

1 AN ACT concerning regulation.

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

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

6 (205 ILCS 510/12)

7 Sec. 12. Hold order.

8 (a) For the purposes of this Section, "hold order" means a
9 written legal instrument issued to a pawnbroker by a law
10 enforcement officer commissioned by the law enforcement agency
11 of the municipality or county that licenses and regulates the
12 pawnbroker, ordering the pawnbroker to retain physical
13 possession of pledged goods in the possession of the pawnbroker
14 or property purchased by and in the possession of the
15 pawnbroker and not to return, sell, or otherwise dispose of
16 such property as such property is believed to be
17 misappropriated goods.

18 (b) Upon written notice from a law enforcement officer
19 indicating that property in the possession of a pawnbroker and
20 subject to a hold order is needed for the purpose of furthering
21 a criminal investigation and prosecution, the pawnbroker shall
22 release the property subject to the hold order to the custody
23 of the law enforcement officer for such purpose and the officer

1 shall provide a written acknowledgment that the property has
2 been released to the officer. The release of the property to
3 the custody of the law enforcement officer shall not be
4 considered a waiver or release of the pawnbroker's property
5 rights or interest in the property. Upon completion of the
6 criminal investigation, the property shall be returned to the
7 pawnbroker who consented to its release; except that, if the
8 law enforcement officer at the completion of the criminal
9 investigation is able to determine the property subject to the
10 hold order is stolen property and has identified the owner of
11 the stolen property, the property shall be returned to the
12 owner without the payment of the money advanced by the
13 pawnbroker or any costs or charges of any kind that the
14 pawnbroker may have placed upon the same. If the law
15 enforcement officer has not completed the criminal
16 investigation within 120 days after its release, the officer
17 shall immediately return the property to the pawnbroker or
18 obtain and furnish to the pawnbroker a warrant for the
19 continued custody of the property.

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

23 In cases where criminal charges have been filed and the
24 property may be needed as evidence, the prosecuting attorney
25 shall notify the pawnbroker in writing. The notice shall
26 contain the case number, the style of the case, and a

1 description of the property. The pawnbroker shall hold such
2 property until receiving notice of the disposition of the case
3 from the prosecuting attorney. The prosecuting attorney shall
4 notify the pawnbroker and claimant in writing within 15 days
5 after the disposition of the case.

6 Nothing in this Section alters the pawnbroker's
7 obligations to the owner of property as detailed in Section 9
8 or as provided in any other applicable federal or State law.

9 (c) A hold order must specify:

10 (1) the name and address of the pawnbroker;

11 (2) the name, title, and identification number of the
12 law enforcement officer placing the hold order or the court
13 placing the hold order;

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

16 (4) the name of the person reporting the property to be
17 misappropriated unless otherwise prohibited by law;

18 (5) the mailing address of the pawnbroker where the
19 property is held; and

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

21 (d) The pawnbroker or the pawnbroker's representative must
22 sign and date a copy of the hold order as evidence of receipt
23 of the hold order and the beginning of the 120-day holding
24 period.

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