



Sen. Robert F. Martwick

Filed: 4/5/2022

10200HB3699sam003

LRB102 14093 JDS 38744 a

1 AMENDMENT TO HOUSE BILL 3699

2 AMENDMENT NO. _____. Amend House Bill 3699, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois State Police Law of the Civil
6 Administrative Code of Illinois is amended by changing
7 Sections 2605-10 and 2605-590 as follows:

8 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

9 Sec. 2605-10. Powers and duties, generally.

10 (a) The Illinois State Police shall exercise the rights,
11 powers, and duties that have been vested in the Illinois State
12 Police by the following:

13 The Illinois State Police Act.

14 The Illinois State Police Radio Act.

15 The Criminal Identification Act.

16 The Illinois Vehicle Code.

1 The Firearm Owners Identification Card Act.
2 The Firearm Concealed Carry Act.
3 The Gun Dealer Licensing Act.
4 The Intergovernmental Missing Child Recovery Act of 1984.
5 The Intergovernmental Law ~~Drug Laws~~ Enforcement Act.
6 The Narcotic Control Division Abolition Act.

7 (b) The Illinois State Police shall have the powers and
8 duties set forth in the following Sections.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (20 ILCS 2605/2605-590)

11 Sec. 2605-590. Drug Traffic Prevention Fund. Moneys
12 deposited into the Drug Traffic Prevention Fund pursuant to
13 subsection (e) of Section 5-9-1.1 and subsection (c) of
14 Section 5-9-1.1-5 of the Unified Code of Corrections shall be
15 appropriated to and administered by the Illinois State Police
16 for funding of drug task forces and Metropolitan Enforcement
17 Groups in accordance with the Intergovernmental Law ~~Drug Laws~~
18 Enforcement Act.

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 Section 10. The Intergovernmental Drug Laws Enforcement
21 Act is amended by changing the title of the Act and Sections 1,
22 2.02, and 3 as follows:

23 (30 ILCS 715/Act title)

1 An Act authorizing the establishment of Metropolitan
2 Enforcement Groups to provide cooperation and increase
3 efficiency in the enforcement of criminal ~~drug~~ laws among
4 units of local government, and to amend an Act herein named.

5 (30 ILCS 715/1) (from Ch. 56 1/2, par. 1701)

6 Sec. 1. This Act shall be known and may be cited as the
7 ~~"Intergovernmental Law Drug Laws Enforcement Act"~~.

8 (Source: P.A. 80-617.)

9 (30 ILCS 715/2.02) (from Ch. 56 1/2, par. 1702.02)

10 Sec. 2.02. "Metropolitan Enforcement Group" or "MEG" means
11 a combination of units of local government established under
12 this Act to enforce the drug laws of this State and criminal
13 laws of this State, as prescribed by this Act.

14 (Source: P.A. 80-617.)

15 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

16 Sec. 3. A Metropolitan Enforcement Group that ~~which~~ meets
17 the minimum criteria established in this Section is eligible
18 to receive State grants to help defray the costs of operation.

19 To be eligible a MEG must:

20 (1) Be established and operating pursuant to
21 intergovernmental contracts written and executed in
22 conformity with the Intergovernmental Cooperation Act, and
23 involve 2 or more units of local government.

1 (2) Establish a MEG Policy Board composed of an
2 elected official, or his designee, and the chief law
3 enforcement officer, or his designee, from each
4 participating unit of local government to oversee the
5 operations of the MEG and make such reports to the
6 Illinois State Police as the Illinois State Police may
7 require.

8 (3) Designate a single appropriate elected official of
9 a participating unit of local government to act as the
10 financial officer of the MEG for all participating units
11 of local government and to receive funds for the operation
12 of the MEG.

13 (4) Limit its operations to enforcement of drug laws;
14 enforcement of Sections 10-9, 18-3, 18-4, 24-1, 24-1.1,
15 24-1.2, 24-1.2-5, 24-1.5, 24-1.7, 24-1.8, 24-2.1, 24-2.2,
16 24-3, 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.7,
17 24-3.8, 24-3.9, 24-3A, 24-3B, 24-4, and 24-5 of the
18 Criminal Code of 2012; Sections 2, 3, 6.1, and 14 of the
19 Firearm Owners Identification Card Act; and the
20 investigation of streetgang related offenses.

