



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

#### HB0100

Introduced 1/12/2011, by Rep. LaShawn K. Ford

#### SYNOPSIS AS INTRODUCED:

720 ILCS 550/3	from Ch. 56 1/2, par. 703
720 ILCS 550/4	from Ch. 56 1/2, par. 704
720 ILCS 550/10.2	from Ch. 56 1/2, par. 710.2

Amends the Cannabis Control Act. Provides that a person who knowingly possesses not more than 28.35 grams of any substance containing cannabis is guilty of a petty offense and shall be fined \$500 for a first offense, \$750 for a second offense, and \$1,000 for a third or subsequent offense. Provides that the delivery of not more than 28.35 (rather than 10) grams of any substance containing cannabis without consideration is a casual delivery treated as a possession offense for purposes of penalties. Provides that 50% of the fines collected under the Act shall be allocated to or among the law enforcement agency or agencies of the unit or units of local government which conducted the seizure.

LRB097 00254 RLC 45618 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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, 4, and 10.2 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 cannabinal  
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 28.35 ~~40~~ 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 (k) "State" includes the State of Illinois and any state,  
10 district, commonwealth, territory, insular possession thereof,  
11 and any area subject to the legal authority of the United  
12 States of America.

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

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

20 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

21 Sec. 4. It is unlawful for any person knowingly to possess  
22 cannabis. Any person who violates this section with respect to:

23 (a) not more than 28.35 ~~2.5~~ grams of any substance  
24 containing cannabis is guilty of a petty offense and shall  
25 be fined \$500 for a first offense, \$750 for a second

1 offense, and \$1,000 for a third or subsequent offense ~~Class~~  
2 ~~C misdemeanor;~~

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

6 (c) more than 28.35 ~~10~~ grams but not more than 30 grams  
7 of any substance containing cannabis is guilty of a Class A  
8 misdemeanor; provided, that if any offense under this  
9 subsection (c) is a subsequent offense, the offender shall  
10 be guilty of a Class 4 felony;

11 (d) more than 30 grams but not more than 500 grams of  
12 any substance containing cannabis is guilty of a Class 4  
13 felony; provided that if any offense under this subsection  
14 (d) is a subsequent offense, the offender shall be guilty  
15 of a Class 3 felony;

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

19 (f) more than 2,000 grams but not more than 5,000 grams  
20 of any substance containing cannabis is guilty of a Class 2  
21 felony;

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

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

25 (720 ILCS 550/10.2) (from Ch. 56 1/2, par. 710.2)

1           Sec. 10.2. (a) If the seizure was made by State law  
2 enforcement personnel, 12 1/2% ~~Twelve and one-half percent~~ of  
3 all amounts collected as fines pursuant to the provisions of  
4 this Act shall be paid into the Youth Drug Abuse Prevention  
5 Fund, which is hereby created in the State treasury, to be used  
6 by the Department of Human Services for the funding of programs  
7 and services for drug-abuse treatment, and prevention and  
8 education services, for juveniles.

9           (b) Eighty-seven and one-half percent of the proceeds of  
10 all fines received under the provisions of this Act shall be  
11 transmitted to and deposited in the treasurer's office at the  
12 level of government as follows:

13           (1) (Blank). ~~If such seizure was made by a combination~~  
14 ~~of law enforcement personnel representing differing units~~  
15 ~~of local government, the court levying the fine shall~~  
16 ~~equitably allocate 50% of the fine among these units of~~  
17 ~~local government and shall allocate 37 1/2% to the county~~  
18 ~~general corporate fund. In the event that the seizure was~~  
19 ~~made by law enforcement personnel representing a unit of~~  
20 ~~local government from a municipality where the number of~~  
21 ~~inhabitants exceeds 2 million in population, the court~~  
22 ~~levying the fine shall allocate 87 1/2% of the fine to that~~  
23 ~~unit of local government. If the seizure was made by a~~  
24 ~~combination of law enforcement personnel representing~~  
25 ~~differing units of local government, and at least one of~~  
26 ~~those units represents a municipality where the number of~~

1 ~~inhabitants exceeds 2 million in population, the court~~  
2 ~~shall equitably allocate 87 1/2% of the proceeds of the~~  
3 ~~finances received among the differing units of local~~  
4 ~~government.~~

5 (2) If such seizure was made by State law enforcement  
6 personnel, then the court shall allocate 37 1/2% to the  
7 State treasury and 50% to the county general corporate  
8 fund.

