

SB3582



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3582

Introduced 2/10/2012, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

720 ILCS 550/3
720 ILCS 550/5.2

from Ch. 56 1/2, par. 703
from Ch. 56 1/2, par. 705.2

Amends the Cannabis Control Act. Provides for enhanced penalties for the unlawful delivery of cannabis in a public park, on the real property comprising a public park, or on a public way within 1,000 feet of the real property comprising a public park.

LRB097 18027 RLC 63250 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Sections 3 and 5.2 as follows:

6 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

7 Sec. 3. As used in this Act, unless the context otherwise
8 requires:

9 (a) "Cannabis" includes marihuana, hashish and other
10 substances which are identified as including any parts of the
11 plant Cannabis Sativa, whether growing or not; the seeds
12 thereof, the resin extracted from any part of such plant; and
13 any compound, manufacture, salt, derivative, mixture, or
14 preparation of such plant, its seeds, or resin, including
15 tetrahydrocannabinol (THC) and all other cannabinol
16 derivatives, including its naturally occurring or
17 synthetically produced ingredients, whether produced directly
18 or indirectly by extraction, or independently by means of
19 chemical synthesis or by a combination of extraction and
20 chemical synthesis; but shall not include the mature stalks of
21 such plant, fiber produced from such stalks, oil or cake made
22 from the seeds of such plant, any other compound, manufacture,
23 salt, derivative, mixture, or preparation of such mature stalks

1 (except the resin extracted therefrom), fiber, oil or cake, or
2 the sterilized seed of such plant which is incapable of
3 germination.

4 (b) "Casual delivery" means the delivery of not more than
5 10 grams of any substance containing cannabis without
6 consideration.

7 (c) "Department" means the Illinois Department of Human
8 Services (as successor to the Department of Alcoholism and
9 Substance Abuse) or its successor agency.

10 (d) "Deliver" or "delivery" means the actual, constructive
11 or attempted transfer of possession of cannabis, with or
12 without consideration, whether or not there is an agency
13 relationship.

14 (e) "Department of State Police" means the Department of
15 State Police of the State of Illinois or its successor agency.

16 (f) "Director" means the Director of the Department of
17 State Police or his designated agent.

18 (g) "Local authorities" means a duly organized State,
19 county, or municipal peace unit or police force.

20 (h) "Manufacture" means the production, preparation,
21 propagation, compounding, conversion or processing of
22 cannabis, either directly or indirectly, by extraction from
23 substances of natural origin, or independently by means of
24 chemical synthesis, or by a combination of extraction and
25 chemical synthesis, and includes any packaging or repackaging
26 of cannabis or labeling of its container, except that this term

1 does not include the preparation, compounding, packaging, or
2 labeling of cannabis as an incident to lawful research,
3 teaching, or chemical analysis and not for sale.

4 (i) "Person" means any individual, corporation, government
5 or governmental subdivision or agency, business trust, estate,
6 trust, partnership or association, or any other entity.

7 (j) "Produce" or "production" means planting, cultivating,
8 tending or harvesting.

9 (j-5) "Public park" includes a park, forest preserve, or
10 conservation area under the jurisdiction of the State or a unit
11 of local government.

12 (k) "State" includes the State of Illinois and any state,
13 district, commonwealth, territory, insular possession thereof,
14 and any area subject to the legal authority of the United
15 States of America.

16 (l) "Subsequent offense" means an offense under this Act,
17 the offender of which, prior to his conviction of the offense,
18 has at any time been convicted under this Act or under any laws
19 of the United States or of any state relating to cannabis, or
20 any controlled substance as defined in the Illinois Controlled
21 Substances Act.

22 (Source: P.A. 89-507, eff. 7-1-97.)

23 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

24 Sec. 5.2. Delivery of cannabis on school grounds or public
25 park.

1 (a) Any person who violates subsection (e) of Section 5 in
2 any school or in a public park, on the real property comprising
3 any school or public park, or any conveyance owned, leased or
4 contracted by a school to transport students to or from school
5 or a school related activity, or on any public way within 1,000
6 feet of the real property comprising any school or public park,
7 or any conveyance owned, leased or contracted by a school to
8 transport students to or from school or a school related
9 activity, is guilty of a Class 1 felony, the fine for which
10 shall not exceed \$200,000;

11 (b) Any person who violates subsection (d) of Section 5 in
12 any school or in a public park, on the real property comprising
13 any school or public park, or any conveyance owned, leased or
14 contracted by a school to transport students to or from school
15 or a school related activity, or on any public way within 1,000
16 feet of the real property comprising any school or public park,
17 or any conveyance owned, leased or contracted by a school to
18 transport students to or from school or a school related
19 activity, is guilty of a Class 2 felony, the fine for which
20 shall not exceed \$100,000;

21 (c) Any person who violates subsection (c) of Section 5 in
22 any school or in a public park, on the real property comprising
23 any school or public park, or any conveyance owned, leased or
24 contracted by a school to transport students to or from school
25 or a school related activity, or on any public way within 1,000
26 feet of the real property comprising any school or public park,

1 or any conveyance owned, leased or contracted by a school to
2 transport students to or from school or a school related
3 activity, is guilty of a Class 3 felony, the fine for which
4 shall not exceed \$50,000;

5 (d) Any person who violates subsection (b) of Section 5 in
6 any school or in a public park, on the real property comprising
7 any school or public park, or any conveyance owned, leased or
8 contracted by a school to transport students to or from school
9 or a school related activity, or on any public way within 1,000
10 feet of the real property comprising any school or public park,
11 or any conveyance owned, leased or contracted by a school to
12 transport students to or from school or a school related
13 activity, is guilty of a Class 4 felony, the fine for which
14 shall not exceed \$25,000;

15 (e) Any person who violates subsection (a) of Section 5 in
16 any school or in a public park, on the real property comprising
17 any school or public park, or any conveyance owned, leased or
18 contracted by a school to transport students to or from school
19 or a school related activity, on any public way within 1,000
20 feet of the real property comprising any school or public park,
21 or any conveyance owned, leased or contracted by a school to
22 transport students to or from school or a school related
23 activity, is guilty of a Class A misdemeanor.

24 (Source: P.A. 87-544.)