21 (5) Cooperate with the Illinois State Police in order
22 to assure compliance with this Act and to enable the
23 Illinois State Police to fulfill its duties under this
24 Act, and supply the Illinois State Police with all
25 information the Illinois State Police deems necessary
26 therefor.

1 (6) Receive funding of at least 50% of the total
2 operating budget of the MEG from the participating units
3 of local government.

4 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
5 revised 10-6-21.)

6 Section 15. The Cannabis Control Act is amended by
7 changing Section 10.2 as follows:

8 (720 ILCS 550/10.2) (from Ch. 56 1/2, par. 710.2)

9 Sec. 10.2. (a) Twelve and one-half percent of all amounts
10 collected as fines pursuant to the provisions of this Act
11 shall be paid into the Youth Drug Abuse Prevention Fund, which
12 is hereby created in the State treasury, to be used by the
13 Department of Human Services for the funding of programs and
14 services for drug-abuse treatment, and prevention and
15 education services, for juveniles.

16 (b) Eighty-seven and one-half percent of the proceeds of
17 all fines received under the provisions of this Act shall be
18 transmitted to and deposited in the treasurer's office at the
19 level of government as follows:

20 (1) If such seizure was made by a combination of law
21 enforcement personnel representing differing units of
22 local government, the court levying the fine shall
23 equitably allocate 50% of the fine among these units of
24 local government and shall allocate 37 1/2% to the county

1 general corporate fund. In the event that the seizure was
2 made by law enforcement personnel representing a unit of
3 local government from a municipality where the number of
4 inhabitants exceeds 2 million in population, the court
5 levying the fine shall allocate 87 1/2% of the fine to that
6 unit of local government. If the seizure was made by a
7 combination of law enforcement personnel representing
8 differing units of local government, and at least one of
9 those units represents a municipality where the number of
10 inhabitants exceeds 2 million in population, the court
11 shall equitably allocate 87 1/2% of the proceeds of the
12 fines received among the differing units of local
13 government.

14 (2) If such seizure was made by State law enforcement
15 personnel, then the court shall allocate 37 1/2% to the
16 State treasury and 50% to the county general corporate
17 fund.

18 (3) If a State law enforcement agency in combination
19 with a law enforcement agency or agencies of a unit or
20 units of local government conducted the seizure, the court
21 shall equitably allocate 37 1/2% of the fines to or among
22 the law enforcement agency or agencies of the unit or
23 units of local government which conducted the seizure and
24 shall allocate 50% to the county general corporate fund.

25 (c) The proceeds of all fines allocated to the law
26 enforcement agency or agencies of the unit or units of local

1 government pursuant to subsection (b) shall be made available
2 to that law enforcement agency as expendable receipts for use
3 in the enforcement of laws regulating controlled substances
4 and cannabis. The proceeds of fines awarded to the State
5 treasury shall be deposited in a special fund known as the Drug
6 Traffic Prevention Fund, except that amounts distributed to
7 the Secretary of State shall be deposited into the Secretary
8 of State Evidence Fund to be used as provided in Section 2-115
9 of the Illinois Vehicle Code. Monies from this fund may be used
10 by the Illinois State Police for use in the enforcement of laws
11 regulating controlled substances and cannabis; to satisfy
12 funding provisions of the Intergovernmental Law ~~Drug Laws~~
13 Enforcement Act; to defray costs and expenses associated with
14 returning violators of this Act, the Illinois Controlled
15 Substances Act, and the Methamphetamine Control and Community
16 Protection Act only, as provided in such Acts, when punishment
17 of the crime shall be confinement of the criminal in the
18 penitentiary; and all other monies shall be paid into the
19 general revenue fund in the State treasury.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 Section 20. The Illinois Controlled Substances Act is
22 amended by changing Section 413 as follows:

23 (720 ILCS 570/413) (from Ch. 56 1/2, par. 1413)

24 Sec. 413. (a) Twelve and one-half percent of all amounts

1 collected as fines pursuant to the provisions of this Article
2 shall be paid into the Youth Drug Abuse Prevention Fund, which
3 is hereby created in the State treasury, to be used by the
4 Department for the funding of programs and services for
5 drug-abuse treatment, and prevention and education services,
6 for juveniles.

