



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3994

Introduced 5/20/2020, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

See Index

Amends the Cannabis Control Act. Makes changes concerning the amount of cannabis flower, THC in a cannabis-infused product, or cannabis concentrate subject to a civil penalty. Provides that civil penalties apply to nonresidents if they possess an amount greater than one-half that which Illinois residents may possess. Replaces penalties for the possession of substances containing cannabis in varying amounts with penalties for the knowing possession of varying weights of cannabis flower, THC in a cannabis-infused product, and any substance containing cannabis concentrate. Replaces penalties for the manufacture, delivery, or possession with intent to deliver or manufacture substances containing cannabis with penalties for the manufacture, delivery, or possession with intent to deliver or manufacture varying amounts of cannabis flower, THC in a cannabis-infused product, or cannabis concentrate. Provides that any person who knowingly brings or causes to be brought into this State for the purpose of manufacture or delivery or with the intent to manufacture or deliver 10 kilograms or more of cannabis flower, 200 kilograms or more of THC contained in a cannabis-infused product, or 2 kilograms or more of cannabis concentrate (instead of 2,500 grams or more of cannabis) in this State or any other state or country is guilty of cannabis trafficking. Changes the penalties for cannabis trafficking. Makes changes concerning the sentencing of persons under the Act who have not previously been convicted of a felony.

LRB101 21460 HEP 72118 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 4, 5, 5.1, and 10 as follows:

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

7 Sec. 4. Except as otherwise provided in the Cannabis
8 Regulation and Tax Act and the Industrial Hemp Act, it is
9 unlawful for any person knowingly to possess cannabis.

10 Any person who violates this Section with respect to:

11 (a) ~~not~~ more than 30 ~~10~~ grams of ~~any substance containing~~
12 cannabis flower, not more than 500 milligrams of THC contained
13 in a cannabis-infused product, or not more than 5 grams of any
14 substance containing cannabis concentrate, or half those
15 amounts for a person who is not a resident of this State, is
16 guilty of a civil law violation punishable by a minimum fine of
17 \$100 and a maximum fine of \$200. The proceeds of the fine shall
18 be payable to the clerk of the circuit court. Within 30 days
19 after the deposit of the fine, the clerk shall distribute the
20 proceeds of the fine as follows:

21 (1) \$10 of the fine to the circuit clerk and \$10 of
22 the fine to the law enforcement agency that issued the
23 citation; the proceeds of each \$10 fine distributed to

1 the circuit clerk and each \$10 fine distributed to the
2 law enforcement agency that issued the citation for the
3 violation shall be used to defer the cost of automatic
4 expungements under paragraph (2.5) of subsection (a)
5 of Section 5.2 of the Criminal Identification Act;

6 (2) \$15 to the county to fund drug addiction
7 services;

8 (3) \$10 to the Office of the State's Attorneys
9 Appellate Prosecutor for use in training programs;

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

11 (5) any remainder of the fine to the law
12 enforcement agency that issued the citation for the
13 violation.

14 With respect to funds designated for the Department of
15 State Police, the moneys shall be remitted by the circuit
16 court clerk to the Department of State Police within one
17 month after receipt for deposit into the State Police
18 Operations Assistance Fund. With respect to funds
19 designated for the Department of Natural Resources, the
20 Department of Natural Resources shall deposit the moneys
21 into the Conservation Police Operations Assistance Fund;

22 (a-5) cannabis flower, when knowingly possessed in the
23 amounts set forth in this subsection, is subject to the penalty
24 indicated:

25 (1) More than 60 grams but not more than 180 grams is a
26 Class C misdemeanor.

1 (2) More than 180 grams but not more than 360 grams is
2 a Class B misdemeanor.

3 (3) More than 360 grams but not more than 1 kilogram is
4 a Class A misdemeanor.

5 (4) More than 1 kilogram but not more than 2.5
6 kilograms is a Class 4 felony.

7 (5) More than 2.5 kilograms but not more than 10
8 kilograms is a Class 3 felony.

9 (6) More than 10 kilograms but not more than 25
10 kilograms is a Class 2 felony.

11 (7) More than 25 kilograms is a Class 1 felony.

12 (a-10) THC contained in a cannabis-infused product, when
13 knowingly possessed in the amounts set forth in this
14 subsection, is subject to the penalty indicated:

15 (1) More than 1 gram but not more than 3 grams is a
16 Class C misdemeanor.

