



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0239

by Rep. Thomas M. Bennett

SYNOPSIS AS INTRODUCED:

720 ILCS 570/414

Amends the Illinois Controlled Substances Act. Provides that the limited immunity for a person who seeks or obtains emergency medical assistance for someone experiencing an overdose or for a person who is experiencing an overdose in a reasonably prudent manner (rather than in good faith) 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).

LRB101 04626 SLF 49634 b

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) In ~~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 in a
16 reasonably prudent manner shall not be charged or prosecuted
17 for Class 4 felony possession of a controlled, counterfeit, or
18 look-alike substance or a controlled substance analog if
19 evidence for the Class 4 felony possession charge was acquired
20 as a result of the person seeking or obtaining emergency
21 medical assistance and providing the amount of substance
22 recovered is within the amount identified in subsection (d) of
23 this Section.

1 (c) A person who is experiencing an overdose shall not be
2 charged or prosecuted for Class 4 felony possession of a
3 controlled, counterfeit, or look-alike substance or a
4 controlled substance analog if evidence for the Class 4 felony
5 possession charge was acquired as a result of the person
6 seeking or obtaining emergency medical assistance and
7 providing the amount of substance recovered is within the
8 amount identified in subsection (d) of this Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (e) The limited immunity described in subsections (b) and
18 (c) of this Section shall not be extended if law enforcement
19 has reasonable suspicion or probable cause to detain, arrest,
20 or search the person described in subsection (b) or (c) of this
21 Section for criminal activity and the reasonable suspicion or
22 probable cause is based on information obtained prior to or
23 independent of the individual described in subsection (b) or
24 (c) seeking or obtaining ~~taking action to seek or obtain~~
25 emergency medical assistance and not obtained as a direct
26 result of the action of seeking or obtaining emergency medical

1 assistance. Nothing in this Section is intended to interfere
2 with or prevent the investigation, arrest, or prosecution of
3 any person for the delivery or distribution of cannabis,
4 methamphetamine or other controlled substances, drug-induced
5 homicide, or any other crime.

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