

HB0160



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0160

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

720 ILCS 550/5.2

from Ch. 56 1/2, par. 705.2

Amends the Cannabis Control Act. Provides that the enhanced penalties for delivering cannabis in a school or on school property only apply to an offense committed in or on the grounds of an active and operational school when school is in session, children are present, or when school related activity occurs. Exempts from a violation an enrolled student at the school. Effective immediately.

LRB101 04698 SLF 49707 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 5.2 as follows:

6 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

7 Sec. 5.2. Delivery of cannabis on school grounds.

8 (a) Any person, other than an enrolled student, who
9 violates subsection (e) of Section 5 in any school, on the real
10 property comprising any school, or any conveyance owned, leased
11 or contracted by a school to transport students to or from
12 school or a school related activity, or on any public way
13 within 500 feet of the real property comprising any school, or
14 in any conveyance owned, leased or contracted by a school to
15 transport students to or from school or a school related
16 activity, and at the time of the violation persons under the
17 age of 18 are present, the offense is committed during school
18 hours, or the offense is committed at times when persons under
19 the age of 18 are reasonably expected to be present in the
20 school, in the conveyance, on the real property, or on the
21 public way, such as when after-school activities are occurring,
22 is guilty of a Class 1 felony, the fine for which shall not
23 exceed \$200,000;

1 (b) Any person, other than an enrolled student, who
2 violates subsection (d) of Section 5 in any school, on the real
3 property comprising any school, or any conveyance owned, leased
4 or contracted by a school to transport students to or from
5 school or a school related activity, or on any public way
6 within 500 feet of the real property comprising any school, or
7 in any conveyance owned, leased or contracted by a school to
8 transport students to or from school or a school related
9 activity, and at the time of the violation persons under the
10 age of 18 are present, the offense is committed during school
11 hours, or the offense is committed at times when persons under
12 the age of 18 are reasonably expected to be present in the
13 school, in the conveyance, on the real property, or on the
14 public way, such as when after-school activities are occurring,
15 is guilty of a Class 2 felony, the fine for which shall not
16 exceed \$100,000;

17 (c) Any person, other than an enrolled student, who
18 violates subsection (c) of Section 5 in any school, on the real
19 property comprising any school, or any conveyance owned, leased
20 or contracted by a school to transport students to or from
21 school or a school related activity, or on any public way
22 within 500 feet of the real property comprising any school, or
23 in any conveyance owned, leased or contracted by a school to
24 transport students to or from school or a school related
25 activity, and at the time of the violation persons under the
26 age of 18 are present, the offense is committed during school

1 hours, or the offense is committed at times when persons under
2 the age of 18 are reasonably expected to be present in the
3 school, in the conveyance, on the real property, or on the
4 public way, such as when after-school activities are occurring,
5 is guilty of a Class 3 felony, the fine for which shall not
6 exceed \$50,000;

7 (d) Any person, other than an enrolled student, who
8 violates subsection (b) of Section 5 in any school, on the real
9 property comprising any school, or any conveyance owned, leased
10 or contracted by a school to transport students to or from
11 school or a school related activity, or on any public way
12 within 500 feet of the real property comprising any school, or
13 in any conveyance owned, leased or contracted by a school to
14 transport students to or from school or a school related
15 activity, and at the time of the violation persons under the
16 age of 18 are present, the offense is committed during school
17 hours, or the offense is committed at times when persons under
18 the age of 18 are reasonably expected to be present in the
19 school, in the conveyance, on the real property, or on the
20 public way, such as when after-school activities are occurring,
21 is guilty of a Class 4 felony, the fine for which shall not
22 exceed \$25,000;

23 (e) Any person, other than an enrolled student, who
24 violates subsection (a) of Section 5 in any school, on the real
25 property comprising any school, or in any conveyance owned,
26 leased or contracted by a school to transport students to or

1 from school or a school related activity, on any public way
2 within 500 feet of the real property comprising any school, or
3 any conveyance owned, leased or contracted by a school to
4 transport students to or from school or a school related
5 activity, and at the time of the violation persons under the
6 age of 18 are present, the offense is committed during school
7 hours, or the offense is committed at times when persons under
8 the age of 18 are reasonably expected to be present in the
9 school, in the conveyance, on the real property, or on the
10 public way, such as when after-school activities are occurring,
11 is guilty of a Class A misdemeanor.

12 (f) In this Section:

13 "Charter school" has the meaning ascribed to the term
14 in Section 27A-5 of the School Code.

15 "Enrolled student" means a student registered at the
16 active and operational public, private, charter, or
17 parochial elementary or secondary school, community
18 college, college, or university where the offense takes
19 place.

20 "School" means an active and operational public,
21 private, charter, or parochial elementary or secondary
22 school, community college, college, or university and
23 includes the grounds of an active and operational school,
24 if the offense is committed when school is in session,
25 children are present, or when school related activity
26 occurs; and "school related activity" means any sporting,

1 social, academic, or other activity for which students'
2 attendance or participation is sponsored, organized, or
3 funded in whole or in part by a school or school district.

4 (Source: P.A. 100-3, eff. 1-1-18.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.