



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1639

Introduced 2/20/2015, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

See Index

Amends the Cannabis Control Act. Changes definition of "cannabis" and adds a definition of "concentrated cannabis" to the Act. Provides that the knowing possession of concentrated cannabis in an amount of: (1) less than 1 gram is a Class 4 felony; (2) 1 gram or more but not more than 4 grams is a Class 3 felony; (3) more than 4 grams but not more than 400 grams is a Class 2 felony; and (4) more than 400 grams is a Class 1 felony. Provides that the penalty for the knowing manufacture, delivery, or possession with intent to deliver, or manufacture, concentrated cannabis is one class higher than the penalty for possession of concentrated cannabis. Provides that if a person commits a violation of the Act in a manner that requires an emergency response, the person shall be required to make restitution to all public entities involved in the emergency response, to cover the reasonable cost of their participation in the emergency response, including but not limited to regular and overtime costs incurred by local law enforcement agencies and private contractors paid by the public agencies in securing the site. Provides that the convicted person shall make this restitution in addition to any other fine or penalty required by law. Provides that in addition to any other penalties and liabilities, a person who is convicted of violating any Section of the Act, whose violation proximately caused any incident resulting in an appropriate emergency response, shall be assessed a fine of \$2,500, or \$5,000 if the person has been previously convicted of a violation of the Act, payable to the circuit clerk, who shall distribute the money to the law enforcement agency responsible for the mitigation of the incident.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL 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 Section 3 and by adding Sections 4.1, 5.01, and 10.4 as
6 follows:

7 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

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

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

1 salt, derivative, mixture, or preparation of such mature stalks
2 (except the resin extracted therefrom), fiber, oil or cake, or
3 the sterilized seed of such plant which is incapable of
4 germination.

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

8 (b-5) "Concentrated cannabis" includes the separated resin
9 or oil, whether crude or purified, obtained from the plant
10 Cannabis Sativa through chemical or other methods of
11 extraction.

12 (c) "Department" means the Illinois Department of Human
13 Services (as successor to the Department of Alcoholism and
14 Substance Abuse) or its successor agency.

15 (d) "Deliver" or "delivery" means the actual, constructive
16 or attempted transfer of possession of cannabis, with or
17 without consideration, whether or not there is an agency
18 relationship.

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

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

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

25 (h) "Manufacture" means the production, preparation,
26 propagation, compounding, conversion or processing of

1 cannabis, either directly or indirectly, by extraction from
2 substances of natural origin, or independently by means of
3 chemical synthesis, or by a combination of extraction and
4 chemical synthesis, and includes any packaging or repackaging
5 of cannabis or labeling of its container, except that this term
6 does not include the preparation, compounding, packaging, or
7 labeling of cannabis as an incident to lawful research,
8 teaching, or chemical analysis and not for sale.

9 (i) "Person" means any individual, corporation, government
10 or governmental subdivision or agency, business trust, estate,
11 trust, partnership or association, or any other entity.

12 (j) "Produce" or "production" means planting, cultivating,
13 tending or harvesting.

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

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

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

25 (720 ILCS 550/4.1 new)

1 Sec. 4.1. Possession of concentrated cannabis prohibited.

2 It is unlawful for any person knowingly to possess concentrated
3 cannabis. Any person who violates this Section with respect to:

4 (1) less than 1 gram of any substance containing
5 concentrated cannabis is guilty of a Class 4 felony;

6 (2) 1 gram or more but not more than 4 grams of any
7 substance containing concentrated cannabis is guilty of a Class
8 3 felony;

9 (3) more than 4 grams but not more than 400 grams of any
10 substance containing concentrated cannabis is guilty of a Class
11 2 felony;

12 (4) more than 400 grams of any substance containing
13 concentrated cannabis is guilty of a Class 1 felony.

14 (720 ILCS 550/5.01 new)

15 Sec. 5.01. Manufacture or delivery of concentrated
16 cannabis prohibited. It is unlawful for any person knowingly to
17 manufacture, deliver, or possess with intent to deliver, or
18 manufacture, concentrated cannabis. Any person who violates
19 this Section with respect to:

20 (1) less than 1 gram of any substance containing
21 concentrated cannabis is guilty of a Class 3 felony;

22 (2) 1 or more grams but not more than 4 grams of any
23 substance containing concentrated cannabis is guilty of a Class
24 2 felony;

25 (3) more than 4 grams but not more than 400 grams of any

1 substance containing concentrated cannabis is guilty of a Class
2 1 felony;

3 (4) more than 400 grams of any substance containing
4 concentrated cannabis is guilty of a Class X felony.

5 (720 ILCS 550/10.4 new)

6 Sec. 10.4. Violations of Act requiring emergency response;
7 restitution.

8 (a) If a person commits a violation of this Act in a manner
9 that requires an emergency response, the person shall be
10 required to make restitution to all public entities involved in
11 the emergency response, to cover the reasonable cost of their
12 participation in the emergency response, including but not
13 limited to regular and overtime costs incurred by local law
14 enforcement agencies and private contractors paid by the public
15 agencies in securing the site. The convicted person shall make
16 this restitution in addition to any other fine or penalty
17 required by law.

18 (b) Any restitution payments made under this Section shall
19 be disbursed equitably by the circuit clerk in the following
20 order:

21 (1) first, to the agency responsible for the mitigation
22 of the incident;

23 (2) second, to the local agencies involved in the
24 emergency response;

25 (3) third, to the State agencies involved in the

1 emergency response; and

2 (4) fourth, to the federal agencies involved in the
3 emergency response.

4 (c) In addition to any other penalties and liabilities, a
5 person who is convicted of violating any Section of this Act,
6 whose violation proximately caused any incident resulting in an
7 appropriate emergency response, shall be assessed a fine of
8 \$2,500, payable to the circuit clerk, who shall distribute the
9 money to the law enforcement agency responsible for the
10 mitigation of the incident. If the person has been previously
11 convicted of violating any Section of this Act, the fine shall
12 be \$5,000 and the circuit clerk shall distribute the money to
13 the law enforcement agency responsible for the mitigation of
14 the incident. In the event that more than one agency is
15 responsible for an arrest which does not require mitigation,
16 the amount payable to law enforcement agencies shall be shared
17 equally. Any moneys received by a law enforcement agency under
18 this Section shall be used for law enforcement expenses. Any
19 moneys collected for the Department of State Police shall be
20 deposited into the Traffic and Criminal Conviction Surcharge
21 Fund.

1 INDEX

2 Statutes amended in order of appearance

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

4 720 ILCS 550/4.1 new

5 720 ILCS 550/5.01 new

6 720 ILCS 550/10.4 new