

2018 VETO SESSION

2019 LAME DUCK SESSION

SB1830

Short Description: CRIM PRO-JAILHOUSE INFORMANT TESTIMONY

Status: P.A. 100-1119, eff. 1-1-19

725 ILCS 5/115-21

Summary

Amends the Code of Criminal Procedure of 1963. Provides in cases in which the prosecution attempts to introduce evidence of incriminating statements made by the accused to or overheard by an informant, the prosecution shall disclose at least 30 days prior to any relevant evidentiary hearing or trial (rather than timely disclose in discovery): (1) the complete criminal history of the informant; (2) any deal, promise, inducement, or benefit that the offering party has made or will make in the future to the informant; (3) the statements made by the accused; (4) the time and place of the statements, the time and place of their disclosure to law enforcement officials, and the names of all persons who were present when the statements were made; whether at any time the informant recanted that testimony or statement and, if so, the time and place of the recantation, the nature of the recantation, and the names of the persons who were present at the recantation; (6) other cases in which the informant testified, provided that the existence of such testimony can be ascertained through reasonable inquiry and whether the informant received any promise, inducement, or benefit in exchange for or subsequent to that testimony or statement; and (7) any other information relevant to the informant's credibility.

Provides that this provision applies to any criminal proceeding for first degree murder, intentional homicide of an unborn child, second degree murder, voluntary manslaughter of an unborn child, involuntary manslaughter and reckless homicide, involuntary manslaughter and reckless homicide of an unborn child, drug-induced homicide, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated arson (rather than a capital case). Makes other changes.

Provides that the court may permit the prosecution to disclose its intent to introduce the testimony of an informant with less notice than the 30-day notice period required, if the court finds that the informant was not known prior to the 30-day notice period and could not have been discovered or obtained by the exercise of due diligence by the prosecution prior to the 30-day notice period. Provides that upon good cause shown, the court may set a reasonable notice period under the circumstances or may continue the trial on its own motion to allow for a reasonable notice period, which motion shall toll the speedy trial period for the period of the continuance. Provides that if a lawful recording of an incriminating statement is made of an accused to an informant or of a statement made by an informant to law enforcement or the prosecution, including any deal, promise, inducement, or other benefit offered to the informant, the accused may request a reliability hearing and the prosecution shall be subject to the disclosure requirements.

Deletes existing statutory language that a reliability hearing need not be had if the statements are lawfully recorded.

Comment: Advocated for by Innocence Projects in NY and at UIS. In part motivated by Orange County CA controversy over use of jailhouse informants.

HB531

Short Description: PAROLE <21; PROSPECTIVE 20/10

Status: P.A. 100-1182, eff. 6-1-19

Adds reference to:	730 ILCS 5/3-3-1	730 ILCS 5/3-3-2	730 ILCS 5/3-3-9	730
ILCS 5/5-4.5-20	730 ILCS 5/5-4.5-25	730 ILCS 5/5-4.5-30	730 ILCS 5/5-4.5-110	new
730 ILCS 5/5-8-1				

Summary

Amends the Unified Code of Corrections. Provides that a person under 21 years of age at the time of the commission of an offense or offenses, other than first degree murder, and who is not serving a sentence for first degree murder and who is sentenced on or after the effective date of the amendatory Act shall be eligible for parole review by the Prisoner Review Board after serving 10 years or more of his or her sentence or sentences, except for those serving a sentence or sentences for: (1) aggravated criminal sexual assault who shall be eligible for parole review by the Prisoner Review Board after serving 20 years or more of his or her sentence or sentences or (2) predatory criminal sexual assault of a child who shall not be eligible for parole review by the Prisoner Review Board. Provides that a person under 21 years of age at the time of the commission of first degree murder who is sentenced on or after the effective date of the amendatory Act shall be eligible for parole review by the Prisoner Review Board after serving 20 years or more of his or her sentence or sentences, except for those subject to a term of natural life imprisonment or any person subject to sentencing for certain types of first degree murder.

Comment: Effective date is expected to be 6-1-19, as the final legislative action occurred on 11/28/18 (after May 31). A motion to reconsider or withdrawal of same is not "legislative action." AG opinion No. 17-002; Springfield Right to Life v. Norwood, 2018 IL Appp (4th) 180005-U.

Restore Justice's next goal may be a felony murder rollback ala California.

LEGISLATION 2019 – OUTLINE SUMMARY #B
101st General Assembly

LIVE BILLS
CRIMINAL, TRAFFIC & JUVENILE

Steve Baker
stephen.baker@cookcountyil.gov
312-603-0720
Legislative Liaison
Law Office of the Cook County Public Defender

Last update: 4-19-19

*denotes an immediate effective date
t/e = time extended for consideration

- a. New Offenses
- b. Amendment to Existing Offenses
- c. Criminal Procedure
- d. Code of Corrections
- e. Crime Victims
- f. Domestic Violence
- g. Drugs
- h. Juvenile [delinquency & abuse]
- i. Animals
- j. Sex Offenders
- k. Vehicle Code
- l. Firearms
- m. Omnibus
- n. Public Health
- o. Miscellanea
- p. Reentry Issues

Full text and bill status can be found at <http://www.ilga.gov>

A. NEW OFFENSES

Status:

HB841 1st Responder Endanger; Commercial Prop; CI 4 Pass house

B. AMENDMENT TO EXISTING OFFENSES

SB69	Financial Exploitation Elderly	Pass Senate
SB1294	Identity Theft (Shell)	Pass Senate
SB1796	Agg Assault/Battery Vet/Serv Member	Pass Senate
SB1842	Funeral Fund False Claim Stat of Lim	Pass Senate
*HB38	Place of Worship; Agg Assault/Battery Penalty>	Pass House
HB1482	Agg Battery – DCFS, etc. Penalty increase 2x	Pass House
HB1656	ID Theft – Info	Pass House
HB2133	Cloud Computing	Pass House

C. CRIMINAL PROCEDURE

SB1139	Eavesdrop Extend – SAO Authority	Pass Senate
SB1188	Misdemeanor UST program – SAO veto	Pass Senate
SB1378	Jury – Unlawful Discrim/Sexual Orientation	Pass Senate
SB1418	CAC Child Interview – AV w/o parental permiss	Pass Senate
SB1583	PTR Warrant Purge from LEADS after X years	Pass Senate
SB1610	Guilty Plea – Alien Admonition	Pass Senate
SB1627	Sec. 1401 Post-Partum Depression	Pass Senate
SB1878	Retail Theft Diversion by SAO	Pass Senate
SB1882	Informant Privilege/Attorney Conflict	Pass Senate
SB1890	Negotiated Plea via AV	Pass Senate
SB1966	PD Bail Program; OSAD ?	Pass Senate
HB909	CAC Child Interview – AV w/o parental permiss	Pass House
HB1583	Electronic Arrest Warrants; AV or E-mail	Pass House
HB1613	Traffic/Pedestrian Stop Study	Pass House
HB2134	Location Surveillance (Carpenter codified)	Pass House
HB2444	Bail Hearing – Parental Detention Standards	Pass House
HB2519	Gang Database Review	Pass House
HB2627	Sch Cd – Police Interrogation/Parent	Pass House
HB2763	Line Up Procedure – AV or independent admin	Pass House
HB3191	Sex Abuse Victim Cross – No pro se	Pass House

D. CODE OF CORRECTIONS

SB416	Sheriff Good-time; battery & public indecency	Pass Senate
SB1609	Fine \$ Jail Credit @ \$30/\$5 day	Pass Senate
SB1750	Agg Factor – Leaving Scene	Pass Senate
SB1968	IDOC Class 3 & 4 Non-Violent < 4months EM/ATC	Pass Senate
SB2148	IDOC Interns	Pass Senate

HB51	Fine Default Notice	Pass House
HB94	Sentence Credit Increase	Pass House
HB210	Tamms Work Camp TF	Pass House
HB386	IDOC EM Report	Pass House
HB900	No IDOC Rm & Bd Reimburse	Pass House
HB1115	EM MSR Protocol for Use	Pass House
HB1579	Dis Conduct School; Risk Assess may	Pass House
HB1587	Mandatory Minimum – Reduce if...	Pass House
HB2040	No For-Profit Jail or Prison	Pass House
HB2045	No IDOC Medical Co-pay	Pass House
HB2244	MSR Condition: No Gang Contact unless...	Pass House
HB3168	Boot Camp Default, unless...	Pass House
HB3580	Good Conduct Credits	Pass House
HB3704	IDOC Services to Inmates	Pass House

E. CRIME VICTIMS

SB1411	Track Sex Case Evidence	Pass Senate
SB1429	Civil Pro – Immigration UST Visa Cross	Pass Senate
SB1588	Sexual Harass – No Contact Order	Pass Senate
SB1778	ANCRA Training	Pass Senate
HB831	Child Abuse Reports; DPH-DHFS	Pass House
HB1440	Track Sex Assault Evidence	Pass House
HB2308	In Custody Order – No Contact Complainant	Pass House
HB2408	Web Removal – Compromising Image; Civil c/a	Pass House

F. DOMESTIC VIOLENCE

HR89	Dom Violence \$ Use – Attention	House Adopt
HB2309	OOP Issuance – ID Suppress until Service	Pass House
HB3396	Stalking No Contact Order -Same day entry	Pass House

G. DRUGS

SB007	Cannabis Legal (shell)	3d Sen t/e
SB199	Fentanyl Possession Penalty Increase	Pass Senate
SB1828	Needle Exchange Program	Pass Senate
HB13	Prescription Data Privacy	Pass House
HB163	Rx Monitoring Report (time via Adm rule)	Pass House

HB2303	Illegal Rx License Use	Pass House
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HR157	MJ Legal – Process	HJUD II
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H. JUVENILE (Abuse & Delinquent)

SB193	Abuse Wardship Duration to age 21	Pass Senate
SB1302	Delinquency Detention AV	Pass Senate; DOA
HB2334	Neglect – Age Alone 14>12	Pass House
HB2934	Juv Ct – Summons Service; any occupant	Pass House
HB2935	Juv Ct – Appt of Counsel; term if...	Pass House
HB3653	DJJ Various	Pass House

I. ANIMALS

SB61	Animals – Administrative Fine	Pass Senate
SB241	Cosmetics – Animal Tests	Pass Senate
SB1572	Stray Dog – Report	Pass Senate