7 (b) Eighty-seven and one-half percent of the proceeds of
8 all fines received under the provisions of this Article shall
9 be transmitted to and deposited in the treasurer's office at
10 the level of government as follows:

11 (1) If such seizure was made by a combination of law
12 enforcement personnel representing differing units of
13 local government, the court levying the fine shall
14 equitably allocate 50% of the fine among these units of
15 local government and shall allocate 37 1/2% to the county
16 general corporate fund. In the event that the seizure was
17 made by law enforcement personnel representing a unit of
18 local government from a municipality where the number of
19 inhabitants exceeds 2 million in population, the court
20 levying the fine shall allocate 87 1/2% of the fine to that
21 unit of local government. If the seizure was made by a
22 combination of law enforcement personnel representing
23 differing units of local government, and at least one of
24 those units represents a municipality where the number of
25 inhabitants exceeds 2 million in population, the court
26 shall equitably allocate 87 1/2% of the proceeds of the

1 fines received among the differing units of local
2 government.

3 (2) If such seizure was made by State law enforcement
4 personnel, then the court shall allocate 37 1/2% to the
5 State treasury and 50% to the county general corporate
6 fund.

7 (3) If a State law enforcement agency in combination
8 with a law enforcement agency or agencies of a unit or
9 units of local government conducted the seizure, the court
10 shall equitably allocate 37 1/2% of the fines to or among
11 the law enforcement agency or agencies of the unit or
12 units of local government which conducted the seizure and
13 shall allocate 50% to the county general corporate fund.

14 (c) The proceeds of all fines allocated to the law
15 enforcement agency or agencies of the unit or units of local
16 government pursuant to subsection (b) shall be made available
17 to that law enforcement agency as expendable receipts for use
18 in the enforcement of laws regulating cannabis,
19 methamphetamine, and other controlled substances. The proceeds
20 of fines awarded to the State treasury shall be deposited in a
21 special fund known as the Drug Traffic Prevention Fund, except
22 that amounts distributed to the Secretary of State shall be
23 deposited into the Secretary of State Evidence Fund to be used
24 as provided in Section 2-115 of the Illinois Vehicle Code.
25 Monies from this fund may be used by the Illinois State Police
26 or use in the enforcement of laws regulating cannabis,

1 methamphetamine, and other controlled substances; to satisfy
2 funding provisions of the Intergovernmental Law ~~Drug Laws~~
3 Enforcement Act; to defray costs and expenses associated with
4 returning violators of the Cannabis Control Act and this Act
5 only, as provided in those Acts, when punishment of the crime
6 shall be confinement of the criminal in the penitentiary; and
7 all other monies shall be paid into the general revenue fund in
8 the State treasury.

9 (Source: P.A. 97-334, eff. 1-1-12.)

10 Section 25. The Methamphetamine Control and Community
11 Protection Act is amended by changing Section 95 as follows:

12 (720 ILCS 646/95)

13 Sec. 95. Youth Drug Abuse Prevention Fund.

14 (a) Twelve and one-half percent of all amounts collected
15 as fines pursuant to the provisions of this Article shall be
16 paid into the Youth Drug Abuse Prevention Fund created by the
17 Controlled Substances Act in the State treasury, to be used by
18 the Department for the funding of programs and services for
19 drug-abuse treatment, and prevention and education services,
20 for juveniles.

21 (b) Eighty-seven and one-half percent of the proceeds of
22 all fines received under the provisions of this Act shall be
23 transmitted to and deposited into the State treasury and
24 distributed as follows:

1 (1) If such seizure was made by a combination of law
2 enforcement personnel representing differing units of
3 local government, the court levying the fine shall
4 equitably allocate 50% of the fine among these units of
5 local government and shall allocate 37.5% to the county
6 general corporate fund. If the seizure was made by law
7 enforcement personnel representing a unit of local
8 government from a municipality where the number of
9 inhabitants exceeds 2 million in population, the court
10 levying the fine shall allocate 87.5% of the fine to that
11 unit of local government. If the seizure was made by a
12 combination of law enforcement personnel representing
13 differing units of local government and if at least one of
14 those units represents a municipality where the number of
15 inhabitants exceeds 2 million in population, the court
16 shall equitably allocate 87.5% of the proceeds of the
17 fines received among the differing units of local
18 government.

