



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5216

Introduced 2/9/2024, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-112

Amends the State Finance Act. Modifies the allocation of moneys from the Cannabis Regulation Fund. Provides that, of the 8% of funds transferred to the Local Government Distributive Fund, 2% shall be used to fund law enforcement training programs that include (i) the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible, (ii) specific training on officer safety techniques including cover, concealment, and time, and (iii) training focused on high risk traffic stops; 2% shall be used for the purchase of body cameras; 2% shall be for law enforcement to use at their discretion; 1% shall be allocated to counties for costs associated with pretrial services; and 1% shall be allocated to counties for costs associated with juvenile expungements.

LRB103 39413 MXP 69595 b

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by changing
5 Section 6z-112 as follows:

6 (30 ILCS 105/6z-112)

7 Sec. 6z-112. The Cannabis Regulation Fund.

8 (a) There is created the Cannabis Regulation Fund in the
9 State treasury, subject to appropriations unless otherwise
10 provided in this Section. All moneys collected under the
11 Cannabis Regulation and Tax Act shall be deposited into the
12 Cannabis Regulation Fund, consisting of taxes, license fees,
13 other fees, and any other amounts required to be deposited or
14 transferred into the Fund.

15 (b) Whenever the Department of Revenue determines that a
16 refund should be made under the Cannabis Regulation and Tax
17 Act to a claimant, the Department of Revenue shall submit a
18 voucher for payment to the State Comptroller, who shall cause
19 the order to be drawn for the amount specified and to the
20 person named in the notification from the Department of
21 Revenue. This subsection (b) shall constitute an irrevocable
22 and continuing appropriation of all amounts necessary for the
23 payment of refunds out of the Fund as authorized under this

1 subsection (b).

2 (c) On or before the 25th day of each calendar month, the
3 Department of Revenue shall prepare and certify to the State
4 Comptroller the transfer and allocations of stated sums of
5 money from the Cannabis Regulation Fund to other named funds
6 in the State treasury. The amount subject to transfer shall be
7 the amount of the taxes, license fees, other fees, and any
8 other amounts paid into the Fund during the second preceding
9 calendar month, minus the refunds made under subsection (b)
10 during the second preceding calendar month by the Department.
11 The transfers shall be certified as follows:

12 (1) The Department of Revenue shall first determine
13 the allocations which shall remain in the Cannabis
14 Regulation Fund, subject to appropriations, to pay for the
15 direct and indirect costs associated with the
16 implementation, administration, and enforcement of the
17 Cannabis Regulation and Tax Act by the Department of
18 Revenue, the Department of State Police, the Department of
19 Financial and Professional Regulation, the Department of
20 Agriculture, the Department of Public Health, the
21 Department of Commerce and Economic Opportunity, and the
22 Illinois Criminal Justice Information Authority.

23 (2) After the allocations have been made as provided
24 in paragraph (1) of this subsection (c), of the remainder
25 of the amount subject to transfer for the month as
26 determined in this subsection (c), the Department shall

1 certify the transfer into the Cannabis Expungement Fund
2 1/12 of the fiscal year amount appropriated from the
3 Cannabis Expungement Fund for payment of costs incurred by
4 State courts, the Attorney General, State's Attorneys,
5 civil legal aid, as defined by Section 15 of the Public
6 Interest Attorney Assistance Act, and the Department of
7 State Police to facilitate petitions for expungement of
8 Minor Cannabis Offenses pursuant to Public Act 101-27, as
9 adjusted by any supplemental appropriation, plus
10 cumulative deficiencies in such transfers for prior
11 months.

12 (3) After the allocations have been made as provided
13 in paragraphs (1) and (2) of this subsection (c), the
14 Department of Revenue shall certify to the State
15 Comptroller and the State Treasurer shall transfer the
16 amounts that the Department of Revenue determines shall be
17 transferred into the following named funds according to
18 the following:

19 (A) 2% shall be transferred to the Drug Treatment
20 Fund to be used by the Department of Human Services
21 for: (i) developing and administering a scientifically
22 and medically accurate public education campaign
23 educating youth and adults about the health and safety
24 risks of alcohol, tobacco, illegal drug use (including
25 prescription drugs), and cannabis, including use by
26 pregnant women; and (ii) data collection and analysis

1 of the public health impacts of legalizing the
2 recreational use of cannabis. Expenditures for these
3 purposes shall be subject to appropriations.

