



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5720

Introduced 2/16/2012, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

720 ILCS 550/4

from Ch. 56 1/2, par. 704

720 ILCS 550/10.2

from Ch. 56 1/2, par. 710.2

Amends the Cannabis Control Act. Provides that a person who knowingly possesses not more than 0.1 gram of any substance containing cannabis is guilty of a petty offense and shall be fined \$100 for a first offense, \$200 for a second offense, and \$300 for a third or subsequent offense. Provides that a person convicted of a third or subsequent offense shall perform 20 hours of community service at a drug-abuse treatment center licensed by the Department of Human Services. Changes the allocation of fines under the Act. Provides that, in addition to the allocation of fines to units of government that made the seizure of the cannabis, proceeds of fines collected under the Act shall also be used by the Department of Human Services for the funding of programs and services for drug-abuse treatment, prevention and education services for both juveniles and adults. Effective immediately.

LRB097 15988 RLC 61139 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 changing
5 Sections 4 and 10.2 as follows:

6 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

7 Sec. 4. It is unlawful for any person knowingly to possess
8 cannabis. Any person who violates this section with respect to:

9 (a) not more than 0.1 gram ~~2.5 grams~~ of any substance
10 containing cannabis is guilty of a petty offense and shall
11 be fined \$100 for a first offense, \$200 for a second
12 offense, and \$300 for a third or subsequent offense and
13 ordered by the court to perform 20 hours of community
14 service at a drug-abuse treatment center licensed by the
15 Department of Human Services under the Alcoholism and Other
16 Drug Abuse and Dependency Act ~~Class C misdemeanor;~~

17 (a-5) more than 0.1 gram but not more than 2.5 grams of
18 any substance containing cannabis is guilty of a Class C
19 misdemeanor;

20 (b) more than 2.5 grams but not more than 10 grams of
21 any substance containing cannabis is guilty of a Class B
22 misdemeanor;

23 (c) more than 10 grams but not more than 30 grams of

1 any substance containing cannabis is guilty of a Class A
2 misdemeanor; provided, that if any offense under this
3 subsection (c) is a subsequent offense, the offender shall
4 be guilty of a Class 4 felony;

5 (d) more than 30 grams but not more than 500 grams of
6 any substance containing cannabis is guilty of a Class 4
7 felony; provided that if any offense under this subsection
8 (d) is a subsequent offense, the offender shall be guilty
9 of a Class 3 felony;

10 (e) more than 500 grams but not more than 2,000 grams
11 of any substance containing cannabis is guilty of a Class 3
12 felony;

13 (f) more than 2,000 grams but not more than 5,000 grams
14 of any substance containing cannabis is guilty of a Class 2
15 felony;

16 (g) more than 5,000 grams of any substance containing
17 cannabis is guilty of a Class 1 felony.

18 (Source: P.A. 90-397, eff. 8-15-97.)

19 (720 ILCS 550/10.2) (from Ch. 56 1/2, par. 710.2)

20 Sec. 10.2. Allocation of fines.

21 (a) If the seizure was made by State law enforcement
22 personnel, 6 1/4% ~~Twelve and one-half percent~~ of all amounts
23 collected as fines pursuant to the provisions of this Act shall
24 be paid into the Youth Drug Abuse Prevention Fund, which is
25 hereby created in the State treasury, to be used by the

1 Department of Human Services for the funding of programs and
2 services for drug-abuse treatment, and prevention and
3 education services, for juveniles.

4 (a-5) If the seizure was made by State law enforcement
5 personnel, 6 1/4% of all amounts collected as fines pursuant to
6 the provisions of this Act shall be paid into the Drug
7 Treatment Fund, to be used by the Department of Human Services
8 for the funding of programs and services for drug-abuse
9 treatment, prevention and education services, for adults.