17 (2) More than 3 grams but not more than 6 grams is a
18 Class B misdemeanor.

19 (3) More than 6 grams but not more than 18 grams is a
20 Class A felony.

21 (4) More than 18 grams but not more than 50 grams is
22 Class 4 felony.

23 (5) More than 50 grams but not more than 200 grams is a
24 Class 3 felony.

25 (6) More than 200 grams but not more than 1 kilogram is
26 a Class 2 felony.

1 (7) More than 1 kilogram is a Class 1 felony.

2 (a-15) cannabis concentrate, when knowingly possessed in
3 the amounts set forth in this subsection, is subject to the
4 penalty indicated:

5 (1) More than 10 grams but not more than 30 grams is a
6 Class A misdemeanor.

7 (2) More than 30 grams but not more than 60 grams is a
8 Class B misdemeanor.

9 (3) More than 60 grams but not more than 180 grams is a
10 Class A felony.

11 (4) More than 180 grams but not more than 500 grams is
12 a Class 4 felony.

13 (5) More than 500 grams but not more than 2 kilograms
14 is a Class 3 felony.

15 (6) More than 2 kilograms but not more than 5 kilograms
16 is a Class 2 felony.

17 (7) More than 5 kilograms is a Class 1 felony.

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

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

26 (d) (blank). more than 100 grams but not more than 500

1 ~~grams of any substance containing cannabis is guilty of a~~
2 ~~Class 4 felony; provided that if any offense under this~~
3 ~~subsection (d) is a subsequent offense, the offender shall~~
4 ~~be guilty of a Class 3 felony;~~

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

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

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

13 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

14 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

15 Sec. 5. Except as otherwise provided in the Cannabis
16 Regulation and Tax Act and the Industrial Hemp Act, it is
17 unlawful for any person knowingly to manufacture, deliver, or
18 possess with intent to deliver, or manufacture, cannabis. Any
19 person who violates this Section with respect to:

20 (a) (blank). ~~not more than 2.5 grams of any substance~~
21 ~~containing cannabis is guilty of a Class B misdemeanor;~~

22 (a-5) cannabis flower, in the amounts set forth in this
23 subsection, is subject to the penalty indicated:

24 (1) Not more than 30 grams is a petty offense.

25 (2) More than 30 grams but not more than 60 grams is a

1 Class C misdemeanor.

2 (3) More than 60 grams but not more than 180 grams is a

3 Class B misdemeanor.

4 (4) More than 180 grams but not more than 360 grams is

5 a Class A misdemeanor.

6 (5) More than 360 grams but not more than 1 kilogram is

7 a Class 4 felony.

8 (6) More than 1 kilogram but not more than 2.5

9 kilograms is a Class 3 felony.

10 (7) More than 2.5 kilograms but not more than 10

11 kilograms is a class 2 felony.

12 (8) More than 10 kilograms but not more than 25

13 kilograms is a Class 1 felony.

14 (9) More than 25 kilograms is a Class X felony.

15 (a-10) THC contained in a cannabis-infused product, in the

16 amounts set forth in this subsection, is subject to the penalty

17 indicated:

18 (1) Not more than 500 milligrams is a petty offense.

19 (2) More than 500 milligrams but not more than 1 gram

20 is a Class C misdemeanor.

21 (3) More than 1 gram but not more than 3 grams is a

22 Class B misdemeanor.

23 (4) More than 3 grams but not more than 6 grams is a

24 Class A misdemeanor.

25 (5) More than 6 grams but not more than 18 grams is a

26 Class 4 felony.

1 (6) More than 18 grams but not more than 50 grams is a
2 Class 3 felony.

3 (7) More than 50 grams but not more than 200 grams is a
4 Class 2 felony.

5 (8) More than 200 grams but not more than 1 kilogram is
6 a Class 1 felony.

7 (9) More than 1 kilogram is a Class X felony.

8 (a-15) cannabis concentrate, in the amounts set forth in
9 this subsection, is subject to the penalty indicated:

10 (1) Not more than 5 grams is a petty offense.

11 (2) More than 5 grams but not more than 10 grams is a
12 Class C misdemeanor.

13 (3) More than 10 grams but not more than 30 grams is a
14 Class B misdemeanor

15 (4) More than 30 grams but not more than 60 grams is a
16 Class A misdemeanor.

