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HBOL2602

**96th General Assembly
State of Illinois
2008-2009**

Introduced by Rep. James Ronan

Introduced February 26, 2009

Synopsis as Introduced

An Act to amend the Illinois Cannabis Control Act. Changes definition of possession and penalties.

A BILL FOR

1 An Act to amend the "Cannabis Control Act."

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3 **Be it enacted by the People of Illinois, represented in the General Assembly.**

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5 (720 ILCS 550/1) (from Ch. 56 1/2, par. 701)

6 Sec. 1.

7 The General Assembly recognizes that ~~(1) the current state of~~
8 ~~scientific and medical knowledge concerning the effects of cannabis~~
9 ~~makes it necessary to acknowledge the physical, psychological and~~
10 ~~sociological damage which is incumbent upon its use; and (2)(1) the use~~
11 of cannabis occupies the unusual position of being widely used and
12 pervasive among the citizens of Illinois, and ~~despite its harmful~~
13 ~~effects; and (3) (2) previous legislation enacted to control or forbid~~
14 the use of cannabis has often unnecessarily and unrealistically drawn a
15 large segment of our population within the criminal justice system
16 without succeeding in deterring the expansion of cannabis use. It is,
17 therefore, the intent of the General Assembly, in the interest of the
18 health and welfare of the citizens of Illinois, to establish a
19 reasonable penalty system which is responsive to the current state of
20 knowledge concerning cannabis and which directs the greatest efforts of
21 law enforcement agencies toward the commercial traffickers and
22 large-scale purveyors of cannabis. To this end, this Act provides wide
23 latitude in the sentencing discretion of the courts and establishes
24 penalties in a sharply rising progression based on the amount of
25 substances containing cannabis involved in each case.

26 (Source: P. A. 77-758.)

27
28 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

29 Sec. 3. As used in this Act, unless the context otherwise requires:

30 (a) "Cannabis" includes marihuana, hashish and other substances
31 which are identified as including any parts of the plant Cannabis
32 Sativa, whether growing or not; the seeds thereof, the resin extracted
33 from any part of such plant; and any compound, manufacture, salt,
34 derivative, mixture, or preparation of such plant, its seeds, or resin,
35 including tetrahydrocannabinol (THC) and all other cannabinol
36 derivatives, including its naturally occurring or synthetically
37 produced ingredients, whether produced directly or indirectly by
38 extraction, or independently by means of chemical synthesis or by a
39 combination of extraction and chemical synthesis; but shall not include
40 the mature stalks of such plant, fiber produced from such stalks, oil
41 or cake made from the seeds of such plant, any other compound,
42 manufacture, salt, derivative, mixture, or preparation of such mature
43 stalks (except the resin extracted therefrom), fiber, oil or cake, or
44 the sterilized seed of such plant which is incapable of germination.

45 (b) "Casual delivery" means the delivery of not more than ~~10~~ 30
46 grams of any substance containing cannabis without consideration.

47 (c) "Department" means the Illinois Department of Human Services
48 (as successor to the Department of Alcoholism and Substance Abuse) or
49 its successor agency.

50 (d) "Deliver" or "delivery" means the actual, constructive or
51 attempted transfer of possession of cannabis, with or without
52 consideration, whether or not there is an agency relationship.

53 (e) "Department of State Police" means the Department of State
54 Police of the State of Illinois or its successor agency.

55 (f) "Director" means the Director of the Department of State Police
56 or his designated agent.

1 (g) "Local authorities" means a duly organized State, county, or
2 municipal peace unit or police force.

3 (h) "Manufacture" means the production, preparation, propagation,
4 compounding, conversion or processing of cannabis, either directly or
5 indirectly, by extraction from substances of natural origin, or
6 independently by means of chemical synthesis, or by a combination of
7 extraction and chemical synthesis, and includes any packaging or
8 repackaging of cannabis or labeling of its container, except that this
9 term does not include the preparation, compounding, packaging, or
10 labeling of cannabis as an incident to lawful research, teaching, or
11 chemical analysis and not for sale.

12 (i) "Person" means any individual, corporation, government or
13 governmental subdivision or agency, business trust, estate, trust,
14 partnership or association, or any other entity.

15 (j) "Produce" or "production" means planting, cultivating, tending
16 or harvesting.

17 (k) "State" includes the State of Illinois and any state, district,
18 commonwealth, territory, insular possession thereof, and any area
19 subject to the legal authority of the United States of America.

20 (l) "Subsequent offense" means an offense under this Act, the
21 offender of which, prior to his conviction of the offense, has at any
22 time been convicted under this Act or under any laws of the United
23 States or of any state relating to cannabis, or any controlled
24 substance as defined in the Illinois Controlled Substances Act.
25 (Source: P.A. 89-507, eff. 7-1-97.)
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28 (720 ILCS 550/4) (from Ch. 56 1 / 2, par. 704)

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

31 (a) not more than ~~2.5~~ 30 grams of any substance containing
32 ~~cannabis is guilty of a Class C misdemeanor~~ will result in a fine
33 of 75 dollars.

34 (b) more than ~~2.5~~ 30 grams but not more than ~~10~~ 200 grams of
35 any substance containing cannabis is guilty of a Class ~~B~~ C
36 misdemeanor.

37 (c) more than ~~10~~ 200 grams but not more than ~~30~~ 1500 grams of
38 any substance containing cannabis is guilty of a Class ~~A~~ B
39 misdemeanor; provided that if any offense under this subsection
40 (c) is a subsequent offense, the offender shall be guilty of a
41 Class ~~4~~ felony A misdemeanor.

42 (d) more than ~~30~~ 1500 grams but not more than ~~500~~ 3000 grams of
43 any substance containing cannabis is guilty of a Class ~~4~~ felony A
44 misdemeanor; provided that is any offense under this subsection
45 (d) is a subsequent offense, the offender shall be guilty of a
46 Class ~~3~~ 4 felony.

47 (e) more than ~~500~~ 3000 grams but not more than ~~2000~~ 5000 grams
48 of any substance containing cannabis is guilty of a Class ~~3~~ 4
49 felony.

50 (f) ~~more than 2000 grams but not more than 5000 grams of any~~
51 ~~substance containing cannabis is guilty of a Class 2 felony.~~
52 more than 5000 grams of any substance containing cannabis is
53 guilty of a Class 3 felony.

54 ~~—(g) more than 5000 grams of any substance containing cannabis~~
55 ~~is guilty of a Class 1 felony.~~

56
57 Sec. 10. (a) Whenever any person who has not previously been

1 convicted of, or placed on probation or court supervision for, any
2 offense under this Act or any law of the United States or of any State
3 relating to cannabis, or controlled substances as defined in the
4 Illinois Controlled Substances Act, pleads guilty to or is found guilty
5 of violating Sections ~~4(a)~~, 4(b), 4(c), 4(d), 5(a), 5(b), 5(c) or 8 of
6 this Act, the court may, without entering a judgment and with the
7 consent of such person, sentence him to probation.