



Rep. La Shawn K. Ford

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10100HB3879ham001

LRB101 14147 RLC 70527 a

1 AMENDMENT TO HOUSE BILL 3879

2 AMENDMENT NO. _____. Amend House Bill 3879 by replacing
3 everything after the enacting clause with the following:

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 arrested, charged, or prosecuted for a violation of

1 Section 401 or 402 of the Illinois Controlled Substances Act,
2 Section 3.5 of the Drug Paraphernalia Control Act, Section 55
3 or 60 of the Methamphetamine Control and Community Protection
4 Act, Section 9-3.3 of the Criminal Code of 2012, or paragraph
5 (1) of subsection (g) of Section 12-3.05 of the Criminal Code
6 of 2012 ~~Class 4 felony possession of a controlled, counterfeit,~~
7 ~~or look alike substance or a controlled substance analog~~ if
8 evidence for the violation ~~Class 4 felony possession charge~~ was
9 acquired as a result of the person seeking or obtaining
10 emergency medical assistance and providing the amount of
11 substance recovered is within the amount identified in
12 subsection (d) of this Section. The violations listed in this
13 subsection (b) must not serve as the sole basis of a violation
14 of parole, mandatory supervised release, probation, or
15 conditional discharge, a Department of Children and Family
16 Services investigation, or any seizure of property under any
17 State law authorizing civil forfeiture so long as the evidence
18 for the violation was acquired as a result of the person
19 seeking or obtaining emergency medical assistance in the event
20 of an overdose.

21 (c) A person who is experiencing an overdose shall not be
22 arrested, charged, or prosecuted for a violation of Section 401
23 or 402 of the Illinois Controlled Substances Act, Section 3.5
24 of the Drug Paraphernalia Control Act, Section 9-3.3 of the
25 Criminal Code of 2012, or paragraph (1) of subsection (g) of
26 Section 12-3.05 of the Criminal Code of 2012 ~~Class 4 felony~~

1 ~~possession of a controlled, counterfeit, or look-alike~~
2 ~~substance or a controlled substance analog~~ if evidence for the
3 violation Class 4 felony possession charge was acquired as a
4 result of the person seeking or obtaining emergency medical
5 assistance and providing the amount of substance recovered is
6 within the amount identified in subsection (d) of this Section.
7 The violations listed in this subsection (c) must not serve as
8 the sole basis of a violation of parole, mandatory supervised
9 release, probation, or conditional discharge, a Department of
10 Children and Family Services investigation, or any seizure of
11 property under any State law authorizing civil forfeiture so
12 long as the evidence for the violation was acquired as a result
13 of the person seeking or obtaining emergency medical assistance
14 in the event of an overdose.

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

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

19 (2) less than 3 grams of a substance containing
20 cocaine;

21 (3) less than 3 grams of a substance containing
22 morphine;

23 (4) less than 40 grams of a substance containing
24 peyote;

25 (5) less than 40 grams of a substance containing a
26 derivative of barbituric acid or any of the salts of a

1 derivative of barbituric acid;

2 (6) less than 40 grams of a substance containing
3 amphetamine or any salt of an optical isomer of
4 amphetamine;

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

7 (8) less than 6 grams of a substance containing
8 pentazocine or any of the salts, isomers and salts of
9 isomers of pentazocine, or an analog thereof;

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

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

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

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

23 (e) The limited immunity described in subsections (b) and
24 (c) of this Section shall not be extended if law enforcement
25 has reasonable suspicion or probable cause to detain, arrest,
26 or search the person described in subsection (b) or (c) of this

1 Section for criminal activity and the reasonable suspicion or
2 probable cause is based on information obtained prior to or
3 independent of the individual described in subsection (b) or
4 (c) taking action to seek or obtain emergency medical
5 assistance and not obtained as a direct result of the action of
6 seeking or obtaining emergency medical assistance. Nothing in
7 this Section is intended to interfere with or prevent the
8 investigation, arrest, or prosecution of any person for the
9 delivery or distribution of cannabis, methamphetamine or other
10 controlled substances, drug-induced homicide, or any other
11 crime if the evidence of the violation is not acquired as a
12 result of the person seeking or obtaining emergency medical
13 assistance in the event of an overdose.

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

15 Section 10. The Methamphetamine Control and Community
16 Protection Act is amended by changing Section 115 as follows:

17 (720 ILCS 646/115)

18 Sec. 115. Overdose; limited immunity ~~from prosecution.~~

19 (a) For the purposes of this Section, "overdose" means a
20 methamphetamine-induced physiological event that results in a
21 life-threatening emergency to the individual who ingested,
22 inhaled, injected, or otherwise bodily absorbed
23 methamphetamine.

24 (b) A person who, in good faith, seeks emergency medical

1 assistance for someone experiencing an overdose shall not be
2 arrested, charged or prosecuted for a violation of Section 55
3 or 60 of this Act or Section 3.5 of the Drug Paraphernalia
4 Control Act, Section 9-3.3 of the Criminal Code of 2012, or
5 paragraph (1) of subsection (g) of Section 12-3.05 of the
6 Criminal Code of 2012 ~~Class 3 felony possession of~~
7 ~~methamphetamine~~ if evidence for the violation ~~Class 3 felony~~
8 ~~possession charge~~ was acquired as a result of the person
9 seeking or obtaining emergency medical assistance and
10 providing the amount of substance recovered is less than 3
11 grams ~~one gram~~ of methamphetamine or a substance containing
12 methamphetamine. The violations listed in this subsection (b)
13 must not serve as the sole basis of a violation of parole,
14 mandatory supervised release, probation, or conditional
15 discharge, a Department of Children and Family Services
16 investigation, or any seizure of property under any State law
17 authorizing civil forfeiture so long as the evidence for the
18 violation was acquired as a result of the person seeking or
19 obtaining emergency medical assistance in the event of an
20 overdose.

21 (c) A person who is experiencing an overdose shall not be
22 arrested, charged, or prosecuted for a violation of Section 55
23 or 60 of this Act or Section 3.5 of the Drug Paraphernalia
24 Control Act, Section 9-3.3 of the Criminal Code of 2012, or
25 paragraph (1) of subsection (g) of Section 12-3.05 of the
26 Criminal Code of 2012 ~~Class 3 felony possession of~~

1 ~~methamphetamine~~ if evidence for the Class 3 felony possession
2 charge was acquired as a result of the person seeking or
3 obtaining emergency medical assistance and providing the
4 amount of substance recovered is less than one gram of
5 methamphetamine or a substance containing methamphetamine. The
6 violations listed in this subsection (c) must not serve as the
7 sole basis of a violation of parole, mandatory supervised
8 release, probation, or conditional discharge, a Department of
9 Children and Family Services investigation, or any seizure of
10 property under any State law authorizing civil forfeiture so
11 long as the evidence for the violation was acquired as a result
12 of the person seeking or obtaining emergency medical assistance
13 in the event of an overdose.

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

1 controlled substances, drug-induced homicide, or any other
2 crime if the evidence of the violation is not acquired as a
3 result of the person seeking or obtaining emergency medical
4 assistance in the event of an overdose.

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