19 (2) If such seizure was made by State law enforcement
20 personnel, then the court shall allocate 37.5% to the
21 State treasury and 50% to the county general corporate
22 fund.

23 (3) If a State law enforcement agency in combination
24 with any law enforcement agency or agencies of a unit or
25 units of local government conducted the seizure, the court
26 shall equitably allocate 37.5% of the fines to or among

1 the law enforcement agency or agencies of the unit or
2 units of local government that conducted the seizure and
3 shall allocate 50% to the county general corporate fund.

4 (c) The proceeds of all fines allocated to the law
5 enforcement agency or agencies of the unit or units of local
6 government pursuant to subsection (b) shall be made available
7 to that law enforcement agency as expendable receipts for use
8 in the enforcement of laws regulating controlled substances
9 and cannabis. The proceeds of fines awarded to the State
10 treasury shall be deposited in a special fund known as the Drug
11 Traffic Prevention Fund, except that amounts distributed to
12 the Secretary of State shall be deposited into the Secretary
13 of State Evidence Fund to be used as provided in Section 2-115
14 of the Illinois Vehicle Code. Moneys from this Fund may be used
15 by the Illinois State Police for use in the enforcement of laws
16 regulating controlled substances and cannabis; to satisfy
17 funding provisions of the Intergovernmental Law ~~Drug Laws~~
18 Enforcement Act; to defray costs and expenses associated with
19 returning violators of the Cannabis Control Act and this Act
20 only, as provided in those Acts, when punishment of the crime
21 shall be confinement of the criminal in the penitentiary; and
22 all other moneys shall be paid into the General Revenue Fund in
23 the State treasury.

24 (Source: P.A. 102-538, eff. 8-20-21.)

25 Section 30. The Narcotics Profit Forfeiture Act is amended

1 by changing Sections 5 and 5.2 as follows:

2 (725 ILCS 175/5) (from Ch. 56 1/2, par. 1655)

3 Sec. 5. (a) A person who commits the offense of narcotics
4 racketeering shall:

5 (1) be guilty of a Class 1 felony; and

6 (2) be subject to a fine of up to \$250,000.

7 A person who commits the offense of narcotics racketeering
8 or who violates Section 3 of the Drug Paraphernalia Control
9 Act shall forfeit to the State of Illinois: (A) any profits or
10 proceeds and any property or property interest he has acquired
11 or maintained in violation of this Act or Section 3 of the Drug
12 Paraphernalia Control Act or has used to facilitate a
13 violation of this Act that the court determines, after a
14 forfeiture hearing, under subsection (b) of this Section to
15 have been acquired or maintained as a result of narcotics
16 racketeering or violating Section 3 of the Drug Paraphernalia
17 Control Act, or used to facilitate narcotics racketeering; and
18 (B) any interest in, security of, claim against, or property
19 or contractual right of any kind affording a source of
20 influence over, any enterprise which he has established,
21 operated, controlled, conducted, or participated in the
22 conduct of, in violation of this Act or Section 3 of the Drug
23 Paraphernalia Control Act, that the court determines, after a
24 forfeiture hearing, under subsection (b) of this Section to
25 have been acquired or maintained as a result of narcotics

1 racketeering or violating Section 3 of the Drug Paraphernalia
2 Control Act or used to facilitate narcotics racketeering.

3 (b) The court shall, upon petition by the Attorney General
4 or State's Attorney, at any time subsequent to the filing of an
5 information or return of an indictment, conduct a hearing to
6 determine whether any property or property interest is subject
7 to forfeiture under this Act. At the forfeiture hearing the
8 people shall have the burden of establishing, by a
9 preponderance of the evidence, that property or property
10 interests are subject to forfeiture under this Act. There is a
11 rebuttable presumption at such hearing that any property or
12 property interest of a person charged by information or
13 indictment with narcotics racketeering or who is convicted of
14 a violation of Section 3 of the Drug Paraphernalia Control Act
15 is subject to forfeiture under this Section if the State
16 establishes by a preponderance of the evidence that:

17 (1) such property or property interest was acquired by
18 such person during the period of the violation of this Act
19 or Section 3 of the Drug Paraphernalia Control Act or
20 within a reasonable time after such period; and

21 (2) there was no likely source for such property or
22 property interest other than the violation of this Act or
23 Section 3 of the Drug Paraphernalia Control Act.