4 (B) 8% shall be transferred to the Local
5 Government Distributive Fund and allocated as provided
6 in Section 2 of the State Revenue Sharing Act. Of the
7 moneys, 2% shall be used to fund law enforcement
8 training programs that include (i) the use of
9 de-escalation techniques to prevent or reduce the need
10 for force whenever safe and feasible, (ii) specific
11 training on officer safety techniques including cover,
12 concealment, and time, and (iii) training focused on
13 high risk traffic stops; 2% shall be used for the
14 purchase of body cameras; 2% shall be for law
15 enforcement to use at their discretion; 1% shall be
16 allocated to counties for costs associated with
17 pretrial services; and 1% shall be allocated to
18 counties for costs associated with juvenile
19 expungements ~~The moneys shall be used to fund crime~~
20 ~~prevention programs, training, and interdiction~~
21 ~~efforts, including detection, enforcement, and~~
22 ~~prevention efforts, relating to the illegal cannabis~~
23 ~~market and driving under the influence of cannabis.~~

24 (C) 25% shall be transferred to the Criminal
25 Justice Information Projects Fund to be used for the
26 purposes of the Restore, Reinvest, and Renew Program

1 to address economic development, violence prevention
2 services, re-entry services, youth development, and
3 civil legal aid, as defined by Section 15 of the Public
4 Interest Attorney Assistance Act. The Restore,
5 Reinvest, and Renew Program shall address these issues
6 through targeted investments and intervention programs
7 and promotion of an employment infrastructure and
8 capacity building related to the social determinants
9 of health in impacted community areas. Expenditures
10 for these purposes shall be subject to appropriations.

11 (D) 20% shall be transferred to the Department of
12 Human Services Community Services Fund, to be used to
13 address substance abuse and prevention and mental
14 health concerns, including treatment, education, and
15 prevention to address the negative impacts of
16 substance abuse and mental health issues, including
17 concentrated poverty, violence, and the historical
18 overuse of criminal justice responses in certain
19 communities, on the individual, family, and community,
20 including federal, State, and local governments,
21 health care institutions and providers, and
22 correctional facilities. Expenditures for these
23 purposes shall be subject to appropriations.

24 (E) 10% shall be transferred to the Budget
25 Stabilization Fund.

26 (F) 35%, or any remaining balance, shall be

1 transferred to the General Revenue Fund.

2 As soon as may be practical, but no later than 10 days
3 after receipt, by the State Comptroller of the transfer
4 certification provided for in this subsection (c) to be given
5 to the State Comptroller by the Department of Revenue, the
6 State Comptroller shall direct and the State Treasurer shall
7 transfer the respective amounts in accordance with the
8 directions contained in such certification.

9 (d) On July 1, 2019 the Department of Revenue shall
10 certify to the State Comptroller and the State Treasurer shall
11 transfer \$5,000,000 from the Compassionate Use of Medical
12 Cannabis Fund to the Cannabis Regulation Fund.

13 (e) Notwithstanding any other law to the contrary and
14 except as otherwise provided in this Section, this Fund is not
15 subject to sweeps, administrative charge-backs, or any other
16 fiscal or budgetary maneuver that would in any way transfer
17 any amounts from this Fund into any other fund of the State.

18 (f) The Cannabis Regulation Fund shall retain a balance of
19 \$1,000,000 for the purposes of administrative costs.

20 (g) In Fiscal Year 2024 the allocations in subsection (c)
21 of this Section shall be reviewed and adjusted if the General
22 Assembly finds there is a greater need for funding for a
23 specific purpose in the State as it relates to Public Act
24 101-27.

25 (Source: P.A. 101-27, eff. 6-25-19; 102-558, eff. 8-20-21.)