10 (b) Eighty-seven and one-half percent of the proceeds of
11 all fines received under the provisions of this Act shall be
12 transmitted to and deposited in the treasurer's office at the
13 level of government as follows:

14 (1) (Blank). If such seizure was made by a combination
15 of law enforcement personnel representing differing units
16 of local government, the court levying the fine shall
17 equitably allocate 50% of the fine among these units of
18 local government and shall allocate 37 1/2% to the county
19 general corporate fund. In the event that the seizure was
20 made by law enforcement personnel representing a unit of
21 local government from a municipality where the number of
22 inhabitants exceeds 2 million in population, the court
23 levying the fine shall allocate 87 1/2% of the fine to that
24 unit of local government. If the seizure was made by a
25 combination of law enforcement personnel representing
26 differing units of local government, and at least one of

1 ~~those units represents a municipality where the number of~~
2 ~~inhabitants exceeds 2 million in population, the court~~
3 ~~shall equitably allocate 87 1/2% of the proceeds of the~~
4 ~~finances received among the differing units of local~~
5 ~~government.~~

6 (2) If such seizure was made by State law enforcement
7 personnel, then the court shall allocate 37 1/2% to the
8 State treasury and 50% to the county general corporate
9 fund.

10 (3) (Blank). ~~If a State law enforcement agency in~~
11 ~~combination with a law enforcement agency or agencies of a~~
12 ~~unit or units of local government conducted the seizure,~~
13 ~~the court shall equitably allocate 37 1/2% of the fines to~~
14 ~~or among the law enforcement agency or agencies of the unit~~
15 ~~or units of local government which conducted the seizure~~
16 ~~and shall allocate 50% to the county general corporate~~
17 ~~fund.~~

18 (b-5) If such seizure was made by a combination of law
19 enforcement personnel representing differing units of local
20 government, the court levying the fine shall equitably allocate
21 50% of the fine among these units of local government and shall
22 allocate 37 1/2% to the county general corporate fund. Six and
23 one-quarter percent shall be paid into the Youth Drug Abuse
24 Prevention Fund and 6 1/4% shall be paid into the Drug
25 Treatment Fund. In the event that the seizure was made by law
26 enforcement personnel representing a unit of local government

1 from a municipality where the number of inhabitants exceeds
2 2,000,000 in population, the court levying the fine shall
3 allocate 87 1/2% of the fine to that unit of local government.
4 Six and one-quarter percent shall be paid into the Youth Drug
5 Abuse Prevention Fund and 6 1/4% shall be paid into the Drug
6 Treatment Fund. If the seizure was made by a combination of law
7 enforcement personnel representing differing units of local
8 government, and at least one of those units represents a
9 municipality where the number of inhabitants exceeds 2,000,000
10 in population, the court shall equitably allocate 87 1/2% of
11 the proceeds of the fines received among the differing units of
12 local government. Six and one-quarter percent shall be paid
13 into the Youth Drug Abuse Prevention Fund and 6 1/4% shall be
14 deposited into the Drug Treatment Fund. If a State law
15 enforcement agency in combination with a law enforcement agency
16 or agencies of a unit or units of local government conducted
17 the seizure, the court shall equitably allocate 50% of the
18 fines to or among the law enforcement agency or agencies of the
19 unit or units of local government which conducted the seizure
20 and shall allocate 50% to the county general corporate fund.

21 (c) The proceeds of all fines allocated to the law
22 enforcement agency or agencies of the unit or units of local
23 government pursuant to subsections ~~subsection~~ (b) and (b-5)
24 shall be made available to that law enforcement agency as
25 expendable receipts for use in the enforcement of laws
26 regulating controlled substances and cannabis. The proceeds of

1 fines awarded to the State treasury shall be deposited in a
2 special fund known as the Drug Traffic Prevention Fund, except
3 that amounts distributed to the Secretary of State shall be
4 deposited into the Secretary of State Evidence Fund to be used
5 as provided in Section 2-115 of the Illinois Vehicle Code.
6 Monies from this fund may be used by the Department of State
7 Police for use in the enforcement of laws regulating controlled
8 substances and cannabis; to satisfy funding provisions of the
9 Intergovernmental Drug Laws Enforcement Act; to defray costs
10 and expenses associated with returning violators of this Act,
11 the Illinois Controlled Substances Act, and the
12 Methamphetamine Control and Community Protection Act only, as
13 provided in such Acts, when punishment of the crime shall be
14 confinement of the criminal in the penitentiary; and all other
15 monies shall be paid into the general revenue fund in the State
16 treasury.

17 (Source: P.A. 94-556, eff. 9-11-05.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.