24 (c) In an action brought by the People of the State of
25 Illinois under this Act, wherein any restraining order,
26 injunction or prohibition or any other action in connection

1 with any property or property interest subject to forfeiture
2 under this Act is sought, the circuit court which shall
3 preside over the trial of the person or persons charged with
4 narcotics racketeering as defined in Section 4 of this Act or
5 violating Section 3 of the Drug Paraphernalia Control Act
6 shall first determine whether there is probable cause to
7 believe that the person or persons so charged has committed
8 the offense of narcotics racketeering as defined in Section 4
9 of this Act or a violation of Section 3 of the Drug
10 Paraphernalia Control Act and whether the property or property
11 interest is subject to forfeiture pursuant to this Act.

12 In order to make such a determination, prior to entering
13 any such order, the court shall conduct a hearing without a
14 jury, wherein the People shall establish that there is: (i)
15 probable cause that the person or persons so charged have
16 committed the offense of narcotics racketeering or violating
17 Section 3 of the Drug Paraphernalia Control Act and (ii)
18 probable cause that any property or property interest may be
19 subject to forfeiture pursuant to this Act. Such hearing may
20 be conducted simultaneously with a preliminary hearing, if the
21 prosecution is commenced by information or complaint, or by
22 motion of the People, at any stage in the proceedings. The
23 court may accept a finding of probable cause at a preliminary
24 hearing following the filing of an information charging the
25 offense of narcotics racketeering as defined in Section 4 of
26 this Act or the return of an indictment by a grand jury

1 charging the offense of narcotics racketeering as defined in
2 Section 4 of this Act or after a charge is filed for violating
3 Section 3 of the Drug Paraphernalia Control Act as sufficient
4 evidence of probable cause as provided in item (i) above.

5 Upon such a finding, the circuit court shall enter such
6 restraining order, injunction or prohibition, or shall take
7 such other action in connection with any such property or
8 property interest subject to forfeiture under this Act, as is
9 necessary to insure that such property is not removed from the
10 jurisdiction of the court, concealed, destroyed or otherwise
11 disposed of by the owner of that property or property interest
12 prior to a forfeiture hearing under subsection (b) of this
13 Section. The Attorney General or State's Attorney shall file a
14 certified copy of such restraining order, injunction or other
15 prohibition with the recorder of deeds or registrar of titles
16 of each county where any such property of the defendant may be
17 located. No such injunction, restraining order or other
18 prohibition shall affect the rights of any bona fide
19 purchaser, mortgagee, judgment creditor or other lien holder
20 arising prior to the date of such filing.

21 The court may, at any time, upon verified petition by the
22 defendant, conduct a hearing to release all or portions of any
23 such property or interest which the court previously
24 determined to be subject to forfeiture or subject to any
25 restraining order, injunction, or prohibition or other action.
26 The court may release such property to the defendant for good

1 cause shown and within the sound discretion of the court.

2 (d) Prosecution under this Act may be commenced by the
3 Attorney General or a State's Attorney.

4 (e) Upon an order of forfeiture being entered pursuant to
5 subsection (b) of this Section, the court shall authorize the
6 Attorney General to seize any property or property interest
7 declared forfeited under this Act and under such terms and
8 conditions as the court shall deem proper. Any property or
9 property interest that has been the subject of an entered
10 restraining order, injunction or prohibition or any other
11 action filed under subsection (c) shall be forfeited unless
12 the claimant can show by a preponderance of the evidence that
13 the property or property interest has not been acquired or
14 maintained as a result of narcotics racketeering or has not
15 been used to facilitate narcotics racketeering.

16 (f) The Attorney General or his designee is authorized to
17 sell all property forfeited and seized pursuant to this Act,
18 unless such property is required by law to be destroyed or is
19 harmful to the public, and, after the deduction of all
20 requisite expenses of administration and sale, shall
21 distribute the proceeds of such sale, along with any moneys
22 forfeited or seized, in accordance with subsection (g) or (h),
23 whichever is applicable.