J. SEX OFFENDERS

SB218	TPR – Felony Sex Conviction	Pass Senate
SB219	Child Porn – Family; Non-probation	Pass Senate
HB3038	Sex Assault Victim Treatment	Pass House
HB2135	Felony Sex Offenses – no SOL	Pass House

K. VEHICLE CODE

SB86	IVC – Use of Video Device	Pass Senate
SB87	No Tinted Lights	Pass Senate
SB947	Approach Emergency Vehicle -Notice	Pass Senate
SB1343	Heavy Vehicle Tow	Pass Senate
SB1344	SOS – Private Info	Pass Senate
SB1381	IVC highway Designation	Pass Senate
SB1496	Construction Zone Fines	Pass Senate
SB1519	Impound Fees; Lienholder	Pass Senate
SB1786	License to Work Act	Pass Senate
SB1993	Diesel Emissions – Not ISP	Pass Senate
SB2038	Rules of Road – Zipper Merge	Pass Senate
HB245	IVC Mobile Carry Device	Pass House

HB1873	Pass School Bus – Fine >	Pass House
HB1876	Flashing Lights – Dep or Asst Fire Chief	Pass House
HB2151	Uninsured Fatality	Pass House
HB2182	Hwy Designation	Pass House
HB2200	SS Rescission Order – Findings	Pass House
HB2276	IVC Smoking – Minor Present	Pass House
HB2383	Right of Way Viol – Harm/Death	Pass House
HB2386	Texting/Driving GBH; 12-month suspend	Pass House
HB2594	ISP Ticket Pay System Authorized	Pass House
Hb3226	DUI 1 st Offender Definition	Pass House
HB3269	Dealer Licensing	Pass House

L. WEAPONS

HB2766	1 st Responders; EAP; Clear/Present Danger	Pass House
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M. OMNIBUS

HB3249	101 st General Revisory #1	Pass House
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N. PUBLIC HEALTH & MENTAL HEALTH

SB25	MHDDC Psych Exam via AV	Pass Senate
SB1711	MHDDC Clear & Present Danger Report	Pass Senate
HB345	No Tobacco Products<21	P.A. 101-002, eff. 7-1-19

O. MISCELLANY

SB1504	Civil Cost Waiver; Pro bono; Ltd App	Pass Senate
SB1533	Torture Inquiry Commission Quorum	Pass Senate
SB1915	State Police Divisions	Pass Senate
SB1918	ISP Funds	Pass Senate
SB2128	Shorthand Reporters	Pass Senate
SB2135	FOIA – Arrest Records	Pass Senate
HB1438	Pawnbroker – Stolen Property	Pass House
HB2562	PD Caseload TF (OSAD Admin Support?)	Pass House
HB2591	Police Training Certification	Pass House
HB2625	Judges – Cook County Sub-Circuit	Pass House
HB2767	Police Training – Mental Health	Pass House

HJR007	ISP Review & Evaluate Rapid DNA Tech	Adopt House
HJR31	Scientific Evidence TF	HJUD II?

P. REENTRY ISSUES

SB156	IDOC Access – Job Websites	Pass Senate
SB482	Sealing Fee Waiver Extend – Cook	Pass Senate
SB1744	IDOC Medicaid Screen	Pass Senate
SB1786	License to Work – 6/303 Non-Traffic	Pass Senate
SB1965	Healthcare Worker Background Check	Pass Senate
SB2090	Jail/Prison Voting Information	Pass Senate
HB1690	Sealing 1 st CM DUI; abstract remain	Pass House
HB2541	Civics Lessons in IDOC	Pass House
HB2649	Incarcerated Parent TF	Pass House
HB2670	DFPR Licensing – Mitigation	Pass House
HB3653	MSR Information - Voting	Pass House
HB3061	Healthcare Worker Background Checks	Pass House
HB3631	Child Care Licensing – Felony Discretion	Pass House

[END]

Minimum fine: \$25 for minor traffic offenses, \$75 for all other offenses - 705 ILCS 135/5-5

Include a **payment schedule** or the Clerk will add 5%/10%/15% after 30/60/90 days - 705 ILCS 135/5-10(e)

Arguments Against Fines or Assessments

- ✓ Community service or some other punishment may substitute for assessment. 705 ILCS 135/5-10(b).
One hour community service = \$4 of assessment. 705 ILCS 135/5-20(b).
- ✓ Pre-Sentence Incarceration Credit reduces fines and assessments by \$5/day. 705 ILCS 135/5-20(a); 725 ILCS 5/110-14(a).
- ✓ The trial court must consider the financial resources, future ability to pay, and restitution ordered when imposing/enforcing a fine. 730 ILCS 5/5-9-1(d); 730 ILCS 5/5-9-3(c); 730 ILCS 5/5-9-2; People v. Barajas, 2018 IL App (3d) 160433.
- ✓ Apprendi applies if additional facts are necessary for a fine to be imposed. See Alleyne v. United States, 570 U.S. 99, 103 (2013); Southern Union Co. v. United States, 567 U.S. 343, 349 (2012). Even if fees are civil in nature rather than criminal, the Seventh Amendment guarantees the right to a jury determination of any necessary facts. See Hester v. U.S., 202 L.Ed.2d 627, 627-28 (Gorsuch, J., dissenting); Hodges v. Easton, 106 U.S. 408, 412 (1882).
- ✓ Constitutional objections – Excessive Fines Clause, U.S. Const. amend. VIII; Proportionate Penalties, Restoration to Useful Citizenship, and Imprisonment for Failure to Pay Fines Clauses. Ill.Const. Art. I, Sec. 11 and 14.
- ✓ Assessments or fines are waived if will cause undue burden on a victim. 705 ILCS 135/5-5; 705 ILCS 135/5-10(b).
- ✓ Assessments are offset by charges paid by defendants for substance abuse treatment. 705 ILCS 135/5-10(c-5).

