



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB0902

by Rep. Carol Ammons

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Cannabis Legalization Equity Act. Provides that notwithstanding any other provision of law, except as otherwise provided in the Act, the following acts are lawful and shall not be a criminal or civil offense under State law or the law of any political subdivision of this State or be a basis for seizure or forfeiture of assets under State law for persons 21 years of age or older: (1) possessing, consuming, using, displaying, purchasing, or transporting cannabis accessories; (2) possessing, growing, processing, or transporting on one's own premises no more than 24 mature cannabis plants and possession of the cannabis produced by the plants on the premises where the plants were grown; (3) possessing outside one's premises no more than 224 grams of cannabis; and (4) assisting another person who is 21 years of age or older in any of the acts described in items (1) through (3). Provides that an excise tax is imposed at the rate of 10% of the sale price of the sale or transfer of cannabis from a cannabis cultivation facility to a retail cannabis store or cannabis product manufacturing facility. Provides that at least 51% of the licenses issued by the Department of Agriculture for cannabis cultivation facilities and at least 51% of the licenses issued by the Department of Financial and Professional Regulation for retail cannabis stores shall be in communities disproportionately harmed by the war on drugs. Amends various other Acts to make conforming changes. Effective immediately.

LRB101 08006 RLC 53065 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning cannabis.

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

4 Section 1. Short title. This Act may be cited as the  
5 Cannabis Legalization Equity Act.

6 Section 5. Purpose and findings.

7 (a) In the interest of allowing law enforcement to focus on  
8 violent and property crimes, generating revenue for education  
9 and other public purposes, and individual freedom, the State  
10 finds and declares that the use of cannabis shall be legal for  
11 persons 21 years of age or older and taxed in a manner similar  
12 to alcohol.

13 (b) In the interest of the health and public safety of our  
14 citizenry, the people of this State further find and declare  
15 that cannabis should be regulated in a manner similar to  
16 alcohol so that:

17 (1) persons must show proof of age before purchasing  
18 cannabis;

19 (2) selling, distributing, or transferring cannabis to  
20 persons under 21 years of age shall remain illegal;

21 (3) driving under the influence of cannabis shall  
22 remain illegal;

23 (4) legitimate, taxpaying business people, and not

1 criminal actors, shall conduct sales of cannabis; and

2 (5) cannabis sold in this State shall be tested,  
3 labeled, and subject to additional regulations to ensure  
4 that consumers are informed and protected.

5 (c) In the interest of enacting rational policies for the  
6 treatment of all variations of the cannabis plant, the State  
7 further finds and declares that industrial hemp shall be  
8 regulated separately from strains of cannabis with higher  
9 delta-9 tetrahydrocannabinol (THC) concentrations.

10 (d) The State further finds and declares that it is  
11 necessary to ensure consistency and fairness in the application  
12 of this Act throughout the State and that the matters addressed  
13 by this Act are, except as specified in this Act, matters of  
14 statewide concern.

15 Section 10. Definitions. As used in this Act:

16 "Cannabis" means all parts of the plant of the genus  
17 cannabis, the seeds of the plant of the genus cannabis, the  
18 resin extracted from any part of the plant, and every compound,  
19 manufacture, salt, derivative, mixture, or preparation of the  
20 plant, its seeds, or its resin, including cannabis concentrate  
21 and hashish. "Cannabis" does not include industrial hemp, nor  
22 does it include fiber produced from the stalks, oil, or cake  
23 made from the seeds of the plant, sterilized seed of the plant  
24 which is incapable of germination, or the weight of any other  
25 ingredient combined with cannabis to prepare topical or oral

1 administrations, food, drink, or other product.

2 "Cannabis accessories" means any equipment, products, or  
3 materials of any kind which are used, intended for use, or  
4 designed for use in planting, propagating, cultivating,  
5 growing, harvesting, composting, manufacturing, compounding,  
6 converting, producing, processing, preparing, testing,  
7 analyzing, packaging, repackaging, storing, vaporizing, or  
8 containing cannabis, or for ingesting, inhaling, or otherwise  
9 introducing cannabis into the human body.

10 "Cannabis cultivation facility" means an entity registered  
11 to cultivate, prepare, and package cannabis and sell cannabis  
12 to retail cannabis stores, to cannabis product manufacturing  
13 facilities, and to other cannabis cultivation facilities, but  
14 not to consumers. A cannabis cultivation facility may produce  
15 cannabis concentrates, tinctures, extracts, or other cannabis  
16 products.

17 "Cannabis establishment" means a cannabis cultivation  
18 facility, a cannabis testing facility, a cannabis product  
19 manufacturing facility, or a retail cannabis store.

20 "Cannabis product manufacturing facility" means an entity  
21 registered to purchase cannabis; manufacture, prepare, and  
22 package cannabis products; and sell cannabis and cannabis  
23 products to other cannabis product manufacturing facilities  
24 and to retail cannabis stores, but not to consumers.

25 "Cannabis products" means concentrated cannabis products  
26 and cannabis products that are comprised of cannabis and other

1 ingredients and are intended for use or consumption, such as,  
2 but not limited to, edible products, ointments, and tinctures.

3 "Cannabis testing facility" means an entity registered to  
4 analyze and certify the safety and potency of cannabis.

5 "Consumer" means a person 21 years of age or older who  
6 purchases cannabis or cannabis products for personal use by  
7 persons 21 years of age or older, but not for resale to others.

8 "Department" means the following:

9 (1) the Department of Agriculture, or its successor  
10 agency, concerning the issuance, renewal, suspension, and  
11 revocation of a registration to operate a cannabis  
12 cultivation facility; or

13 (2) the Department of Financial and Professional  
14 Regulation, or its successor agency, concerning the  
15 issuance, renewal, suspension, and revocation of a  
16 registration to operate a retail cannabis store, cannabis  
17 product manufacturing facility, or cannabis testing  
18 facility.

19 "Industrial hemp" means the plant of the genus cannabis and  
20 any part of the plant, whether growing or not, with a delta-9  
21 tetrahydrocannabinol concentration that does not exceed  
22 three-tenths percent on a dry weight basis.

23 "Locality" means a municipality or, in reference to a  
24 location outside the boundaries of a municipality, a county.

25 "Local regulatory authority" means the office or entity  
26 designated to process cannabis establishment applications by a

1 municipality or, in reference to a location outside the  
2 boundaries of a municipality, a county.

3 "Public place" means any place to which the general public  
4 has access.

5 "Retail cannabis store" means an entity registered to  
6 purchase cannabis from cannabis cultivation facilities and  
7 cannabis and cannabis products from cannabis product  
8 manufacturing facilities and to sell cannabis and cannabis  
9 products to consumers.

10 "Unreasonably impracticable" means that the measures  
11 necessary to comply with the regulations require a high  
12 investment of risk, money, time, or any other resource or asset  
13 that the operation of a cannabis establishment is not worthy of  
14 being carried out in practice by a reasonably prudent business  
15 person.

16 Section 15. Personal use of cannabis. Notwithstanding any  
17 other provision of law, except as otherwise provided in this  
18 Act, the following acts are lawful and shall not be a criminal  
19 or civil offense under State law or the law of any political  
20 subdivision of this State or be a basis for seizure or  
21 forfeiture of assets under State law for persons 21 years of  
22 age or older:

23 (1) possessing, consuming, using, displaying,  
24 purchasing, or transporting cannabis accessories;

25 (2) possessing, growing, processing, or transporting

1 on one's own premises no more than 24 mature cannabis  
2 plants and possession of the cannabis produced by the  
3 plants on the premises where the plants were grown;

4 (3) possessing outside his or her premises no more than  
5 224 grams of cannabis; or

6 (4) assisting another person who is 21 years of age or  
7 older in any of the acts described in paragraphs (1)  
8 through (3) of this Section.

9 Section 20. Restrictions on personal cultivation; penalty.

10 (a) It is unlawful for a person who is 21 years of age or  
11 older to cultivate cannabis plants in a manner that is contrary  
12 to this Section. Cannabis cultivation may only occur on  
13 property lawfully in possession of the cultivator or with the  
14 consent of the person in lawful possession of the property.

15 (b) A person who violates this Section is guilty of a civil  
16 law violation punishable by a fine not to exceed \$750.

17 Section 30. False identification; penalty.

18 (a) A person who is under 21 years of age may not present  
19 or offer to a cannabis establishment or the cannabis  
20 establishment's agent or employee any written or oral evidence  
21 of age that is false, fraudulent, or not actually the person's  
22 own, for the purpose of:

23 (1) purchasing, attempting to purchase, or otherwise  
24 procuring or attempting to procure cannabis; or

1 (2) gaining access to a cannabis establishment.

2 (b) A person who violates this Section is guilty of a civil  
3 law violation punishable by a fine of not less than \$200 and  
4 not more than \$400.

5 Section 35. Cannabis accessories authorized.

6 (a) Notwithstanding any other provision of law, it is  
7 lawful and shall not be an offense under State law or the law  
8 of any political subdivision of this State or be a basis for  
9 seizure or forfeiture of assets under State law for persons 21  
10 years of age or older to manufacture, possess, or purchase  
11 cannabis accessories, or to distribute or sell cannabis  
12 accessories to a person who is 21 years of age or older.

13 (b) A person who is 21 years of age or older may  
14 manufacture, possess, and purchase cannabis accessories, and  
15 distribute or sell cannabis accessories to a person who is 21  
16 years of age or older.

17 Section 40. Lawful operation of cannabis-related  
18 facilities.

19 (a) Notwithstanding any other provision of law, the  
20 following acts, when performed by a retail cannabis store with  
21 a current, valid registration, or a person 21 years of age or  
22 older who is acting in his or her capacity as an owner,  
23 employee, or agent of a retail cannabis store, are lawful and  
24 shall not be an offense under State law or be a basis for



1 seizure or forfeiture of assets under State law:

2 (1) possessing, displaying, storing, or transporting  
3 cannabis or cannabis products, provided that cannabis and  
4 cannabis products may not be displayed in a manner that is  
5 visible to the general public from a public right-of-way;

6 (2) purchasing cannabis from a cannabis cultivation  
7 facility;

8 (3) purchasing cannabis or cannabis products from a  
9 cannabis product manufacturing facility; and

10 (4) delivering, distributing, or selling cannabis or  
11 cannabis products to consumers.

12 (b) Notwithstanding any other provision of law, the  
13 following acts, when performed by a cannabis cultivation  
14 facility with a current, valid registration, or a person 21  
15 years of age or older who is acting in his or her capacity as an  
16 owner, employee, or agent of a cannabis cultivation facility,  
17 are lawful and shall not be an offense under State law or be a  
18 basis for seizure or forfeiture of assets under State law:

19 (1) cultivating, harvesting, processing, packaging,  
20 transporting, displaying, storing, or possessing cannabis;

21 (2) delivering or transferring cannabis to a cannabis  
22 testing facility;

23 (3) delivering, distributing, or selling cannabis to a  
24 cannabis cultivation facility, a cannabis product  
25 manufacturing facility, or a retail cannabis store;

26 (4) receiving or purchasing cannabis from a cannabis

1 cultivation facility; and

2 (5) receiving cannabis seeds or immature cannabis  
3 plants from a person 21 years of age or older.

4 (c) Notwithstanding any other provision of law, the  
5 following acts, when performed by a product manufacturing  
6 facility with a current, valid registration, or a person 21  
7 years of age or older who is acting in his or her capacity as an  
8 owner, employee, or agent of a product manufacturing facility,  
9 are lawful and shall not be an offense under State law or be a  
10 basis for seizure or forfeiture of assets under State law:

11 (1) packaging, processing, transporting,  
12 manufacturing, displaying, or possessing cannabis or  
13 cannabis products;

14 (2) delivering or transferring cannabis or cannabis  
15 products to a cannabis testing facility;

16 (3) delivering or selling cannabis or cannabis  
17 products to a retail cannabis store or a cannabis product  
18 manufacturing facility;

19 (4) purchasing cannabis from a cannabis cultivation  
20 facility;

21 (5) purchasing cannabis or cannabis products from a  
22 cannabis product manufacturing facility; and

23 (6) leasing or otherwise allowing the use of property  
24 owned, occupied, or controlled by any person, corporation,  
25 or other entity for any of the activities conducted  
26 lawfully under paragraphs (1) through (3) of this

1 subsection.

2 (d) Notwithstanding any other provision of law, the  
3 following acts, when performed by a cannabis testing facility  
4 with a current, valid registration, or a person 21 years of age  
5 or older who is acting in his or her capacity as an owner,  
6 employee, or agent of a cannabis testing facility, are lawful  
7 and shall not be an offense under State law or be a basis for  
8 seizure or forfeiture of assets under State law:

9 (1) possessing, cultivating, processing, repackaging,  
10 storing, transporting, or displaying cannabis;

11 (2) receiving cannabis from a cannabis cultivation  
12 facility, a cannabis retail store, a cannabis products  
13 manufacturer, or a person 21 years of age or older;

14 (3) returning cannabis to a cannabis cultivation  
15 facility, cannabis retail store, cannabis products  
16 manufacturer, or a person 21 years of age or older; and

17 (4) leasing or otherwise allowing the use of property  
18 owned, occupied, or controlled by any person, corporation,  
19 or other entity for any of the activities conducted  
20 lawfully under paragraphs (1) through (3) of this  
21 subsection.

22 (e) Nothing in this Section prevents the imposition of  
23 penalties for violating this Act or rules adopted by the  
24 Department or localities under this Act.

25 Section 45. Rulemaking.

1           (a) Not later than 180 days after the effective date of  
2 this Act, the Department shall adopt rules necessary for  
3 implementation of this Act. The rules shall not prohibit the  
4 operation of cannabis establishments, either expressly or  
5 through rules that make their operation unreasonably  
6 impracticable. The rules shall include:

7           (1) procedures for the issuance, renewal, suspension,  
8 and revocation of a registration to operate a cannabis  
9 establishment, with the procedures subject to all  
10 requirements of the Illinois Administrative Procedure Act;

11           (2) a schedule of application, registration, and  
12 renewal fees, provided, application fees shall not exceed  
13 \$5,000, with this upper limit adjusted annually for  
14 inflation, unless the Department determines a greater fee  
15 is necessary to carry out its responsibilities under this  
16 Act;

17           (3) qualifications for registration that are directly  
18 and demonstrably related to the operation of a cannabis  
19 establishment;

20           (4) security requirements for cannabis establishments,  
21 including for the transportation of cannabis by cannabis  
22 establishments;

23           (5) requirements to prevent the sale or diversion of  
24 cannabis and cannabis products to persons under 21 years of  
25 age;

26           (6) labeling requirements for cannabis and cannabis

1 products sold or distributed by a cannabis establishment;

2 (7) health and safety rules and standards for the  
3 manufacture of cannabis products and both the indoor and  
4 outdoor cultivation of cannabis by cannabis  
5 establishments;

6 (8) restrictions on the advertising and display of  
7 cannabis and cannabis products; and

8 (9) civil law violations for the failure to comply with  
9 rules made under this Act.

10 (b) Not later than 180 days after the effective date of  
11 this Act, the Department of Revenue shall adopt rules for  
12 collecting taxes levied on cannabis cultivation facilities.

13 (c) In order to ensure that individual privacy is  
14 protected, notwithstanding paragraph (1) of subsection (a) of  
15 this Section, the Department shall not require a consumer to  
16 provide a retail cannabis store with personal information other  
17 than government-issued identification to determine the  
18 consumer's age, and a retail cannabis store shall not be  
19 required to acquire and record personal information about  
20 consumers.

21 Section 50. Cannabis establishment registrations.

22 (a) Each application or renewal application for an annual  
23 registration to operate a cannabis establishment shall be  
24 submitted to the Department. A renewal application may be  
25 submitted up to 90 days prior to the expiration of the cannabis

1 establishment's registration.

2 (b) The Department shall begin accepting and processing  
3 applications to operate cannabis establishments one year after  
4 the effective date of this Act.

5 (c) Upon receiving an application or renewal application  
6 for a cannabis establishment, the Department shall immediately  
7 forward a copy of each application and half of the registration  
8 application fee to the local regulatory authority for the  
9 locality in which the applicant desires to operate the cannabis  
10 establishment, unless the locality has not designated a local  
11 regulatory authority.

12 (d) Within 45 to 90 days after receiving an application or  
13 renewal application, the Department shall issue an annual  
14 registration to the applicant, unless the Department finds the  
15 applicant is not in compliance with rules adopted under Section  
16 45 of this Act or the Department is notified by the relevant  
17 locality that the applicant is not in compliance with  
18 ordinances and rules made under Section 55 of this Act and in  
19 effect at the time of application.

20 (e) If a locality has enacted a numerical limit on the  
21 number of cannabis establishments and a greater number of  
22 applicants seek registration, the Department shall solicit and  
23 consider input from the local regulatory authority as to the  
24 locality's preference or preferences for registration.

25 (f) Upon denial of an application, the Department shall  
26 notify the applicant in writing of the specific reason for its

1 denial.

2 (g) Every cannabis establishment registration shall  
3 specify the location where the cannabis establishment will  
4 operate. A separate registration shall be required for each  
5 location at which a cannabis establishment operates.

6 (h) Cannabis establishments and the books and records  
7 maintained and created by cannabis establishments are subject  
8 to inspection by the Department.

9 (i) Until the Department adopts rules under this Act for  
10 the issuance of licenses for cannabis cultivation facilities  
11 and retail cannabis stores, a cultivation center or retail  
12 cannabis store registered under the Compassionate Use of  
13 Medical Cannabis Pilot Program Act is considered a licensed  
14 cannabis cultivation facility or retail cannabis store under  
15 this Act. After the Department adopts rules for the issuance of  
16 licenses for cannabis cultivation facilities or retail  
17 cannabis stores under this Act, the facility or store must  
18 obtain a license under this Act.

19 Section 51. Licenses issued to cannabis cultivation  
20 facilities and retail cannabis stores located in communities  
21 disproportionately harmed by the war on drugs.

22 (a) In this Section, "community disproportionately harmed  
23 by the war on drugs" means a census tract or tracts in which a  
24 majority of the population is any of the following:

25 (1) Black or African American;

1 (2) American Indian or Alaska Native; or

2 (3) Hispanic or Latino.

3 (b) At least 51% of the licenses issued by the Department  
4 of Agriculture for cannabis cultivation facilities and at least  
5 51% of the licenses issued by the Department of Financial and  
6 Professional Regulation for retail cannabis stores shall be in  
7 communities disproportionately harmed by the war on drugs.

8 (c) The Department of Agriculture may not deny licenses for  
9 operation of cannabis cultivation facilities and the  
10 Department of Financial and Professional Regulation may not  
11 deny licenses for operation of retail cannabis stores to  
12 persons who apply for them to be located in communities  
13 disproportionately harmed by the war on drugs because of the  
14 applicants' prior felony convictions under the Cannabis  
15 Control Act, Illinois Controlled Substances Act, or  
16 Methamphetamine Control and Community Protection Act or  
17 similar federal laws or laws of another state or territory of  
18 the United States or any foreign country.

19 Section 52. Net income from cannabis cultivation  
20 facilities, retail cannabis stores, and on-site consumption  
21 facilities reinvested in local community.

22 (a) In this Section:

23 "Densely populated" means a population of over 10,000  
24 people per square mile and having a total population of over  
25 75,000.



1 "Local community" means an area located within a 5 mile  
2 radius of the facility's or store's location, except in areas  
3 that are densely populated, in which case "local community"  
4 means an area located within a one mile radius of the  
5 facility's or store's location,

6 "Net income" has the meaning ascribed to it in Section 202  
7 of the Illinois Income Tax Act.

8 (b) At least 10% of the net income from a cannabis  
9 cultivation facility, at least 10% of the net income from a  
10 retail cannabis store, and at least 10% of the net income from  
11 an on-site consumption facility shall be reinvested in the  
12 local community where it operates.

13 Section 55. Local control.

14 (a) A locality may prohibit the operation of cannabis  
15 cultivation facilities, cannabis product manufacturing  
16 facilities, cannabis testing facilities, or retail cannabis  
17 stores through the enactment of an ordinance or through an  
18 initiated or referred measure, provided, any initiated or  
19 referred measure to prohibit the operation of cannabis  
20 cultivation facilities, cannabis product manufacturing  
21 facilities, cannabis testing facilities, or retail cannabis  
22 stores must appear on a general election ballot.

