

HB1684



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1684

Introduced 2/22/2007, by Rep. Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

720 ILCS 550/8

from Ch. 56 1/2, par. 708

Amends the Cannabis Control Act. Provides that the production or possession of more than 200 cannabis sativa plants is a Class 1 (rather than a Class 2) felony.

LRB095 04888 RLC 24952 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 changing
5 Section 8 as follows:

6 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

7 Sec. 8. It is unlawful for any person knowingly to produce
8 the cannabis sativa plant or to possess such plants unless
9 production or possession has been authorized pursuant to the
10 provisions of Section 11 of the Act. Any person who violates
11 this Section with respect to production or possession of:

12 (a) Not more than 5 plants is guilty of a Class A
13 misdemeanor.

14 (b) More than 5, but not more than 20 plants, is guilty of
15 a Class 4 felony.

16 (c) More than 20, but not more than 50 plants, is guilty of
17 a Class 3 felony.

18 (d) More than 50, but not more than 200 plants, is guilty
19 of a Class 2 felony for which a fine not to exceed \$100,000 may
20 be imposed and for which liability for the cost of conducting
21 the investigation and eradicating such plants may be assessed.
22 Compensation for expenses incurred in the enforcement of this
23 provision shall be transmitted to and deposited in the

1 treasurer's office at the level of government represented by
2 the Illinois law enforcement agency whose officers or employees
3 conducted the investigation or caused the arrest or arrests
4 leading to the prosecution, to be subsequently made available
5 to that law enforcement agency as expendable receipts for use
6 in the enforcement of laws regulating controlled substances and
7 cannabis. If such seizure was made by a combination of law
8 enforcement personnel representing different levels of
9 government, the court levying the assessment shall determine
10 the allocation of such assessment. The proceeds of assessment
11 awarded to the State treasury shall be deposited in a special
12 fund known as the Drug Traffic Prevention Fund.

13 (e) More than 200 plants is guilty of a Class 1 felony for
14 which a fine not to exceed \$100,000 may be imposed and for
15 which liability for the cost of conducting the investigation
16 and eradicating such plants may be assessed. Compensation for
17 expenses incurred in the enforcement of this provision shall be
18 transmitted to and deposited in the treasurer's office at the
19 level of government represented by the Illinois law enforcement
20 agency whose officers or employees conducted the investigation
21 or caused the arrest or arrests leading to the prosecution, to
22 be subsequently made available to that law enforcement agency
23 as expendable receipts for use in the enforcement of laws
24 regulating controlled substances and cannabis. If such seizure
25 was made by a combination of law enforcement personnel
26 representing different levels of government, the court levying

1 the assessment shall determine the allocation of such
2 assessment. The proceeds of assessment awarded to the State
3 treasury shall be deposited in a special fund known as the Drug
4 Traffic Prevention Fund.

5 (Source: P.A. 84-1233.)