Waiver of Assessments - Ill.S.Ct.R. 404; 725 ILCS 5/124A-20(a) and (b);

100% waiver if defendant is an “indigent person” and Application for Waiver of Court Assessments filed w/in 30 days

- (1) He or she is receiving assistance under one or more of the following means-based governmental public benefits programs: Supplemental Security Income; Aid to the Aged, Blind and Disabled; Temporary Assistance for Needy Families; Supplemental Nutrition Assistance Program; General Assistance; Transitional Assistance; or State Children and Family Assistance; or
- (2) His or her available personal income is 200% or less of the current poverty level, unless the applicant’s assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are of a nature and value that the court determines that the applicant is able to pay the assessments; or
- (3) He or she is, in the discretion of the court, unable to proceed in an action with payment of assessments and whose payment of those assessments would result in substantial hardship to the person or his or her family.

Partial waiver (75%, 50%, or 25% waivers) based on household income and assets. 725 ILCS 5/124A-20(b)(2).

Application for Waiver of Court Assessments: <http://www.illinoiscourts.gov/Forms/approved/Circuit.asp>

Waiver of Assessments Based on Annual Household Income

Household Members	Poverty Level* (Household Income)	100% Waiver (200% Poverty Level)	75% Waiver (250% Poverty Level)	50% Waiver (300% Poverty Level)	25% Waiver (400% Poverty Level)
1	\$12,490	\$24,980	\$31,225	\$37,470	\$49,960
2	\$16,910	\$33,820	\$42,275	\$50,730	\$67,640
3	\$21,330	\$42,660	\$53,325	\$63,990	\$85,320
4	\$25,750	\$51,500	\$64,375	\$77,250	\$103,000
5	\$30,170	\$60,340	\$75,425	\$90,510	\$120,680
6	\$34,590	\$69,180	\$86,475	\$103,770	\$138,360
7	\$39,010	\$78,020	\$97,525	\$117,030	\$156,040
8	\$43,430	\$86,860	\$108,575	\$130,290	\$173,720
Beyond 8	Add \$4,420 for each additional person to establish poverty level, then multiply by 2, 2.5, 3, or 4.				

* Poverty level defined by U.S. Department of Health and Human Services, 2019 (<https://aspe.hhs.gov/poverty-guidelines>)

Exempt Assets Under the Code of Civil Procedure

735 ILCS 5/12-901	\$15,000 exemption in ownership interest in a residence
735 ILCS 5/12-1001(a), (f), (g), (h),	Full exemption for clothing, health aids, government benefits (e.g., social security, unemployment, disability, veteran’s benefits), alimony, some civil judgments, life insurance proceeds, 529 plans
735 ILCS 5/12-1001(c)	\$2,400 exemption in ownership interest in a vehicle
735 ILCS 5/12-1001(d)	\$1,500 exemption for tools, implements, or books related to the individual’s trade
735 ILCS 5/12-1001(b)	\$4,000 exemption for additional personal property

Schedule of Assessments in the Criminal and Traffic Assessment Act (does not include fines or restitution)

Schedule 1	705 ILCS 135/15-5	Felony offenses not covered in any other schedule	\$549
Schedule 2	705 ILCS 135/15-10	Felony under 625 ILCS 5/11-501 (DUI), Snowmobile Registration and Safety Act, Boat Registration and Safety Act, and similar local ordinances	\$1,709
Schedule 3	705 ILCS 135/15-15	Felony under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act	\$2, 215
Schedule 4	705 ILCS 135/15-20	Felony or attempted felony under Article 11 (720 ILCS 5/11...) or 720 ILCS 5/12-33 (Ritualized Abuse of a Child) of the Criminal Code	\$1,314
Schedule 5	705 ILCS 135/15-25	Misdemeanor offenses not covered in any other schedule	\$439
Schedule 6	705 ILCS 135/15-30	Misdemeanor under 625 ILCS 5/11-501 (DUI), Sec. 5-7 of Snowmobile Registration and Safety Act, Sec. 5-16 of the Boat Registration and Safety Act, or similar provision of a local ordinance	\$1,381
Schedule 7	705 ILCS 135/15-35	Misdemeanor under Illinois Controlled Substances Act, Cannabis Control Act, or Methamphetamine Control and Community Protection Act	\$282
Schedule 8	705 ILCS 135/15-40	Misdemeanor or attempted misdemeanor under Article 11 (Sex Offenses) of the Criminal Code	\$1,184
Schedule 9	705 ILCS 135/15-45	A major traffic offense (non-petty/business offense under Ill. Vehicle Code or local ordinance)	\$325 + ≤ \$37*
Schedule 10	705 ILCS 135/15-50	A minor traffic offense (petty or business offense under Illinois Vehicle Code or local ordinance)	\$226 + ≤ \$28*
Schedule 10.5	705 ILCS 135/15-52	625 ILCS 5/3-401(d) (1), (2), or (3) (vehicle registration) or 625 ILCS 5/15-111 (axle load/weight)	\$260
Schedule 11	705 ILCS 135/15-55	A conservation offense (including Fish and Aquatic Life Code, Wildlife Code, Boat Registration and Safety Act, Park District Code and Chicago Park District Act, and others)	\$195
Schedule 12	705 ILCS 135/15-60	A disposition under Supreme Court Rule 529 (minor traffic and conservation offenses)	\$164
Schedule 13	705 ILCS 135/15-65	A petty offense, business offense, or non-traffic ordinance violation	\$100