23 (b) A locality may enact ordinances or regulations not in  
24 conflict with this Act, or with rules adopted under this Act,  
25 governing the time, place, manner, and number of cannabis

1 establishment operations. A locality may punish as a civil law  
2 violation of an ordinance or regulations governing the time,  
3 place, and manner of a cannabis establishment that may operate  
4 in the locality.

5 (c) A locality may designate a local regulatory authority  
6 that is responsible for processing applications submitted for a  
7 registration to operate a cannabis establishment within the  
8 boundaries of the locality. The locality may provide that the  
9 local regulatory authority may issue the registrations should  
10 the issuance by the locality become necessary because of a  
11 failure by the Department to adopt rules under Section 45 of  
12 this Act or to accept or process applications under Section 50  
13 of this Act.

14 (d) A locality may establish procedures for the issuance,  
15 suspension, and revocation of a registration issued by the  
16 locality under subsection (f) or subsection (g) of this  
17 Section. These procedures are subject to all requirements of  
18 the Illinois Administrative Procedure Act.

19 (e) A locality may establish a schedule of annual  
20 operating, registration, and application fees for cannabis  
21 establishments, provided, the application fee shall only be due  
22 if an application is submitted to a locality under subsection  
23 (f) of this Section and a registration fee shall only be due if  
24 a registration is issued by a locality under subsection (f) or  
25 (g) of this Section.

26 (f) If the Department does not issue a registration to an

1 applicant within 90 days of receipt of the application filed  
2 under Section 50 of this Act and does not notify the applicant  
3 of the specific, permissible reason for its denial, in writing  
4 and within the time period, or if the Department has adopted  
5 rules under Section 45 of this Act and has accepted  
6 applications under Section 50 of this Act but has not issued  
7 any registrations within 15 months after the effective date of  
8 this Act, the applicant may resubmit its application directly  
9 to the local regulatory authority, under subsection (c) of this  
10 Section, and the local regulatory authority may issue an annual  
11 registration to the applicant. If an application is submitted  
12 to a local regulatory authority under this paragraph, the  
13 Department shall forward to the local regulatory authority the  
14 application fee paid by the applicant to the Department upon  
15 request by the local regulatory authority.

16 (g) If the Department does not adopt rules required by  
17 Section 45 of this Act, an applicant may submit an application  
18 directly to a local regulatory authority after one year from  
19 the effective date of this Act, and the local regulatory  
20 authority may issue an annual registration to the applicant.

21 (h) A local regulatory authority issuing a registration to  
22 an applicant shall do so within 90 days of receipt of the  
23 submitted or resubmitted application, unless the local  
24 regulatory authority finds and notifies the applicant that the  
25 applicant is not in compliance with ordinances and regulations  
26 made under subsection (b) of this Section in effect at the time

1 the application is submitted to the local regulatory authority.  
2 The locality shall notify the Department if an annual  
3 registration has been issued to the applicant.

4 (i) A registration issued by a locality under subsection  
5 (f) or (g) of this Section shall have the same force and effect  
6 as a registration issued by the Department under Section 50 of  
7 this Act. The holder of the registration shall not be subject  
8 to regulation or enforcement by the Department during the term  
9 of that registration.

10 (j) A subsequent or renewed registration may be issued  
11 under subsection (f) of this Section on an annual basis only  
12 upon resubmission to the locality of a new application  
13 submitted to the Department under Section 50 of this Act.

14 (k) A subsequent or renewed registration may be issued  
15 under subsection (g) of this Section on an annual basis if the  
16 Department has not adopted rules required by Section 45 of this  
17 Act at least 90 days prior to the date upon which the  
18 subsequent or renewed registration would be effective, or if  
19 the Department has adopted rules under Section 45 of this Act  
20 but has not, at least 90 days after the adoption of those  
21 rules, issued registrations under Section 50 of this Act.

22 (l) A locality may create a license for or prohibit on-site  
23 consumption of cannabis by persons legally able to purchase  
24 cannabis at a retail cannabis store.

25 (m) Nothing in this Section limits the relief as may be  
26 available to an aggrieved party under the Illinois

1 Administrative Procedure Act.

2 (n) A locality, including a home rule unit, may not  
3 regulate the possession, sale, transfer, or cultivation of  
4 cannabis in a manner less restrictive than the regulation by  
5 the State of the possession, sale, transfer, or cultivation of  
6 cannabis under this Act. This Section is a limitation under  
7 subsection (i) of Section 6 of Article VII of the Illinois  
8 Constitution on the concurrent exercise by home rule units of  
9 powers and functions exercised by the State.

10 Section 60. Preserving the integrity of State law. The  
11 Attorney General shall zealously and in good faith advocate to  
12 quash any federal subpoena for records involving cannabis  
13 establishments.

14 Section 65. Employers, minors, and control of property.

15 (a) Nothing in this Act requires an employer to permit or  
16 accommodate the use, consumption, possession, transfer,  
17 display, transportation, sale, or growing of cannabis in the  
18 workplace or to affect the ability of employers to have  
19 policies restricting the use of cannabis by employees or  
20 discipline employees who are under the influence of cannabis in  
21 the workplace.

22 (b) Nothing in this Act permits the transfer of cannabis,  
23 with or without remuneration, to a person under 21 years of age  
24 or to allow a person under 21 years of age to purchase,

1 possess, use, transport, grow, or consume cannabis.

2 (c) Nothing in this Act prohibits a person, employer,  
3 school, hospital, detention facility, corporation, or any  
4 other entity who occupies, owns, or controls a property from  
5 prohibiting or otherwise regulating the possession,  
6 consumption, use, display, transfer, distribution, sale,  
7 transportation, or growing of cannabis on or in that property.

8 Section 70. Research authorized. Scientific and medical  
9 researchers who have previously published may purchase,  
10 possess, and securely store cannabis for purposes of conducting  
11 research. Scientific and medical researchers may administer  
12 and distribute cannabis to participants in research who are 21  
13 years of age or older after receiving informed consent from the  
14 subjects.

15 Section 75. Cannabis Regulation Fund. The Cannabis  
16 Regulation Fund is created as a special fund in the State  
17 treasury consisting of fees collected and fines imposed under  
18 this Act. The Department of Agriculture and the Department of  
19 Financial and Professional Regulation shall administer the  
20 fund.

21 Section 80. Excise tax on cannabis.

22 (a) An excise tax is imposed on the sale or transfer of  
23 cannabis from a cannabis cultivation facility to a retail

1 cannabis store or cannabis product manufacturing facility.  
2 Each cannabis cultivation facility shall pay an excise tax at  
3 the rate of 10% of the sale price of cannabis that is sold or  
4 transferred from a cannabis cultivation facility to a retail  
5 cannabis store or cannabis product manufacturing facility.

6 (b) The Department of Revenue shall adjust the rate  
7 annually to account for inflation or deflation based on the  
8 Consumer Price Index for All Urban Consumers as issued by the  
9 United States Department of Labor. If the tax rate is changed  
10 under this subsection (b), the Department of Revenue shall  
11 publish the adjusted rate on its website and in a newspaper of  
12 general circulation in the State not less than 60 days prior to  
13 the effective date of the rate adjustment.

14 (c) On or before the 15th day of each month, each cannabis  
15 cultivation facility shall pay to the Department of Revenue the  
16 excise tax due under this Section on sales and transfers of  
17 cannabis made by that cannabis cultivation facility in the  
18 immediately preceding calendar month. Payment shall be  
19 accompanied by a return filed in the form and manner prescribed  
20 by the Department of Revenue and containing the information as  
21 the Department of Revenue may require. The return must be  
22 accompanied by appropriate computer-generated magnetic media  
23 supporting schedule data in the format required by the  
24 Department, unless, as provided by rule, the Department grants  
25 an exception upon petition of a taxpayer.

26 (d) The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e,

1 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, and 12 of the  
2 Retailers' Occupation Tax Act which are not inconsistent with  
3 this Act, and Section 3-7 of the Uniform Penalty and Interest  
4 Act, shall apply as far as practicable to the tax imposed under  
5 this Section to the same extent as if those provisions were  
6 included in this Act.

7 Section 85. Distribution of excise tax proceeds. All moneys  
8 received by the Department of Revenue under Section 80 of this  
9 Act shall be deposited into the Cannabis Excise Tax Fund, a  
10 special fund in the State treasury. Moneys in the Fund shall be  
11 used by the Department of Agriculture and the Department of  
12 Financial and Professional Regulation to implement and enforce  
13 this Act. Within 90 days after the effective date of this Act  
14 and every year thereafter, the Director of Revenue shall  
15 certify the amounts needed to implement and enforce this Act by  
16 the Department of Revenue, and the Comptroller shall order  
17 transferred and the Treasurer shall transfer from the Cannabis  
18 Excise Tax Fund the following amounts every 3 months:

19 (1) 30% shall be distributed to the Common School Fund to  
20 be used at the discretion of the State Board of Education for  
21 its duties prescribed by law;

22 (2) 5% percent shall be distributed to the Department of  
23 Human Services for use in voluntary programs for the treatment  
24 of alcohol, tobacco, and cannabis abuse;

25 (3) 5% percent shall be distributed to the Department of



1 Public Health for a scientifically and medically accurate  
2 public education campaign educating youth and adults about the  
3 health and safety risks of alcohol, tobacco, and cannabis;

4 (4) 50% percent shall be deposited into the General Revenue  
5 Fund;

6 (5) 2.5% shall be distributed to the State Employees'  
7 Retirement System of Illinois;

8 (6) 2.5% shall be distributed to the Teachers' Retirement  
9 System of the State of Illinois;

10 (7) 2.5% shall be distributed to the State Universities  
11 Retirement System; and

12 (8) 2.5% shall be distributed to the Department of State  
13 Police for the employment and training of drug recognition  
14 experts.

15 Section 90. Privileges and rights under the Compassionate  
16 Use of Medical Cannabis Pilot Program Act. Nothing in this Act  
17 shall be construed to limit any privileges or rights of a  
18 medical cannabis qualifying patient, designated caregiver,  
19 cultivation center, cultivation center agent, medical cannabis  
20 dispensing organization, or medical cannabis dispensing  
21 organization agent under the Compassionate Use of Medical  
22 Cannabis Pilot Program Act.

23 Section 95. Nonviolent cannabis offenders; application for  
24 commutation of sentence; dismissal of charges. A person

1 convicted of a violation of the Cannabis Control Act who is  
2 serving a sentence in a correctional institution may, within 90  
3 days after the effective date of this Act, file a petition for  
4 commutation of his or her sentence under Section 3-3-13 of the  
5 Unified Code of Corrections addressed to the Governor and filed  
6 with the Prisoner Review Board. The petition shall be in  
7 writing and signed by the person under conviction or by a  
8 person on his or her behalf. It shall contain a brief history  
9 of the case, the reasons for seeking executive clemency, and  
10 other relevant information the Board may require. The person  
11 may apply to the State's Attorney of the county where his or  
12 her prosecution is pending for dismissal of any pending  
13 cannabis charges against the person after a review of the  
14 person's criminal record. Nonviolent offenders who have  
15 violated the terms of their parole, mandatory supervised  
16 release, probation, or conditional discharge for testing  
17 positive for cannabis may also apply for commutation of their  
18 sentences. The person may apply to: (i) the circuit court for  
19 expungement of his or her arrest and conviction records; and  
20 (ii) the State's Attorney for dismissal of any pending cannabis  
21 charges against the person. The circuit court or State's  
22 Attorney shall review the person's criminal record.

23 Section 100. Conflicting provisions. Except as otherwise  
24 provided in this Act, in case of a conflict between this Act  
25 and any other law or ordinance, the provisions of this Act

1 shall control.

2 Section 900. The Alcoholism and Other Drug Abuse and  
3 Dependency Act is amended by changing Section 40-5 as follows:

4 (20 ILCS 301/40-5)

5 Sec. 40-5. Election of treatment. An individual with a  
6 substance use disorder who is charged with or convicted of a  
7 crime or any other person charged with or convicted of a  
8 misdemeanor violation of the Use of Intoxicating Compounds Act  
9 and who has not been previously convicted of a violation of  
10 that Act may elect treatment under the supervision of a program  
11 holding a valid intervention license for designated program  
12 services issued by the Department, referred to in this Article  
13 as "designated program", unless:

14 (1) the crime is a crime of violence;

15 (2) the crime is a violation of Section 401(a), 401(b),  
16 401(c) where the person electing treatment has been  
17 previously convicted of a non-probationable felony or the  
18 violation is non-probationable, 401(d) where the violation  
19 is non-probationable, 401.1, 402(a), 405 or 407 of the  
20 Illinois Controlled Substances Act, or Section 12-7.3 of  
21 the Criminal Code of 2012, or Section ~~4(d), 4(e), 4(f),~~  
22 ~~4(g)~~ 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the Cannabis  
23 Control Act or Section 15, 20, 55, 60(b)(3), 60(b)(4),  
24 60(b)(5), 60(b)(6), or 65 of the Methamphetamine Control

1 and Community Protection Act or is otherwise ineligible for  
2 probation under Section 70 of the Methamphetamine Control  
3 and Community Protection Act;

4 (3) the person has a record of 2 or more convictions of  
5 a crime of violence;

6 (4) other criminal proceedings alleging commission of  
7 a felony are pending against the person;

8 (5) the person is on probation or parole and the  
9 appropriate parole or probation authority does not consent  
10 to that election;

11 (6) the person elected and was admitted to a designated  
12 program on 2 prior occasions within any consecutive 2-year  
13 period;

14 (7) the person has been convicted of residential  
15 burglary and has a record of one or more felony  
16 convictions;

17 (8) the crime is a violation of Section 11-501 of the  
18 Illinois Vehicle Code or a similar provision of a local  
19 ordinance; or

20 (9) the crime is a reckless homicide or a reckless  
21 homicide of an unborn child, as defined in Section 9-3 or  
22 9-3.2 of the Criminal Code of 1961 or the Criminal Code of  
23 2012, in which the cause of death consists of the driving  
24 of a motor vehicle by a person under the influence of  
25 alcohol or any other drug or drugs at the time of the  
26 violation.

1           Nothing in this Section shall preclude an individual who is  
2 charged with or convicted of a crime that is a violation of  
3 Section 60(b)(1) or 60(b)(2) of the Methamphetamine Control and  
4 Community Protection Act, and who is otherwise eligible to make  
5 the election provided for under this Section, from being  
6 eligible to make an election for treatment as a condition of  
7 probation as provided for under this Article.

8           (Source: P.A. 99-78, eff. 7-20-15; 100-759, eff. 1-1-19.)

9           Section 905. The Criminal Identification Act is amended by  
10 changing Sections 5 and 5.2 as follows:

11           (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

12           Sec. 5. Arrest reports. All policing bodies of this State  
13 shall furnish to the Department, daily, in the form and detail  
14 the Department requires, fingerprints, descriptions, and  
15 ethnic and racial background data as provided in Section 4.5 of  
16 this Act of all persons who are arrested on charges of  
17 violating any penal statute of this State for offenses that are  
18 classified as felonies and Class A or B misdemeanors and of all  
19 minors of the age of 10 and over who have been arrested for an  
20 offense which would be a felony if committed by an adult, and  
21 may forward such fingerprints and descriptions for minors  
22 arrested for Class A or B misdemeanors. Moving or nonmoving  
23 traffic violations under the Illinois Vehicle Code shall not be  
24 reported except for violations of Chapter 4, Section 11-204.1,

1 or Section 11-501 of that Code. In addition, conservation  
2 offenses, as defined in the Supreme Court Rule 501(c), that are  
3 classified as Class B misdemeanors shall not be reported. Civil  
4 law violations of the Cannabis Legalization Equity Act, the  
5 Cannabis Control Act, and Section 111-3.1 of the Code of  
6 Criminal Procedure of 1963 shall not be reported. Those law  
7 enforcement records maintained by the Department for minors  
8 arrested for an offense prior to their 17th birthday, or minors  
9 arrested for a non-felony offense, if committed by an adult,  
10 prior to their 18th birthday, shall not be forwarded to the  
11 Federal Bureau of Investigation unless those records relate to  
12 an arrest in which a minor was charged as an adult under any of  
13 the transfer provisions of the Juvenile Court Act of 1987.

14 (Source: P.A. 98-528, eff. 1-1-15.)

15 (20 ILCS 2630/5.2)

16 Sec. 5.2. Expungement, sealing, and immediate sealing.

17 (a) General Provisions.

18 (1) Definitions. In this Act, words and phrases have  
19 the meanings set forth in this subsection, except when a  
20 particular context clearly requires a different meaning.

21 (A) The following terms shall have the meanings  
22 ascribed to them in the Unified Code of Corrections,  
23 730 ILCS 5/5-1-2 through 5/5-1-22:

24 (i) Business Offense (730 ILCS 5/5-1-2),

25 (ii) Charge (730 ILCS 5/5-1-3),

1 (iii) Court (730 ILCS 5/5-1-6),  
2 (iv) Defendant (730 ILCS 5/5-1-7),  
3 (v) Felony (730 ILCS 5/5-1-9),  
4 (vi) Imprisonment (730 ILCS 5/5-1-10),  
5 (vii) Judgment (730 ILCS 5/5-1-12),  
6 (viii) Misdemeanor (730 ILCS 5/5-1-14),  
7 (ix) Offense (730 ILCS 5/5-1-15),  
8 (x) Parole (730 ILCS 5/5-1-16),  
9 (xi) Petty Offense (730 ILCS 5/5-1-17),  
10 (xii) Probation (730 ILCS 5/5-1-18),  
11 (xiii) Sentence (730 ILCS 5/5-1-19),  
12 (xiv) Supervision (730 ILCS 5/5-1-21), and  
13 (xv) Victim (730 ILCS 5/5-1-22).

14 (B) As used in this Section, "charge not initiated  
15 by arrest" means a charge (as defined by 730 ILCS  
16 5/5-1-3) brought against a defendant where the  
17 defendant is not arrested prior to or as a direct  
18 result of the charge.

19 (C) "Conviction" means a judgment of conviction or  
20 sentence entered upon a plea of guilty or upon a  
21 verdict or finding of guilty of an offense, rendered by  
22 a legally constituted jury or by a court of competent  
23 jurisdiction authorized to try the case without a jury.  
24 An order of supervision successfully completed by the  
25 petitioner is not a conviction. An order of qualified  
26 probation (as defined in subsection (a)(1)(J))

1 successfully completed by the petitioner is not a  
2 conviction. An order of supervision or an order of  
3 qualified probation that is terminated  
4 unsatisfactorily is a conviction, unless the  
5 unsatisfactory termination is reversed, vacated, or  
6 modified and the judgment of conviction, if any, is  
7 reversed or vacated.

8 (D) "Criminal offense" means a petty offense,  
9 business offense, misdemeanor, felony, or municipal  
10 ordinance violation (as defined in subsection  
11 (a) (1) (H)). As used in this Section, a minor traffic  
12 offense (as defined in subsection (a) (1) (G)) shall not  
13 be considered a criminal offense.

14 (E) "Expunge" means to physically destroy the  
15 records or return them to the petitioner and to  
16 obliterate the petitioner's name from any official  
17 index or public record, or both. Nothing in this Act  
18 shall require the physical destruction of the circuit  
19 court file, but such records relating to arrests or  
20 charges, or both, ordered expunged shall be impounded  
21 as required by subsections (d) (9) (A) (ii) and  
22 (d) (9) (B) (ii).

23 (F) As used in this Section, "last sentence" means  
24 the sentence, order of supervision, or order of  
25 qualified probation (as defined by subsection  
26 (a) (1) (J)), for a criminal offense (as defined by



1 subsection (a)(1)(D)) that terminates last in time in  
2 any jurisdiction, regardless of whether the petitioner  
3 has included the criminal offense for which the  
4 sentence or order of supervision or qualified  
5 probation was imposed in his or her petition. If  
6 multiple sentences, orders of supervision, or orders  
7 of qualified probation terminate on the same day and  
8 are last in time, they shall be collectively considered  
9 the "last sentence" regardless of whether they were  
10 ordered to run concurrently.

11 (G) "Minor traffic offense" means a petty offense,  
12 business offense, or Class C misdemeanor under the  
13 Illinois Vehicle Code or a similar provision of a  
14 municipal or local ordinance.

15 (H) "Municipal ordinance violation" means an  
16 offense defined by a municipal or local ordinance that  
17 is criminal in nature and with which the petitioner was  
18 charged or for which the petitioner was arrested and  
19 released without charging.