9 (3) (Blank). ~~If a State law enforcement agency in~~  
10 ~~combination with a law enforcement agency or agencies of a~~  
11 ~~unit or units of local government conducted the seizure,~~  
12 ~~the court shall equitably allocate 37 1/2% of the fines to~~  
13 ~~or among the law enforcement agency or agencies of the unit~~  
14 ~~or units of local government which conducted the seizure~~  
15 ~~and shall allocate 50% to the county general corporate~~  
16 ~~fund.~~

17 (b-5) If such seizure was made by a combination of law  
18 enforcement personnel representing differing units of local  
19 government, the court levying the fine shall equitably allocate  
20 50% of the fine among these units of local government and shall  
21 allocate 37 1/2% to the county general corporate fund. Twelve  
22 and one-half percent shall be paid into the Youth Drug Abuse  
23 Prevention Fund. In the event that the seizure was made by law  
24 enforcement personnel representing a unit of local government  
25 from a municipality where the number of inhabitants exceeds  
26 2,000,000 in population, the court levying the fine shall

1 allocate 87 1/2% of the fine to that unit of local government.  
2 Twelve and one-half percent shall be paid into the Youth Drug  
3 Abuse Prevention Fund. If the seizure was made by a combination  
4 of law enforcement personnel representing differing units of  
5 local government, and at least one of those units represents a  
6 municipality where the number of inhabitants exceeds 2,000,000  
7 in population, the court shall equitably allocate 87 1/2% of  
8 the proceeds of the fines received among the differing units of  
9 local government. Twelve and one-half percent shall be paid  
10 into the Youth Drug Abuse Prevention Fund. If a State law  
11 enforcement agency in combination with a law enforcement agency  
12 or agencies of a unit or units of local government conducted  
13 the seizure, the court shall equitably allocate 50% of the  
14 fines to or among the law enforcement agency or agencies of the  
15 unit or units of local government which conducted the seizure  
16 and shall allocate 50% to the county general corporate fund.

17 (c) The proceeds of all fines allocated to the law  
18 enforcement agency or agencies of the unit or units of local  
19 government pursuant to subsections ~~subsection~~ (b) and (b-5)  
20 shall be made available to that law enforcement agency as  
21 expendable receipts for use in the enforcement of laws  
22 regulating controlled substances and cannabis. The proceeds of  
23 fines awarded to the State treasury shall be deposited in a  
24 special fund known as the Drug Traffic Prevention Fund, except  
25 that amounts distributed to the Secretary of State shall be  
26 deposited into the Secretary of State Evidence Fund to be used



1 as provided in Section 2-115 of the Illinois Vehicle Code.  
2 Monies from this fund may be used by the Department of State  
3 Police for use in the enforcement of laws regulating controlled  
4 substances and cannabis; to satisfy funding provisions of the  
5 Intergovernmental Drug Laws Enforcement Act; to defray costs  
6 and expenses associated with returning violators of this Act,  
7 the Illinois Controlled Substances Act, and the  
8 Methamphetamine Control and Community Protection Act only, as  
9 provided in such Acts, when punishment of the crime shall be  
10 confinement of the criminal in the penitentiary; and all other  
11 monies shall be paid into the general revenue fund in the State  
12 treasury.

13 (Source: P.A. 94-556, eff. 9-11-05.)