

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 6,001 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 after notice is given to the  
27 defendant's attorney of record or to the defendant if the  
28 defendant is proceeding pro se.

29 (c) After a judgment of conviction is entered and the  
30 charged quantity is no longer needed for evidentiary purposes  
31 with respect to a prosecution for any offense enumerated in  
32 subsection (a), the court may transfer any substance containing

1 cannabis or cannabis sativa plants to the sheriff of the  
2 county, or may in its discretion transfer such evidence to the  
3 Department of State Police, for destruction after notice is  
4 given to the defendant's attorney of record or to the defendant  
5 if the defendant is proceeding pro se. No evidence shall be  
6 disposed of until 30 days after the judgment is entered, and if  
7 a notice of appeal is filed, no evidence shall be disposed of  
8 until the mandate has been received by the circuit court from  
9 the Appellate Court.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.