



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0804

Introduced 02/02/05, by Rep. Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

720 ILCS 550/16.2 new

Amends the Cannabis Control Act. Provides that before or after the trial in a prosecution for certain enumerated violations of the Act, a law enforcement agency or an agent acting on behalf of the law enforcement agency must preserve, subject to a continuous chain of custody, not less than 5,001 grams of any substance containing cannabis and not less than 51 cannabis sativa plants with respect to the enumerated offenses and must maintain sufficient documentation to locate that evidence. Provides that the court may before trial transfer excess quantities of any substance containing cannabis or cannabis sativa plants with respect to a prosecution for any enumerated offense to the sheriff of the county, or may in its discretion transfer such evidence to the Department of State Police, for destruction. Effective immediately.

LRB094 03651 RLC 33656 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 adding
5 Section 16.2 as follows:

6 (720 ILCS 550/16.2 new)

7 Sec. 16.2. Preservation of cannabis or cannabis sativa
8 plants for laboratory testing.

9 (a) Before or after the trial in a prosecution for a
10 violation of Section 4, 5, 5.1, 5.2, 8, or 9 of this Act, a law
11 enforcement agency or an agent acting on behalf of the law
12 enforcement agency must preserve, subject to a continuous chain
13 of custody, not less than 5,001 grams of any substance
14 containing cannabis and not less than 51 cannabis sativa plants
15 with respect to the offenses enumerated in this subsection (a)
16 and must maintain sufficient documentation to locate that
17 evidence. Excess quantities with respect to the offenses
18 enumerated in this subsection (a) cannot practicably be
19 retained by a law enforcement agency because of its size, bulk,
20 and physical character.

21 (b) The court may before trial transfer excess quantities
22 of any substance containing cannabis or cannabis sativa plants
23 with respect to a prosecution for any offense enumerated in
24 subsection (a) to the sheriff of the county, or may in its
25 discretion transfer such evidence to the Department of State
26 Police, for destruction.

27 (c) After a judgment of conviction is entered and the
28 charged quantity is no longer needed for evidentiary purposes
29 with respect to a prosecution for any offense enumerated in
30 subsection (a), the court may transfer any substance containing
31 cannabis or cannabis sativa plants to the sheriff of the
32 county, or may in its discretion transfer such evidence to the

1 Department of State Police, for destruction. No evidence shall
2 be disposed of until 30 days after the judgment is entered, and
3 if a notice of appeal is filed, no evidence shall be disposed
4 of until the mandate has been received by the circuit court
5 from the Appellate Court.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.