



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4299

by Rep. Christian L. Mitchell

#### SYNOPSIS AS INTRODUCED:

|                |                           |
|----------------|---------------------------|
| 720 ILCS 550/4 | from Ch. 56 1/2, par. 704 |
| 720 ILCS 550/5 | from Ch. 56 1/2, par. 705 |
| 720 ILCS 550/8 | from Ch. 56 1/2, par. 708 |

Amends the Cannabis Control Act. Provides that the knowing possession of not more than 10 grams of any substance containing cannabis is a petty offense with a fine not exceeding \$100 (rather than a Class C or B misdemeanor). Provides that the knowing possession of more than 10 grams but not more than 30 grams of any substance containing cannabis is a petty offense with a fine not exceeding \$100 for a first offense (rather than a Class A misdemeanor) and a Class A misdemeanor for a subsequent offense (rather than a Class 4 felony). Provides that the knowing possession of more than 30 grams but not more than 500 grams of any substance containing cannabis is a Class A misdemeanor (rather than a Class 4 felony). Provides that the knowing manufacture, delivery, or possession with intent to deliver, or manufacture of not more than 10 grams of any substance containing cannabis is a petty offense with a fine not to exceed \$100 (rather than a Class B or A misdemeanor). Provides that the knowing manufacture, delivery, or possession with intent to deliver, or manufacture of more than 10 grams but nor more than 30 grams of any substance containing cannabis is a Class A misdemeanor (rather than a Class 4 felony). Provides that the production or possession of not more than 5 cannabis sativa plants is a petty offense with a fine not exceeding \$100 (rather than a Class A misdemeanor). Provides that the production or possession of more than 5 but not more than 20 cannabis sativa plants is a Class A misdemeanor (rather than a Class 4 felony).

LRB098 17448 RLC 52551 b

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 4, 5, and 8 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 ~~2.5~~ grams of any substance  
10 containing cannabis is guilty of a petty offense and shall  
11 be fined not to exceed \$100 ~~Class C misdemeanor;~~

12 (b) (blank); ~~more than 2.5 grams but not more than 10~~  
13 ~~grams of any substance containing cannabis is guilty of a~~  
14 ~~Class B misdemeanor;~~

15 (c) more than 10 grams but not more than 30 grams of  
16 any substance containing cannabis is guilty of a petty  
17 offense and shall be fined not to exceed \$100 ~~Class A~~  
18 ~~misdemeanor;~~ provided, that if any offense under this  
19 subsection (c) is a subsequent offense, the offender shall  
20 be guilty of a Class A misdemeanor ~~4 felony;~~

21 (d) more than 30 grams but not more than 500 grams of  
22 any substance containing cannabis is guilty of a Class A  
23 misdemeanor ~~4 felony;~~ provided that if any offense under

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

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

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

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

11 (Source: P.A. 90-397, eff. 8-15-97.)

12 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

13 Sec. 5. It is unlawful for any person knowingly to  
14 manufacture, deliver, or possess with intent to deliver, or  
15 manufacture, cannabis. Any person who violates this section  
16 with respect to:

17 (a) not more than 10 ~~2.5~~ grams of any substance containing  
18 cannabis is guilty of a petty offense and shall be fined not to  
19 exceed \$100 ~~Class B misdemeanor~~;

20 (b) (blank); ~~more than 2.5 grams but not more than 10 grams~~  
21 ~~of any substance containing cannabis is guilty of a Class A~~  
22 ~~misdemeanor~~;

23 (c) more than 10 grams but not more than 30 grams of any  
24 substance containing cannabis is guilty of a Class A  
25 misdemeanor ~~4 felony~~;

1 (d) more than 30 grams but not more than 500 grams of any  
2 substance containing cannabis is guilty of a Class 3 felony for  
3 which a fine not to exceed \$50,000 may be imposed;

4 (e) more than 500 grams but not more than 2,000 grams of  
5 any substance containing cannabis is guilty of a Class 2 felony  
6 for which a fine not to exceed \$100,000 may be imposed;

7 (f) more than 2,000 grams but not more than 5,000 grams of  
8 any substance containing cannabis is guilty of a Class 1 felony  
9 for which a fine not to exceed \$150,000 may be imposed;

10 (g) more than 5,000 grams of any substance containing  
11 cannabis is guilty of a Class X felony for which a fine not to  
12 exceed \$200,000 may be imposed.

13 (Source: P.A. 90-397, eff. 8-15-97.)

14 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

15 Sec. 8. It is unlawful for any person knowingly to produce  
16 the cannabis sativa plant or to possess such plants unless  
17 production or possession has been authorized pursuant to the  
18 provisions of Section 11 of the Act. Any person who violates  
19 this Section with respect to production or possession of:

20 (a) Not more than 5 plants is guilty of a petty offense and  
21 shall be fined not to exceed \$100 ~~Class A misdemeanor~~.

22 (b) More than 5, but not more than 20 plants, is guilty of  
23 a Class A misdemeanor ~~4-felony~~.

24 (c) More than 20, but not more than 50 plants, is guilty of  
25 a Class 3 felony.

1 (d) More than 50, but not more than 200 plants, is guilty  
2 of a Class 2 felony for which a fine not to exceed \$100,000 may  
3 be imposed and for which liability for the cost of conducting  
4 the investigation and eradicating such plants may be assessed.  
5 Compensation for expenses incurred in the enforcement of this  
6 provision shall be transmitted to and deposited in the  
7 treasurer's office at the level of government represented by  
8 the Illinois law enforcement agency whose officers or employees  
9 conducted the investigation or caused the arrest or arrests  
10 leading to the prosecution, to be subsequently made available  
11 to that law enforcement agency as expendable receipts for use  
12 in the enforcement of laws regulating controlled substances and  
13 cannabis. If such seizure was made by a combination of law  
14 enforcement personnel representing different levels of  
15 government, the court levying the assessment shall determine  
16 the allocation of such assessment. The proceeds of assessment  
17 awarded to the State treasury shall be deposited in a special  
18 fund known as the Drug Traffic Prevention Fund.

19 (e) More than 200 plants is guilty of a Class 1 felony for  
20 which a fine not to exceed \$100,000 may be imposed and for  
21 which liability for the cost of conducting the investigation  
22 and eradicating such plants may be assessed. Compensation for  
23 expenses incurred in the enforcement of this provision shall be  
24 transmitted to and deposited in the treasurer's office at the  
25 level of government represented by the Illinois law enforcement  
26 agency whose officers or employees conducted the investigation

1 or caused the arrest or arrests leading to the prosecution, to  
2 be subsequently made available to that law enforcement agency  
3 as expendable receipts for use in the enforcement of laws  
4 regulating controlled substances and cannabis. If such seizure  
5 was made by a combination of law enforcement personnel  
6 representing different levels of government, the court levying  
7 the assessment shall determine the allocation of such  
8 assessment. The proceeds of assessment awarded to the State  
9 treasury shall be deposited in a special fund known as the Drug  
10 Traffic Prevention Fund.

11 (Source: P.A. 95-247, eff. 1-1-08.)