20 (I) "Petitioner" means an adult or a minor  
21 prosecuted as an adult who has applied for relief under  
22 this Section.

23 (J) "Qualified probation" means an order of  
24 probation under Section 10 of the Cannabis Control Act,  
25 Section 410 of the Illinois Controlled Substances Act,  
26 Section 70 of the Methamphetamine Control and

1 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
2 of the Unified Code of Corrections, Section  
3 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as  
4 those provisions existed before their deletion by  
5 Public Act 89-313), Section 10-102 of the Illinois  
6 Alcoholism and Other Drug Dependency Act, Section  
7 40-10 of the Substance Use Disorder Act, or Section 10  
8 of the Steroid Control Act. For the purpose of this  
9 Section, "successful completion" of an order of  
10 qualified probation under Section 10-102 of the  
11 Illinois Alcoholism and Other Drug Dependency Act and  
12 Section 40-10 of the Substance Use Disorder Act means  
13 that the probation was terminated satisfactorily and  
14 the judgment of conviction was vacated.

15 (K) "Seal" means to physically and electronically  
16 maintain the records, unless the records would  
17 otherwise be destroyed due to age, but to make the  
18 records unavailable without a court order, subject to  
19 the exceptions in Sections 12 and 13 of this Act. The  
20 petitioner's name shall also be obliterated from the  
21 official index required to be kept by the circuit court  
22 clerk under Section 16 of the Clerks of Courts Act, but  
23 any index issued by the circuit court clerk before the  
24 entry of the order to seal shall not be affected.

25 (L) "Sexual offense committed against a minor"  
26 includes but is not limited to the offenses of indecent

1 solicitation of a child or criminal sexual abuse when  
2 the victim of such offense is under 18 years of age.

3 (M) "Terminate" as it relates to a sentence or  
4 order of supervision or qualified probation includes  
5 either satisfactory or unsatisfactory termination of  
6 the sentence, unless otherwise specified in this  
7 Section. A sentence is terminated notwithstanding any  
8 outstanding financial legal obligation.

9 (2) Minor Traffic Offenses. Orders of supervision or  
10 convictions for minor traffic offenses shall not affect a  
11 petitioner's eligibility to expunge or seal records  
12 pursuant to this Section.

13 (2.5) Commencing 180 days after July 29, 2016 (the  
14 effective date of Public Act 99-697), the law enforcement  
15 agency issuing the citation shall automatically expunge,  
16 on or before January 1 and July 1 of each year, the law  
17 enforcement records of a person found to have committed a  
18 civil law violation of subsection (a) of Section 4 of the  
19 Cannabis Control Act or subsection (c) of Section 3.5 of  
20 the Drug Paraphernalia Control Act in the law enforcement  
21 agency's possession or control and which contains the final  
22 satisfactory disposition which pertain to the person  
23 issued a citation for that offense. The law enforcement  
24 agency shall provide by rule the process for access,  
25 review, and to confirm the automatic expungement by the law  
26 enforcement agency issuing the citation. Commencing 180

1 days after July 29, 2016 (the effective date of Public Act  
2 99-697), the clerk of the circuit court shall expunge, upon  
3 order of the court, or in the absence of a court order on  
4 or before January 1 and July 1 of each year, the court  
5 records of a person found in the circuit court to have  
6 committed a civil law violation of subsection (a) of  
7 Section 4 of the Cannabis Control Act or subsection (c) of  
8 Section 3.5 of the Drug Paraphernalia Control Act in the  
9 clerk's possession or control and which contains the final  
10 satisfactory disposition which pertain to the person  
11 issued a citation for any of those offenses.

12 (2.6) Commencing 180 days after the effective date of  
13 this amendatory Act of the 101st General Assembly, the law  
14 enforcement agency issuing the citation shall  
15 automatically expunge, on or before January 1 and July 1 of  
16 each year, the law enforcement records of a person found to  
17 have committed a Class 4 felony or a Class A, B, or C  
18 misdemeanor violation of the Cannabis Control Act in the  
19 law enforcement agency's possession or control and which  
20 contains the final satisfactory disposition which pertain  
21 to the person issued a citation for that offense. The law  
22 enforcement agency shall provide by rule the process for  
23 access, review, and to confirm the automatic expungement by  
24 the law enforcement agency issuing the citation.  
25 Commencing 180 days after the effective date of this  
26 amendatory Act of the 101st General Assembly, the clerk of

1 the circuit court shall expunge, upon order of the court,  
2 or in the absence of a court order on or before January 1  
3 and July 1 of each year, the court records of a person  
4 found in the circuit court to have committed a Class 4  
5 felony or a Class A, B, or C misdemeanor violation of the  
6 Cannabis Control Act in the clerk's possession or control  
7 and which contains the final satisfactory disposition  
8 which pertain to the person issued a citation for any of  
9 those offenses. This paragraph (2.6) applies to civil law  
10 violations of the Cannabis Legalization Equity Act, the  
11 Cannabis Control Act, and Section 111-3.1 of the Code of  
12 Criminal Procedure of 1963 and any criminal violation that  
13 would no longer be an offense under this amendatory Act of  
14 the 101st General Assembly and any criminal violation  
15 committed by a person under 21 years of age who if he or  
16 she were 21 years of age or older would not be in violation  
17 of law as result of this amendatory Act of the 101st  
18 General Assembly. This paragraph (2.6) does not apply if in  
19 the sentencing order for the cannabis violation the court  
20 determined that the conduct that gave rise to the  
21 conviction occurred during the commission of a crime of  
22 violence as defined in Section 2 of the Crime Victims  
23 Compensation Act.

24 (3) Exclusions. Except as otherwise provided in  
25 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
26 of this Section, the court shall not order:

1 (A) the sealing or expungement of the records of  
2 arrests or charges not initiated by arrest that result  
3 in an order of supervision for or conviction of: (i)  
4 any sexual offense committed against a minor; (ii)  
5 Section 11-501 of the Illinois Vehicle Code or a  
6 similar provision of a local ordinance; or (iii)  
7 Section 11-503 of the Illinois Vehicle Code or a  
8 similar provision of a local ordinance, unless the  
9 arrest or charge is for a misdemeanor violation of  
10 subsection (a) of Section 11-503 or a similar provision  
11 of a local ordinance, that occurred prior to the  
12 offender reaching the age of 25 years and the offender  
13 has no other conviction for violating Section 11-501 or  
14 11-503 of the Illinois Vehicle Code or a similar  
15 provision of a local ordinance.

16 (B) the sealing or expungement of records of minor  
17 traffic offenses (as defined in subsection (a)(1)(G)),  
18 unless the petitioner was arrested and released  
19 without charging.

20 (C) the sealing of the records of arrests or  
21 charges not initiated by arrest which result in an  
22 order of supervision or a conviction for the following  
23 offenses:

24 (i) offenses included in Article 11 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012  
26 or a similar provision of a local ordinance, except

1 Section 11-14 and a misdemeanor violation of  
2 Section 11-30 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, or a similar provision of a  
4 local ordinance;

5 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
6 26-5, or 48-1 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012, or a similar provision of a  
8 local ordinance;

9 (iii) Sections 12-3.1 or 12-3.2 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012,  
11 or Section 125 of the Stalking No Contact Order  
12 Act, or Section 219 of the Civil No Contact Order  
13 Act, or a similar provision of a local ordinance;

14 (iv) Class A misdemeanors or felony offenses  
15 under the Humane Care for Animals Act; or

16 (v) any offense or attempted offense that  
17 would subject a person to registration under the  
18 Sex Offender Registration Act.

19 (D) (blank).

20 (b) Expungement.

21 (1) A petitioner may petition the circuit court to  
22 expunge the records of his or her arrests and charges not  
23 initiated by arrest when each arrest or charge not  
24 initiated by arrest sought to be expunged resulted in: (i)  
25 acquittal, dismissal, or the petitioner's release without  
26 charging, unless excluded by subsection (a) (3) (B); (ii) a

1 conviction which was vacated or reversed, unless excluded  
2 by subsection (a) (3) (B); (iii) an order of supervision and  
3 such supervision was successfully completed by the  
4 petitioner, unless excluded by subsection (a) (3) (A) or  
5 (a) (3) (B); or (iv) an order of qualified probation (as  
6 defined in subsection (a) (1) (J)) and such probation was  
7 successfully completed by the petitioner.

8 (1.5) When a petitioner seeks to have a record of  
9 arrest expunged under this Section, and the offender has  
10 been convicted of a criminal offense, the State's Attorney  
11 may object to the expungement on the grounds that the  
12 records contain specific relevant information aside from  
13 the mere fact of the arrest.

14 (2) Time frame for filing a petition to expunge.

15 (A) When the arrest or charge not initiated by  
16 arrest sought to be expunged resulted in an acquittal,  
17 dismissal, the petitioner's release without charging,  
18 or the reversal or vacation of a conviction, there is  
19 no waiting period to petition for the expungement of  
20 such records.

21 (B) When the arrest or charge not initiated by  
22 arrest sought to be expunged resulted in an order of  
23 supervision, successfully completed by the petitioner,  
24 the following time frames will apply:

25 (i) Those arrests or charges that resulted in  
26 orders of supervision under Section 3-707, 3-708,



1 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
2 similar provision of a local ordinance, or under  
3 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
4 Code of 1961 or the Criminal Code of 2012, or a  
5 similar provision of a local ordinance, shall not  
6 be eligible for expungement until 5 years have  
7 passed following the satisfactory termination of  
8 the supervision.

9 (i-5) Those arrests or charges that resulted  
10 in orders of supervision for a misdemeanor  
11 violation of subsection (a) of Section 11-503 of  
12 the Illinois Vehicle Code or a similar provision of  
13 a local ordinance, that occurred prior to the  
14 offender reaching the age of 25 years and the  
15 offender has no other conviction for violating  
16 Section 11-501 or 11-503 of the Illinois Vehicle  
17 Code or a similar provision of a local ordinance  
18 shall not be eligible for expungement until the  
19 petitioner has reached the age of 25 years.

20 (ii) Those arrests or charges that resulted in  
21 orders of supervision for any other offenses shall  
22 not be eligible for expungement until 2 years have  
23 passed following the satisfactory termination of  
24 the supervision.

25 (C) When the arrest or charge not initiated by  
26 arrest sought to be expunged resulted in an order of

1 qualified probation, successfully completed by the  
2 petitioner, such records shall not be eligible for  
3 expungement until 5 years have passed following the  
4 satisfactory termination of the probation.

5 (3) Those records maintained by the Department for  
6 persons arrested prior to their 17th birthday shall be  
7 expunged as provided in Section 5-915 of the Juvenile Court  
8 Act of 1987.

9 (4) Whenever a person has been arrested for or  
10 convicted of any offense, in the name of a person whose  
11 identity he or she has stolen or otherwise come into  
12 possession of, the aggrieved person from whom the identity  
13 was stolen or otherwise obtained without authorization,  
14 upon learning of the person having been arrested using his  
15 or her identity, may, upon verified petition to the Chief  
16 Judge ~~chief judge~~ of the circuit wherein the arrest was  
17 made, have a court order entered nunc pro tunc by the Chief  
18 Judge to correct the arrest record, conviction record, if  
19 any, and all official records of the arresting authority,  
20 the Department, other criminal justice agencies, the  
21 prosecutor, and the trial court concerning such arrest, if  
22 any, by removing his or her name from all such records in  
23 connection with the arrest and conviction, if any, and by  
24 inserting in the records the name of the offender, if known  
25 or ascertainable, in lieu of the aggrieved's name. The  
26 records of the circuit court clerk shall be sealed until

1 further order of the court upon good cause shown and the  
2 name of the aggrieved person obliterated on the official  
3 index required to be kept by the circuit court clerk under  
4 Section 16 of the Clerks of Courts Act, but the order shall  
5 not affect any index issued by the circuit court clerk  
6 before the entry of the order. Nothing in this Section  
7 shall limit the Department of State Police or other  
8 criminal justice agencies or prosecutors from listing  
9 under an offender's name the false names he or she has  
10 used.

11 (5) Whenever a person has been convicted of criminal  
12 sexual assault, aggravated criminal sexual assault,  
13 predatory criminal sexual assault of a child, criminal  
14 sexual abuse, or aggravated criminal sexual abuse, the  
15 victim of that offense may request that the State's  
16 Attorney of the county in which the conviction occurred  
17 file a verified petition with the presiding trial judge at  
18 the petitioner's trial to have a court order entered to  
19 seal the records of the circuit court clerk in connection  
20 with the proceedings of the trial court concerning that  
21 offense. However, the records of the arresting authority  
22 and the Department of State Police concerning the offense  
23 shall not be sealed. The court, upon good cause shown,  
24 shall make the records of the circuit court clerk in  
25 connection with the proceedings of the trial court  
26 concerning the offense available for public inspection.

1           (6) If a conviction has been set aside on direct review  
2           or on collateral attack and the court determines by clear  
3           and convincing evidence that the petitioner was factually  
4           innocent of the charge, the court that finds the petitioner  
5           factually innocent of the charge shall enter an expungement  
6           order for the conviction for which the petitioner has been  
7           determined to be innocent as provided in subsection (b) of  
8           Section 5-5-4 of the Unified Code of Corrections.

9           (7) Nothing in this Section shall prevent the  
10          Department of State Police from maintaining all records of  
11          any person who is admitted to probation upon terms and  
12          conditions and who fulfills those terms and conditions  
13          pursuant to Section 10 of the Cannabis Control Act, Section  
14          410 of the Illinois Controlled Substances Act, Section 70  
15          of the Methamphetamine Control and Community Protection  
16          Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
17          Corrections, Section 12-4.3 or subdivision (b)(1) of  
18          Section 12-3.05 of the Criminal Code of 1961 or the  
19          Criminal Code of 2012, Section 10-102 of the Illinois  
20          Alcoholism and Other Drug Dependency Act, Section 40-10 of  
21          the Substance Use Disorder Act, or Section 10 of the  
22          Steroid Control Act.

23          (8) If the petitioner has been granted a certificate of  
24          innocence under Section 2-702 of the Code of Civil  
25          Procedure, the court that grants the certificate of  
26          innocence shall also enter an order expunging the

1 conviction for which the petitioner has been determined to  
2 be innocent as provided in subsection (h) of Section 2-702  
3 of the Code of Civil Procedure.

4 (c) Sealing.

5 (1) Applicability. Notwithstanding any other provision  
6 of this Act to the contrary, and cumulative with any rights  
7 to expungement of criminal records, this subsection  
8 authorizes the sealing of criminal records of adults and of  
9 minors prosecuted as adults. Subsection (g) of this Section  
10 provides for immediate sealing of certain records.

11 (2) Eligible Records. The following records may be  
12 sealed:

13 (A) All arrests resulting in release without  
14 charging;

15 (B) Arrests or charges not initiated by arrest  
16 resulting in acquittal, dismissal, or conviction when  
17 the conviction was reversed or vacated, except as  
18 excluded by subsection (a) (3) (B);

19 (C) Arrests or charges not initiated by arrest  
20 resulting in orders of supervision, including orders  
21 of supervision for municipal ordinance violations,  
22 successfully completed by the petitioner, unless  
23 excluded by subsection (a) (3);

24 (D) Arrests or charges not initiated by arrest  
25 resulting in convictions, including convictions on  
26 municipal ordinance violations, unless excluded by

1 subsection (a) (3);

2 (E) Arrests or charges not initiated by arrest  
3 resulting in orders of first offender probation under  
4 Section 10 of the Cannabis Control Act, Section 410 of  
5 the Illinois Controlled Substances Act, Section 70 of  
6 the Methamphetamine Control and Community Protection  
7 Act, or Section 5-6-3.3 of the Unified Code of  
8 Corrections; and

9 (F) Arrests or charges not initiated by arrest  
10 resulting in felony convictions unless otherwise  
11 excluded by subsection (a) paragraph (3) of this  
12 Section.

13 (3) When Records Are Eligible to Be Sealed. Records  
14 identified as eligible under subsection (c) (2) may be  
15 sealed as follows:

16 (A) Records identified as eligible under  
17 subsection (c) (2) (A) and (c) (2) (B) may be sealed at any  
18 time.

19 (B) Except as otherwise provided in subparagraph  
20 (E) of this paragraph (3), records identified as  
21 eligible under subsection (c) (2) (C) may be sealed 2  
22 years after the termination of petitioner's last  
23 sentence (as defined in subsection (a) (1) (F)).

24 (C) Except as otherwise provided in subparagraph  
25 (E) of this paragraph (3), records identified as  
26 eligible under subsections (c) (2) (D), (c) (2) (E), and

1 (c) (2) (F) may be sealed 3 years after the termination  
2 of the petitioner's last sentence (as defined in  
3 subsection (a) (1) (F)). Convictions requiring public  
4 registration under the Arsonist Registration Act, the  
5 Sex Offender Registration Act, or the Murderer and  
6 Violent Offender Against Youth Registration Act may  
7 not be sealed until the petitioner is no longer  
8 required to register under that relevant Act.

9 (D) Records identified in subsection  
10 (a) (3) (A) (iii) may be sealed after the petitioner has  
11 reached the age of 25 years.

12 (E) Records identified as eligible under  
13 subsections (c) (2) (C), (c) (2) (D), (c) (2) (E), or  
14 (c) (2) (F) may be sealed upon termination of the  
15 petitioner's last sentence if the petitioner earned a  
16 high school diploma, associate's degree, career  
17 certificate, vocational technical certification, or  
18 bachelor's degree, or passed the high school level Test  
19 of General Educational Development, during the period  
20 of his or her sentence, aftercare release, or mandatory  
21 supervised release. This subparagraph shall apply only  
22 to a petitioner who has not completed the same  
23 educational goal prior to the period of his or her  
24 sentence, aftercare release, or mandatory supervised  
25 release. If a petition for sealing eligible records  
26 filed under this subparagraph is denied by the court,

1           the time periods under subparagraph (B) or (C) shall  
2           apply to any subsequent petition for sealing filed by  
3           the petitioner.

4           (4) Subsequent felony convictions. A person may not  
5           have subsequent felony conviction records sealed as  
6           provided in this subsection (c) if he or she is convicted  
7           of any felony offense after the date of the sealing of  
8           prior felony convictions as provided in this subsection  
9           (c). The court may, upon conviction for a subsequent felony  
10          offense, order the unsealing of prior felony conviction  
11          records previously ordered sealed by the court.

12          (5) Notice of eligibility for sealing. Upon entry of a  
13          disposition for an eligible record under this subsection  
14          (c), the petitioner shall be informed by the court of the  
15          right to have the records sealed and the procedures for the  
16          sealing of the records.

17          (d) Procedure. The following procedures apply to  
18          expungement under subsections (b), (e), and (e-6) and sealing  
19          under subsections (c) and (e-5):

20          (1) Filing the petition. Upon becoming eligible to  
21          petition for the expungement or sealing of records under  
22          this Section, the petitioner shall file a petition  
23          requesting the expungement or sealing of records with the  
24          clerk of the court where the arrests occurred or the  
25          charges were brought, or both. If arrests occurred or  
26          charges were brought in multiple jurisdictions, a petition



1 must be filed in each such jurisdiction. The petitioner  
2 shall pay the applicable fee, except no fee shall be  
3 required if the petitioner has obtained a court order  
4 waiving fees under Supreme Court Rule 298 or it is  
5 otherwise waived.

6 (1.5) County fee waiver pilot program. In a county of  
7 3,000,000 or more inhabitants, no fee shall be required to  
8 be paid by a petitioner if the records sought to be  
9 expunged or sealed were arrests resulting in release  
10 without charging or arrests or charges not initiated by  
11 arrest resulting in acquittal, dismissal, or conviction  
12 when the conviction was reversed or vacated, unless  
13 excluded by subsection (a) (3) (B). The provisions of this  
14 paragraph (1.5), other than this sentence, are inoperative  
15 on and after January 1, 2019.

16 (2) Contents of petition. The petition shall be  
17 verified and shall contain the petitioner's name, date of  
18 birth, current address and, for each arrest or charge not  
19 initiated by arrest sought to be sealed or expunged, the  
20 case number, the date of arrest (if any), the identity of  
21 the arresting authority, and such other information as the  
22 court may require. During the pendency of the proceeding,  
23 the petitioner shall promptly notify the circuit court  
24 clerk of any change of his or her address. If the  
25 petitioner has received a certificate of eligibility for  
26 sealing from the Prisoner Review Board under paragraph (10)

1 of subsection (a) of Section 3-3-2 of the Unified Code of  
2 Corrections, the certificate shall be attached to the  
3 petition.

