

AN ACT concerning government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Seizure and Forfeiture Reporting Act is amended by changing Section 10 as follows:

(5 ILCS 810/10)

Sec. 10. Reporting by law enforcement agency.

(a) Each law enforcement agency that seizes property subject to reporting under this Act shall report the following information about property seized ~~or forfeited~~ under State law to the Illinois State Police no later than 60 days after December 31 of the year in which the property is seized:

(1) the name of the law enforcement agency that seized the property or the name of the lead agency if a State multijurisdictional task force seizes the property;

(2) the date of the seizure;

(3) the type of property seized, including a building, vehicle, boat, cash, negotiable security, or firearm, except reporting is not required for seizures of contraband including alcohol, gambling devices, drug paraphernalia, and controlled substances;

(4) a description of the property seized and the estimated value of the property and if the property is a

conveyance, the description shall include the make, model, year, and vehicle identification number or serial number; ~~and~~

(5) the county, municipality or township, and zip code location where the seizure occurred;

(6) the race, sex, age, and residential zip code of the person from whom the property was seized, as self-reported to law enforcement; and

(7) a citation to the statutory authorities under which the property was seized and the accused person was arrested, if any.

The filing requirement shall be met upon filing Illinois State Police Notice/Inventory of Seized Property (Form 4-64), as amended, supplemented, or replaced to allow for the reporting of elements required in this Section, with the State's Attorney's Office in the county where the forfeiture action is being commenced or with the Attorney General's Office if the forfeiture action is being commenced by that office, and the forwarding of the forms ~~Form 4-64~~ upon approval of the State's Attorney's Office or the Attorney General's Office to the Illinois State Police Asset Forfeiture Section. If an agency did not seize property during the reporting period, it shall file a report with the Illinois State Police stating that the agency made no seizures during the reporting period ~~With regard to seizures for which Form 4-64 is not required to be filed, the filing requirement shall~~

~~be met by the filing of an annual summary report with the Illinois State Police no later than 60 days after December 31 of that year.~~

(a-1) Each prosecuting authority that issues a notice of pending forfeiture of property seized under State law shall report the following information to the Illinois State Police no later than 60 days after December 31 of the year in which the notice of pending forfeiture is issued:

(1) the police report number associated with each seizure of property;

(2) the forfeiture case number associated with the seizure, and the court or venue in which the case was filed, or if no forfeiture case was filed, any unique identification number that the prosecuting authority assigns to the pending forfeiture associated with each police report number reported under paragraph (1) of this subsection (a-1); and

(3) the criminal case number, if any, associated with each police report number reported under paragraph (1) of this subsection (a-1), and the court in which the criminal case was filed.

If a prosecuting authority did not issue a notice of pending forfeiture during the reporting period, it shall file a report with the Illinois State Police stating that the prosecuting authority issued no notices of pending forfeiture during the reporting period.

(b) Each law enforcement agency, including a drug task force or Metropolitan Enforcement Group (MEG) unit, that receives proceeds from forfeitures subject to reporting under this Act shall file an annual report with the Illinois State Police no later than 60 days after December 31 of that year. The format of the report shall be developed by the Illinois State Police and shall be completed by the law enforcement agency. The report shall include, at a minimum, an aggregate summary of all seizures and forfeitures carried out by the agency and their respective proceeds, the amount of funds and other property distributed to the law enforcement agency by the Illinois State Police, the amount of funds expended by the law enforcement agency, and the category of expenditure, including:

(1) crime, gang, or abuse prevention or intervention programs;

(2) compensation or services for crime victims;

(3) investigation and litigation expenses, including expenses for forensics, witness protection, informant fees, and controlled purchases of contraband, auditing, court reporting, expert witnesses, attorneys, court fees, discovery, court reporters, printing, postage, filing, outside counsel, and awards to opposing parties;

(4) salaries, overtime, and benefits, as permitted by law;

(5) operating expenses, including, but not limited to,

the following: storage, maintenance, repair, and return of seized property; capital expenditures, including expenditures for vehicles, firearms, equipment, computers, software, hardware, appliances, canines, and furniture; advanced surveillance technology, including, but not limited to, international mobile subscriber identity (IMSI) catchers; office supplies, postage, printing, membership fees paid to trade associations; and fees for professional services, including auditing, court reporting, expert witnesses, and attorneys;

(6) travel, meals, entertainment, conferences, training, and continuing education seminars; and

(7) other expenditures of forfeiture proceeds.

If an agency did not receive proceeds from a forfeiture subject to reporting under this Act during the reporting period, it shall file a report with the Illinois State Police stating that the agency received no forfeiture proceeds during the reporting period.