17 (5) More than 60 grams but not more than 180 grams is a
18 Class 4 felony.

19 (6) More than 180 grams but not more than 500 grams is
20 a Class 3 felony.

21 (7) More than 500 grams but not more than 2 kilograms
22 is a Class 2 felony.

23 (8) More than 2 kilograms but not more than 5 kilograms
24 is a Class 1 felony.

25 (9) More than 5 kilograms is a Class X felony.

26 (b) (blank). ~~more than 2.5 grams but not more than 10~~

1 ~~grams of any substance containing cannabis is guilty of a~~
2 ~~Class A misdemeanor;~~

3 (c) (blank). ~~more than 10 grams but not more than 30~~
4 ~~grams of any substance containing cannabis is guilty of a~~
5 ~~Class 4 felony;~~

6 (d) (blank). ~~more than 30 grams but not more than 500~~
7 ~~grams of any substance containing cannabis is guilty of a~~
8 ~~Class 3 felony for which a fine not to exceed \$50,000 may~~
9 ~~be imposed;~~

10 (e) (blank). ~~more than 500 grams but not more than~~
11 ~~2,000 grams of any substance containing cannabis is guilty~~
12 ~~of a Class 2 felony for which a fine not to exceed \$100,000~~
13 ~~may be imposed;~~

14 (f) (blank). ~~more than 2,000 grams but not more than~~
15 ~~5,000 grams of any substance containing cannabis is guilty~~
16 ~~of a Class 1 felony for which a fine not to exceed \$150,000~~
17 ~~may be imposed;~~

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

21 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

22 (720 ILCS 550/5.1) (from Ch. 56 1/2, par. 705.1)

23 Sec. 5.1. Cannabis trafficking.

24 (a) Except for purposes authorized by this Act, the
25 Industrial Hemp Act, or the Cannabis Regulation and Tax Act,

1 any person who knowingly brings or causes to be brought into
2 this State for the purpose of manufacture or delivery or with
3 the intent to manufacture or deliver 10 kilograms ~~2,500 grams~~
4 or more of cannabis flower, 200 kilograms or more of THC
5 contained in a cannabis-infused product, or 2 kilograms or more
6 of cannabis concentrate in this State or any other state or
7 country is guilty of cannabis trafficking.

8 (b) A person convicted of cannabis trafficking shall be
9 sentenced as authorized by subsection (a-5), (a-10), or (a-15)
10 of Section 5 of this Act, based upon the amount of cannabis
11 flower, THC in a cannabis-infused product, or cannabis
12 concentrate brought or caused to be brought into this State,
13 and such a conviction shall constitute a factor that may be
14 considered by the court as a reason to impose an extended-term
15 sentence under Section 5-8-2 of the Unified Code of
16 Corrections. ~~shall be sentenced to a term of imprisonment not~~
17 ~~less than twice the minimum term and fined an amount as~~
18 ~~authorized by subsection (f) or (g) of Section 5 of this Act,~~
19 ~~based upon the amount of cannabis brought or caused to be~~
20 ~~brought into this State, and not more than twice the maximum~~
21 ~~term of imprisonment and fined twice the amount as authorized~~
22 ~~by subsection (f) or (g) of Section 5 of this Act, based upon~~
23 ~~the amount of cannabis brought or caused to be brought into~~
24 ~~this State.~~

25 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

1 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

2 Sec. 10. (a) Whenever any person who has not previously
3 been convicted of any felony offense under this Act or any law
4 of the United States or of any State relating to cannabis, or
5 controlled substances as defined in the Illinois Controlled
6 Substances Act, pleads guilty to or is found ~~guilty of~~
7 violating Sections ~~4(a), 4(b), 4(c), 5, 5.1, 5(a), 5(b), 5(c)~~
8 or 8 of this Act, the court may, without entering a judgment
9 and with the consent of such person, sentence him to probation,
10 conditional discharge, or supervision.

11 (b) When a person is placed on probation, the court shall
12 enter an order specifying a period of probation of 24 months,
13 and shall defer further proceedings in the case until the
14 conclusion of the period or until the filing of a petition
15 alleging violation of a term or condition of probation.

