



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0753

Introduced 2/3/2015, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

720 ILCS 550/4	from Ch. 56 1/2, par. 704
720 ILCS 550/4.1 new	
720 ILCS 550/8	from Ch. 56 1/2, par. 708
720 ILCS 550/8.1 new	
720 ILCS 550/10	from Ch. 56 1/2, par. 710

Amends the Cannabis Control Act. Legalizes the possession by a person 21 years of age or older of cannabis in an amount not to exceed 30 grams. Permits the production and possession by a person 21 years of age or older of not more than 5 cannabis sativa plants.

LRB099 05807 RLC 25851 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 changing
5 Sections 4, 8, and 10 and by adding Sections 4.1 and 8.1 as
6 follows:

7 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

8 Sec. 4. It is unlawful for any person knowingly to possess
9 more than 30 grams of cannabis. Any person who violates this
10 section with respect to:

11 (a) (blank); ~~not more than 2.5 grams of any substance~~
12 ~~containing cannabis is guilty of a Class C misdemeanor;~~

13 (b) (blank); ~~more than 2.5 grams but not more than 10~~
14 ~~grams of any substance containing cannabis is guilty of a~~
15 ~~Class B misdemeanor;~~

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

21 (d) more than 30 grams but not more than 500 grams of
22 any substance containing cannabis is guilty of a Class 4
23 felony; provided that if any offense under this subsection

1 (d) is a subsequent offense, the offender shall be guilty
2 of a Class 3 felony;

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

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

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

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

12 (720 ILCS 550/4.1 new)

13 Sec. 4.1. It is unlawful for any person under 21 years of
14 age to knowingly possess cannabis. Any person under 21 years of
15 age who violates this Section with respect to:

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

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

21 (c) more than 10 grams but not more than 30 grams of
22 any substance containing cannabis is guilty of a Class A
23 misdemeanor; provided, that if any offense under this
24 subsection (c) is a subsequent offense, the offender is
25 guilty of a Class 4 felony.

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

2 Sec. 8. It is unlawful for any person knowingly to produce
3 more than 5 ~~the~~ cannabis sativa plants ~~plant~~ or to possess more
4 than 5 ~~such~~ plants unless production or possession has been
5 authorized pursuant to the provisions of Section 11 or 15.2 of
6 the Act. Any person who violates this Section with respect to
7 production or possession of:

8 (a) (Blank). ~~Not more than 5 plants is guilty of a Class A~~
9 ~~misdemeanor.~~

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

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

14 (d) More than 50, but not more than 200 plants, is guilty
15 of a Class 2 felony for which a fine not to exceed \$100,000 may
16 be imposed and for which liability for the cost of conducting
17 the investigation and eradicating such plants may be assessed.
18 Compensation for expenses incurred in the enforcement of this
19 provision shall be transmitted to and deposited in the
20 treasurer's office at the level of government represented by
21 the Illinois law enforcement agency whose officers or employees
22 conducted the investigation or caused the arrest or arrests
23 leading to the prosecution, to be subsequently made available
24 to that law enforcement agency as expendable receipts for use
25 in the enforcement of laws regulating controlled substances and

1 cannabis. If such seizure was made by a combination of law
2 enforcement personnel representing different levels of
3 government, the court levying the assessment shall determine
4 the allocation of such assessment. The proceeds of assessment
5 awarded to the State treasury shall be deposited in a special
6 fund known as the Drug Traffic Prevention Fund.

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

25 (Source: P.A. 98-1072, eff. 1-1-15.)

1 (720 ILCS 550/8.1 new)

2 Sec. 8.1. Production and possession of cannabis sativa
3 plants by persons under 21 years of age. It is unlawful for any
4 person under 21 years of age to knowingly produce the cannabis
5 sativa plant or to possess those plants unless production or
6 possession has been authorized under Section 11 of this Act.
7 Any person under 21 years of age who violates this Section with
8 respect to production or possession of not more than 5 plants
9 is guilty of a Class A misdemeanor.