4 (3) Drug test. The petitioner must attach to the  
5 petition proof that the petitioner has passed a test taken  
6 within 30 days before the filing of the petition showing  
7 the absence within his or her body of all illegal  
8 substances as defined by the Illinois Controlled  
9 Substances Act, the Methamphetamine Control and Community  
10 Protection Act, and the Cannabis Control Act if he or she  
11 is petitioning to:

12 (A) seal felony records under clause (c) (2) (E);

13 (B) seal felony records for a violation of the  
14 Illinois Controlled Substances Act, the  
15 Methamphetamine Control and Community Protection Act,  
16 or the Cannabis Control Act under clause (c) (2) (F);

17 (C) seal felony records under subsection (e-5); or

18 (D) expunge felony records of a qualified  
19 probation under clause (b) (1) (iv).

20 (4) Service of petition. The circuit court clerk shall  
21 promptly serve a copy of the petition and documentation to  
22 support the petition under subsection (e-5) or (e-6) on the  
23 State's Attorney or prosecutor charged with the duty of  
24 prosecuting the offense, the Department of State Police,  
25 the arresting agency and the chief legal officer of the  
26 unit of local government effecting the arrest.

1 (5) Objections.

2 (A) Any party entitled to notice of the petition  
3 may file an objection to the petition. All objections  
4 shall be in writing, shall be filed with the circuit  
5 court clerk, and shall state with specificity the basis  
6 of the objection. Whenever a person who has been  
7 convicted of an offense is granted a pardon by the  
8 Governor which specifically authorizes expungement, an  
9 objection to the petition may not be filed.

10 (B) Objections to a petition to expunge or seal  
11 must be filed within 60 days of the date of service of  
12 the petition.

13 (6) Entry of order.

14 (A) The Chief Judge of the circuit wherein the  
15 charge was brought, any judge of that circuit  
16 designated by the Chief Judge, or in counties of less  
17 than 3,000,000 inhabitants, the presiding trial judge  
18 at the petitioner's trial, if any, shall rule on the  
19 petition to expunge or seal as set forth in this  
20 subsection (d) (6).

21 (B) Unless the State's Attorney or prosecutor, the  
22 Department of State Police, the arresting agency, or  
23 the chief legal officer files an objection to the  
24 petition to expunge or seal within 60 days from the  
25 date of service of the petition, the court shall enter  
26 an order granting or denying the petition.

1 (C) Notwithstanding any other provision of law,  
2 the court shall not deny a petition for sealing under  
3 this Section because the petitioner has not satisfied  
4 an outstanding legal financial obligation established,  
5 imposed, or originated by a court, law enforcement  
6 agency, or a municipal, State, county, or other unit of  
7 local government, including, but not limited to, any  
8 cost, assessment, fine, or fee. An outstanding legal  
9 financial obligation does not include any court  
10 ordered restitution to a victim under Section 5-5-6 of  
11 the Unified Code of Corrections, unless the  
12 restitution has been converted to a civil judgment.  
13 Nothing in this subparagraph (C) waives, rescinds, or  
14 abrogates a legal financial obligation or otherwise  
15 eliminates or affects the right of the holder of any  
16 financial obligation to pursue collection under  
17 applicable federal, State, or local law.

18 (7) Hearings. If an objection is filed, the court shall  
19 set a date for a hearing and notify the petitioner and all  
20 parties entitled to notice of the petition of the hearing  
21 date at least 30 days prior to the hearing. Prior to the  
22 hearing, the State's Attorney shall consult with the  
23 Department as to the appropriateness of the relief sought  
24 in the petition to expunge or seal. At the hearing, the  
25 court shall hear evidence on whether the petition should or  
26 should not be granted, and shall grant or deny the petition

1 to expunge or seal the records based on the evidence  
2 presented at the hearing. The court may consider the  
3 following:

4 (A) the strength of the evidence supporting the  
5 defendant's conviction;

6 (B) the reasons for retention of the conviction  
7 records by the State;

8 (C) the petitioner's age, criminal record history,  
9 and employment history;

10 (D) the period of time between the petitioner's  
11 arrest on the charge resulting in the conviction and  
12 the filing of the petition under this Section; and

13 (E) the specific adverse consequences the  
14 petitioner may be subject to if the petition is denied.

15 (8) Service of order. After entering an order to  
16 expunge or seal records, the court must provide copies of  
17 the order to the Department, in a form and manner  
18 prescribed by the Department, to the petitioner, to the  
19 State's Attorney or prosecutor charged with the duty of  
20 prosecuting the offense, to the arresting agency, to the  
21 chief legal officer of the unit of local government  
22 effecting the arrest, and to such other criminal justice  
23 agencies as may be ordered by the court.

24 (9) Implementation of order.

25 (A) Upon entry of an order to expunge records  
26 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

1 (i) the records shall be expunged (as defined  
2 in subsection (a)(1)(E)) by the arresting agency,  
3 the Department, and any other agency as ordered by  
4 the court, within 60 days of the date of service of  
5 the order, unless a motion to vacate, modify, or  
6 reconsider the order is filed pursuant to  
7 paragraph (12) of subsection (d) of this Section;

8 (ii) the records of the circuit court clerk  
9 shall be impounded until further order of the court  
10 upon good cause shown and the name of the  
11 petitioner obliterated on the official index  
12 required to be kept by the circuit court clerk  
13 under Section 16 of the Clerks of Courts Act, but  
14 the order shall not affect any index issued by the  
15 circuit court clerk before the entry of the order;  
16 and

17 (iii) in response to an inquiry for expunged  
18 records, the court, the Department, or the agency  
19 receiving such inquiry, shall reply as it does in  
20 response to inquiries when no records ever  
21 existed.

22 (B) Upon entry of an order to expunge records  
23 pursuant to (b)(2)(B)(i) or (b)(2)(C), or both:

24 (i) the records shall be expunged (as defined  
25 in subsection (a)(1)(E)) by the arresting agency  
26 and any other agency as ordered by the court,

1           within 60 days of the date of service of the order,  
2           unless a motion to vacate, modify, or reconsider  
3           the order is filed pursuant to paragraph (12) of  
4           subsection (d) of this Section;

5           (ii) the records of the circuit court clerk  
6           shall be impounded until further order of the court  
7           upon good cause shown and the name of the  
8           petitioner obliterated on the official index  
9           required to be kept by the circuit court clerk  
10          under Section 16 of the Clerks of Courts Act, but  
11          the order shall not affect any index issued by the  
12          circuit court clerk before the entry of the order;

13          (iii) the records shall be impounded by the  
14          Department within 60 days of the date of service of  
15          the order as ordered by the court, unless a motion  
16          to vacate, modify, or reconsider the order is filed  
17          pursuant to paragraph (12) of subsection (d) of  
18          this Section;

19          (iv) records impounded by the Department may  
20          be disseminated by the Department only as required  
21          by law or to the arresting authority, the State's  
22          Attorney, and the court upon a later arrest for the  
23          same or a similar offense or for the purpose of  
24          sentencing for any subsequent felony, and to the  
25          Department of Corrections upon conviction for any  
26          offense; and

1 (v) in response to an inquiry for such records  
2 from anyone not authorized by law to access such  
3 records, the court, the Department, or the agency  
4 receiving such inquiry shall reply as it does in  
5 response to inquiries when no records ever  
6 existed.

7 (B-5) Upon entry of an order to expunge records  
8 under subsection (e-6):

9 (i) the records shall be expunged (as defined  
10 in subsection (a)(1)(E)) by the arresting agency  
11 and any other agency as ordered by the court,  
12 within 60 days of the date of service of the order,  
13 unless a motion to vacate, modify, or reconsider  
14 the order is filed under paragraph (12) of  
15 subsection (d) of this Section;

16 (ii) the records of the circuit court clerk  
17 shall be impounded until further order of the court  
18 upon good cause shown and the name of the  
19 petitioner obliterated on the official index  
20 required to be kept by the circuit court clerk  
21 under Section 16 of the Clerks of Courts Act, but  
22 the order shall not affect any index issued by the  
23 circuit court clerk before the entry of the order;

24 (iii) the records shall be impounded by the  
25 Department within 60 days of the date of service of  
26 the order as ordered by the court, unless a motion



1 to vacate, modify, or reconsider the order is filed  
2 under paragraph (12) of subsection (d) of this  
3 Section;

4 (iv) records impounded by the Department may  
5 be disseminated by the Department only as required  
6 by law or to the arresting authority, the State's  
7 Attorney, and the court upon a later arrest for the  
8 same or a similar offense or for the purpose of  
9 sentencing for any subsequent felony, and to the  
10 Department of Corrections upon conviction for any  
11 offense; and

12 (v) in response to an inquiry for these records  
13 from anyone not authorized by law to access the  
14 records, the court, the Department, or the agency  
15 receiving the inquiry shall reply as it does in  
16 response to inquiries when no records ever  
17 existed.

18 (C) Upon entry of an order to seal records under  
19 subsection (c), the arresting agency, any other agency  
20 as ordered by the court, the Department, and the court  
21 shall seal the records (as defined in subsection  
22 (a) (1) (K)). In response to an inquiry for such records,  
23 from anyone not authorized by law to access such  
24 records, the court, the Department, or the agency  
25 receiving such inquiry shall reply as it does in  
26 response to inquiries when no records ever existed.

1           (D) The Department shall send written notice to the  
2 petitioner of its compliance with each order to expunge  
3 or seal records within 60 days of the date of service  
4 of that order or, if a motion to vacate, modify, or  
5 reconsider is filed, within 60 days of service of the  
6 order resolving the motion, if that order requires the  
7 Department to expunge or seal records. In the event of  
8 an appeal from the circuit court order, the Department  
9 shall send written notice to the petitioner of its  
10 compliance with an Appellate Court or Supreme Court  
11 judgment to expunge or seal records within 60 days of  
12 the issuance of the court's mandate. The notice is not  
13 required while any motion to vacate, modify, or  
14 reconsider, or any appeal or petition for  
15 discretionary appellate review, is pending.

16           (E) Upon motion, the court may order that a sealed  
17 judgment or other court record necessary to  
18 demonstrate the amount of any legal financial  
19 obligation due and owing be made available for the  
20 limited purpose of collecting any legal financial  
21 obligations owed by the petitioner that were  
22 established, imposed, or originated in the criminal  
23 proceeding for which those records have been sealed.  
24 The records made available under this subparagraph (E)  
25 shall not be entered into the official index required  
26 to be kept by the circuit court clerk under Section 16

1 of the Clerks of Courts Act and shall be immediately  
2 re-impounded upon the collection of the outstanding  
3 financial obligations.

4 (F) Notwithstanding any other provision of this  
5 Section, a circuit court clerk may access a sealed  
6 record for the limited purpose of collecting payment  
7 for any legal financial obligations that were  
8 established, imposed, or originated in the criminal  
9 proceedings for which those records have been sealed.

10 (10) Fees. The Department may charge the petitioner a  
11 fee equivalent to the cost of processing any order to  
12 expunge or seal records. Notwithstanding any provision of  
13 the Clerks of Courts Act to the contrary, the circuit court  
14 clerk may charge a fee equivalent to the cost associated  
15 with the sealing or expungement of records by the circuit  
16 court clerk. From the total filing fee collected for the  
17 petition to seal or expunge, the circuit court clerk shall  
18 deposit \$10 into the Circuit Court Clerk Operation and  
19 Administrative Fund, to be used to offset the costs  
20 incurred by the circuit court clerk in performing the  
21 additional duties required to serve the petition to seal or  
22 expunge on all parties. The circuit court clerk shall  
23 collect and forward the Department of State Police portion  
24 of the fee to the Department and it shall be deposited in  
25 the State Police Services Fund. If the record brought under  
26 an expungement petition was previously sealed under this

1 Section, the fee for the expungement petition for that same  
2 record shall be waived.

3 (11) Final Order. No court order issued under the  
4 expungement or sealing provisions of this Section shall  
5 become final for purposes of appeal until 30 days after  
6 service of the order on the petitioner and all parties  
7 entitled to notice of the petition.

8 (12) Motion to Vacate, Modify, or Reconsider. Under  
9 Section 2-1203 of the Code of Civil Procedure, the  
10 petitioner or any party entitled to notice may file a  
11 motion to vacate, modify, or reconsider the order granting  
12 or denying the petition to expunge or seal within 60 days  
13 of service of the order. If filed more than 60 days after  
14 service of the order, a petition to vacate, modify, or  
15 reconsider shall comply with subsection (c) of Section  
16 2-1401 of the Code of Civil Procedure. Upon filing of a  
17 motion to vacate, modify, or reconsider, notice of the  
18 motion shall be served upon the petitioner and all parties  
19 entitled to notice of the petition.

20 (13) Effect of Order. An order granting a petition  
21 under the expungement or sealing provisions of this Section  
22 shall not be considered void because it fails to comply  
23 with the provisions of this Section or because of any error  
24 asserted in a motion to vacate, modify, or reconsider. The  
25 circuit court retains jurisdiction to determine whether  
26 the order is voidable and to vacate, modify, or reconsider

1 its terms based on a motion filed under paragraph (12) of  
2 this subsection (d).

3 (14) Compliance with Order Granting Petition to Seal  
4 Records. Unless a court has entered a stay of an order  
5 granting a petition to seal, all parties entitled to notice  
6 of the petition must fully comply with the terms of the  
7 order within 60 days of service of the order even if a  
8 party is seeking relief from the order through a motion  
9 filed under paragraph (12) of this subsection (d) or is  
10 appealing the order.

11 (15) Compliance with Order Granting Petition to  
12 Expunge Records. While a party is seeking relief from the  
13 order granting the petition to expunge through a motion  
14 filed under paragraph (12) of this subsection (d) or is  
15 appealing the order, and unless a court has entered a stay  
16 of that order, the parties entitled to notice of the  
17 petition must seal, but need not expunge, the records until  
18 there is a final order on the motion for relief or, in the  
19 case of an appeal, the issuance of that court's mandate.

20 (16) The changes to this subsection (d) made by Public  
21 Act 98-163 apply to all petitions pending on August 5, 2013  
22 (the effective date of Public Act 98-163) and to all orders  
23 ruling on a petition to expunge or seal on or after August  
24 5, 2013 (the effective date of Public Act 98-163).

25 (e) Whenever a person who has been convicted of an offense  
26 is granted a pardon by the Governor which specifically

1 authorizes expungement, he or she may, upon verified petition  
2 to the Chief Judge of the circuit where the person had been  
3 convicted, any judge of the circuit designated by the Chief  
4 Judge, or in counties of less than 3,000,000 inhabitants, the  
5 presiding trial judge at the defendant's trial, have a court  
6 order entered expunging the record of arrest from the official  
7 records of the arresting authority and order that the records  
8 of the circuit court clerk and the Department be sealed until  
9 further order of the court upon good cause shown or as  
10 otherwise provided herein, and the name of the defendant  
11 obliterated from the official index requested to be kept by the  
12 circuit court clerk under Section 16 of the Clerks of Courts  
13 Act in connection with the arrest and conviction for the  
14 offense for which he or she had been pardoned but the order  
15 shall not affect any index issued by the circuit court clerk  
16 before the entry of the order. All records sealed by the  
17 Department may be disseminated by the Department only to the  
18 arresting authority, the State's Attorney, and the court upon a  
19 later arrest for the same or similar offense or for the purpose  
20 of sentencing for any subsequent felony. Upon conviction for  
21 any subsequent offense, the Department of Corrections shall  
22 have access to all sealed records of the Department pertaining  
23 to that individual. Upon entry of the order of expungement, the  
24 circuit court clerk shall promptly mail a copy of the order to  
25 the person who was pardoned.

26 (e-5) Whenever a person who has been convicted of an

1 offense is granted a certificate of eligibility for sealing by  
2 the Prisoner Review Board which specifically authorizes  
3 sealing, he or she may, upon verified petition to the Chief  
4 Judge of the circuit where the person had been convicted, any  
5 judge of the circuit designated by the Chief Judge, or in  
6 counties of less than 3,000,000 inhabitants, the presiding  
7 trial judge at the petitioner's trial, have a court order  
8 entered sealing the record of arrest from the official records  
9 of the arresting authority and order that the records of the  
10 circuit court clerk and the Department be sealed until further  
11 order of the court upon good cause shown or as otherwise  
12 provided herein, and the name of the petitioner obliterated  
13 from the official index requested to be kept by the circuit  
14 court clerk under Section 16 of the Clerks of Courts Act in  
15 connection with the arrest and conviction for the offense for  
16 which he or she had been granted the certificate but the order  
17 shall not affect any index issued by the circuit court clerk  
18 before the entry of the order. All records sealed by the  
19 Department may be disseminated by the Department only as  
20 required by this Act or to the arresting authority, a law  
21 enforcement agency, the State's Attorney, and the court upon a  
22 later arrest for the same or similar offense or for the purpose  
23 of sentencing for any subsequent felony. Upon conviction for  
24 any subsequent offense, the Department of Corrections shall  
25 have access to all sealed records of the Department pertaining  
26 to that individual. Upon entry of the order of sealing, the

1 circuit court clerk shall promptly mail a copy of the order to  
2 the person who was granted the certificate of eligibility for  
3 sealing.

4 (e-6) Whenever a person who has been convicted of an  
5 offense is granted a certificate of eligibility for expungement  
6 by the Prisoner Review Board which specifically authorizes  
7 expungement, he or she may, upon verified petition to the Chief  
8 Judge of the circuit where the person had been convicted, any  
9 judge of the circuit designated by the Chief Judge, or in  
10 counties of less than 3,000,000 inhabitants, the presiding  
11 trial judge at the petitioner's trial, have a court order  
12 entered expunging the record of arrest from the official  
13 records of the arresting authority and order that the records  
14 of the circuit court clerk and the Department be sealed until  
15 further order of the court upon good cause shown or as  
16 otherwise provided herein, and the name of the petitioner  
17 obliterated from the official index requested to be kept by the  
18 circuit court clerk under Section 16 of the Clerks of Courts  
19 Act in connection with the arrest and conviction for the  
20 offense for which he or she had been granted the certificate  
21 but the order shall not affect any index issued by the circuit  
22 court clerk before the entry of the order. All records sealed  
23 by the Department may be disseminated by the Department only as  
24 required by this Act or to the arresting authority, a law  
25 enforcement agency, the State's Attorney, and the court upon a  
26 later arrest for the same or similar offense or for the purpose



1 of sentencing for any subsequent felony. Upon conviction for  
2 any subsequent offense, the Department of Corrections shall  
3 have access to all expunged records of the Department  
4 pertaining to that individual. Upon entry of the order of  
5 expungement, the circuit court clerk shall promptly mail a copy  
6 of the order to the person who was granted the certificate of  
7 eligibility for expungement.

8 (f) Subject to available funding, the Illinois Department  
9 of Corrections shall conduct a study of the impact of sealing,  
10 especially on employment and recidivism rates, utilizing a  
11 random sample of those who apply for the sealing of their  
12 criminal records under Public Act 93-211. At the request of the  
13 Illinois Department of Corrections, records of the Illinois  
14 Department of Employment Security shall be utilized as  
15 appropriate to assist in the study. The study shall not  
16 disclose any data in a manner that would allow the  
17 identification of any particular individual or employing unit.  
18 The study shall be made available to the General Assembly no  
19 later than September 1, 2010.

20 (g) Immediate Sealing.

21 (1) Applicability. Notwithstanding any other provision  
22 of this Act to the contrary, and cumulative with any rights  
23 to expungement or sealing of criminal records, this  
24 subsection authorizes the immediate sealing of criminal  
25 records of adults and of minors prosecuted as adults.

26 (2) Eligible Records. Arrests or charges not initiated

1 by arrest resulting in acquittal or dismissal with  
2 prejudice, except as excluded by subsection (a)(3)(B),  
3 that occur on or after January 1, 2018 (the effective date  
4 of Public Act 100-282), may be sealed immediately if the  
5 petition is filed with the circuit court clerk on the same  
6 day and during the same hearing in which the case is  
7 disposed.

8 (3) When Records are Eligible to be Immediately Sealed.  
9 Eligible records under paragraph (2) of this subsection (g)  
10 may be sealed immediately after entry of the final  
11 disposition of a case, notwithstanding the disposition of  
12 other charges in the same case.