* Additions permitted in Cook County if a county ordinance is passed allowing the additional charges.

Schedule of Conditional Assessments in the Criminal and Traffic Assessment Act

705 ILCS 135/15-70(1)	Arson, residential arson, or aggravated arson	\$500
705 ILCS 135/15-70(2)	Child pornography under Section 11-20.1	\$500/agency re-sponsible for arrest
705 ILCS 135/15-70(3)	Crime laboratory drug analysis for delivery or possession under Cannabis Control Act, Illinois Controlled Substances Act, Methamphetamine Control & Community Protection Act	\$100
705 ILCS 135/15-70(4)	Each conviction in which DNA analysis "was used."	\$250
705 ILCS 135/15-70(5)	Each sentenced violation in which DUI analysis "was used."	\$150
705 ILCS 135/15-70(6) & (7)	Street value fine for possession or delivery of cannabis or controlled substance	Street value
705 ILCS 135/15-70(8)	Order of protection violation under 720 ILCS 5/12-3.4	\$200
705 ILCS 135/15-70(9)	Order of protection violation	\$25
705 ILCS 135/15-70(10)(a)	Petty or business offense prosecuted by State's Attorney	\$4
705 ILCS 135/15-70(10)(b)	Conservation or traffic offense prosecuted by State's Attorney	\$2
705 ILCS 135/15-70(11)	Speeding in a construction zone violation	\$250
705 ILCS 135/15-70(12)	Supervision disposition under Illinois Vehicle Code or similar local ordinance (waivable)	.50 ¢
705 ILCS 135/15-70(13)	Victim and offender are family or household members; conviction for... aggravated assault criminal damage to property intimidation aggravated battery criminal sexual abuse involuntary manslaughter aggravated battery of a child criminal sexual assault kidnapping agg. criminal sexual abuse criminal trespass to land murder agg. criminal sexual assault criminal trespass to residence predatory criminal sexual aggravated kidnaping criminal trespass to vehicle assault assault disorderly conduct reckless conduct battery domestic battery res. burglary burglary endangering the life or health sexual relations between sibs child abandonment of a child telephone harassment child abduction exploitation of a child unlawful restraint child pornography forcible detention violation of order of contribute to heinous battery protection dependency/neglect of child indecent solicitation of child vol. manslaughter	\$200
705 ILCS 135/15-70(14)	625 ILCS 5/11-501 (DUI), Sec. 5-7 of Snowmobile Registration and Safety Act, Sec. 5-16 of Boat Registration and Safety Act, or similar provision that proximately caused an incident resulting in an emergency response	\$1,000
705 ILCS 135/15-70(15)	Violation of Section 401, 407, or 407.2 of the Illinois Controlled Substances Act that proximately caused an incident resulting in a drug-related emergency response	\$1,000
705 ILCS 135/15-70(16)	Reckless driving, aggravated reckless driving, or driving 26 miles per hour or more in excess of the speed limit that triggered an emergency response	\$1,000
705 ILCS 135/15-70(17)	Section 10-9 (Trafficking in Persons, Involuntary Servitude), 11-14.1 (Solicitation of Sexual Act), 11-14.3 (Promoting Prostitution), or 11-18 (Patronizing a Prostitute) of the Criminal Code	\$350+
705 ILCS 135/15-70(18)	Weapons violation under Section 24-1.1, 24-1.2, or 24-1.5 of Crim. Code	\$100

ADULT USE CANNABIS SUMMARY

The following summarizes the major elements of the amendment that will be filed to Senate Bill 7 to legalize recreational adult use cannabis in Illinois.

PERSONAL USE OF CANNABIS

Starting January 1, 2020, adults over 21 will be able to legally purchase cannabis for recreational use from licensed dispensaries across the state.

- Possession limit for Illinois residents:
 - 30 grams of cannabis flower;
 - 5 grams of cannabis concentrate;
 - 500 milligrams of THC contained in a cannabis-infused product; or
 - People may possess more than 30 grams of cannabis if it is grown and secured in their residence under certain conditions.

- Possession limit for non-Illinois residents:
 - 15 grams of cannabis flower;
 - 2.5 grams of cannabis;
 - 250 milligrams of THC contained in a cannabis-infused product.

- The possession limits are to be considered cumulative.

COMPASSIONATE USE OF MEDICAL CANNABIS PILOT PROGRAM

- The legalization of adult use cannabis does not alter the state’s medical cannabis pilot program.

