



Sen. James F. Clayborne, Jr.

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10000SB1402sam001

LRB100 08099 MRW 23504 a

1 AMENDMENT TO SENATE BILL 1402

2 AMENDMENT NO. _____. Amend Senate Bill 1402 as follows:

3 on page 1, line 6, after "112B-5,", by inserting "112B-5.5,";
4 and

5 on page 2, by inserting immediately below line 11 the
6 following:

7 "Lien" means a charge against or an interest in property
8 to secure payment of a debt or performance of an obligation,
9 and includes a security interest created by agreement, a
10 judicial lien obtained by legal or equitable process or
11 proceedings, a common-law lien, or a statutory lien."; and

12 on page 2, by inserting immediately below line 25 the
13 following:

14 "Transfer" means every mode, direct or indirect, absolute
15 or conditional, voluntary or involuntary, of disposing of or

1 parting with an asset or an interest in an asset, and includes
2 payment of money, release, lease, and creation of a lien or
3 other encumbrance."; and

4 on page 8, by inserting immediately below line 7 the following:

5 "(725 ILCS 5/112B-5.5 new)

6 Sec. 112B-5.5. Asset dissipation relief.

7 (a) The State may seek asset dissipation relief against a
8 transfer or obligation of an asset knowingly made to dissipate
9 the asset and may obtain:

10 (1) avoidance of the transfer or obligation to the
11 extent necessary to satisfy an existing or future judgment
12 for a fine, restitution, assessment, or court costs;

13 (2) an attachment or other provisional remedy against
14 the asset transferred or other property of the transferee
15 in accordance with the procedure prescribed by the Code of
16 Civil Procedure; or

17 (3) subject to applicable principles of equity and in
18 accordance with applicable rules of civil procedure:

19 (A) an injunction against further disposition by
20 the defendant or a transferee, or both, of the asset
21 transferred or of other property;

22 (B) appointment of a receiver to take charge of the
23 asset transferred or of other property of the
24 transferee; or

1 (C) any other relief the circumstances may
2 require.

3 (b) Notwithstanding voidability of a transfer or an
4 obligation under this Section, a good-faith transferee or
5 obligee is entitled, to the extent of the value given the
6 defendant for the transfer or obligation, to:

7 (1) a lien on or a right to retain any interest in the
8 asset transferred; or

9 (2) enforcement of any obligation incurred."; and

10 on page 8, line 17, after "order", by inserting "or asset
11 dissipation relief order".