13 (4) Notice of Eligibility for Immediate Sealing. Upon  
14 entry of a disposition for an eligible record under this  
15 subsection (g), the defendant shall be informed by the  
16 court of his or her right to have eligible records  
17 immediately sealed and the procedure for the immediate  
18 sealing of these records.

19 (5) Procedure. The following procedures apply to  
20 immediate sealing under this subsection (g).

21 (A) Filing the Petition. Upon entry of the final  
22 disposition of the case, the defendant's attorney may  
23 immediately petition the court, on behalf of the  
24 defendant, for immediate sealing of eligible records  
25 under paragraph (2) of this subsection (g) that are  
26 entered on or after January 1, 2018 (the effective date

1 of Public Act 100-282). The immediate sealing petition  
2 may be filed with the circuit court clerk during the  
3 hearing in which the final disposition of the case is  
4 entered. If the defendant's attorney does not file the  
5 petition for immediate sealing during the hearing, the  
6 defendant may file a petition for sealing at any time  
7 as authorized under subsection (c) (3) (A).

8 (B) Contents of Petition. The immediate sealing  
9 petition shall be verified and shall contain the  
10 petitioner's name, date of birth, current address, and  
11 for each eligible record, the case number, the date of  
12 arrest if applicable, the identity of the arresting  
13 authority if applicable, and other information as the  
14 court may require.

15 (C) Drug Test. The petitioner shall not be required  
16 to attach proof that he or she has passed a drug test.

17 (D) Service of Petition. A copy of the petition  
18 shall be served on the State's Attorney in open court.  
19 The petitioner shall not be required to serve a copy of  
20 the petition on any other agency.

21 (E) Entry of Order. The presiding trial judge shall  
22 enter an order granting or denying the petition for  
23 immediate sealing during the hearing in which it is  
24 filed. Petitions for immediate sealing shall be ruled  
25 on in the same hearing in which the final disposition  
26 of the case is entered.

1 (F) Hearings. The court shall hear the petition for  
2 immediate sealing on the same day and during the same  
3 hearing in which the disposition is rendered.

4 (G) Service of Order. An order to immediately seal  
5 eligible records shall be served in conformance with  
6 subsection (d) (8).

7 (H) Implementation of Order. An order to  
8 immediately seal records shall be implemented in  
9 conformance with subsections (d) (9) (C) and (d) (9) (D).

10 (I) Fees. The fee imposed by the circuit court  
11 clerk and the Department of State Police shall comply  
12 with paragraph (1) of subsection (d) of this Section.

13 (J) Final Order. No court order issued under this  
14 subsection (g) shall become final for purposes of  
15 appeal until 30 days after service of the order on the  
16 petitioner and all parties entitled to service of the  
17 order in conformance with subsection (d) (8).

18 (K) Motion to Vacate, Modify, or Reconsider. Under  
19 Section 2-1203 of the Code of Civil Procedure, the  
20 petitioner, State's Attorney, or the Department of  
21 State Police may file a motion to vacate, modify, or  
22 reconsider the order denying the petition to  
23 immediately seal within 60 days of service of the  
24 order. If filed more than 60 days after service of the  
25 order, a petition to vacate, modify, or reconsider  
26 shall comply with subsection (c) of Section 2-1401 of

1 the Code of Civil Procedure.

2 (L) Effect of Order. An order granting an immediate  
3 sealing petition shall not be considered void because  
4 it fails to comply with the provisions of this Section  
5 or because of an error asserted in a motion to vacate,  
6 modify, or reconsider. The circuit court retains  
7 jurisdiction to determine whether the order is  
8 voidable, and to vacate, modify, or reconsider its  
9 terms based on a motion filed under subparagraph (L) of  
10 this subsection (g).

11 (M) Compliance with Order Granting Petition to  
12 Seal Records. Unless a court has entered a stay of an  
13 order granting a petition to immediately seal, all  
14 parties entitled to service of the order must fully  
15 comply with the terms of the order within 60 days of  
16 service of the order.

17 (h) Sealing; trafficking victims.

18 (1) A trafficking victim as defined by paragraph (10)  
19 of subsection (a) of Section 10-9 of the Criminal Code of  
20 2012 shall be eligible to petition for immediate sealing of  
21 his or her criminal record upon the completion of his or  
22 her last sentence if his or her participation in the  
23 underlying offense was a direct result of human trafficking  
24 under Section 10-9 of the Criminal Code of 2012 or a severe  
25 form of trafficking under the federal Trafficking Victims  
26 Protection Act.

1           (2) A petitioner under this subsection (h), in addition  
2 to the requirements provided under paragraph (4) of  
3 subsection (d) of this Section, shall include in his or her  
4 petition a clear and concise statement that: (A) he or she  
5 was a victim of human trafficking at the time of the  
6 offense; and (B) that his or her participation in the  
7 offense was a direct result of human trafficking under  
8 Section 10-9 of the Criminal Code of 2012 or a severe form  
9 of trafficking under the federal Trafficking Victims  
10 Protection Act.

11           (3) If an objection is filed alleging that the  
12 petitioner is not entitled to immediate sealing under this  
13 subsection (h), the court shall conduct a hearing under  
14 paragraph (7) of subsection (d) of this Section and the  
15 court shall determine whether the petitioner is entitled to  
16 immediate sealing under this subsection (h). A petitioner  
17 is eligible for immediate relief under this subsection (h)  
18 if he or she shows, by a preponderance of the evidence,  
19 that: (A) he or she was a victim of human trafficking at  
20 the time of the offense; and (B) that his or her  
21 participation in the offense was a direct result of human  
22 trafficking under Section 10-9 of the Criminal Code of 2012  
23 or a severe form of trafficking under the federal  
24 Trafficking Victims Protection Act.

25           (Source: P.A. 99-78, eff. 7-20-15; 99-378, eff. 1-1-16; 99-385,  
26 eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff. 7-29-16;

1 99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-282, eff.  
2 1-1-18; 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692,  
3 eff. 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18;  
4 100-863, eff. 8-14-18; revised 8-30-18.)

5 Section 910. The State Finance Act is amended by adding  
6 Sections 5.891 and 5.892 as follows:

7 (30 ILCS 105/5.891 new)

8 Sec. 5.891. The Cannabis Excise Tax Fund.

9 (30 ILCS 105/5.892 new)

10 Sec. 5.892. The Cannabis Regulation Fund.

11 Section 915. The Illinois Income Tax Act is amended by  
12 changing Section 203 as follows:

13 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

14 Sec. 203. Base income defined.

15 (a) Individuals.

16 (1) In general. In the case of an individual, base  
17 income means an amount equal to the taxpayer's adjusted  
18 gross income for the taxable year as modified by paragraph  
19 (2).

20 (2) Modifications. The adjusted gross income referred  
21 to in paragraph (1) shall be modified by adding thereto the

1           sum of the following amounts:

2                   (A) An amount equal to all amounts paid or accrued  
3                   to the taxpayer as interest or dividends during the  
4                   taxable year to the extent excluded from gross income  
5                   in the computation of adjusted gross income, except  
6                   stock dividends of qualified public utilities  
7                   described in Section 305(e) of the Internal Revenue  
8                   Code;

9                   (B) An amount equal to the amount of tax imposed by  
10                   this Act to the extent deducted from gross income in  
11                   the computation of adjusted gross income for the  
12                   taxable year;

13                   (C) An amount equal to the amount received during  
14                   the taxable year as a recovery or refund of real  
15                   property taxes paid with respect to the taxpayer's  
16                   principal residence under the Revenue Act of 1939 and  
17                   for which a deduction was previously taken under  
18                   subparagraph (L) of this paragraph (2) prior to July 1,  
19                   1991, the retrospective application date of Article 4  
20                   of Public Act 87-17. In the case of multi-unit or  
21                   multi-use structures and farm dwellings, the taxes on  
22                   the taxpayer's principal residence shall be that  
23                   portion of the total taxes for the entire property  
24                   which is attributable to such principal residence;

25                   (D) An amount equal to the amount of the capital  
26                   gain deduction allowable under the Internal Revenue



1 Code, to the extent deducted from gross income in the  
2 computation of adjusted gross income;

3 (D-5) An amount, to the extent not included in  
4 adjusted gross income, equal to the amount of money  
5 withdrawn by the taxpayer in the taxable year from a  
6 medical care savings account and the interest earned on  
7 the account in the taxable year of a withdrawal  
8 pursuant to subsection (b) of Section 20 of the Medical  
9 Care Savings Account Act or subsection (b) of Section  
10 20 of the Medical Care Savings Account Act of 2000;

11 (D-10) For taxable years ending after December 31,  
12 1997, an amount equal to any eligible remediation costs  
13 that the individual deducted in computing adjusted  
14 gross income and for which the individual claims a  
15 credit under subsection (l) of Section 201;

16 (D-15) For taxable years 2001 and thereafter, an  
17 amount equal to the bonus depreciation deduction taken  
18 on the taxpayer's federal income tax return for the  
19 taxable year under subsection (k) of Section 168 of the  
20 Internal Revenue Code;

21 (D-16) If the taxpayer sells, transfers, abandons,  
22 or otherwise disposes of property for which the  
23 taxpayer was required in any taxable year to make an  
24 addition modification under subparagraph (D-15), then  
25 an amount equal to the aggregate amount of the  
26 deductions taken in all taxable years under

1           subparagraph (Z) with respect to that property.

2           If the taxpayer continues to own property through  
3           the last day of the last tax year for which the  
4           taxpayer may claim a depreciation deduction for  
5           federal income tax purposes and for which the taxpayer  
6           was allowed in any taxable year to make a subtraction  
7           modification under subparagraph (Z), then an amount  
8           equal to that subtraction modification.

9           The taxpayer is required to make the addition  
10          modification under this subparagraph only once with  
11          respect to any one piece of property;

12          (D-17) An amount equal to the amount otherwise  
13          allowed as a deduction in computing base income for  
14          interest paid, accrued, or incurred, directly or  
15          indirectly, (i) for taxable years ending on or after  
16          December 31, 2004, to a foreign person who would be a  
17          member of the same unitary business group but for the  
18          fact that foreign person's business activity outside  
19          the United States is 80% or more of the foreign  
20          person's total business activity and (ii) for taxable  
21          years ending on or after December 31, 2008, to a person  
22          who would be a member of the same unitary business  
23          group but for the fact that the person is prohibited  
24          under Section 1501(a)(27) from being included in the  
25          unitary business group because he or she is ordinarily  
26          required to apportion business income under different

1 subsections of Section 304. The addition modification  
2 required by this subparagraph shall be reduced to the  
3 extent that dividends were included in base income of  
4 the unitary group for the same taxable year and  
5 received by the taxpayer or by a member of the  
6 taxpayer's unitary business group (including amounts  
7 included in gross income under Sections 951 through 964  
8 of the Internal Revenue Code and amounts included in  
9 gross income under Section 78 of the Internal Revenue  
10 Code) with respect to the stock of the same person to  
11 whom the interest was paid, accrued, or incurred.

12 This paragraph shall not apply to the following:

13 (i) an item of interest paid, accrued, or  
14 incurred, directly or indirectly, to a person who  
15 is subject in a foreign country or state, other  
16 than a state which requires mandatory unitary  
17 reporting, to a tax on or measured by net income  
18 with respect to such interest; or

19 (ii) an item of interest paid, accrued, or  
20 incurred, directly or indirectly, to a person if  
21 the taxpayer can establish, based on a  
22 preponderance of the evidence, both of the  
23 following:

24 (a) the person, during the same taxable  
25 year, paid, accrued, or incurred, the interest  
26 to a person that is not a related member, and

1 (b) the transaction giving rise to the  
2 interest expense between the taxpayer and the  
3 person did not have as a principal purpose the  
4 avoidance of Illinois income tax, and is paid  
5 pursuant to a contract or agreement that  
6 reflects an arm's-length interest rate and  
7 terms; or

8 (iii) the taxpayer can establish, based on  
9 clear and convincing evidence, that the interest  
10 paid, accrued, or incurred relates to a contract or  
11 agreement entered into at arm's-length rates and  
12 terms and the principal purpose for the payment is  
13 not federal or Illinois tax avoidance; or

14 (iv) an item of interest paid, accrued, or  
15 incurred, directly or indirectly, to a person if  
16 the taxpayer establishes by clear and convincing  
17 evidence that the adjustments are unreasonable; or  
18 if the taxpayer and the Director agree in writing  
19 to the application or use of an alternative method  
20 of apportionment under Section 304(f).

21 Nothing in this subsection shall preclude the  
22 Director from making any other adjustment  
23 otherwise allowed under Section 404 of this Act for  
24 any tax year beginning after the effective date of  
25 this amendment provided such adjustment is made  
26 pursuant to regulation adopted by the Department

1           and such regulations provide methods and standards  
2           by which the Department will utilize its authority  
3           under Section 404 of this Act;

4           (D-18) An amount equal to the amount of intangible  
5           expenses and costs otherwise allowed as a deduction in  
6           computing base income, and that were paid, accrued, or  
7           incurred, directly or indirectly, (i) for taxable  
8           years ending on or after December 31, 2004, to a  
9           foreign person who would be a member of the same  
10          unitary business group but for the fact that the  
11          foreign person's business activity outside the United  
12          States is 80% or more of that person's total business  
13          activity and (ii) for taxable years ending on or after  
14          December 31, 2008, to a person who would be a member of  
15          the same unitary business group but for the fact that  
16          the person is prohibited under Section 1501(a)(27)  
17          from being included in the unitary business group  
18          because he or she is ordinarily required to apportion  
19          business income under different subsections of Section  
20          304. The addition modification required by this  
21          subparagraph shall be reduced to the extent that  
22          dividends were included in base income of the unitary  
23          group for the same taxable year and received by the  
24          taxpayer or by a member of the taxpayer's unitary  
25          business group (including amounts included in gross  
26          income under Sections 951 through 964 of the Internal

1 Revenue Code and amounts included in gross income under  
2 Section 78 of the Internal Revenue Code) with respect  
3 to the stock of the same person to whom the intangible  
4 expenses and costs were directly or indirectly paid,  
5 incurred, or accrued. The preceding sentence does not  
6 apply to the extent that the same dividends caused a  
7 reduction to the addition modification required under  
8 Section 203(a)(2)(D-17) of this Act. As used in this  
9 subparagraph, the term "intangible expenses and costs"  
10 includes (1) expenses, losses, and costs for, or  
11 related to, the direct or indirect acquisition, use,  
12 maintenance or management, ownership, sale, exchange,  
13 or any other disposition of intangible property; (2)  
14 losses incurred, directly or indirectly, from  
15 factoring transactions or discounting transactions;  
16 (3) royalty, patent, technical, and copyright fees;  
17 (4) licensing fees; and (5) other similar expenses and  
18 costs. For purposes of this subparagraph, "intangible  
19 property" includes patents, patent applications, trade  
20 names, trademarks, service marks, copyrights, mask  
21 works, trade secrets, and similar types of intangible  
22 assets.

23 This paragraph shall not apply to the following:

24 (i) any item of intangible expenses or costs  
25 paid, accrued, or incurred, directly or  
26 indirectly, from a transaction with a person who is

1 subject in a foreign country or state, other than a  
2 state which requires mandatory unitary reporting,  
3 to a tax on or measured by net income with respect  
4 to such item; or

5 (ii) any item of intangible expense or cost  
6 paid, accrued, or incurred, directly or  
7 indirectly, if the taxpayer can establish, based  
8 on a preponderance of the evidence, both of the  
9 following:

10 (a) the person during the same taxable  
11 year paid, accrued, or incurred, the  
12 intangible expense or cost to a person that is  
13 not a related member, and

14 (b) the transaction giving rise to the  
15 intangible expense or cost between the  
16 taxpayer and the person did not have as a  
17 principal purpose the avoidance of Illinois  
18 income tax, and is paid pursuant to a contract  
19 or agreement that reflects arm's-length terms;

20 or

21 (iii) any item of intangible expense or cost  
22 paid, accrued, or incurred, directly or  
23 indirectly, from a transaction with a person if the  
24 taxpayer establishes by clear and convincing  
25 evidence, that the adjustments are unreasonable;  
26 or if the taxpayer and the Director agree in

1 writing to the application or use of an alternative  
2 method of apportionment under Section 304(f);

3 Nothing in this subsection shall preclude the  
4 Director from making any other adjustment  
5 otherwise allowed under Section 404 of this Act for  
6 any tax year beginning after the effective date of  
7 this amendment provided such adjustment is made  
8 pursuant to regulation adopted by the Department  
9 and such regulations provide methods and standards  
10 by which the Department will utilize its authority  
11 under Section 404 of this Act;

12 (D-19) For taxable years ending on or after  
13 December 31, 2008, an amount equal to the amount of  
14 insurance premium expenses and costs otherwise allowed  
15 as a deduction in computing base income, and that were  
16 paid, accrued, or incurred, directly or indirectly, to  
17 a person who would be a member of the same unitary  
18 business group but for the fact that the person is  
19 prohibited under Section 1501(a)(27) from being  
20 included in the unitary business group because he or  
21 she is ordinarily required to apportion business  
22 income under different subsections of Section 304. The  
23 addition modification required by this subparagraph  
24 shall be reduced to the extent that dividends were  
25 included in base income of the unitary group for the  
26 same taxable year and received by the taxpayer or by a



1 member of the taxpayer's unitary business group  
2 (including amounts included in gross income under  
3 Sections 951 through 964 of the Internal Revenue Code  
4 and amounts included in gross income under Section 78  
5 of the Internal Revenue Code) with respect to the stock  
6 of the same person to whom the premiums and costs were  
7 directly or indirectly paid, incurred, or accrued. The  
8 preceding sentence does not apply to the extent that  
9 the same dividends caused a reduction to the addition  
10 modification required under Section 203(a)(2)(D-17) or  
11 Section 203(a)(2)(D-18) of this Act.

12 (D-20) For taxable years beginning on or after  
13 January 1, 2002 and ending on or before December 31,  
14 2006, in the case of a distribution from a qualified  
15 tuition program under Section 529 of the Internal  
16 Revenue Code, other than (i) a distribution from a  
17 College Savings Pool created under Section 16.5 of the  
18 State Treasurer Act or (ii) a distribution from the  
19 Illinois Prepaid Tuition Trust Fund, an amount equal to  
20 the amount excluded from gross income under Section  
21 529(c)(3)(B). For taxable years beginning on or after  
22 January 1, 2007, in the case of a distribution from a  
23 qualified tuition program under Section 529 of the  
24 Internal Revenue Code, other than (i) a distribution  
25 from a College Savings Pool created under Section 16.5  
26 of the State Treasurer Act, (ii) a distribution from

1 the Illinois Prepaid Tuition Trust Fund, or (iii) a  
2 distribution from a qualified tuition program under  
3 Section 529 of the Internal Revenue Code that (I)  
4 adopts and determines that its offering materials  
5 comply with the College Savings Plans Network's  
6 disclosure principles and (II) has made reasonable  
7 efforts to inform in-state residents of the existence  
8 of in-state qualified tuition programs by informing  
9 Illinois residents directly and, where applicable, to  
10 inform financial intermediaries distributing the  
11 program to inform in-state residents of the existence  
12 of in-state qualified tuition programs at least  
13 annually, an amount equal to the amount excluded from  
14 gross income under Section 529(c)(3)(B).

