

HB3664



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3664

by Rep. Sheri Jesiel

SYNOPSIS AS INTRODUCED:

720 ILCS 570/414

Amends the Illinois Controlled Substances Act. Provides that the limited immunity for a person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an overdose or for a person who is experiencing an overdose shall not be extended if law enforcement has reasonable suspicion or probable cause to detain, arrest, or search that person for criminal activity and the reasonable suspicion or probable cause is based on information obtained prior to or independent of the individual seeking or obtaining emergency medical assistance and not obtained as a direct result of the action of seeking or obtaining emergency medical assistance (rather than taking action to seek or obtain emergency medical assistance).

LRB100 08864 RLC 19007 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 Illinois Controlled Substances Act is
5 amended by changing Section 414 as follows:

6 (720 ILCS 570/414)

7 Sec. 414. Overdose; limited immunity from prosecution.

8 (a) For the purposes of this Section, "overdose" means a
9 controlled substance-induced physiological event that results
10 in a life-threatening emergency to the individual who ingested,
11 inhaled, injected or otherwise bodily absorbed a controlled,
12 counterfeit, or look-alike substance or a controlled substance
13 analog.

14 (b) A person who, in good faith, seeks or obtains emergency
15 medical assistance for someone experiencing an overdose shall
16 not be charged or prosecuted for Class 4 felony possession of a
17 controlled, counterfeit, or look-alike substance or a
18 controlled substance analog if evidence for the Class 4 felony
19 possession charge was acquired as a result of the person
20 seeking or obtaining emergency medical assistance and
21 providing the amount of substance recovered is within the
22 amount identified in subsection (d) of this Section.

23 (c) A person who is experiencing an overdose shall not be

1 charged or prosecuted for Class 4 felony possession of a
2 controlled, counterfeit, or look-alike substance or a
3 controlled substance analog if evidence for the Class 4 felony
4 possession charge was acquired as a result of the person
5 seeking or obtaining emergency medical assistance and
6 providing the amount of substance recovered is within the
7 amount identified in subsection (d) of this Section.

8 (d) For the purposes of subsections (b) and (c), the
9 limited immunity shall only apply to a person possessing the
10 following amount:

11 (1) less than 3 grams of a substance containing heroin;

12 (2) less than 3 grams of a substance containing
13 cocaine;

14 (3) less than 3 grams of a substance containing
15 morphine;

16 (4) less than 40 grams of a substance containing
17 peyote;

18 (5) less than 40 grams of a substance containing a
19 derivative of barbituric acid or any of the salts of a
20 derivative of barbituric acid;

21 (6) less than 40 grams of a substance containing
22 amphetamine or any salt of an optical isomer of
23 amphetamine;

24 (7) less than 3 grams of a substance containing
25 lysergic acid diethylamide (LSD), or an analog thereof;

26 (8) less than 6 grams of a substance containing

1 pentazocine or any of the salts, isomers and salts of
2 isomers of pentazocine, or an analog thereof;

3 (9) less than 6 grams of a substance containing
4 methaqualone or any of the salts, isomers and salts of
5 isomers of methaqualone;

6 (10) less than 6 grams of a substance containing
7 phencyclidine or any of the salts, isomers and salts of
8 isomers of phencyclidine (PCP);

9 (11) less than 6 grams of a substance containing
10 ketamine or any of the salts, isomers and salts of isomers
11 of ketamine;

12 (12) less than 40 grams of a substance containing a
13 substance classified as a narcotic drug in Schedules I or
14 II, or an analog thereof, which is not otherwise included
15 in this subsection.

16 (e) The limited immunity described in subsections (b) and
17 (c) of this Section shall not be extended if law enforcement
18 has reasonable suspicion or probable cause to detain, arrest,
19 or search the person described in subsection (b) or (c) of this
20 Section for criminal activity and the reasonable suspicion or
21 probable cause is based on information obtained prior to or
22 independent of the individual described in subsection (b) or
23 (c) seeking or obtaining ~~taking action to seek or obtain~~
24 emergency medical assistance and not obtained as a direct
25 result of the action of seeking or obtaining emergency medical
26 assistance. Nothing in this Section is intended to interfere

1 with or prevent the investigation, arrest, or prosecution of
2 any person for the delivery or distribution of cannabis,
3 methamphetamine or other controlled substances, drug-induced
4 homicide, or any other crime.

5 (Source: P.A. 97-678, eff. 6-1-12.)