

1 AMENDMENT TO HOUSE BILL 2299

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2299, AS AMENDED,  
3 with page and line number references to Senate Amendment No.  
4 1, on page 16, by inserting between lines 21 and 22 the  
5 following:

6 "This subsection (g-5) is inoperative on and after  
7 January 1, 2005."; and

8 on page 23, by inserting between lines 10 and 11 the  
9 following:

10 "Substantial damage" means monetary damage greater than  
11 \$100,000."; and

12 on page 23, by replacing line 12 with the following:

13 "that is intended to cause or create a risk and does cause or  
14 create a risk of death or great bodily harm"; and

15 on page 26, line 16, by inserting "and intends" after  
16 "knows"; and

17 on page 26, line 17, by inserting "in the commission of a  
18 terrorist act as defined in Section 29D-10 of this Code"  
19 after "used"; and

20 on page 27, line 9, by inserting "as defined in Section

1 29D-10" after "act"; and

2 on page 27, line 24, by inserting "as defined in Section  
3 29D-10" after "act"; and

4 on page 28, line 6, by replacing "an act of terrorism" with  
5 the following:

6 "a terrorist act as defined in Section 29D-10 of this Code";  
7 and

8 on page 28, line 9, by replacing "an act of terrorism" with  
9 the following:

10 "a terrorist act as defined in Section 29D-10 of this Code";  
11 and

12 on page 28, line 17, by inserting after "sentence" the  
13 following:

14 "in the event the death penalty is not imposed"; and

15 on page 29, by deleting lines 12 through 31; and

16 on page 30, by deleting lines 1 through 11; and

17 on page 30, line 20, by replacing "Seizure" with "Asset  
18 freeze, seizure,"; and

19 on page 30, line 21, by replacing "Seizure" with "Asset  
20 freeze, seizure,"; and

21 on page 30, line 21, by deleting "of property used"; and

22 on page 30, by replacing lines 23 through 32 with the  
23 following:

24 "(1) Whenever it appears that there is probable  
25 cause to believe that any person used, is using, is about  
26 to use, or is intending to use property in any way that  
27 constitutes or would constitute a violation of this  
28 Article, the Attorney General or any State's Attorney may

1 make an ex parte application to the circuit court to  
2 freeze or seize all the assets of that person and, upon a  
3 showing of probable cause in the ex parte hearing, the  
4 circuit court shall issue an order to freeze or seize all  
5 assets of that person. A copy of the freeze or seize  
6 order shall be served upon the person whose assets have  
7 been frozen or seized and that person may, at any time  
8 within 30 days of service, file a motion to release his  
9 or her assets. In any proceeding to release assets, the  
10 burden of proof shall be by a preponderance of evidence  
11 and shall be on the State to show that the person used,  
12 was using, is about to use, or is intending to use any  
13 property in any way that constitutes or would constitute  
14 a violation of this Article. If the court finds that any  
15 property was being used, is about to be used, or is  
16 intended to be used in violation of or in any way that  
17 would constitute a violation of this Article, the court  
18 shall order the property frozen or held until further  
19 order of the court. Any property so ordered held or  
20 frozen shall be subject to forfeiture under the following  
21 procedure."; and

22 on page 31, line 1, by inserting "or asset freeze" after  
23 "seizure"; and

24 on page 31, line 3, by inserting "or frozen" after "seized";  
25 and

26 on page 31, line 14, by inserting "or frozen" after "seized";  
27 and

28 on page 31, line 22, by inserting "or frozen" after "seized";  
29 and

30 on page 31, line 27, by inserting "or frozen" after "seized";  
31 and

1 on page 32, line 5, by inserting "or asset freeze" after  
2 "seizure"; and

3 on page 39, by inserting between lines 9 and 10 the  
4 following:

5 "(8) This subsection (b) is inoperative on and  
6 after January 1, 2005."; and

7 on page 46, lines 5 and 6, by replacing "shall cease to have  
8 effect on December 31" with "is inoperative on and after  
9 January 1".