



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5401

Introduced 2/5/2010, by Rep. Constance A. Howard

#### SYNOPSIS AS INTRODUCED:

720 ILCS 550/16.3 new  
720 ILCS 570/414 new  
720 ILCS 646/115 new

Amends the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act. Provides that a person who calls the 911 emergency number to report an overdose of cannabis, a controlled, counterfeit, look-alike substance, a controlled substance analog, or methamphetamine and the person who overdosed are immune from criminal liability for a violation relating to the possession or delivery of cannabis, a controlled, counterfeit, look-alike substance, a controlled substance analog, or methamphetamine. Provides that this immunity shall not be extended if law enforcement has reasonable suspicion or probable cause, prior to or independent of the emergency 911 call, to detain, arrest, or search the person or property of the person who calls 911 or the person who overdosed that is not a direct result of the 911 call.

LRB096 18013 RLC 33385 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 Cannabis Control Act is amended by adding  
5 Section 16.3 as follows:

6 (720 ILCS 550/16.3 new)

7 Sec. 16.3. Overdose; immunity from prosecution. A person  
8 who calls the 911 emergency number to report an overdose of  
9 cannabis and the person who overdosed are immune from criminal  
10 liability for a violation of Section 4 or 5 of this Act  
11 relating to the possession or delivery of cannabis. This  
12 immunity shall not be extended if law enforcement has  
13 reasonable suspicion or probable cause, prior to or independent  
14 of the emergency 911 call, to detain, arrest, or search the  
15 person or property of the person who calls 911 or the person  
16 who overdosed that is not a direct result of the emergency 911  
17 call.

18 Section 10. The Illinois Controlled Substances Act is  
19 amended by adding Section 414 as follows:

20 (720 ILCS 570/414 new)

21 Sec. 414. Overdose; immunity from prosecution. A person who

1 calls the 911 emergency number to report an overdose of a  
2 controlled, counterfeit, or look-alike substance or a  
3 controlled substance analog and the person who overdosed are  
4 immune from criminal liability for a violation of Section 401,  
5 402 or Section 404 of this Act relating to the possession or  
6 delivery of a controlled, counterfeit, or look-alike substance  
7 or a controlled substance analog. This immunity shall not be  
8 extended if law enforcement has reasonable suspicion or  
9 probable cause, prior to or independent of the emergency 911  
10 call, to detain, arrest, or search the person or property of  
11 the person who calls 911 or the person who overdosed that is  
12 not a direct result of the 911 call.

13 Section 15. The Methamphetamine Control and Community  
14 Protection Act is amended by adding Section 115 as follows:

15 (720 ILCS 646/115 new)

16 Sec. 115. Overdose; immunity from prosecution. A person who  
17 calls the 911 emergency number to report an overdose of  
18 methamphetamine or a substance containing methamphetamine and  
19 the person who overdosed are immune from criminal liability for  
20 a violation of Section 55 or 60 of this Act relating to the  
21 possession or delivery of methamphetamine or a substance  
22 containing methamphetamine. This immunity shall not be  
23 extended if law enforcement has reasonable suspicion or  
24 probable cause, prior to or independent of the emergency 911

1 call, to detain, arrest, or search the person or property of  
2 the person who calls 911 or the person who overdosed that is  
3 not a direct result of the emergency 911 call.