



Rep. La Shawn K. Ford

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09800HB2332ham002

LRB098 06288 RLC 42754 a

1 AMENDMENT TO HOUSE BILL 2332

2 AMENDMENT NO. _____. Amend House Bill 2332 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by adding Section
5 5-1005.1 as follows:

6 (55 ILCS 5/5-1005.1 new)

7 Sec. 5-1005.1. Cannabis possession of no more than 15
8 grams. Notwithstanding subsection (a), (b), or (c) of Section 4
9 of the Cannabis Control Act to the contrary, a county board may
10 adopt an ordinance or resolution that declares possession of
11 not more than 15 grams of cannabis a petty offense. The county
12 board may determine the amount of the fine to be imposed for
13 possession of not more than 15 grams of cannabis. The county
14 board may adopt a uniform citation form to be issued by the
15 sheriff who arrests a person for possession of not more than 15
16 grams of cannabis. If the county board adopts a uniform

1 citation form, the sheriff may instead of arresting the person
2 for possession of cannabis issue a notice to appear as provided
3 in Section 107-12 of the Code of Criminal Procedure of 1963. As
4 used in this Section, "cannabis" has the meaning ascribed to it
5 in Section 3 of the Cannabis Control Act.

6 Section 10. The Illinois Municipal Code is amended by
7 adding Section 11-5-11 as follows:

8 (65 ILCS 5/11-5-11 new)

9 Sec. 11-5-11. Cannabis possession of no more than 15 grams.
10 Notwithstanding subsection (a), (b), or (c) of Section 4 of the
11 Cannabis Control Act to the contrary, a municipality may adopt
12 an ordinance or resolution that declares possession of not more
13 than 15 grams of cannabis a petty offense. The municipality may
14 determine the amount of the fine to be imposed for possession
15 of not more than 15 grams of cannabis. The municipality may
16 adopt a uniform citation form to be issued by a peace officer
17 who arrests a person for possession of not more than 15 grams
18 of cannabis. If the municipality adopts a uniform citation
19 form, a peace officer may instead of arresting the person for
20 possession of cannabis issue a notice to appear as provided in
21 Section 107-12 of the Code of Criminal Procedure of 1963. As
22 used in this Section, "cannabis" has the meaning ascribed to it
23 in Section 3 of the Cannabis Control Act.

1 Section 15. The Cannabis Control Act is amended by changing
2 Section 4 as follows:

3 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

4 Sec. 4. Except as otherwise provided in Section 5-1005.1 of
5 the Counties Code or Section 11-5-11 of the Illinois Municipal
6 Code, it ~~is~~ is unlawful for any person knowingly to possess
7 cannabis. Any person who violates this section with respect to:

8 (a) not more than 2.5 grams of any substance containing
9 cannabis is guilty of a Class C misdemeanor;

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

13 (c) more than 10 grams but not more than 30 grams of
14 any substance containing cannabis is guilty of a Class A
15 misdemeanor; provided, that if any offense under this
16 subsection (c) is a subsequent offense, the offender shall
17 be guilty of a Class 4 felony;

18 (d) more than 30 grams but not more than 500 grams of
19 any substance containing cannabis is guilty of a Class 4
20 felony; provided that if any offense under this subsection
21 (d) is a subsequent offense, the offender shall be guilty
22 of a Class 3 felony;

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

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

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

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

7 Section 20. The Local Governmental and Governmental
8 Employees Tort Immunity Act is amended by adding Section 4-108
9 as follows:

10 (745 ILCS 10/4-108 new)

11 Sec. 4-108. Failure to enforce State cannabis laws. Neither
12 a local public entity nor a public employee is liable, except
13 for willful or wanton conduct, for failure to enforce
14 subsection (a), (b), or (c) of Section 4 of the Cannabis
15 Control Act concerning the possession of 15 grams or less of
16 cannabis in a county or municipality that has adopted an
17 ordinance or resolution that declares possession of not more
18 than 15 grams of cannabis a petty offense.

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