PROMOTING EQUITY

- Creation of a \$20 million low-interest loan program
 - DCEO will administer a low-interest loan program to qualified “social equity applicants” to help defray the start-up costs associated with entering the licensed cannabis industry.

- Establishment of a “social equity applicant” status for licensing
 - A social equity applicant is an Illinois resident that meets one of the following criteria:
 - Applicant with at least 51 percent ownership and control by one or more individuals who have resided for at least 5 of the preceding 10 years in a disproportionately impacted area.
 - Applicant with at least 51 percent ownership and control by one or more individuals who have been arrested for, convicted of, or adjudged to be a ward of the juvenile court for any offense that is eligible for expungement under this Act or member of an impacted family;
 - For applicants with a minimum of 10 full-time employees, an applicant with at least 51% of current employees who:
 - Currently reside in a disproportionately impacted area; or
 - Have been arrested for, convicted of, or adjudged to be a ward of the juvenile court for any offense that is eligible for expungement under this Act or member of an impacted family.

- Application for new entrants to the market
 - Scoring process for dispensaries. (The Department of Agriculture will develop a similar process through the rulemaking process for cultivation centers, processors, and craft growers.)
 - The legislation contains the scoring process IDFPR will use to review applications.
 - Out of a total of 200 points, 25 points are specifically designated for applicants that qualify as “social equity applicants.”
 - IDFPR may award up to 12 bonus points for applicants for preferred, but not required, initiatives. Bonus points will only be awarded in the event that the department receives a greater number of applications that meet the minimum number of points required.
 - Labor and employment practices (2)
 - Labor peace agreement (2)
 - Local community/neighborhood report (2)
 - Environmental plan (2)
 - Illinois owner (2)
 - A plan to engage the community (2)
- Fee waivers
 - The Department of Financial and Professional Regulation and the Department of Agriculture will waive 50 percent of any non-refundable license application fees (up to 2 applications) and any non-refundable fees associated with purchasing a license to operate a cannabis business establishment (up to two licenses) if social equity applicants meet certain conditions.
- Reducing up-front costs
 - Applicants who receive a conditional dispensing organization license will have 180 days from the date of the award to identify a physical location for the dispensing organization retail storefront when new entrants are allowed in the market. This will reduce the costs associated with entering the industry.
- Limitations on ownership
 - No person or entity shall hold any legal, equitable, or beneficial interest, directly or indirectly, of more than 3 cultivation centers.
 - No person or entity shall hold any legal, equitable, or beneficial interest, directly or indirectly, of more than 10 dispensing organizations.
 - No craft grower license shall be issued to any person or entity with more than 10% interest in a cultivation center.
 - No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than one craft grower license under this article.
- Identify disproportionately impacted areas.
 - DCEO will designate “disproportionately impacted areas” for social equity applicants
 - “Disproportionately impacted area” is defined as a geographic area that is economically disadvantaged and has been impacted by high rates of arrest, conviction, and incarceration for violations of the Cannabis Control Act.

ACHIEVING EQUITY THROUGH OWNERSHIP AND LICENSURE

The following process is designed to ensure the most equitable marketplace in the country.

- Early approval adult use license for current medical cannabis license holders
 - Timeline for licensing
 - Cultivation organizations:
 - Medical cannabis cultivators may apply for a license within 60 days of the effective date of the Act.
 - Licenses will be distributed to eligible applicants within 45 days.
 - Dispensing organizations:
 - Medical cannabis dispensaries may apply for a license within 60 days of the effective date of the Act.
 - Licenses will be distributed to eligible applicants within 14 days.
 - The sale of adult use cannabis will begin January 1, 2020.
 - These entities may apply for a second license at a new location under the same parameters.
 - Licensing costs for early approval adult use licenses
 - Cultivation organizations:
 - Non-refundable permit fee: \$100,000
 - Cannabis business development fund fee: 5% of total sales between July 1, 2018 to July 1, 2019 or \$500,000, whichever is less.
 - Dispensing organizations:
 - License 1
 - Non-refundable permit fee: \$30,000
 - Cannabis business development fund fee: 3% of total sales between July 1, 2018 to July 1, 2019 or \$100,000, whichever is less.
 - License 2
 - Non-refundable permit fee: 30,000
 - Cannabis business development fund fee: \$200,000
- New entrants to the adult use cannabis market
 - License types
 - Cultivation centers
 - Craft growers
 - Processors
 - Transporting organizations
 - Dispensing organizations
 - Timeline
 - WAVE 1
 - Department of Financial and Professional Regulation
 - May 1, 2020: The agency awards licenses for up to 75 new dispensing organizations
 - Department of Agriculture
 - July 1, 2020: The agency awards up to 40 licenses for processors, up to 40 licenses for craft growers, and licenses for transporting organizations.