24 (g) All monies and the sale proceeds of all other property
25 forfeited and seized pursuant to this Act shall be distributed
26 as follows:

1 (1) An amount equal to 50% shall be distributed to the
2 unit of local government whose officers or employees
3 conducted the investigation into narcotics racketeering
4 and caused the arrest or arrests and prosecution leading
5 to the forfeiture. Amounts distributed to units of local
6 government shall be used for enforcement of laws governing
7 narcotics activity or for public education in the
8 community or schools in the prevention or detection of the
9 abuse of drugs or alcohol. In the event, however, that the
10 investigation, arrest or arrests and prosecution leading
11 to the forfeiture were undertaken solely by a State
12 agency, the portion provided hereunder shall be paid into
13 the Drug Traffic Prevention Fund in the State treasury to
14 be used for enforcement of laws governing narcotics
15 activity.

16 (2) An amount equal to 12.5% shall be distributed to
17 the county in which the prosecution resulting in the
18 forfeiture was instituted, deposited in a special fund in
19 the county treasury and appropriated to the State's
20 Attorney for use in the enforcement of laws governing
21 narcotics activity or for public education in the
22 community or schools in the prevention or detection of the
23 abuse of drugs or alcohol.

24 An amount equal to 12.5% shall be distributed to the
25 Office of the State's Attorneys Appellate Prosecutor and
26 deposited in the Narcotics Profit Forfeiture Fund, which

1 is hereby created in the State treasury, to be used by the
2 Office of the State's Attorneys Appellate Prosecutor for
3 additional expenses incurred in prosecuting appeals
4 arising under this Act. Any amounts remaining in the Fund
5 after all additional expenses have been paid shall be used
6 by the Office to reduce the participating county
7 contributions to the Office on a pro-rated basis as
8 determined by the board of governors of the Office of the
9 State's Attorneys Appellate Prosecutor based on the
10 populations of the participating counties.

11 (3) An amount equal to 25% shall be paid into the Drug
12 Traffic Prevention Fund in the State treasury to be used
13 by the Illinois State Police for funding Metropolitan
14 Enforcement Groups created pursuant to the
15 Intergovernmental Law ~~Drug—Laws~~ Enforcement Act. Any
16 amounts remaining in the Fund after full funding of
17 Metropolitan Enforcement Groups shall be used for
18 enforcement, by the State or any unit of local government,
19 of laws governing narcotics activity or for public
20 education in the community or schools in the prevention or
21 detection of the abuse of drugs or alcohol.

22 (h) Where the investigation or indictment for the offense
23 of narcotics racketeering or a violation of Section 3 of the
24 Drug Paraphernalia Control Act has occurred under the
25 provisions of the Statewide Grand Jury Act, all monies and the
26 sale proceeds of all other property shall be distributed as

1 follows:

2 (1) 60% shall be distributed to the metropolitan
3 enforcement group, local, municipal, county, or State law
4 enforcement agency or agencies which conducted or
5 participated in the investigation resulting in the
6 forfeiture. The distribution shall bear a reasonable
7 relationship to the degree of direct participation of the
8 law enforcement agency in the effort resulting in the
9 forfeiture, taking into account the total value of the
10 property forfeited and the total law enforcement effort
11 with respect to the violation of the law on which the
12 forfeiture is based. Amounts distributed to the agency or
13 agencies shall be used for the enforcement of laws
14 governing cannabis and controlled substances or for public
15 education in the community or schools in the prevention or
16 detection of the abuse of drugs or alcohol.

17 (2) 25% shall be distributed by the Attorney General
18 as grants to drug education, treatment and prevention
19 programs licensed or approved by the Department of Human
20 Services. In making these grants, the Attorney General
21 shall take into account the plans and service priorities
22 of, and the needs identified by, the Department of Human
23 Services.

