeal has elapsed or until all appeals
7 have been concluded unless a court, upon application therefor,
8 orders the sale of perishable substances and the deposit of the
9 proceeds of the sale with the court. Upon a revocation rule
10 becoming final, all substances may be forfeited to the
11 Department of Professional Regulation.

12 (f) When property is forfeited under this Act the Director
13 shall sell all such property unless such property is required
14 by law to be destroyed or is harmful to the public, and shall
15 distribute the proceeds of the sale, together with any moneys
16 forfeited or seized, in accordance with subsection (g).
17 However, upon the application of the seizing agency or
18 prosecutor who was responsible for the investigation, arrest or
19 arrests and prosecution which lead to the forfeiture, the
20 Director may return any item of forfeited property to the
21 seizing agency or prosecutor for official use in the
22 enforcement of laws relating to cannabis or controlled
23 substances, if the agency or prosecutor can demonstrate that
24 the item requested would be useful to the agency or prosecutor
25 in their enforcement efforts. When any forfeited conveyance,
26 including an aircraft, vehicle, or vessel, is returned to the

1 seizing agency or prosecutor, the conveyance may be used
2 immediately in the enforcement of the criminal laws of this
3 State. Upon disposal, all proceeds from the sale of the
4 conveyance must be used for drug enforcement purposes. When any
5 real property returned to the seizing agency is sold by the
6 agency or its unit of government, the proceeds of the sale
7 shall be delivered to the Director and distributed in
8 accordance with subsection (g).

9 (g) All monies and the sale proceeds of all other property
10 forfeited and seized under this Act shall be distributed as
11 follows:

12 (1) 65% shall be distributed to the metropolitan
13 enforcement group, local, municipal, county, or state law
14 enforcement agency or agencies which conducted or
15 participated in the investigation resulting in the
16 forfeiture. The distribution shall bear a reasonable
17 relationship to the degree of direct participation of the
18 law enforcement agency in the effort resulting in the
19 forfeiture, taking into account the total value of the
20 property forfeited and the total law enforcement effort
21 with respect to the violation of the law upon which the
22 forfeiture is based. Amounts distributed to the agency or
23 agencies shall be used for the enforcement of laws
24 governing cannabis and controlled substances or for
25 security cameras used for the prevention or detection of
26 violence, except that amounts distributed to the Secretary

1 of State shall be deposited into the Secretary of State
2 Evidence Fund to be used as provided in Section 2-115 of
3 the Illinois Vehicle Code.

4 (2) (i) 12.5% shall be distributed to the Office of the
5 State's Attorney of the county in which the prosecution
6 resulting in the forfeiture was instituted, deposited in a
7 special fund in the county treasury and appropriated to the
8 State's Attorney for use in the enforcement of laws
9 governing cannabis and controlled substances. In counties
10 over 3,000,000 population, 25% will be distributed to the
11 Office of the State's Attorney for use in the enforcement
12 of laws governing cannabis and controlled substances. If
13 the prosecution is undertaken solely by the Attorney
14 General, the portion provided hereunder shall be
15 distributed to the Attorney General for use in the
16 enforcement of laws governing cannabis and controlled
17 substances.

18 (ii) 12.5% shall be distributed to the Office of the
19 State's Attorneys Appellate Prosecutor and deposited in
20 the Narcotics Profit Forfeiture Fund of that office to be
21 used for additional expenses incurred in the
22 investigation, prosecution and appeal of cases arising
23 under laws governing cannabis and controlled substances.
24 The Office of the State's Attorneys Appellate Prosecutor
25 shall not receive distribution from cases brought in
26 counties with over 3,000,000 population.

1 (3) 10% shall be retained by the Department of State
2 Police for expenses related to the administration and sale
3 of seized and forfeited property.

4 (h) Species of plants from which controlled substances in
5 Schedules I and II may be derived which have been planted or
6 cultivated in violation of this Act, or of which the owners or
7 cultivators are unknown, or which are wild growths, may be
8 seized and summarily forfeited to the State. The failure, upon
9 demand by the Director or any peace officer, of the person in
10 occupancy or in control of land or premises upon which the
11 species of plants are growing or being stored, to produce
12 registration, or proof that he is the holder thereof,
13 constitutes authority for the seizure and forfeiture of the
14 plants.

15 (Source: P.A. 94-1004, eff. 7-3-06.)