15 For the purposes of this subparagraph (D-20), a  
16 qualified tuition program has made reasonable efforts  
17 if it makes disclosures (which may use the term  
18 "in-state program" or "in-state plan" and need not  
19 specifically refer to Illinois or its qualified  
20 programs by name) (i) directly to prospective  
21 participants in its offering materials or makes a  
22 public disclosure, such as a website posting; and (ii)  
23 where applicable, to intermediaries selling the  
24 out-of-state program in the same manner that the  
25 out-of-state program distributes its offering  
26 materials;

1 (D-20.5) For taxable years beginning on or after  
2 January 1, 2018, in the case of a distribution from a  
3 qualified ABLE program under Section 529A of the  
4 Internal Revenue Code, other than a distribution from a  
5 qualified ABLE program created under Section 16.6 of  
6 the State Treasurer Act, an amount equal to the amount  
7 excluded from gross income under Section 529A(c) (1) (B)  
8 of the Internal Revenue Code;

9 (D-21) For taxable years beginning on or after  
10 January 1, 2007, in the case of transfer of moneys from  
11 a qualified tuition program under Section 529 of the  
12 Internal Revenue Code that is administered by the State  
13 to an out-of-state program, an amount equal to the  
14 amount of moneys previously deducted from base income  
15 under subsection (a) (2) (Y) of this Section;

16 (D-21.5) For taxable years beginning on or after  
17 January 1, 2018, in the case of the transfer of moneys  
18 from a qualified tuition program under Section 529 or a  
19 qualified ABLE program under Section 529A of the  
20 Internal Revenue Code that is administered by this  
21 State to an ABLE account established under an  
22 out-of-state ABLE account program, an amount equal to  
23 the contribution component of the transferred amount  
24 that was previously deducted from base income under  
25 subsection (a) (2) (Y) or subsection (a) (2) (HH) of this  
26 Section;

1 (D-22) For taxable years beginning on or after  
2 January 1, 2009, and prior to January 1, 2018, in the  
3 case of a nonqualified withdrawal or refund of moneys  
4 from a qualified tuition program under Section 529 of  
5 the Internal Revenue Code administered by the State  
6 that is not used for qualified expenses at an eligible  
7 education institution, an amount equal to the  
8 contribution component of the nonqualified withdrawal  
9 or refund that was previously deducted from base income  
10 under subsection (a)(2)(y) of this Section, provided  
11 that the withdrawal or refund did not result from the  
12 beneficiary's death or disability. For taxable years  
13 beginning on or after January 1, 2018: (1) in the case  
14 of a nonqualified withdrawal or refund, as defined  
15 under Section 16.5 of the State Treasurer Act, of  
16 moneys from a qualified tuition program under Section  
17 529 of the Internal Revenue Code administered by the  
18 State, an amount equal to the contribution component of  
19 the nonqualified withdrawal or refund that was  
20 previously deducted from base income under subsection  
21 (a)(2)(Y) of this Section, and (2) in the case of a  
22 nonqualified withdrawal or refund from a qualified  
23 ABLE program under Section 529A of the Internal Revenue  
24 Code administered by the State that is not used for  
25 qualified disability expenses, an amount equal to the  
26 contribution component of the nonqualified withdrawal

1 or refund that was previously deducted from base income  
2 under subsection (a) (2) (HH) of this Section;

3 (D-23) An amount equal to the credit allowable to  
4 the taxpayer under Section 218(a) of this Act,  
5 determined without regard to Section 218(c) of this  
6 Act;

7 (D-24) For taxable years ending on or after  
8 December 31, 2017, an amount equal to the deduction  
9 allowed under Section 199 of the Internal Revenue Code  
10 for the taxable year;

11 and by deducting from the total so obtained the sum of the  
12 following amounts:

13 (E) For taxable years ending before December 31,  
14 2001, any amount included in such total in respect of  
15 any compensation (including but not limited to any  
16 compensation paid or accrued to a serviceman while a  
17 prisoner of war or missing in action) paid to a  
18 resident by reason of being on active duty in the Armed  
19 Forces of the United States and in respect of any  
20 compensation paid or accrued to a resident who as a  
21 governmental employee was a prisoner of war or missing  
22 in action, and in respect of any compensation paid to a  
23 resident in 1971 or thereafter for annual training  
24 performed pursuant to Sections 502 and 503, Title 32,  
25 United States Code as a member of the Illinois National  
26 Guard or, beginning with taxable years ending on or

1 after December 31, 2007, the National Guard of any  
2 other state. For taxable years ending on or after  
3 December 31, 2001, any amount included in such total in  
4 respect of any compensation (including but not limited  
5 to any compensation paid or accrued to a serviceman  
6 while a prisoner of war or missing in action) paid to a  
7 resident by reason of being a member of any component  
8 of the Armed Forces of the United States and in respect  
9 of any compensation paid or accrued to a resident who  
10 as a governmental employee was a prisoner of war or  
11 missing in action, and in respect of any compensation  
12 paid to a resident in 2001 or thereafter by reason of  
13 being a member of the Illinois National Guard or,  
14 beginning with taxable years ending on or after  
15 December 31, 2007, the National Guard of any other  
16 state. The provisions of this subparagraph (E) are  
17 exempt from the provisions of Section 250;

18 (F) An amount equal to all amounts included in such  
19 total pursuant to the provisions of Sections 402(a),  
20 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the  
21 Internal Revenue Code, or included in such total as  
22 distributions under the provisions of any retirement  
23 or disability plan for employees of any governmental  
24 agency or unit, or retirement payments to retired  
25 partners, which payments are excluded in computing net  
26 earnings from self employment by Section 1402 of the

1 Internal Revenue Code and regulations adopted pursuant  
2 thereto;

3 (G) The valuation limitation amount;

4 (H) An amount equal to the amount of any tax  
5 imposed by this Act which was refunded to the taxpayer  
6 and included in such total for the taxable year;

7 (I) An amount equal to all amounts included in such  
8 total pursuant to the provisions of Section 111 of the  
9 Internal Revenue Code as a recovery of items previously  
10 deducted from adjusted gross income in the computation  
11 of taxable income;

12 (J) An amount equal to those dividends included in  
13 such total which were paid by a corporation which  
14 conducts business operations in a River Edge  
15 Redevelopment Zone or zones created under the River  
16 Edge Redevelopment Zone Act, and conducts  
17 substantially all of its operations in a River Edge  
18 Redevelopment Zone or zones. This subparagraph (J) is  
19 exempt from the provisions of Section 250;

20 (K) An amount equal to those dividends included in  
21 such total that were paid by a corporation that  
22 conducts business operations in a federally designated  
23 Foreign Trade Zone or Sub-Zone and that is designated a  
24 High Impact Business located in Illinois; provided  
25 that dividends eligible for the deduction provided in  
26 subparagraph (J) of paragraph (2) of this subsection

1 shall not be eligible for the deduction provided under  
2 this subparagraph (K);

3 (L) For taxable years ending after December 31,  
4 1983, an amount equal to all social security benefits  
5 and railroad retirement benefits included in such  
6 total pursuant to Sections 72(r) and 86 of the Internal  
7 Revenue Code;

8 (M) With the exception of any amounts subtracted  
9 under subparagraph (N), an amount equal to the sum of  
10 all amounts disallowed as deductions by (i) Sections  
11 171(a)(2), and 265(a)(2) ~~265(2)~~ of the Internal  
12 Revenue Code, and all amounts of expenses allocable to  
13 interest and disallowed as deductions by Section  
14 265(a)(1) ~~265(1)~~ of the Internal Revenue Code; and (ii)  
15 for taxable years ending on or after August 13, 1999,  
16 Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of  
17 the Internal Revenue Code, plus, for taxable years  
18 ending on or after December 31, 2011, Section 45G(e)(3)  
19 of the Internal Revenue Code and, for taxable years  
20 ending on or after December 31, 2008, any amount  
21 included in gross income under Section 87 of the  
22 Internal Revenue Code; the provisions of this  
23 subparagraph are exempt from the provisions of Section  
24 250;

25 (N) An amount equal to all amounts included in such  
26 total which are exempt from taxation by this State



1           either by reason of its statutes or Constitution or by  
2           reason of the Constitution, treaties or statutes of the  
3           United States; provided that, in the case of any  
4           statute of this State that exempts income derived from  
5           bonds or other obligations from the tax imposed under  
6           this Act, the amount exempted shall be the interest net  
7           of bond premium amortization;

8           (O) An amount equal to any contribution made to a  
9           job training project established pursuant to the Tax  
10          Increment Allocation Redevelopment Act;

11          (P) An amount equal to the amount of the deduction  
12          used to compute the federal income tax credit for  
13          restoration of substantial amounts held under claim of  
14          right for the taxable year pursuant to Section 1341 of  
15          the Internal Revenue Code or of any itemized deduction  
16          taken from adjusted gross income in the computation of  
17          taxable income for restoration of substantial amounts  
18          held under claim of right for the taxable year;

19          (Q) An amount equal to any amounts included in such  
20          total, received by the taxpayer as an acceleration in  
21          the payment of life, endowment or annuity benefits in  
22          advance of the time they would otherwise be payable as  
23          an indemnity for a terminal illness;

24          (R) An amount equal to the amount of any federal or  
25          State bonus paid to veterans of the Persian Gulf War;

26          (S) An amount, to the extent included in adjusted

1 gross income, equal to the amount of a contribution  
2 made in the taxable year on behalf of the taxpayer to a  
3 medical care savings account established under the  
4 Medical Care Savings Account Act or the Medical Care  
5 Savings Account Act of 2000 to the extent the  
6 contribution is accepted by the account administrator  
7 as provided in that Act;

8 (T) An amount, to the extent included in adjusted  
9 gross income, equal to the amount of interest earned in  
10 the taxable year on a medical care savings account  
11 established under the Medical Care Savings Account Act  
12 or the Medical Care Savings Account Act of 2000 on  
13 behalf of the taxpayer, other than interest added  
14 pursuant to item (D-5) of this paragraph (2);

15 (U) For one taxable year beginning on or after  
16 January 1, 1994, an amount equal to the total amount of  
17 tax imposed and paid under subsections (a) and (b) of  
18 Section 201 of this Act on grant amounts received by  
19 the taxpayer under the Nursing Home Grant Assistance  
20 Act during the taxpayer's taxable years 1992 and 1993;

21 (V) Beginning with tax years ending on or after  
22 December 31, 1995 and ending with tax years ending on  
23 or before December 31, 2004, an amount equal to the  
24 amount paid by a taxpayer who is a self-employed  
25 taxpayer, a partner of a partnership, or a shareholder  
26 in a Subchapter S corporation for health insurance or

1 long-term care insurance for that taxpayer or that  
2 taxpayer's spouse or dependents, to the extent that the  
3 amount paid for that health insurance or long-term care  
4 insurance may be deducted under Section 213 of the  
5 Internal Revenue Code, has not been deducted on the  
6 federal income tax return of the taxpayer, and does not  
7 exceed the taxable income attributable to that  
8 taxpayer's income, self-employment income, or  
9 Subchapter S corporation income; except that no  
10 deduction shall be allowed under this item (V) if the  
11 taxpayer is eligible to participate in any health  
12 insurance or long-term care insurance plan of an  
13 employer of the taxpayer or the taxpayer's spouse. The  
14 amount of the health insurance and long-term care  
15 insurance subtracted under this item (V) shall be  
16 determined by multiplying total health insurance and  
17 long-term care insurance premiums paid by the taxpayer  
18 times a number that represents the fractional  
19 percentage of eligible medical expenses under Section  
20 213 of the Internal Revenue Code of 1986 not actually  
21 deducted on the taxpayer's federal income tax return;

22 (W) For taxable years beginning on or after January  
23 1, 1998, all amounts included in the taxpayer's federal  
24 gross income in the taxable year from amounts converted  
25 from a regular IRA to a Roth IRA. This paragraph is  
26 exempt from the provisions of Section 250;

1           (X) For taxable year 1999 and thereafter, an amount  
2           equal to the amount of any (i) distributions, to the  
3           extent includible in gross income for federal income  
4           tax purposes, made to the taxpayer because of his or  
5           her status as a victim of persecution for racial or  
6           religious reasons by Nazi Germany or any other Axis  
7           regime or as an heir of the victim and (ii) items of  
8           income, to the extent includible in gross income for  
9           federal income tax purposes, attributable to, derived  
10          from or in any way related to assets stolen from,  
11          hidden from, or otherwise lost to a victim of  
12          persecution for racial or religious reasons by Nazi  
13          Germany or any other Axis regime immediately prior to,  
14          during, and immediately after World War II, including,  
15          but not limited to, interest on the proceeds receivable  
16          as insurance under policies issued to a victim of  
17          persecution for racial or religious reasons by Nazi  
18          Germany or any other Axis regime by European insurance  
19          companies immediately prior to and during World War II;  
20          provided, however, this subtraction from federal  
21          adjusted gross income does not apply to assets acquired  
22          with such assets or with the proceeds from the sale of  
23          such assets; provided, further, this paragraph shall  
24          only apply to a taxpayer who was the first recipient of  
25          such assets after their recovery and who is a victim of  
26          persecution for racial or religious reasons by Nazi

1 Germany or any other Axis regime or as an heir of the  
2 victim. The amount of and the eligibility for any  
3 public assistance, benefit, or similar entitlement is  
4 not affected by the inclusion of items (i) and (ii) of  
5 this paragraph in gross income for federal income tax  
6 purposes. This paragraph is exempt from the provisions  
7 of Section 250;

8 (Y) For taxable years beginning on or after January  
9 1, 2002 and ending on or before December 31, 2004,  
10 moneys contributed in the taxable year to a College  
11 Savings Pool account under Section 16.5 of the State  
12 Treasurer Act, except that amounts excluded from gross  
13 income under Section 529(c)(3)(C)(i) of the Internal  
14 Revenue Code shall not be considered moneys  
15 contributed under this subparagraph (Y). For taxable  
16 years beginning on or after January 1, 2005, a maximum  
17 of \$10,000 contributed in the taxable year to (i) a  
18 College Savings Pool account under Section 16.5 of the  
19 State Treasurer Act or (ii) the Illinois Prepaid  
20 Tuition Trust Fund, except that amounts excluded from  
21 gross income under Section 529(c)(3)(C)(i) of the  
22 Internal Revenue Code shall not be considered moneys  
23 contributed under this subparagraph (Y). For purposes  
24 of this subparagraph, contributions made by an  
25 employer on behalf of an employee, or matching  
26 contributions made by an employee, shall be treated as

1 made by the employee. This subparagraph (Y) is exempt  
2 from the provisions of Section 250;

3 (Z) For taxable years 2001 and thereafter, for the  
4 taxable year in which the bonus depreciation deduction  
5 is taken on the taxpayer's federal income tax return  
6 under subsection (k) of Section 168 of the Internal  
7 Revenue Code and for each applicable taxable year  
8 thereafter, an amount equal to "x", where:

9 (1) "y" equals the amount of the depreciation  
10 deduction taken for the taxable year on the  
11 taxpayer's federal income tax return on property  
12 for which the bonus depreciation deduction was  
13 taken in any year under subsection (k) of Section  
14 168 of the Internal Revenue Code, but not including  
15 the bonus depreciation deduction;

16 (2) for taxable years ending on or before  
17 December 31, 2005, "x" equals "y" multiplied by 30  
18 and then divided by 70 (or "y" multiplied by  
19 0.429); and

20 (3) for taxable years ending after December  
21 31, 2005:

22 (i) for property on which a bonus  
23 depreciation deduction of 30% of the adjusted  
24 basis was taken, "x" equals "y" multiplied by  
25 30 and then divided by 70 (or "y" multiplied by  
26 0.429); and

1                   (ii) for property on which a bonus  
2                   depreciation deduction of 50% of the adjusted  
3                   basis was taken, "x" equals "y" multiplied by  
4                   1.0.

5                   The aggregate amount deducted under this  
6                   subparagraph in all taxable years for any one piece of  
7                   property may not exceed the amount of the bonus  
8                   depreciation deduction taken on that property on the  
9                   taxpayer's federal income tax return under subsection  
10                  (k) of Section 168 of the Internal Revenue Code. This  
11                  subparagraph (Z) is exempt from the provisions of  
12                  Section 250;

13                  (AA) If the taxpayer sells, transfers, abandons,  
14                  or otherwise disposes of property for which the  
15                  taxpayer was required in any taxable year to make an  
16                  addition modification under subparagraph (D-15), then  
17                  an amount equal to that addition modification.

18                  If the taxpayer continues to own property through  
19                  the last day of the last tax year for which the  
20                  taxpayer may claim a depreciation deduction for  
21                  federal income tax purposes and for which the taxpayer  
22                  was required in any taxable year to make an addition  
23                  modification under subparagraph (D-15), then an amount  
24                  equal to that addition modification.

25                  The taxpayer is allowed to take the deduction under  
26                  this subparagraph only once with respect to any one

1 piece of property.

2 This subparagraph (AA) is exempt from the  
3 provisions of Section 250;

4 (BB) Any amount included in adjusted gross income,  
5 other than salary, received by a driver in a  
6 ridesharing arrangement using a motor vehicle;

7 (CC) The amount of (i) any interest income (net of  
8 the deductions allocable thereto) taken into account  
9 for the taxable year with respect to a transaction with  
10 a taxpayer that is required to make an addition  
11 modification with respect to such transaction under  
12 Section 203(a)(2)(D-17), 203(b)(2)(E-12),  
13 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
14 the amount of that addition modification, and (ii) any  
15 income from intangible property (net of the deductions  
16 allocable thereto) taken into account for the taxable  
17 year with respect to a transaction with a taxpayer that  
18 is required to make an addition modification with  
19 respect to such transaction under Section  
20 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
21 203(d)(2)(D-8), but not to exceed the amount of that  
22 addition modification. This subparagraph (CC) is  
23 exempt from the provisions of Section 250;

24 (DD) An amount equal to the interest income taken  
25 into account for the taxable year (net of the  
26 deductions allocable thereto) with respect to



1 transactions with (i) a foreign person who would be a  
2 member of the taxpayer's unitary business group but for  
3 the fact that the foreign person's business activity  
4 outside the United States is 80% or more of that  
5 person's total business activity and (ii) for taxable  
6 years ending on or after December 31, 2008, to a person  
7 who would be a member of the same unitary business  
8 group but for the fact that the person is prohibited  
9 under Section 1501(a)(27) from being included in the  
10 unitary business group because he or she is ordinarily  
11 required to apportion business income under different  
12 subsections of Section 304, but not to exceed the  
13 addition modification required to be made for the same  
14 taxable year under Section 203(a)(2)(D-17) for  
15 interest paid, accrued, or incurred, directly or  
16 indirectly, to the same person. This subparagraph (DD)  
17 is exempt from the provisions of Section 250;

18 (EE) An amount equal to the income from intangible  
19 property taken into account for the taxable year (net  
20 of the deductions allocable thereto) with respect to  
21 transactions with (i) a foreign person who would be a  
22 member of the taxpayer's unitary business group but for  
23 the fact that the foreign person's business activity  
24 outside the United States is 80% or more of that  
25 person's total business activity and (ii) for taxable  
26 years ending on or after December 31, 2008, to a person

1           who would be a member of the same unitary business  
2           group but for the fact that the person is prohibited  
3           under Section 1501(a)(27) from being included in the  
4           unitary business group because he or she is ordinarily  
5           required to apportion business income under different  
6           subsections of Section 304, but not to exceed the  
7           addition modification required to be made for the same  
8           taxable year under Section 203(a)(2)(D-18) for  
9           intangible expenses and costs paid, accrued, or  
10          incurred, directly or indirectly, to the same foreign  
11          person. This subparagraph (EE) is exempt from the  
12          provisions of Section 250;

13                 (FF) An amount equal to any amount awarded to the  
14           taxpayer during the taxable year by the Court of Claims  
15           under subsection (c) of Section 8 of the Court of  
16           Claims Act for time unjustly served in a State prison.  
17           This subparagraph (FF) is exempt from the provisions of  
18           Section 250;

19                 (GG) For taxable years ending on or after December  
20           31, 2011, in the case of a taxpayer who was required to  
21           add back any insurance premiums under Section  
22           203(a)(2)(D-19), such taxpayer may elect to subtract  
23           that part of a reimbursement received from the  
24           insurance company equal to the amount of the expense or  
25           loss (including expenses incurred by the insurance  
26           company) that would have been taken into account as a

1 deduction for federal income tax purposes if the  
2 expense or loss had been uninsured. If a taxpayer makes  
3 the election provided for by this subparagraph (GG),  
4 the insurer to which the premiums were paid must add  
5 back to income the amount subtracted by the taxpayer  
6 pursuant to this subparagraph (GG). This subparagraph  
7 (GG) is exempt from the provisions of Section 250; ~~and~~

8 (HH) For taxable years beginning on or after  
9 January 1, 2018 and prior to January 1, 2023, a maximum  
10 of \$10,000 contributed in the taxable year to a  
11 qualified ABLE account under Section 16.6 of the State  
12 Treasurer Act, except that amounts excluded from gross  
13 income under Section 529(c)(3)(C)(i) or Section  
14 529A(c)(1)(C) of the Internal Revenue Code shall not be  
15 considered moneys contributed under this subparagraph  
16 (HH). For purposes of this subparagraph (HH),  
17 contributions made by an employer on behalf of an  
18 employee, or matching contributions made by an  
19 employee, shall be treated as made by the employee;  
20 and-

21 (II) An amount equal to all the ordinary and  
22 necessary expenses paid or incurred during the taxable  
23 year in carrying on the business of a cannabis  
24 establishment as defined in Section 10 of the Cannabis  
25 Legalization Equity Act if the cannabis establishment  
26 is in compliance with that Act, including:

1           (i) a reasonable allowance for salaries or  
2           other compensation for personal services actually  
3           rendered;

4           (ii) traveling expenses (including amounts  
5           expended for meals and lodging other than amounts  
6           which are lavish or extravagant under the  
7           circumstances) while away from home in the pursuit  
8           of the business of the cannabis establishment; and

9           (iii) rentals or other payments required to be  
10           made as a condition to the continued use or  
11           possession, for purposes of the business of a  
12           cannabis establishment, of property to which the  
13           taxpayer has not taken or is not taking title or in  
14           which he or she has no equity.