24 (3) 15% shall be distributed to the Attorney General
25 and the State's Attorney, if any, participating in the
26 prosecution resulting in the forfeiture. The distribution

1 shall bear a reasonable relationship to the degree of
2 direct participation in the prosecution of the offense,
3 taking into account the total value of the property
4 forfeited and the total amount of time spent in preparing
5 and presenting the case, the complexity of the case and
6 other similar factors. Amounts distributed to the Attorney
7 General under this paragraph shall be retained in a fund
8 held by the State Treasurer as ex-officio custodian to be
9 designated as the Statewide Grand Jury Prosecution Fund
10 and paid out upon the direction of the Attorney General
11 for expenses incurred in criminal prosecutions arising
12 under the Statewide Grand Jury Act. Amounts distributed to
13 a State's Attorney shall be deposited in a special fund in
14 the county treasury and appropriated to the State's
15 Attorney for use in the enforcement of laws governing
16 narcotics activity or for public education in the
17 community or schools in the prevention or detection of the
18 abuse of drugs or alcohol.

19 (i) All monies deposited pursuant to this Act in the Drug
20 Traffic Prevention Fund established under Section 5-9-1.2 of
21 the Unified Code of Corrections are appropriated, on a
22 continuing basis, to the Illinois State Police to be used for
23 funding Metropolitan Enforcement Groups created pursuant to
24 the Intergovernmental Law ~~Drug—Laws~~ Enforcement Act or
25 otherwise for the enforcement of laws governing narcotics
26 activity or for public education in the community or schools

1 in the prevention or detection of the abuse of drugs or
2 alcohol.

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 (725 ILCS 175/5.2) (from Ch. 56 1/2, par. 1655.2)

5 Sec. 5.2. (a) Twelve and one-half percent of all amounts
6 collected as fines pursuant to the provisions of this Act
7 shall be paid into the Youth Drug Abuse Prevention Fund, which
8 is hereby created in the State treasury, to be used by the
9 Department of Human Services for the funding of programs and
10 services for drug-abuse treatment, and prevention and
11 education services, for juveniles.

12 (b) Eighty-seven and one-half percent of the proceeds of
13 all fines received under the provisions of this Act shall be
14 transmitted to and deposited in the treasurer's office at the
15 level of government as follows:

16 (1) If such seizure was made by a combination of law
17 enforcement personnel representing differing units of
18 local government, the court levying the fine shall
19 equitably allocate 50% of the fine among these units of
20 local government and shall allocate 37 1/2% to the county
21 general corporate fund. In the event that the seizure was
22 made by law enforcement personnel representing a unit of
23 local government from a municipality where the number of
24 inhabitants exceeds 2 million in population, the court
25 levying the fine shall allocate 87 1/2% of the fine to that

1 unit of local government. If the seizure was made by a
2 combination of law enforcement personnel representing
3 differing units of local government, and at least one of
4 those units represents a municipality where the number of
5 inhabitants exceeds 2 million in population, the court
6 shall equitably allocate 87 1/2% of the proceeds of the
7 fines received among the differing units of local
8 government.

9 (2) If such seizure was made by State law enforcement
10 personnel, then the court shall allocate 37 1/2% to the
11 State treasury and 50% to the county general corporate
12 fund.

13 (3) If a State law enforcement agency in combination
14 with a law enforcement agency or agencies of a unit or
15 units of local government conducted the seizure, the court
16 shall equitably allocate 37 1/2% of the fines to or among
17 the law enforcement agency or agencies of the unit or
18 units of local government which conducted the seizure and
19 shall allocate 50% to the county general corporate fund.

20 (c) The proceeds of all fines allocated to the law
21 enforcement agency or agencies of the unit or units of local
22 government pursuant to subsection (b) shall be made available
23 to that law enforcement agency as expendable receipts for use
24 in the enforcement of laws regulating controlled substances
25 and cannabis. The proceeds of fines awarded to the State
26 treasury shall be deposited in a special fund known as the Drug

1 Traffic Prevention Fund. Monies from this fund may be used by
2 the Illinois State Police for use in the enforcement of laws
3 regulating controlled substances and cannabis; to satisfy
4 funding provisions of the Intergovernmental Law ~~Drug Laws~~
5 Enforcement Act; to defray costs and expenses associated with
6 returning violators of the Cannabis Control Act and the
7 Illinois Controlled Substances Act only, as provided in those
8 Acts, when punishment of the crime shall be confinement of the
9 criminal in the penitentiary; and all other monies shall be
10 paid into the general revenue fund in the State treasury.

