

# HB2038



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2038

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - John A. Fritchey

#### SYNOPSIS AS INTRODUCED:

740 ILCS 147/40

Amends the Illinois Streetgang Terrorism Omnibus Prevention Act. Makes a technical change in provisions concerning contraband.

LRB096 05520 AJO 15586 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Streetgang Terrorism Omnibus  
5 Prevention Act is amended by changing Section 40 as follows:

6 (740 ILCS 147/40)

7 Sec. 40. Contraband.

8 (a) The ~~The~~ following are declared to be contraband and no  
9 person shall have a property interest in them:

10 (1) any property that is directly or indirectly used or  
11 intended for use in any manner to facilitate streetgang  
12 related activity; and

13 (2) any property constituting or derived from gross  
14 profits or other proceeds obtained from streetgang related  
15 activity.

16 (b) Within 60 days of the date of the seizure of contraband  
17 under this Section, the State's Attorney shall initiate  
18 forfeiture proceedings as provided in Article 36 of the  
19 Criminal Code of 1961. An owner or person who has a lien on the  
20 property may establish as a defense to the forfeiture of  
21 property that is subject to forfeiture under this Section that  
22 the owner or lienholder had no knowledge that the property was  
23 acquired through a pattern of streetgang related activity.

1 Property that is forfeited under this Section shall be disposed  
2 of as provided in Article 36 of the Criminal Code of 1961 for  
3 the forfeiture of vehicles, vessels, and aircraft. The proceeds  
4 of the disposition shall be paid to the Gang Violence Victims  
5 and Witnesses Fund to be used to assist in the prosecution of  
6 gang crimes.

7 (Source: P.A. 91-876, eff. 1-1-01.)