15           (b) Corporations.

16           (1) In general. In the case of a corporation, base  
17           income means an amount equal to the taxpayer's taxable  
18           income for the taxable year as modified by paragraph (2).

19           (2) Modifications. The taxable income referred to in  
20           paragraph (1) shall be modified by adding thereto the sum  
21           of the following amounts:

22           (A) An amount equal to all amounts paid or accrued  
23           to the taxpayer as interest and all distributions  
24           received from regulated investment companies during  
25           the taxable year to the extent excluded from gross

1 income in the computation of taxable income;

2 (B) An amount equal to the amount of tax imposed by  
3 this Act to the extent deducted from gross income in  
4 the computation of taxable income for the taxable year;

5 (C) In the case of a regulated investment company,  
6 an amount equal to the excess of (i) the net long-term  
7 capital gain for the taxable year, over (ii) the amount  
8 of the capital gain dividends designated as such in  
9 accordance with Section 852(b)(3)(C) of the Internal  
10 Revenue Code and any amount designated under Section  
11 852(b)(3)(D) of the Internal Revenue Code,  
12 attributable to the taxable year (this amendatory Act  
13 of 1995 (Public Act 89-89) is declarative of existing  
14 law and is not a new enactment);

15 (D) The amount of any net operating loss deduction  
16 taken in arriving at taxable income, other than a net  
17 operating loss carried forward from a taxable year  
18 ending prior to December 31, 1986;

19 (E) For taxable years in which a net operating loss  
20 carryback or carryforward from a taxable year ending  
21 prior to December 31, 1986 is an element of taxable  
22 income under paragraph (1) of subsection (e) or  
23 subparagraph (E) of paragraph (2) of subsection (e),  
24 the amount by which addition modifications other than  
25 those provided by this subparagraph (E) exceeded  
26 subtraction modifications in such earlier taxable

1 year, with the following limitations applied in the  
2 order that they are listed:

3 (i) the addition modification relating to the  
4 net operating loss carried back or forward to the  
5 taxable year from any taxable year ending prior to  
6 December 31, 1986 shall be reduced by the amount of  
7 addition modification under this subparagraph (E)  
8 which related to that net operating loss and which  
9 was taken into account in calculating the base  
10 income of an earlier taxable year, and

11 (ii) the addition modification relating to the  
12 net operating loss carried back or forward to the  
13 taxable year from any taxable year ending prior to  
14 December 31, 1986 shall not exceed the amount of  
15 such carryback or carryforward;

16 For taxable years in which there is a net operating  
17 loss carryback or carryforward from more than one other  
18 taxable year ending prior to December 31, 1986, the  
19 addition modification provided in this subparagraph  
20 (E) shall be the sum of the amounts computed  
21 independently under the preceding provisions of this  
22 subparagraph (E) for each such taxable year;

23 (E-5) For taxable years ending after December 31,  
24 1997, an amount equal to any eligible remediation costs  
25 that the corporation deducted in computing adjusted  
26 gross income and for which the corporation claims a

1 credit under subsection (l) of Section 201;

2 (E-10) For taxable years 2001 and thereafter, an  
3 amount equal to the bonus depreciation deduction taken  
4 on the taxpayer's federal income tax return for the  
5 taxable year under subsection (k) of Section 168 of the  
6 Internal Revenue Code;

7 (E-11) If the taxpayer sells, transfers, abandons,  
8 or otherwise disposes of property for which the  
9 taxpayer was required in any taxable year to make an  
10 addition modification under subparagraph (E-10), then  
11 an amount equal to the aggregate amount of the  
12 deductions taken in all taxable years under  
13 subparagraph (T) with respect to that property.

14 If the taxpayer continues to own property through  
15 the last day of the last tax year for which the  
16 taxpayer may claim a depreciation deduction for  
17 federal income tax purposes and for which the taxpayer  
18 was allowed in any taxable year to make a subtraction  
19 modification under subparagraph (T), then an amount  
20 equal to that subtraction modification.

21 The taxpayer is required to make the addition  
22 modification under this subparagraph only once with  
23 respect to any one piece of property;

24 (E-12) An amount equal to the amount otherwise  
25 allowed as a deduction in computing base income for  
26 interest paid, accrued, or incurred, directly or

1 indirectly, (i) for taxable years ending on or after  
2 December 31, 2004, to a foreign person who would be a  
3 member of the same unitary business group but for the  
4 fact the foreign person's business activity outside  
5 the United States is 80% or more of the foreign  
6 person's total business activity and (ii) for taxable  
7 years ending on or after December 31, 2008, to a person  
8 who would be a member of the same unitary business  
9 group but for the fact that the person is prohibited  
10 under Section 1501(a)(27) from being included in the  
11 unitary business group because he or she is ordinarily  
12 required to apportion business income under different  
13 subsections of Section 304. The addition modification  
14 required by this subparagraph shall be reduced to the  
15 extent that dividends were included in base income of  
16 the unitary group for the same taxable year and  
17 received by the taxpayer or by a member of the  
18 taxpayer's unitary business group (including amounts  
19 included in gross income pursuant to Sections 951  
20 through 964 of the Internal Revenue Code and amounts  
21 included in gross income under Section 78 of the  
22 Internal Revenue Code) with respect to the stock of the  
23 same person to whom the interest was paid, accrued, or  
24 incurred.

25 This paragraph shall not apply to the following:

26 (i) an item of interest paid, accrued, or



1 incurred, directly or indirectly, to a person who  
2 is subject in a foreign country or state, other  
3 than a state which requires mandatory unitary  
4 reporting, to a tax on or measured by net income  
5 with respect to such interest; or

6 (ii) an item of interest paid, accrued, or  
7 incurred, directly or indirectly, to a person if  
8 the taxpayer can establish, based on a  
9 preponderance of the evidence, both of the  
10 following:

11 (a) the person, during the same taxable  
12 year, paid, accrued, or incurred, the interest  
13 to a person that is not a related member, and

14 (b) the transaction giving rise to the  
15 interest expense between the taxpayer and the  
16 person did not have as a principal purpose the  
17 avoidance of Illinois income tax, and is paid  
18 pursuant to a contract or agreement that  
19 reflects an arm's-length interest rate and  
20 terms; or

21 (iii) the taxpayer can establish, based on  
22 clear and convincing evidence, that the interest  
23 paid, accrued, or incurred relates to a contract or  
24 agreement entered into at arm's-length rates and  
25 terms and the principal purpose for the payment is  
26 not federal or Illinois tax avoidance; or

1           (iv) an item of interest paid, accrued, or  
2 incurred, directly or indirectly, to a person if  
3 the taxpayer establishes by clear and convincing  
4 evidence that the adjustments are unreasonable; or  
5 if the taxpayer and the Director agree in writing  
6 to the application or use of an alternative method  
7 of apportionment under Section 304(f).

8           Nothing in this subsection shall preclude the  
9 Director from making any other adjustment  
10 otherwise allowed under Section 404 of this Act for  
11 any tax year beginning after the effective date of  
12 this amendment provided such adjustment is made  
13 pursuant to regulation adopted by the Department  
14 and such regulations provide methods and standards  
15 by which the Department will utilize its authority  
16 under Section 404 of this Act;

17           (E-13) An amount equal to the amount of intangible  
18 expenses and costs otherwise allowed as a deduction in  
19 computing base income, and that were paid, accrued, or  
20 incurred, directly or indirectly, (i) for taxable  
21 years ending on or after December 31, 2004, to a  
22 foreign person who would be a member of the same  
23 unitary business group but for the fact that the  
24 foreign person's business activity outside the United  
25 States is 80% or more of that person's total business  
26 activity and (ii) for taxable years ending on or after

1 December 31, 2008, to a person who would be a member of  
2 the same unitary business group but for the fact that  
3 the person is prohibited under Section 1501(a)(27)  
4 from being included in the unitary business group  
5 because he or she is ordinarily required to apportion  
6 business income under different subsections of Section  
7 304. The addition modification required by this  
8 subparagraph shall be reduced to the extent that  
9 dividends were included in base income of the unitary  
10 group for the same taxable year and received by the  
11 taxpayer or by a member of the taxpayer's unitary  
12 business group (including amounts included in gross  
13 income pursuant to Sections 951 through 964 of the  
14 Internal Revenue Code and amounts included in gross  
15 income under Section 78 of the Internal Revenue Code)  
16 with respect to the stock of the same person to whom  
17 the intangible expenses and costs were directly or  
18 indirectly paid, incurred, or accrued. The preceding  
19 sentence shall not apply to the extent that the same  
20 dividends caused a reduction to the addition  
21 modification required under Section 203(b)(2)(E-12) of  
22 this Act. As used in this subparagraph, the term  
23 "intangible expenses and costs" includes (1) expenses,  
24 losses, and costs for, or related to, the direct or  
25 indirect acquisition, use, maintenance or management,  
26 ownership, sale, exchange, or any other disposition of

1 intangible property; (2) losses incurred, directly or  
2 indirectly, from factoring transactions or discounting  
3 transactions; (3) royalty, patent, technical, and  
4 copyright fees; (4) licensing fees; and (5) other  
5 similar expenses and costs. For purposes of this  
6 subparagraph, "intangible property" includes patents,  
7 patent applications, trade names, trademarks, service  
8 marks, copyrights, mask works, trade secrets, and  
9 similar types of intangible assets.

10 This paragraph shall not apply to the following:

11 (i) any item of intangible expenses or costs  
12 paid, accrued, or incurred, directly or  
13 indirectly, from a transaction with a person who is  
14 subject in a foreign country or state, other than a  
15 state which requires mandatory unitary reporting,  
16 to a tax on or measured by net income with respect  
17 to such item; or

18 (ii) any item of intangible expense or cost  
19 paid, accrued, or incurred, directly or  
20 indirectly, if the taxpayer can establish, based  
21 on a preponderance of the evidence, both of the  
22 following:

23 (a) the person during the same taxable  
24 year paid, accrued, or incurred, the  
25 intangible expense or cost to a person that is  
26 not a related member, and

1 (b) the transaction giving rise to the  
2 intangible expense or cost between the  
3 taxpayer and the person did not have as a  
4 principal purpose the avoidance of Illinois  
5 income tax, and is paid pursuant to a contract  
6 or agreement that reflects arm's-length terms;  
7 or

8 (iii) any item of intangible expense or cost  
9 paid, accrued, or incurred, directly or  
10 indirectly, from a transaction with a person if the  
11 taxpayer establishes by clear and convincing  
12 evidence, that the adjustments are unreasonable;  
13 or if the taxpayer and the Director agree in  
14 writing to the application or use of an alternative  
15 method of apportionment under Section 304(f);

16 Nothing in this subsection shall preclude the  
17 Director from making any other adjustment  
18 otherwise allowed under Section 404 of this Act for  
19 any tax year beginning after the effective date of  
20 this amendment provided such adjustment is made  
21 pursuant to regulation adopted by the Department  
22 and such regulations provide methods and standards  
23 by which the Department will utilize its authority  
24 under Section 404 of this Act;

25 (E-14) For taxable years ending on or after  
26 December 31, 2008, an amount equal to the amount of

1 insurance premium expenses and costs otherwise allowed  
2 as a deduction in computing base income, and that were  
3 paid, accrued, or incurred, directly or indirectly, to  
4 a person who would be a member of the same unitary  
5 business group but for the fact that the person is  
6 prohibited under Section 1501(a)(27) from being  
7 included in the unitary business group because he or  
8 she is ordinarily required to apportion business  
9 income under different subsections of Section 304. The  
10 addition modification required by this subparagraph  
11 shall be reduced to the extent that dividends were  
12 included in base income of the unitary group for the  
13 same taxable year and received by the taxpayer or by a  
14 member of the taxpayer's unitary business group  
15 (including amounts included in gross income under  
16 Sections 951 through 964 of the Internal Revenue Code  
17 and amounts included in gross income under Section 78  
18 of the Internal Revenue Code) with respect to the stock  
19 of the same person to whom the premiums and costs were  
20 directly or indirectly paid, incurred, or accrued. The  
21 preceding sentence does not apply to the extent that  
22 the same dividends caused a reduction to the addition  
23 modification required under Section 203(b)(2)(E-12) or  
24 Section 203(b)(2)(E-13) of this Act;

25 (E-15) For taxable years beginning after December  
26 31, 2008, any deduction for dividends paid by a captive

1 real estate investment trust that is allowed to a real  
2 estate investment trust under Section 857(b)(2)(B) of  
3 the Internal Revenue Code for dividends paid;

4 (E-16) An amount equal to the credit allowable to  
5 the taxpayer under Section 218(a) of this Act,  
6 determined without regard to Section 218(c) of this  
7 Act;

8 (E-17) For taxable years ending on or after  
9 December 31, 2017, an amount equal to the deduction  
10 allowed under Section 199 of the Internal Revenue Code  
11 for the taxable year;

12 and by deducting from the total so obtained the sum of the  
13 following amounts:

14 (F) An amount equal to the amount of any tax  
15 imposed by this Act which was refunded to the taxpayer  
16 and included in such total for the taxable year;

17 (G) An amount equal to any amount included in such  
18 total under Section 78 of the Internal Revenue Code;

19 (H) In the case of a regulated investment company,  
20 an amount equal to the amount of exempt interest  
21 dividends as defined in subsection (b)(5) of Section  
22 852 of the Internal Revenue Code, paid to shareholders  
23 for the taxable year;

24 (I) With the exception of any amounts subtracted  
25 under subparagraph (J), an amount equal to the sum of  
26 all amounts disallowed as deductions by (i) Sections

1 171(a)(2), and 265(a)(2) and amounts disallowed as  
2 interest expense by Section 291(a)(3) of the Internal  
3 Revenue Code, and all amounts of expenses allocable to  
4 interest and disallowed as deductions by Section  
5 265(a)(1) of the Internal Revenue Code; and (ii) for  
6 taxable years ending on or after August 13, 1999,  
7 Sections 171(a)(2), 265, 280C, 291(a)(3), and  
8 832(b)(5)(B)(i) of the Internal Revenue Code, plus,  
9 for tax years ending on or after December 31, 2011,  
10 amounts disallowed as deductions by Section 45G(e)(3)  
11 of the Internal Revenue Code and, for taxable years  
12 ending on or after December 31, 2008, any amount  
13 included in gross income under Section 87 of the  
14 Internal Revenue Code and the policyholders' share of  
15 tax-exempt interest of a life insurance company under  
16 Section 807(a)(2)(B) of the Internal Revenue Code (in  
17 the case of a life insurance company with gross income  
18 from a decrease in reserves for the tax year) or  
19 Section 807(b)(1)(B) of the Internal Revenue Code (in  
20 the case of a life insurance company allowed a  
21 deduction for an increase in reserves for the tax  
22 year); the provisions of this subparagraph are exempt  
23 from the provisions of Section 250;

24 (J) An amount equal to all amounts included in such  
25 total which are exempt from taxation by this State  
26 either by reason of its statutes or Constitution or by



1 reason of the Constitution, treaties or statutes of the  
2 United States; provided that, in the case of any  
3 statute of this State that exempts income derived from  
4 bonds or other obligations from the tax imposed under  
5 this Act, the amount exempted shall be the interest net  
6 of bond premium amortization;

7 (K) An amount equal to those dividends included in  
8 such total which were paid by a corporation which  
9 conducts business operations in a River Edge  
10 Redevelopment Zone or zones created under the River  
11 Edge Redevelopment Zone Act and conducts substantially  
12 all of its operations in a River Edge Redevelopment  
13 Zone or zones. This subparagraph (K) is exempt from the  
14 provisions of Section 250;

15 (L) An amount equal to those dividends included in  
16 such total that were paid by a corporation that  
17 conducts business operations in a federally designated  
18 Foreign Trade Zone or Sub-Zone and that is designated a  
19 High Impact Business located in Illinois; provided  
20 that dividends eligible for the deduction provided in  
21 subparagraph (K) of paragraph 2 of this subsection  
22 shall not be eligible for the deduction provided under  
23 this subparagraph (L);

24 (M) For any taxpayer that is a financial  
25 organization within the meaning of Section 304(c) of  
26 this Act, an amount included in such total as interest

1 income from a loan or loans made by such taxpayer to a  
2 borrower, to the extent that such a loan is secured by  
3 property which is eligible for the River Edge  
4 Redevelopment Zone Investment Credit. To determine the  
5 portion of a loan or loans that is secured by property  
6 eligible for a Section 201(f) investment credit to the  
7 borrower, the entire principal amount of the loan or  
8 loans between the taxpayer and the borrower should be  
9 divided into the basis of the Section 201(f) investment  
10 credit property which secures the loan or loans, using  
11 for this purpose the original basis of such property on  
12 the date that it was placed in service in the River  
13 Edge Redevelopment Zone. The subtraction modification  
14 available to the taxpayer in any year under this  
15 subsection shall be that portion of the total interest  
16 paid by the borrower with respect to such loan  
17 attributable to the eligible property as calculated  
18 under the previous sentence. This subparagraph (M) is  
19 exempt from the provisions of Section 250;

20 (M-1) For any taxpayer that is a financial  
21 organization within the meaning of Section 304(c) of  
22 this Act, an amount included in such total as interest  
23 income from a loan or loans made by such taxpayer to a  
24 borrower, to the extent that such a loan is secured by  
25 property which is eligible for the High Impact Business  
26 Investment Credit. To determine the portion of a loan

1 or loans that is secured by property eligible for a  
2 Section 201(h) investment credit to the borrower, the  
3 entire principal amount of the loan or loans between  
4 the taxpayer and the borrower should be divided into  
5 the basis of the Section 201(h) investment credit  
6 property which secures the loan or loans, using for  
7 this purpose the original basis of such property on the  
8 date that it was placed in service in a federally  
9 designated Foreign Trade Zone or Sub-Zone located in  
10 Illinois. No taxpayer that is eligible for the  
11 deduction provided in subparagraph (M) of paragraph  
12 (2) of this subsection shall be eligible for the  
13 deduction provided under this subparagraph (M-1). The  
14 subtraction modification available to taxpayers in any  
15 year under this subsection shall be that portion of the  
16 total interest paid by the borrower with respect to  
17 such loan attributable to the eligible property as  
18 calculated under the previous sentence;

19 (N) Two times any contribution made during the  
20 taxable year to a designated zone organization to the  
21 extent that the contribution (i) qualifies as a  
22 charitable contribution under subsection (c) of  
23 Section 170 of the Internal Revenue Code and (ii) must,  
24 by its terms, be used for a project approved by the  
25 Department of Commerce and Economic Opportunity under  
26 Section 11 of the Illinois Enterprise Zone Act or under

1 Section 10-10 of the River Edge Redevelopment Zone Act.  
2 This subparagraph (N) is exempt from the provisions of  
3 Section 250;

4 (O) An amount equal to: (i) 85% for taxable years  
5 ending on or before December 31, 1992, or, a percentage  
6 equal to the percentage allowable under Section  
7 243(a)(1) of the Internal Revenue Code of 1986 for  
8 taxable years ending after December 31, 1992, of the  
9 amount by which dividends included in taxable income  
10 and received from a corporation that is not created or  
11 organized under the laws of the United States or any  
12 state or political subdivision thereof, including, for  
13 taxable years ending on or after December 31, 1988,  
14 dividends received or deemed received or paid or deemed  
15 paid under Sections 951 through 965 of the Internal  
16 Revenue Code, exceed the amount of the modification  
17 provided under subparagraph (G) of paragraph (2) of  
18 this subsection (b) which is related to such dividends,  
19 and including, for taxable years ending on or after  
20 December 31, 2008, dividends received from a captive  
21 real estate investment trust; plus (ii) 100% of the  
22 amount by which dividends, included in taxable income  
23 and received, including, for taxable years ending on or  
24 after December 31, 1988, dividends received or deemed  
25 received or paid or deemed paid under Sections 951  
26 through 964 of the Internal Revenue Code and including,