16 (c) The conditions of probation, conditional discharge, or
17 supervision shall be that the person: (1) not violate any
18 criminal statute of any jurisdiction; (2) refrain from
19 possession of a firearm or other dangerous weapon; (3) (blank)
20 ~~submit to periodic drug testing at a time and in a manner as~~
21 ~~ordered by the court, but no less than 3 times during the~~
22 ~~period of the probation, with the cost of the testing to be~~
23 ~~paid by the probationer;~~ and (4) perform no less than 30 hours
24 of community service, provided community service is available
25 in the jurisdiction and is funded and approved by the county
26 board. The court may give credit toward the fulfillment of

1 community service hours for participation in activities and
2 treatment as determined by court services.

3 (d) The court may, in addition to other conditions, require
4 that the person:

5 (1) make a report to and appear in person before or
6 participate with the court or such courts, person, or
7 social service agency as directed by the court in the order
8 of probation;

9 (2) pay a fine and costs;

10 (3) work or pursue a course of study or vocational
11 training;

12 (4) undergo medical or psychiatric treatment; or
13 treatment for drug addiction or alcoholism; or submit to
14 periodic drug testing at a time and in a manner as ordered
15 by the court, with the cost of the testing to be paid by
16 the probationer;

17 (5) attend or reside in a facility established for the
18 instruction or residence of defendants on probation;

19 (6) support his dependents;

20 (7) refrain from possessing a firearm or other
21 dangerous weapon;

22 (7-5) refrain from having in his or her body the
23 presence of any illicit drug prohibited by the Cannabis
24 Control Act, the Illinois Controlled Substances Act, or the
25 Methamphetamine Control and Community Protection Act,
26 unless prescribed by a physician, and submit samples of his

1 or her blood or urine or both for tests to determine the
2 presence of any illicit drug;

3 (8) and in addition, if a minor:

4 (i) reside with his parents or in a foster home;

5 (ii) attend school;

6 (iii) attend a non-residential program for youth;

7 (iv) contribute to his own support at home or in a
8 foster home.

9 (e) Upon violation of a term or condition of probation,
10 conditional discharge, or supervision, the court may enter a
11 judgment on its original finding of guilt and proceed as
12 otherwise provided.

13 (f) Upon fulfillment of the terms and conditions of
14 probation, conditional discharge, or supervision, the court
15 shall discharge such person and dismiss the proceedings against
16 him.

17 (g) A disposition of probation, conditional discharge, or
18 supervision is considered to be a conviction for the purposes
19 of imposing the conditions of probation and for appeal,
20 however, discharge and dismissal under this Section is not a
21 conviction for purposes of disqualification or disabilities
22 imposed by law upon conviction of a crime ~~(including the~~
23 ~~additional penalty imposed for subsequent offenses under~~
24 ~~Section 4(c), 4(d), 5(c) or 5(d) of this Act).~~

25 (h) A person may not have more than one discharge and
26 dismissal under this Section within a 4-year period.

1 (i) If a person is convicted of an offense under this Act,
2 the Illinois Controlled Substances Act, or the Methamphetamine
3 Control and Community Protection Act within 5 years subsequent
4 to a discharge and dismissal under this Section, the discharge
5 and dismissal under this Section shall be admissible in the
6 sentencing proceeding for that conviction as a factor in
7 aggravation.

8 (j) Notwithstanding subsection (a), before a person is
9 sentenced to probation, conditional discharge, or supervision
10 under this Section, the court may refer the person to the drug
11 court established in that judicial circuit pursuant to Section
12 15 of the Drug Court Treatment Act. The drug court team shall
13 evaluate the person's likelihood of successfully completing a
14 sentence of probation under this Section and shall report the
15 results of its evaluation to the court. If the drug court team
16 finds that the person suffers from a substance abuse problem
17 that makes him or her substantially unlikely to successfully
18 complete a sentence of probation under this Section, then the
19 drug court shall set forth its findings in the form of a
20 written order, and the person shall not be sentenced to
21 probation, conditional discharge, or supervision under this
22 Section, but shall be considered for the drug court program.

23 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18; 100-575,
24 eff. 1-8-18.)

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 550/4 from Ch. 56 1/2, par. 704

4 720 ILCS 550/5 from Ch. 56 1/2, par. 705

5 720 ILCS 550/5.1 from Ch. 56 1/2, par. 705.1

6 720 ILCS 550/10 from Ch. 56 1/2, par. 710