16 Section 8. The Methamphetamine Control and Community
17 Protection Act is amended by changing Section 85 as follows:

18 (720 ILCS 646/85)

19 Sec. 85. Forfeiture.

20 (a) The following are subject to forfeiture:

21 (1) all substances containing methamphetamine which
22 have been produced, manufactured, delivered, or possessed
23 in violation of this Act;

24 (2) all methamphetamine manufacturing materials which

1 have been produced, delivered, or possessed in connection
2 with any substance containing methamphetamine in violation
3 of this Act;

4 (3) all conveyances, including aircraft, vehicles or
5 vessels, which are used, or intended for use, to transport,
6 or in any manner to facilitate the transportation, sale,
7 receipt, possession, or concealment of property described
8 in paragraph (1) or (2) that constitutes a felony violation
9 of the Act, but:

10 (i) no conveyance used by any person as a common
11 carrier in the transaction of business as a common
12 carrier is subject to forfeiture under this Section
13 unless it appears that the owner or other person in
14 charge of the conveyance is a consenting party or privy
15 to a violation of this Act;

16 (ii) no conveyance is subject to forfeiture under
17 this Section by reason of any act or omission which the
18 owner proves to have been committed or omitted without
19 his or her knowledge or consent;

20 (iii) a forfeiture of a conveyance encumbered by a
21 bona fide security interest is subject to the interest
22 of the secured party if he or she neither had knowledge
23 of nor consented to the act or omission;

24 (4) all money, things of value, books, records, and
25 research products and materials including formulas,
26 microfilm, tapes, and data which are used, or intended for

1 use in a felony violation of this Act;

2 (5) everything of value furnished or intended to be
3 furnished by any person in exchange for a substance in
4 violation of this Act, all proceeds traceable to such an
5 exchange, and all moneys, negotiable instruments, and
6 securities used, or intended to be used, to commit or in
7 any manner to facilitate any felony violation of this Act.

8 (6) all real property, including any right, title, and
9 interest (including, but not limited to, any leasehold
10 interest or the beneficial interest in a land trust) in the
11 whole of any lot or tract of land and any appurtenances or
12 improvements, which is used, or intended to be used, in any
13 manner or part, to commit, or in any manner to facilitate
14 the commission of, any violation or act that constitutes a
15 violation of this Act or that is the proceeds of any
16 violation or act that constitutes a violation of this Act.

17 (b) Property subject to forfeiture under this Act may be
18 seized by the Director or any peace officer upon process or
19 seizure warrant issued by any court having jurisdiction over
20 the property. Seizure by the Director or any peace officer
21 without process may be made:

22 (1) if the property subject to seizure has been the
23 subject of a prior judgment in favor of the State in a
24 criminal proceeding or in an injunction or forfeiture
25 proceeding based upon this Act or the Drug Asset Forfeiture
26 Procedure Act;

1 (2) if there is probable cause to believe that the
2 property is directly or indirectly dangerous to health or
3 safety;

4 (3) if there is probable cause to believe that the
5 property is subject to forfeiture under this Act and the
6 property is seized under circumstances in which a
7 warrantless seizure or arrest would be reasonable; or

8 (4) in accordance with the Code of Criminal Procedure
9 of 1963.

10 (c) In the event of seizure pursuant to subsection (b),
11 notice shall be given forthwith to all known interest holders
12 that forfeiture proceedings, including a preliminary review,
13 shall be instituted in accordance with the Drug Asset
14 Forfeiture Procedure Act and such proceedings shall thereafter
15 be instituted in accordance with that Act.

16 (d) Property taken or detained under this Section is not
17 subject to replevin, but is deemed to be in the custody of the
18 Director subject only to the order and judgments of the circuit
19 court having jurisdiction over the forfeiture proceedings and
20 the decisions of the State's Attorney under the Drug Asset
21 Forfeiture Procedure Act. When property is seized under this
22 Act, the seizing agency shall promptly conduct an inventory of
23 the seized property, estimate the property's value, and forward
24 a copy of the inventory of seized property and the estimate of
25 the property's value to the Director. Upon receiving notice of
26 seizure, the Director may:

