

HB4059



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4059

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

720 ILCS 550/4

from Ch. 56 1/2, par. 704

Amends the Cannabis Control Act. Deletes provision that the knowing possession of more than 30 grams but not more than 100 grams of any substance containing cannabis is a Class 4 felony if the offense is a subsequent offense.

LRB100 12973 RLC 27086 b

A BILL FOR

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 Cannabis Control Act is amended by changing
5 Section 4 as follows:

6 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

7 Sec. 4. It is unlawful for any person knowingly to possess
8 cannabis. Any person who violates this section with respect to:

9 (a) not more than 10 grams of any substance containing
10 cannabis is guilty of a civil law violation punishable by a
11 minimum fine of \$100 and a maximum fine of \$200. The
12 proceeds of the fine shall be payable to the clerk of the
13 circuit court. Within 30 days after the deposit of the
14 fine, the clerk shall distribute the proceeds of the fine
15 as follows:

16 (1) \$10 of the fine to the circuit clerk and \$10 of
17 the fine to the law enforcement agency that issued the
18 citation; the proceeds of each \$10 fine distributed to
19 the circuit clerk and each \$10 fine distributed to the
20 law enforcement agency that issued the citation for the
21 violation shall be used to defer the cost of automatic
22 expungements under paragraph (2.5) of subsection (a)
23 of Section 5.2 of the Criminal Identification Act;

1 (2) \$15 to the county to fund drug addiction
2 services;

3 (3) \$10 to the Office of the State's Attorneys
4 Appellate Prosecutor for use in training programs;

5 (4) \$10 to the State's Attorney; and

6 (5) any remainder of the fine to the law
7 enforcement agency that issued the citation for the
8 violation.

9 With respect to funds designated for the Department of
10 State Police, the moneys shall be remitted by the circuit
11 court clerk to the Department of State Police within one
12 month after receipt for deposit into the State Police
13 Operations Assistance Fund. With respect to funds
14 designated for the Department of Natural Resources, the
15 Department of Natural Resources shall deposit the moneys
16 into the Conservation Police Operations Assistance Fund;

17 (b) more than 10 grams but not more than 30 grams of
18 any substance containing cannabis is guilty of a Class B
19 misdemeanor;

20 (c) more than 30 grams but not more than 100 grams of
21 any substance containing cannabis is guilty of a Class A
22 misdemeanor; ~~provided, that if any offense under this~~
23 ~~subsection (c) is a subsequent offense, the offender shall~~
24 ~~be guilty of a Class 4 felony;~~

25 (d) more than 100 grams but not more than 500 grams of
26 any substance containing cannabis is guilty of a Class 4

1 felony; provided that if any offense under this subsection
2 (d) is a subsequent offense, the offender shall be guilty
3 of a Class 3 felony;

4 (e) more than 500 grams but not more than 2,000 grams
5 of any substance containing cannabis is guilty of a Class 3
6 felony;

7 (f) more than 2,000 grams but not more than 5,000 grams
8 of any substance containing cannabis is guilty of a Class 2
9 felony;

10 (g) more than 5,000 grams of any substance containing
11 cannabis is guilty of a Class 1 felony.

12 (Source: P.A. 99-697, eff. 7-29-16.)