

1 AN ACT in relation to nuisances.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Controlled Substance and Cannabis
5 Nuisance Act is amended by changing Sections 1 and 3.1 as
6 follows:

7 (740 ILCS 40/1) (from Ch. 100 1/2, par. 14)

8 Sec. 1. As used in this Act unless the context otherwise
9 requires:

10 "Department" means the Department of State Police of the
11 State of Illinois.

12 "Controlled Substances" means any substance as defined
13 and included in the Schedules of Article II of the "Illinois
14 Controlled Substances Act," and cannabis as defined in the
15 "Cannabis Control Act" enacted by the 77th General Assembly.

16 "Place" means any store, shop, warehouse, dwelling house,
17 building, apartment or any place whatever.

18 "Nuisance" means any place at which or in which
19 controlled substances are unlawfully sold, possessed, served,
20 stored, delivered, manufactured, cultivated, given away, or
21 used either: (i) more than once within a period of one year
22 or (ii) once within a period of one year when the occurrence
23 is within 1,000 feet of any real property comprising
24 residential property owned, operated, or managed by a public
25 housing agency or leased by a public housing agency as part
26 of a scattered site or mixed-income development; any school,
27 day-care center, youth center providing after-school
28 activities, public park, church, synagogue, or other
29 building, structure, or place used primarily for religious
30 worship; or any of the following places, buildings, or
31 structures used primarily for housing or providing space for

1 activities of senior citizens: nursing homes, assisted-living
2 centers, senior housing complexes, or senior centers oriented
3 towards daytime activities.

4 "Person" means any corporation, association, partner, or
5 one or more individuals.

6 (Source: P.A. 87-765.)

7 (740 ILCS 40/3.1) (from Ch. 100 1/2, par. 16.1)

8 Sec. 3.1. Before the filing of a complaint under
9 paragraph (c) of Section 3 of this Act, the State's Attorney
10 shall, by personal service or by certified mail, provide to
11 the owner of the place at which the nuisance is located, or
12 the agent of the owner, written notice of the following:

13 (1) That a nuisance, as defined in this Act, exists
14 at the place specified in the notice;

15 (2) That the owner of the place or his or her agent
16 has 14 days from the mailing of the notice or 7 days from
17 personal service of the notice to appear at the State's
18 Attorney's Office at the address provided in the notice
19 to arrange to take action to abate the nuisance; and

20 (3) That failure to appear at the State's
21 Attorney's Office within the time indicated may result in
22 the State's Attorney filing a complaint to enjoin the use
23 of the owner's property for a period of one year.

24 If the owner of the place or his or her agent does not
25 appear at the State's Attorney's Office as requested within
26 the time periods prescribed above, the State's Attorney may
27 file a complaint under Section 3 of this Act. If the owner or
28 his or her agent appears before the State's Attorney in the
29 time prescribed, the owner or his or her agent may agree to
30 comply with reasonable recommendations requested by the
31 State's Attorney designed to abate the nuisance. If the owner
32 or his or her agent does not affirmatively agree to follow
33 the State's Attorney's recommendations, the State's Attorney

1 may file a complaint under Section 3 of this Act. If the
2 owner or his or her agent agrees to follow the State's
3 Attorney's recommendations but subsequently fails to comply
4 with those recommendations within 60 days of the owner's or
5 his or her agent's appearance before the State's Attorney,
6 the State's Attorney may proceed to file a complaint under
7 Section 3 of this Act, except that in cases in which the
8 prompt failure to file a complaint would not result in
9 irreparable harm, loss, or damage, the State's Attorney
10 shall, before the filing of the complaint, provide the owner
11 of the place or his or her agent with written notification by
12 personal service or by certified mail sent to the last known
13 address of the owner or agent that he or she has failed to
14 satisfactorily comply with the requested recommendations and
15 that the State's Attorney intends to file a suit under
16 Section 3 of this Act to abate the nuisance.

17 (Source: P.A. 87-765.)

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