(c) The Illinois State Police shall ~~establish and~~ maintain on its official website a public searchable database that ~~includes annual aggregate data for each law enforcement agency that reports~~ in a machine-readable format each seizure and forfeiture seizures of property under subsections (a) and (a-1) ~~subsection (a)~~ of this Section, by each law enforcement agency that receives distributions of forfeiture proceeds subject to reporting under this Act, or reports expenditures

under subsection (b) of this Section. ~~This aggregate data shall include, for each law enforcement agency:~~

The database shall not provide names, addresses, phone numbers, or other personally identifying information of owners or interest holders, persons, business entities, covert office locations, or business entities involved in the forfeiture action and shall not disclose the vehicle identification number or serial number of any conveyance.

(c-5) The Illinois State Police shall post annually on its website aggregate data for each law enforcement agency required to report under this Section. This annual aggregate data shall include the following information for each law enforcement agency or, if applicable, a null report:

(1) the total number of asset seizures reported by each law enforcement agency during the calendar year;

(2) the monetary value of all currency or its equivalent seized by the law enforcement agency during the calendar year;

(3) the number of conveyances seized by the law enforcement agency during the calendar year, and the aggregate estimated value;

(4) the aggregate estimated value of all other property seized by the law enforcement agency during the calendar year;

(5) the monetary value of distributions by the Illinois State Police of forfeited currency or auction

proceeds from forfeited property to the law enforcement agency during the calendar year; and

(6) the total amount of the law enforcement agency's expenditures of forfeiture proceeds during the calendar year, categorized as provided under subsection (b) of this Section.

~~The database shall not provide names, addresses, phone numbers, or other personally identifying information of owners or interest holders, persons, business entities, covert office locations, or business entities involved in the forfeiture action and shall not disclose the vehicle identification number or serial number of any conveyance.~~

(c-10) The Illinois State Police shall, 120 days after the end of each calendar year, submit to the General Assembly, Attorney General, and Governor a written report that summarizes activity in the State for the preceding year and includes aggregate data on the type, approximate value, and disposition of the property seized and the amount of proceeds received and expended at the State and local levels. The report shall provide a categorized aggregated accounting of all proceeds expended, by agency, and summary data on seizures, forfeitures, and expenditures of forfeiture proceeds. The Illinois State Police shall post the aggregate report on its website.

(c-15) The Illinois State Police may include in its aggregate report recommendations to improve statutes, rules,

and policies to better ensure that seizures, forfeitures, and expenditures are conducted and reported in a manner that is fair to crime victims, innocent property owners, secured interest holders, law enforcement officials, citizens, and taxpayers.

(d) The Illinois State Police shall adopt rules to administer the asset forfeiture program, including the categories of authorized expenditures consistent with the statutory guidelines for each of the included forfeiture statutes, the use of forfeited funds, other expenditure requirements, and the reporting of seizure and forfeiture information. The Illinois State Police shall update or replace forms, establish processes, and assign to the appropriate seizing, forfeiting, and receiving agencies responsibility for reporting the information as set forth in this Section. The Illinois State Police may adopt rules necessary to implement this Act through the use of emergency rulemaking under Section 5-45 of the Illinois Administrative Procedure Act for a period not to exceed 180 days after the effective date of this Act.

(e) The Illinois State Police shall have authority and oversight over all law enforcement agencies receiving forfeited funds from the Illinois State Police. This authority shall include enforcement of rules and regulations adopted by the Illinois State Police and sanctions for violations of any rules and regulations, including the withholding of distributions of forfeiture proceeds from the law enforcement

agency in violation.

(f) Upon application by a law enforcement agency to the Illinois State Police, the reporting of a particular asset forfeited under this Section may be delayed if the asset in question was seized from a person who has become a confidential informant under the agency's confidential informant policy, or if the asset was seized as part of an ongoing investigation. This delayed reporting shall be granted by the Illinois State Police for a maximum period of 6 months if the confidential informant is still providing cooperation to law enforcement or the investigation is still ongoing, after which the asset shall be reported as required under this Act.

(g) The Illinois State Police shall, on or before July 1, 2026 ~~January 1, 2019~~, establish and implement the requirements of this Act.

(h) (1) The Illinois State Police, in consultation with and subject to the approval of the Chief Procurement Officer, may procure a single contract or multiple contracts to implement this Act.

(2) A contract or contracts under this subsection (h) are not subject to the Illinois Procurement Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that Code, provided that the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of the Illinois Procurement Code. The

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provisions of this paragraph (2), other than this sentence,
are inoperative on and after July 1, 2026 ~~2019~~.

(Source: P.A. 102-538, eff. 8-20-21; 103-609, eff. 7-1-24.)