- WAVE 2
 - Department of Financial and Professional Regulation
 - December 21, 2021: The agency awards up to 110 licenses for new dispensing organizations
 - Department of Agriculture
 - December 21, 2021: The agency awards up to 60 licenses for craft growers, up to 60 licenses for processors, and licenses for transporting organizations.
- Licensing costs for new entrants to the market
 - Craft growers
 - Non-refundable application fee \$5,000
 - License fee \$40,000
 - Processors
 - Non-refundable application fee \$5,000
 - License fee \$40,000
 - Transporting organizations
 - Non-refundable application fee \$5,000
 - License fee \$10,000
 - Dispensing organizations
 - Non-refundable application fee \$5,000
 - License fee \$30,000

INVESTING IN COMMUNITIES THAT SUFFERED THROUGH THE WAR ON DRUGS

- The proposal would establish a new grant program, the Restoring Our Communities (ROC) program, to invest in communities that have suffered the most because of discriminatory drug policies.
- ROC program overview
 - ICJIA will designate “ROC Areas” or locations where applicants will be eligible to apply for state funding through the ROC Board.
 - The ROC Board will consist of over 22 members and be chaired by the Governor, or his designee, and the Attorney General, or his designee.
 - The ROC Board will develop a grant application, solicit applications from eligible ROC Areas, distribute grants across the state, and monitor and evaluate ROC programs.
 - The ROC Board will deliver an annual report to the Governor’s Office about its progress.

EXPUNGING RECORDS

The following stand-alone offenses eligible for expungement.

Section 4 Possession (unlawful for any person to knowingly possess cannabis in the following amounts)		
a. <10g	Civil law violation	Fees; May be given probation and charges dismissed §10(a)
b. 10-30g	Class B Misdemeanor	<6 months; May be given probation and charges dismissed §10(a)
c. 30-100g	Class A Misdemeanor	<1 year; May be given probation and charges dismissed §10(a)
d. 100-500g	Class 4 Felony	1-3 years
Section 5 Manufacturer/Deliver (unlawful for any person knowingly to manufacture, deliver, or possess with intent to deliver or manufacture cannabis in the following amounts)		
a. <2.5g	Class B Misdemeanor	<6 months; May be given probation and charges dismissed §10(a)
b. 2.5-10g	Class A Misdemeanor	<1 year; May be given probation and charges dismissed §10(a)
c. 10-30g	Class 4 Felony	1-3 years; May be given probation and charges dismissed §10(a)
Section 8 Plants (unlawful for any person knowingly to produce or possess cannabis sativa plant unless authorized for purposes of research)		
a. < 5 plants	Class A Misdemeanor	< 1 year; May be given probation and charges dismissed §10(a)
b. 5-20 plants	Class 4 Felony	1-3 years; May be given probation and charges dismissed §10(a)

- Process for expungement
 - The proposal sets forth an expedited process of expunging the criminal records of individuals arrested, convicted, on supervision, or on probation for misdemeanor or Class 4 felony

violations of the Cannabis Control Act. The primary goals of this section are to (1) expunge cannabis-related records, and (2) streamline the process.

- The automatic expungement process requires the following:
 - The Department of State Police must identify all individuals with criminal records that are eligible for expungement and automatically expunge records of minor violations within two years of the effective date of the Act.
 - Within 180 days of the effective date of this act, the Department of State Police must notify (a) the prosecutor's offices responsible for prosecuting the offenses, (b) local law enforcement agencies, and (c) the Illinois Attorney General's office identifying all individuals with minor violations that are eligible for expungement.
 - Within 180 days of receipt of the notice from the Department of State Police, the appropriate States Attorney's offices shall file a proposed order with the court seeking expungement on behalf of individuals with eligible offenses. The Attorney General's office may file the proposed order if the State's Attorney has not.
 - Within 180 days after receiving the proposed order, the court will review the proposed order and order the expungement of court and law enforcement records unless it determines that the offense does not meet the definition of a minor violation.
 - The court will provide copies of the order to the Department of State Police, the arresting agency, relevant criminal justice agencies, and the individual whose record has been expunged.
- **The automatic expungement process does not apply to individuals with misdemeanor or Class 4 felony violations that were accompanied by charges other than a qualifying offense. Individuals with those records, and individuals in other circumstances, may separately petition the court to have their records expunged.**

EMPLOYMENT

- Nothing in the proposal prohibits employers from adopting reasonable employment policies concerning smoking, consumption, storage or use of cannabis in the workplace.
- Nothing in the proposal prohibits employers from disciplining an employee or terminating employment of an employee for violating the employer's employment policies or workplace drug policy.

TAXATION

- All taxes are deposited in the new Cannabis Regulation Fund
- Cultivation privilege tax
 - 7% of the gross receipts from the sale of cannabis by a cultivator, craft grower, or processor to a dispensing organization
- Cannabis purchaser excise tax:
 - 10% of the purchase price – Cannabis with a THC level at or below 35%
 - 20% of the purchase price – All cannabis infused products
 - 25% of the purchase price – Cannabis with a THC level above 35%
 - These taxes shall be in addition to all other occupation, privilege, or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision.
- Municipal purchaser excise tax:
 - Municipalities may enact a purchaser excise tax up to 3% in increments of 0.25%
 - Counties may enact a purchaser excise tax up to 0.5% in incorporated areas in increments of 0.25%
 - Unincorporated areas may adopt a purchaser excise tax up to 3.5% in increments of 0.25%

ALLOCATION OF STATE REVENUE

- The Department of Revenue will provide an official FY20 revenue estimate in the coming days.
- Tax revenue will be deposited in the new Cannabis Regulation Fund
- State agencies responsible for administering the adult use cannabis program will receive resources to cover administrative costs from the taxes collected by the program.
- All remaining revenue will be allocated as follows:
 - 35% will be transferred to the General Revenue Fund,
 - 25% will be transferred to the Restoring Our Communities Fund for community reinvestment,
 - 20% will be transferred to a fund that will support mental health and substance abuse services at local health departments,
 - 10% will be transferred to the Budget Stabilization Fund to pay the backlog of unpaid bills,
 - 8% will be transferred to the Illinois Law Enforcement Training and Standards Board to create a law enforcement grant program, and
 - 2% will be transferred to the Drug Treatment Fund to fund public education and awareness.