- 1 (1) place the property under seal;
 - 2 (2) remove the property to a place designated by him or
3 her;
 - 4 (3) keep the property in the possession of the seizing
5 agency;
 - 6 (4) remove the property to a storage area for
7 safekeeping or, if the property is a negotiable instrument
8 or money and is not needed for evidentiary purposes,
9 deposit it in an interest bearing account;
 - 10 (5) place the property under constructive seizure by
11 posting notice of pending forfeiture on it, by giving
12 notice of pending forfeiture to its owners and interest
13 holders, or by filing notice of pending forfeiture in any
14 appropriate public record relating to the property; or
 - 15 (6) provide for another agency or custodian, including
16 an owner, secured party, or lienholder, to take custody of
17 the property upon the terms and conditions set by the
18 Director.
- 19 (e) No disposition may be made of property under seal until
20 the time for taking an appeal has elapsed or until all appeals
21 have been concluded unless a court, upon application therefor,
22 orders the sale of perishable substances and the deposit of the
23 proceeds of the sale with the court.
- 24 (f) When property is forfeited under this Act, the Director
25 shall sell the property unless the property is required by law
26 to be destroyed or is harmful to the public, and shall

1 distribute the proceeds of the sale, together with any moneys
2 forfeited or seized, in accordance with subsection (g).
3 However, upon the application of the seizing agency or
4 prosecutor who was responsible for the investigation, arrest or
5 arrests and prosecution which lead to the forfeiture, the
6 Director may return any item of forfeited property to the
7 seizing agency or prosecutor for official use in the
8 enforcement of laws relating to methamphetamine, cannabis, or
9 controlled substances, if the agency or prosecutor
10 demonstrates that the item requested would be useful to the
11 agency or prosecutor in their enforcement efforts. When any
12 forfeited conveyance, including an aircraft, vehicle, or
13 vessel, is returned to the seizing agency or prosecutor, the
14 conveyance may be used immediately in the enforcement of the
15 criminal laws of this State. Upon disposal, all proceeds from
16 the sale of the conveyance must be used for drug enforcement
17 purposes. When any real property returned to the seizing agency
18 is sold by the agency or its unit of government, the proceeds
19 of the sale shall be delivered to the Director and distributed
20 in accordance with subsection (g).

21 (g) All moneys and the sale proceeds of all other property
22 forfeited and seized under this Act shall be distributed as
23 follows:

24 (1) 65% shall be distributed to the metropolitan
25 enforcement group, local, municipal, county, or State law
26 enforcement agency or agencies which conducted or

1 participated in the investigation resulting in the
2 forfeiture. The distribution shall bear a reasonable
3 relationship to the degree of direct participation of the
4 law enforcement agency in the effort resulting in the
5 forfeiture, taking into account the total value of the
6 property forfeited and the total law enforcement effort
7 with respect to the violation of the law upon which the
8 forfeiture is based. Amounts distributed to the agency or
9 agencies shall be used for the enforcement of laws
10 governing methamphetamine, cannabis, and controlled
11 substances or for security cameras used for the prevention
12 or detection of violence, except that amounts distributed
13 to the Secretary of State shall be deposited into the
14 Secretary of State Evidence Fund to be used as provided in
15 Section 2-115 of the Illinois Vehicle Code.

16 (2) (i) 12.5% shall be distributed to the Office of the
17 State's Attorney of the county in which the prosecution
18 resulting in the forfeiture was instituted, deposited in a
19 special fund in the county treasury and appropriated to the
20 State's Attorney for use in the enforcement of laws
21 governing methamphetamine, cannabis, and controlled
22 substances. In counties with a population over 3,000,000,
23 25% shall be distributed to the Office of the State's
24 Attorney for use in the enforcement of laws governing
25 methamphetamine, cannabis, and controlled substances. If
26 the prosecution is undertaken solely by the Attorney

1 General, the portion provided hereunder shall be
2 distributed to the Attorney General for use in the
3 enforcement of laws governing methamphetamine, cannabis,
4 and controlled substances.

5 (ii) 12.5% shall be distributed to the Office of the
6 State's Attorneys Appellate Prosecutor and deposited in
7 the Narcotics Profit Forfeiture Fund of that Office to be
8 used for additional expenses incurred in the
9 investigation, prosecution and appeal of cases arising
10 under laws governing methamphetamine, cannabis, and
11 controlled substances. The Office of the State's Attorneys
12 Appellate Prosecutor shall not receive distribution from
13 cases brought in counties with a population over 3,000,000.

14 (3) 10% shall be retained by the Department of State
15 Police for expenses related to the administration and sale
16 of seized and forfeited property.

17 (Source: P.A. 94-556, eff. 9-11-05; 94-1004, eff. 7-3-06.);

18 and

19 on page 3, line 8, by inserting after "Section," the following:
20 "and after taking into account the respective interests of all
21 known claimants to the property including the State,".