

1 AN ACT in relation to 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, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3,  
13 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2,  
14 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code,  
15 paragraph (a) of Section 12-4 of this Code, or paragraph (a)  
16 of Section 12-15 or paragraphs (a), (c) or (d) of Section  
17 12-16 of this Code, or paragraph (a)(6) or (a)(7) of Section  
18 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of the  
19 Cigarette Tax Act if the vessel, vehicle or aircraft contains  
20 more than 10 cartons of such cigarettes; (c) Section 28, 29  
21 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or  
22 aircraft contains more than 10 cartons of such cigarettes;  
23 (d) Section 44 of the Environmental Protection Act; (e)  
24 11-204.1 of the Illinois Vehicle Code; or (f) the offenses  
25 described in the following provisions of the Illinois Vehicle  
26 Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),  
27 (c-1)(3), (d)(1)(A), or (d)(1)(D); may be seized and  
28 delivered forthwith to the sheriff of the county of seizure.

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

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

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

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

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

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

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

24 (Source: P.A. 90-134, eff. 7-22-97; 90-216, eff. 1-1-98;  
25 90-655, eff. 7-30-98; 90-738, eff. 1-1-99; 91-876, eff.  
26 1-1-01.)