

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Section 36-1 as follows:

6 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

7 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft
8 used with the knowledge and consent of the owner in the
9 commission of, or in the attempt to commit as defined in
10 Section 8-4 of this Code, an offense prohibited by (a)
11 Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2,
12 11-20.1, 12-7.3, 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2,
13 19-3, 20-1, 20-2, 24-1.2, 24-1.5, ~~or 28-1, 31-5, or 31-7~~ of
14 this Code, or paragraph (a) of Section 12-15 or paragraphs
15 (a), (c) or (d) of Section 12-16 of this Code or paragraphs
16 (a), (b), (c), or (d) of Section 31-6 of this Code; (b)
17 Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the
18 vessel, vehicle or aircraft contains more than 10 cartons of
19 such cigarettes; (c) Section 28, 29 or 30 of the Cigarette
20 Use Tax Act if the vessel, vehicle or aircraft contains more
21 than 10 cartons of such cigarettes; (d) Section 44 of the
22 Environmental Protection Act; (e) 11-204.1 of the Illinois
23 Vehicle Code; or (f) the offenses described in the following
24 provisions of the Illinois Vehicle Code: Section 11-501
25 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), or
26 (d)(1)(D); may be seized and delivered forthwith to the
27 sheriff of the county of seizure.

28 Within 15 days after such delivery the sheriff shall give
29 notice of seizure to each person according to the following
30 method: Upon each such person whose right, title or interest
31 is of record in the office of the Secretary of State, the

1 Secretary of Transportation, the Administrator of the Federal
2 Aviation Agency, or any other Department of this State, or
3 any other state of the United States if such vessel, vehicle
4 or aircraft is required to be so registered, as the case may
5 be, by mailing a copy of the notice by certified mail to the
6 address as given upon the records of the Secretary of State,
7 the Department of Aeronautics, Department of Public Works and
8 Buildings or any other Department of this State or the United
9 States if such vessel, vehicle or aircraft is required to be
10 so registered. Within that 15 day period the sheriff shall
11 also notify the State's Attorney of the county of seizure
12 about the seizure.

13 In addition, any mobile or portable equipment used in the
14 commission of an act which is in violation of Section 7g of
15 the Metropolitan Water Reclamation District Act shall be
16 subject to seizure and forfeiture under the same procedures
17 provided in this Article for the seizure and forfeiture of
18 vessels, vehicles and aircraft, and any such equipment shall
19 be deemed a vessel, vehicle or aircraft for purposes of this
20 Article.

21 When a person discharges a firearm at another individual
22 from a vehicle with the knowledge and consent of the owner of
23 the vehicle and with the intent to cause death or great
24 bodily harm to that individual and as a result causes death
25 or great bodily harm to that individual, the vehicle shall be
26 subject to seizure and forfeiture under the same procedures
27 provided in this Article for the seizure and forfeiture of
28 vehicles used in violations of clauses (a), (b), (c), or (d)
29 of this Section.

30 If the spouse of the owner of a vehicle seized for a
31 violation of subdivision (c-1)(1), (c-1)(2), (c-1)(3),
32 (d)(1)(A), or (d)(1)(D) of Section 11-501 of the Illinois
33 Vehicle Code or Section 9-3 of this Code makes a showing that
34 the seized vehicle is the only source of transportation and

1 it is determined that the financial hardship to the family as
2 a result of the seizure outweighs the benefit to the State
3 from the seizure, the vehicle may be forfeited to the spouse
4 or family member and the title to the vehicle shall be
5 transferred to the spouse or family member who is properly
6 licensed and who requires the use of the vehicle for
7 employment or family transportation purposes. A written
8 declaration of forfeiture of a vehicle under this Section
9 shall be sufficient cause for the title to be transferred to
10 the spouse or family member. The provisions of this
11 paragraph shall apply only to one forfeiture per vehicle. If
12 the vehicle is the subject of a subsequent forfeiture
13 proceeding by virtue of a subsequent conviction of either
14 spouse or the family member, the spouse or family member to
15 whom the vehicle was forfeited under the first forfeiture
16 proceeding may not utilize the provisions of this paragraph
17 in another forfeiture proceeding. If the owner of the
18 vehicle seized owns more than one vehicle, the procedure set
19 out in this paragraph may be used for only one vehicle.

20 Property declared contraband under Section 40 of the
21 Illinois Streetgang Terrorism Omnibus Prevention Act may be
22 seized and forfeited under this Article.

23 (Source: P.A. 90-134, eff. 7-22-97; 90-216, eff. 1-1-98;
24 90-655, eff. 7-30-98; 90-738, eff. 1-1-99; 91-876, eff.
25 1-1-01.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.