GOVERNANCE

- Governor's Office
 - The Governor will appoint a Cannabis Regulation Oversight Officer who will be stationed in IDFP. This person, and his or her team, will have the authority to make statutory and regulatory recommendations concerning the adult use program. This person will also coordinate efforts between state agencies involved in regulating and taxing the sale of cannabis in Illinois.
- Department of Revenue
 - Responsible for enforcing and collecting taxes associated with the sale of cannabis.
- Department of Agriculture
 - Responsible for licensure and oversight of cultivation centers, craft growers, processing organizations, and transporting organizations.
 - Responsible for authorizing laboratories that test cannabis
- Department of Financial and Professional Regulation
 - Responsible for licensure and oversight of dispensing organizations.
- Illinois State Police
 - Responsible for conducting background checks on everyone involved in the licensed cannabis sector.
 - Responsible for reviewing security plans for all licensed entities.
 - Responsible for reviewing all criminal history record information and identifying all individuals with minor violations that are eligible for automatic expungement.
- Department of Public Health
 - Responsible for developing recommendations surrounding health warnings and facilitating the Adult Use Cannabis Public Health Advisory Committee.
- Department of Commerce and Economic Opportunity
 - Responsible for administering a loan program, a grant program, and technical assistance for social equity applicants.
- Department of Human Services
 - Responsible for making recommendations to the Adult Use Cannabis Public Health Advisory Committee regarding drug treatment and prevention.
 - Responsible for developing and disseminating consumer education materials.
- ICJIA

- Responsible for designating ROC areas across the state that may apply for funding from the ROC board for community reinvestment.

PUBLIC HEALTH AND SAFETY

- Twenty percent of revenue generated by the sale of adult use cannabis will support efforts to address substance abuse and mental health.
- Advertising
 - No cannabis business establishment shall place or maintain, or cause to be placed or maintained, an advertisement, of cannabis or a cannabis-infused product in any form or through any medium:
 - Within 1,000 feet of the perimeter of a school grounds, playground, hospital, healthcare facility, recreation center or facility, child care center, public park or public library, or any arcade to which admission is not restricted to person's age 21 years or older;
 - On or in a public transit vehicle or public transit shelter;
 - On or in a publicly owned or public operated property;
 - Which contains information that is false or misleading, promotes excessive consumption, depicts a person under 21 years of age consuming cannabis, includes the image of a cannabis leaf; or
 - Includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any imitation of candy packaging or labeling, or that promotes the consumption of cannabis.
 - These restrictions do not apply to noncommercial messages.
- Packaging requirements
 - The following warnings shall apply to all cannabis products: "This product contains cannabis and is intended for use by adults 21 and over. Its use can impair cognition and may be habit forming. This product should not be used by pregnant or breastfeeding women. It is unlawful to sell or provide this item to any individual, and may not be transported outside the state of Illinois. It is illegal to operate a motor vehicle while under the influence of cannabis. Possession or use of this product may carry significant legal penalties in some jurisdictions and under federal law."
 - All harvested cannabis intended for distribution to a cannabis enterprise must be packaged in a sealed, labeled container.
 - Packaging of any product containing cannabis shall be child-resistant and light-resistant consistent with current standards, including the Consumer Product Safety Commission standards referenced by the Poison Prevention Act.
 - The label of each cannabis product shall contain, among other things, a "use by" date on the label, the quantity of cannabis contained in the product, and a content list.
 - All cannabis products must contain warning statements established for consumers, of a size to be legible and readily visible to a consumer inspecting a package, which may not be covered or obscured in any way.
 - Packaging must not contain information that:
 - Is false or misleading;
 - Promotes excessive consumption;
 - Depicts a person under 21 years of age consuming cannabis;

- Includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any packaging or labeling that bears resemblance to any product available for consumption as a commercially available candy, or that promotes consumption of cannabis;
- Contains any seal, flag, crest, coat of arms, or other insignia likely to mislead the consumer to believe that the product has been endorsed, made or used by the State of Illinois.

HOME GROW

- Illinois households are permitted to grow up to five cannabis plants under certain conditions:
 - The grower is an adult aged 21 or older,
 - The grower is in a household that owns the residence or has permission from the owner,
 - The grower is limited to growing 5 or less plants,
 - The grower must keep cannabis in a separately locked room away from members of the household who are under 21, and
 - The grower is prohibited from growing cannabis in public view.

LOCAL ORDINANCES

- Municipalities may pass ordinances prohibiting the establishments of dispensaries in their jurisdiction.
 - Local units of government must adopt 'opt out' ordinances within one year of the effective date of the statute or they are limited to adopting 'opt out' provisions via local referendum.
- Municipalities may enact reasonable zoning restrictions pertaining to licensed cultivation centers, craft growers, processing organizations, and dispensaries.