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 Section 35. The Unified Code of Corrections is amended by
13 changing Section 5-9-1.2 as follows:

14 (730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

15 Sec. 5-9-1.2. (a) Twelve and one-half percent of all
16 amounts collected as fines pursuant to Section 5-9-1.1 shall
17 be paid into the Youth Drug Abuse Prevention Fund, which is
18 hereby created in the State treasury, to be used by the
19 Department of Human Services for the funding of programs and
20 services for drug-abuse treatment, and prevention and
21 education services, for juveniles.

22 (b) Eighty-seven and one-half percent of the proceeds of
23 all fines received pursuant to Section 5-9-1.1 shall be
24 transmitted to and deposited in the treasurer's office at the

1 level of government as follows:

2 (1) If such seizure was made by a combination of law
3 enforcement personnel representing differing units of
4 local government, the court levying the fine shall
5 equitably allocate 50% of the fine among these units of
6 local government and shall allocate 37 1/2% to the county
7 general corporate fund. In the event that the seizure was
8 made by law enforcement personnel representing a unit of
9 local government from a municipality where the number of
10 inhabitants exceeds 2 million in population, the court
11 levying the fine shall allocate 87 1/2% of the fine to that
12 unit of local government. If the seizure was made by a
13 combination of law enforcement personnel representing
14 differing units of local government, and at least one of
15 those units represents a municipality where the number of
16 inhabitants exceeds 2 million in population, the court
17 shall equitably allocate 87 1/2% of the proceeds of the
18 fines received among the differing units of local
19 government.

20 (2) If such seizure was made by State law enforcement
21 personnel, then the court shall allocate 37 1/2% to the
22 State treasury and 50% to the county general corporate
23 fund.

24 (3) If a State law enforcement agency in combination
25 with a law enforcement agency or agencies of a unit or
26 units of local government conducted the seizure, the court

1 shall equitably allocate 37 1/2% of the fines to or among
2 the law enforcement agency or agencies of the unit or
3 units of local government which conducted the seizure and
4 shall allocate 50% to the county general corporate fund.

5 (c) The proceeds of all fines allocated to the law
6 enforcement agency or agencies of the unit or units of local
7 government pursuant to subsection (b) shall be made available
8 to that law enforcement agency as expendable receipts for use
9 in the enforcement of laws regulating controlled substances
10 and cannabis. The proceeds of fines awarded to the State
11 treasury shall be deposited in a special fund known as the Drug
12 Traffic Prevention Fund. Monies from this fund may be used by
13 the Illinois State Police for use in the enforcement of laws
14 regulating controlled substances and cannabis; to satisfy
15 funding provisions of the Intergovernmental Law ~~Drug Laws~~
16 Enforcement Act; and to defray costs and expenses associated
17 with returning violators of the Cannabis Control Act, the
18 Illinois Controlled Substances Act, and the Methamphetamine
19 Control and Community Protection Act only, as provided in
20 those Acts, when punishment of the crime shall be confinement
21 of the criminal in the penitentiary. Moneys in the Drug
22 Traffic Prevention Fund deposited from fines awarded as a
23 direct result of enforcement efforts of the Illinois
24 Conservation Police may be used by the Department of Natural
25 Resources Office of Law Enforcement for use in enforcing laws
26 regulating controlled substances and cannabis on Department of

1 Natural Resources regulated lands and waterways. All other
2 monies shall be paid into the general revenue fund in the State
3 treasury.

4 (d) There is created in the State treasury the
5 Methamphetamine Law Enforcement Fund. Moneys in the Fund shall
6 be equitably allocated to local law enforcement agencies to:
7 (1) reimburse those agencies for the costs of securing and
8 cleaning up sites and facilities used for the illegal
9 manufacture of methamphetamine; (2) defray the costs of
10 employing full-time or part-time peace officers from a
11 Metropolitan Enforcement Group or other local drug task force,
12 including overtime costs for those officers; and (3) defray
13 the costs associated with medical or dental expenses incurred
14 by the county resulting from the incarceration of
15 methamphetamine addicts in the county jail or County
16 Department of Corrections.

17 (Source: P.A. 102-538, eff. 8-20-21.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."