



Rep. Michelle Mussman

Filed: 4/25/2017

10000HB1273ham002

LRB100 03006 SMS 25484 a

1 AMENDMENT TO HOUSE BILL 1273

2 AMENDMENT NO. _____. Amend House Bill 1273, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Pawnbroker Regulation Act is amended by
6 changing Section 12 as follows:

7 (205 ILCS 510/12)

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
16 pawnbroker and not to return, sell, or otherwise dispose of

1 such property as such property is believed to be
2 misappropriated goods.

3 (b) Upon written notice from a law enforcement officer
4 indicating that property in the possession of a pawnbroker and
5 subject to a hold order is needed for the purpose of furthering
6 a criminal investigation and prosecution, the pawnbroker shall
7 release the property subject to the hold order to the custody
8 of the law enforcement officer for such purpose and the officer
9 shall provide a written acknowledgment that the property has
10 been released to the officer. ~~The release of the property to~~
~~the custody of the law enforcement officer shall not be~~
~~considered a waiver or release of the pawnbroker's property~~
~~rights or interest in the property.~~ Upon completion of the
14 criminal investigation, the property shall be returned to the
15 pawnbroker who consented to its release; except that, if the
16 law enforcement officer at the completion of the criminal
investigation is able to determine the property subject to the
hold order is stolen property and has identified the owner of
the stolen property, the property shall be returned to the
owner without the payment of the money advanced by the
pawnbroker or any costs or charges of any kind that the
pawnbroker may have placed upon the same. In the event that the
law enforcement officer has not completed the criminal
24 investigation within 120 days after its release, the officer
25 shall immediately return the property to the pawnbroker or
26 obtain and furnish to the pawnbroker a warrant for the

1 continued custody of the property. Once the hold order expires
2 without an extension by court order or is rescinded, title to
3 the property shall vest in and be deemed conveyed by operation
4 of law to the pawnbroker, free of any liability for claims, but
5 subject to any restrictions contained in the pawn transaction
6 contract and subject to the provisions of this Section.

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

10 In cases where criminal charges have been filed and the
11 property may be needed as evidence, the prosecuting attorney
12 shall notify the pawnbroker in writing. The notice shall
13 contain the case number, the style of the case, and a
14 description of the property. The pawnbroker shall hold such
15 property until receiving notice of the disposition of the case
16 from the prosecuting attorney. The prosecuting attorney shall
17 notify the pawnbroker and claimant in writing within 15 days
18 after the disposition of the case.

19 (c) A hold order must specify:

20 (1) the name and address of the pawnbroker;
21 (2) the name, title, and identification number of the
22 law enforcement officer placing the hold order or the court
23 placing the hold order;

24 (3) a complete description of the property to be held,
25 including model number and serial number, if applicable;

26 (4) the name of the person reporting the property to be

1 misappropriated unless otherwise prohibited by law;

2 (5) the mailing address of the pawnbroker where the
3 property is held; and

4 (6) the expiration date of the holding period.

5 (d) The pawnbroker or the pawnbroker's representative must
6 sign and date a copy of the hold order as evidence of receipt
7 of the hold order and the beginning of the 90-day holding
8 period.

9 (Source: P.A. 96-1365, eff. 7-28-10.)".