10 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

11 Sec. 10. (a) Whenever any person who has not previously
12 been convicted of, or placed on probation or court supervision
13 for, any offense under this Act or any law of the United States
14 or of any State relating to cannabis, or controlled substances
15 as defined in the Illinois Controlled Substances Act, pleads
16 guilty to or is found guilty of violating Sections 4.1(a),
17 4.1(b), 4.1(c), 5(a), 5(b), 5(c), or 8.1 ~~4(a), 4(b), 4(c),~~
18 ~~5(a), 5(b), 5(c) or 8~~ of this Act, the court may, without
19 entering a judgment and with the consent of such person,
20 sentence him to probation.

21 (b) When a person is placed on probation, the court shall
22 enter an order specifying a period of probation of 24 months,
23 and shall defer further proceedings in the case until the
24 conclusion of the period or until the filing of a petition
25 alleging violation of a term or condition of probation.

1 (c) The conditions of probation shall be that the person:
2 (1) not violate any criminal statute of any jurisdiction; (2)
3 refrain from possession of a firearm or other dangerous weapon;
4 (3) submit to periodic drug testing at a time and in a manner
5 as ordered by the court, but no less than 3 times during the
6 period of the probation, with the cost of the testing to be
7 paid by the probationer; and (4) perform no less than 30 hours
8 of community service, provided community service is available
9 in the jurisdiction and is funded and approved by the county
10 board.

11 (d) The court may, in addition to other conditions, require
12 that the person:

13 (1) make a report to and appear in person before or
14 participate with the court or such courts, person, or
15 social service agency as directed by the court in the order
16 of probation;

17 (2) pay a fine and costs;

18 (3) work or pursue a course of study or vocational
19 training;

20 (4) undergo medical or psychiatric treatment; or
21 treatment for drug addiction or alcoholism;

22 (5) attend or reside in a facility established for the
23 instruction or residence of defendants on probation;

24 (6) support his dependents;

25 (7) refrain from possessing a firearm or other
26 dangerous weapon;

1 (7-5) refrain from having in his or her body the
2 presence of any illicit drug prohibited by the Cannabis
3 Control Act, the Illinois Controlled Substances Act, or the
4 Methamphetamine Control and Community Protection Act,
5 unless prescribed by a physician, and submit samples of his
6 or her blood or urine or both for tests to determine the
7 presence of any illicit drug;

8 (8) and in addition, if a minor:

9 (i) reside with his parents or in a foster home;

10 (ii) attend school;

11 (iii) attend a non-residential program for youth;

12 (iv) contribute to his own support at home or in a
13 foster home.

14 (e) Upon violation of a term or condition of probation, the
15 court may enter a judgment on its original finding of guilt and
16 proceed as otherwise provided.

17 (f) Upon fulfillment of the terms and conditions of
18 probation, the court shall discharge such person and dismiss
19 the proceedings against him.

20 (g) A disposition of probation is considered to be a
21 conviction for the purposes of imposing the conditions of
22 probation and for appeal, however, discharge and dismissal
23 under this Section is not a conviction for purposes of
24 disqualification or disabilities imposed by law upon
25 conviction of a crime (including the additional penalty imposed
26 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)

1 of this Act).

2 (h) Discharge and dismissal under this Section, Section 410
3 of the Illinois Controlled Substances Act, Section 70 of the
4 Methamphetamine Control and Community Protection Act, Section
5 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or
6 subsection (c) of Section 11-14 of the Criminal Code of 1961 or
7 the Criminal Code of 2012 may occur only once with respect to
8 any person.

9 (i) If a person is convicted of an offense under this Act,
10 the Illinois Controlled Substances Act, or the Methamphetamine
11 Control and Community Protection Act within 5 years subsequent
12 to a discharge and dismissal under this Section, the discharge
13 and dismissal under this Section shall be admissible in the
14 sentencing proceeding for that conviction as a factor in
15 aggravation.

16 (Source: P.A. 97-1118, eff. 1-1-13; 97-1150, eff. 1-25-13;
17 98-164, eff. 1-1-14.)