1 for taxable years ending on or after December 31, 2008,  
2 dividends received from a captive real estate  
3 investment trust, from any such corporation specified  
4 in clause (i) that would but for the provisions of  
5 Section 1504(b)(3) of the Internal Revenue Code be  
6 treated as a member of the affiliated group which  
7 includes the dividend recipient, exceed the amount of  
8 the modification provided under subparagraph (G) of  
9 paragraph (2) of this subsection (b) which is related  
10 to such dividends. This subparagraph (O) is exempt from  
11 the provisions of Section 250 of this Act;

12 (P) An amount equal to any contribution made to a  
13 job training project established pursuant to the Tax  
14 Increment Allocation Redevelopment Act;

15 (Q) An amount equal to the amount of the deduction  
16 used to compute the federal income tax credit for  
17 restoration of substantial amounts held under claim of  
18 right for the taxable year pursuant to Section 1341 of  
19 the Internal Revenue Code;

20 (R) On and after July 20, 1999, in the case of an  
21 attorney-in-fact with respect to whom an interinsurer  
22 or a reciprocal insurer has made the election under  
23 Section 835 of the Internal Revenue Code, 26 U.S.C.  
24 835, an amount equal to the excess, if any, of the  
25 amounts paid or incurred by that interinsurer or  
26 reciprocal insurer in the taxable year to the

1 attorney-in-fact over the deduction allowed to that  
2 interinsurer or reciprocal insurer with respect to the  
3 attorney-in-fact under Section 835(b) of the Internal  
4 Revenue Code for the taxable year; the provisions of  
5 this subparagraph are exempt from the provisions of  
6 Section 250;

7 (S) For taxable years ending on or after December  
8 31, 1997, in the case of a Subchapter S corporation, an  
9 amount equal to all amounts of income allocable to a  
10 shareholder subject to the Personal Property Tax  
11 Replacement Income Tax imposed by subsections (c) and  
12 (d) of Section 201 of this Act, including amounts  
13 allocable to organizations exempt from federal income  
14 tax by reason of Section 501(a) of the Internal Revenue  
15 Code. This subparagraph (S) is exempt from the  
16 provisions of Section 250;

17 (T) For taxable years 2001 and thereafter, for the  
18 taxable year in which the bonus depreciation deduction  
19 is taken on the taxpayer's federal income tax return  
20 under subsection (k) of Section 168 of the Internal  
21 Revenue Code and for each applicable taxable year  
22 thereafter, an amount equal to "x", where:

23 (1) "y" equals the amount of the depreciation  
24 deduction taken for the taxable year on the  
25 taxpayer's federal income tax return on property  
26 for which the bonus depreciation deduction was

1 taken in any year under subsection (k) of Section  
2 168 of the Internal Revenue Code, but not including  
3 the bonus depreciation deduction;

4 (2) for taxable years ending on or before  
5 December 31, 2005, "x" equals "y" multiplied by 30  
6 and then divided by 70 (or "y" multiplied by  
7 0.429); and

8 (3) for taxable years ending after December  
9 31, 2005:

10 (i) for property on which a bonus  
11 depreciation deduction of 30% of the adjusted  
12 basis was taken, "x" equals "y" multiplied by  
13 30 and then divided by 70 (or "y" multiplied by  
14 0.429); and

15 (ii) for property on which a bonus  
16 depreciation deduction of 50% of the adjusted  
17 basis was taken, "x" equals "y" multiplied by  
18 1.0.

19 The aggregate amount deducted under this  
20 subparagraph in all taxable years for any one piece of  
21 property may not exceed the amount of the bonus  
22 depreciation deduction taken on that property on the  
23 taxpayer's federal income tax return under subsection  
24 (k) of Section 168 of the Internal Revenue Code. This  
25 subparagraph (T) is exempt from the provisions of  
26 Section 250;

1 (U) If the taxpayer sells, transfers, abandons, or  
2 otherwise disposes of property for which the taxpayer  
3 was required in any taxable year to make an addition  
4 modification under subparagraph (E-10), then an amount  
5 equal to that addition modification.

6 If the taxpayer continues to own property through  
7 the last day of the last tax year for which the  
8 taxpayer may claim a depreciation deduction for  
9 federal income tax purposes and for which the taxpayer  
10 was required in any taxable year to make an addition  
11 modification under subparagraph (E-10), then an amount  
12 equal to that addition modification.

13 The taxpayer is allowed to take the deduction under  
14 this subparagraph only once with respect to any one  
15 piece of property.

16 This subparagraph (U) is exempt from the  
17 provisions of Section 250;

18 (V) The amount of: (i) any interest income (net of  
19 the deductions allocable thereto) taken into account  
20 for the taxable year with respect to a transaction with  
21 a taxpayer that is required to make an addition  
22 modification with respect to such transaction under  
23 Section 203(a)(2)(D-17), 203(b)(2)(E-12),  
24 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
25 the amount of such addition modification, (ii) any  
26 income from intangible property (net of the deductions



1 allocable thereto) taken into account for the taxable  
2 year with respect to a transaction with a taxpayer that  
3 is required to make an addition modification with  
4 respect to such transaction under Section  
5 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
6 203(d)(2)(D-8), but not to exceed the amount of such  
7 addition modification, and (iii) any insurance premium  
8 income (net of deductions allocable thereto) taken  
9 into account for the taxable year with respect to a  
10 transaction with a taxpayer that is required to make an  
11 addition modification with respect to such transaction  
12 under Section 203(a)(2)(D-19), Section  
13 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section  
14 203(d)(2)(D-9), but not to exceed the amount of that  
15 addition modification. This subparagraph (V) is exempt  
16 from the provisions of Section 250;

17 (W) An amount equal to the interest income taken  
18 into account for the taxable year (net of the  
19 deductions allocable thereto) with respect to  
20 transactions with (i) a foreign person who would be a  
21 member of the taxpayer's unitary business group but for  
22 the fact that the foreign person's business activity  
23 outside the United States is 80% or more of that  
24 person's total business activity and (ii) for taxable  
25 years ending on or after December 31, 2008, to a person  
26 who would be a member of the same unitary business

1 group but for the fact that the person is prohibited  
2 under Section 1501(a)(27) from being included in the  
3 unitary business group because he or she is ordinarily  
4 required to apportion business income under different  
5 subsections of Section 304, but not to exceed the  
6 addition modification required to be made for the same  
7 taxable year under Section 203(b)(2)(E-12) for  
8 interest paid, accrued, or incurred, directly or  
9 indirectly, to the same person. This subparagraph (W)  
10 is exempt from the provisions of Section 250;

11 (X) An amount equal to the income from intangible  
12 property taken into account for the taxable year (net  
13 of the deductions allocable thereto) with respect to  
14 transactions with (i) a foreign person who would be a  
15 member of the taxpayer's unitary business group but for  
16 the fact that the foreign person's business activity  
17 outside the United States is 80% or more of that  
18 person's total business activity and (ii) for taxable  
19 years ending on or after December 31, 2008, to a person  
20 who would be a member of the same unitary business  
21 group but for the fact that the person is prohibited  
22 under Section 1501(a)(27) from being included in the  
23 unitary business group because he or she is ordinarily  
24 required to apportion business income under different  
25 subsections of Section 304, but not to exceed the  
26 addition modification required to be made for the same

1 taxable year under Section 203(b)(2)(E-13) for  
2 intangible expenses and costs paid, accrued, or  
3 incurred, directly or indirectly, to the same foreign  
4 person. This subparagraph (X) is exempt from the  
5 provisions of Section 250;

6 (Y) For taxable years ending on or after December  
7 31, 2011, in the case of a taxpayer who was required to  
8 add back any insurance premiums under Section  
9 203(b)(2)(E-14), such taxpayer may elect to subtract  
10 that part of a reimbursement received from the  
11 insurance company equal to the amount of the expense or  
12 loss (including expenses incurred by the insurance  
13 company) that would have been taken into account as a  
14 deduction for federal income tax purposes if the  
15 expense or loss had been uninsured. If a taxpayer makes  
16 the election provided for by this subparagraph (Y), the  
17 insurer to which the premiums were paid must add back  
18 to income the amount subtracted by the taxpayer  
19 pursuant to this subparagraph (Y). This subparagraph  
20 (Y) is exempt from the provisions of Section 250; ~~and~~

21 (Z) The difference between the nondeductible  
22 controlled foreign corporation dividends under Section  
23 965(e)(3) of the Internal Revenue Code over the taxable  
24 income of the taxpayer, computed without regard to  
25 Section 965(e)(2)(A) of the Internal Revenue Code, and  
26 without regard to any net operating loss deduction.

1 This subparagraph (Z) is exempt from the provisions of  
2 Section 250; ~~and~~.

3 (AA) An amount equal to all the ordinary and  
4 necessary expenses paid or incurred during the taxable  
5 year in carrying on the business of a cannabis  
6 establishment as defined in Section 10 of the Cannabis  
7 Legalization Equity Act if the cannabis establishment  
8 is in compliance with that Act, including:

9 (i) a reasonable allowance for salaries or  
10 other compensation for personal services actually  
11 rendered;

12 (ii) traveling expenses (including amounts  
13 expended for meals and lodging other than amounts  
14 which are lavish or extravagant under the  
15 circumstances) while away from home in the pursuit  
16 of the business of the cannabis establishment; and

17 (iii) rentals or other payments required to be  
18 made as a condition to the continued use or  
19 possession, for purposes of the business of a  
20 cannabis establishment, of property to which the  
21 taxpayer has not taken or is not taking title or in  
22 which he or she has no equity.

23 (3) Special rule. For purposes of paragraph (2) (A),  
24 "gross income" in the case of a life insurance company, for  
25 tax years ending on and after December 31, 1994, and prior  
26 to December 31, 2011, shall mean the gross investment

1 income for the taxable year and, for tax years ending on or  
2 after December 31, 2011, shall mean all amounts included in  
3 life insurance gross income under Section 803(a)(3) of the  
4 Internal Revenue Code.

5 (c) Trusts and estates.

6 (1) In general. In the case of a trust or estate, base  
7 income means an amount equal to the taxpayer's taxable  
8 income for the taxable year as modified by paragraph (2).

9 (2) Modifications. Subject to the provisions of  
10 paragraph (3), the taxable income referred to in paragraph  
11 (1) shall be modified by adding thereto the sum of the  
12 following amounts:

13 (A) An amount equal to all amounts paid or accrued  
14 to the taxpayer as interest or dividends during the  
15 taxable year to the extent excluded from gross income  
16 in the computation of taxable income;

17 (B) In the case of (i) an estate, \$600; (ii) a  
18 trust which, under its governing instrument, is  
19 required to distribute all of its income currently,  
20 \$300; and (iii) any other trust, \$100, but in each such  
21 case, only to the extent such amount was deducted in  
22 the computation of taxable income;

23 (C) An amount equal to the amount of tax imposed by  
24 this Act to the extent deducted from gross income in  
25 the computation of taxable income for the taxable year;

1           (D) The amount of any net operating loss deduction  
2 taken in arriving at taxable income, other than a net  
3 operating loss carried forward from a taxable year  
4 ending prior to December 31, 1986;

5           (E) For taxable years in which a net operating loss  
6 carryback or carryforward from a taxable year ending  
7 prior to December 31, 1986 is an element of taxable  
8 income under paragraph (1) of subsection (e) or  
9 subparagraph (E) of paragraph (2) of subsection (e),  
10 the amount by which addition modifications other than  
11 those provided by this subparagraph (E) exceeded  
12 subtraction modifications in such taxable year, with  
13 the following limitations applied in the order that  
14 they are listed:

15           (i) the addition modification relating to the  
16 net operating loss carried back or forward to the  
17 taxable year from any taxable year ending prior to  
18 December 31, 1986 shall be reduced by the amount of  
19 addition modification under this subparagraph (E)  
20 which related to that net operating loss and which  
21 was taken into account in calculating the base  
22 income of an earlier taxable year, and

23           (ii) the addition modification relating to the  
24 net operating loss carried back or forward to the  
25 taxable year from any taxable year ending prior to  
26 December 31, 1986 shall not exceed the amount of

1           such carryback or carryforward;

2           For taxable years in which there is a net operating  
3 loss carryback or carryforward from more than one other  
4 taxable year ending prior to December 31, 1986, the  
5 addition modification provided in this subparagraph  
6 (E) shall be the sum of the amounts computed  
7 independently under the preceding provisions of this  
8 subparagraph (E) for each such taxable year;

9           (F) For taxable years ending on or after January 1,  
10 1989, an amount equal to the tax deducted pursuant to  
11 Section 164 of the Internal Revenue Code if the trust  
12 or estate is claiming the same tax for purposes of the  
13 Illinois foreign tax credit under Section 601 of this  
14 Act;

15           (G) An amount equal to the amount of the capital  
16 gain deduction allowable under the Internal Revenue  
17 Code, to the extent deducted from gross income in the  
18 computation of taxable income;

19           (G-5) For taxable years ending after December 31,  
20 1997, an amount equal to any eligible remediation costs  
21 that the trust or estate deducted in computing adjusted  
22 gross income and for which the trust or estate claims a  
23 credit under subsection (1) of Section 201;

24           (G-10) For taxable years 2001 and thereafter, an  
25 amount equal to the bonus depreciation deduction taken  
26 on the taxpayer's federal income tax return for the

1 taxable year under subsection (k) of Section 168 of the  
2 Internal Revenue Code; and

3 (G-11) If the taxpayer sells, transfers, abandons,  
4 or otherwise disposes of property for which the  
5 taxpayer was required in any taxable year to make an  
6 addition modification under subparagraph (G-10), then  
7 an amount equal to the aggregate amount of the  
8 deductions taken in all taxable years under  
9 subparagraph (R) with respect to that property.

10 If the taxpayer continues to own property through  
11 the last day of the last tax year for which the  
12 taxpayer may claim a depreciation deduction for  
13 federal income tax purposes and for which the taxpayer  
14 was allowed in any taxable year to make a subtraction  
15 modification under subparagraph (R), then an amount  
16 equal to that subtraction modification.

17 The taxpayer is required to make the addition  
18 modification under this subparagraph only once with  
19 respect to any one piece of property;

20 (G-12) An amount equal to the amount otherwise  
21 allowed as a deduction in computing base income for  
22 interest paid, accrued, or incurred, directly or  
23 indirectly, (i) for taxable years ending on or after  
24 December 31, 2004, to a foreign person who would be a  
25 member of the same unitary business group but for the  
26 fact that the foreign person's business activity



1 outside the United States is 80% or more of the foreign  
2 person's total business activity and (ii) for taxable  
3 years ending on or after December 31, 2008, to a person  
4 who would be a member of the same unitary business  
5 group but for the fact that the person is prohibited  
6 under Section 1501(a)(27) from being included in the  
7 unitary business group because he or she is ordinarily  
8 required to apportion business income under different  
9 subsections of Section 304. The addition modification  
10 required by this subparagraph shall be reduced to the  
11 extent that dividends were included in base income of  
12 the unitary group for the same taxable year and  
13 received by the taxpayer or by a member of the  
14 taxpayer's unitary business group (including amounts  
15 included in gross income pursuant to Sections 951  
16 through 964 of the Internal Revenue Code and amounts  
17 included in gross income under Section 78 of the  
18 Internal Revenue Code) with respect to the stock of the  
19 same person to whom the interest was paid, accrued, or  
20 incurred.

21 This paragraph shall not apply to the following:

22 (i) an item of interest paid, accrued, or  
23 incurred, directly or indirectly, to a person who  
24 is subject in a foreign country or state, other  
25 than a state which requires mandatory unitary  
26 reporting, to a tax on or measured by net income

1 with respect to such interest; or

2 (ii) an item of interest paid, accrued, or  
3 incurred, directly or indirectly, to a person if  
4 the taxpayer can establish, based on a  
5 preponderance of the evidence, both of the  
6 following:

7 (a) the person, during the same taxable  
8 year, paid, accrued, or incurred, the interest  
9 to a person that is not a related member, and

10 (b) the transaction giving rise to the  
11 interest expense between the taxpayer and the  
12 person did not have as a principal purpose the  
13 avoidance of Illinois income tax, and is paid  
14 pursuant to a contract or agreement that  
15 reflects an arm's-length interest rate and  
16 terms; or

17 (iii) the taxpayer can establish, based on  
18 clear and convincing evidence, that the interest  
19 paid, accrued, or incurred relates to a contract or  
20 agreement entered into at arm's-length rates and  
21 terms and the principal purpose for the payment is  
22 not federal or Illinois tax avoidance; or

23 (iv) an item of interest paid, accrued, or  
24 incurred, directly or indirectly, to a person if  
25 the taxpayer establishes by clear and convincing  
26 evidence that the adjustments are unreasonable; or

1           if the taxpayer and the Director agree in writing  
2           to the application or use of an alternative method  
3           of apportionment under Section 304(f).

4           Nothing in this subsection shall preclude the  
5           Director from making any other adjustment  
6           otherwise allowed under Section 404 of this Act for  
7           any tax year beginning after the effective date of  
8           this amendment provided such adjustment is made  
9           pursuant to regulation adopted by the Department  
10          and such regulations provide methods and standards  
11          by which the Department will utilize its authority  
12          under Section 404 of this Act;

13          (G-13) An amount equal to the amount of intangible  
14          expenses and costs otherwise allowed as a deduction in  
15          computing base income, and that were paid, accrued, or  
16          incurred, directly or indirectly, (i) for taxable  
17          years ending on or after December 31, 2004, to a  
18          foreign person who would be a member of the same  
19          unitary business group but for the fact that the  
20          foreign person's business activity outside the United  
21          States is 80% or more of that person's total business  
22          activity and (ii) for taxable years ending on or after  
23          December 31, 2008, to a person who would be a member of  
24          the same unitary business group but for the fact that  
25          the person is prohibited under Section 1501(a)(27)  
26          from being included in the unitary business group

1 because he or she is ordinarily required to apportion  
2 business income under different subsections of Section  
3 304. The addition modification required by this  
4 subparagraph shall be reduced to the extent that  
5 dividends were included in base income of the unitary  
6 group for the same taxable year and received by the  
7 taxpayer or by a member of the taxpayer's unitary  
8 business group (including amounts included in gross  
9 income pursuant to Sections 951 through 964 of the  
10 Internal Revenue Code and amounts included in gross  
11 income under Section 78 of the Internal Revenue Code)  
12 with respect to the stock of the same person to whom  
13 the intangible expenses and costs were directly or  
14 indirectly paid, incurred, or accrued. The preceding  
15 sentence shall not apply to the extent that the same  
16 dividends caused a reduction to the addition  
17 modification required under Section 203(c)(2)(G-12) of  
18 this Act. As used in this subparagraph, the term  
19 "intangible expenses and costs" includes: (1)  
20 expenses, losses, and costs for or related to the  
21 direct or indirect acquisition, use, maintenance or  
22 management, ownership, sale, exchange, or any other  
23 disposition of intangible property; (2) losses  
24 incurred, directly or indirectly, from factoring  
25 transactions or discounting transactions; (3) royalty,  
26 patent, technical, and copyright fees; (4) licensing

1 fees; and (5) other similar expenses and costs. For  
2 purposes of this subparagraph, "intangible property"  
3 includes patents, patent applications, trade names,  
4 trademarks, service marks, copyrights, mask works,  
5 trade secrets, and similar types of intangible assets.

6 This paragraph shall not apply to the following:

7 (i) any item of intangible expenses or costs  
8 paid, accrued, or incurred, directly or  
9 indirectly, from a transaction with a person who is  
10 subject in a foreign country or state, other than a  
11 state which requires mandatory unitary reporting,  
12 to a tax on or measured by net income with respect  
13 to such item; or

14 (ii) any item of intangible expense or cost  
15 paid, accrued, or incurred, directly or  
16 indirectly, if the taxpayer can establish, based  
17 on a preponderance of the evidence, both of the  
18 following:

19 (a) the person during the same taxable  
20 year paid, accrued, or incurred, the  
21 intangible expense or cost to a person that is  
22 not a related member, and

23 (b) the transaction giving rise to the  
24 intangible expense or cost between the  
25 taxpayer and the person did not have as a  
26 principal purpose the avoidance of Illinois

1 income tax, and is paid pursuant to a contract  
2 or agreement that reflects arm's-length terms;  
3 or

4 (iii) any item of intangible expense or cost  
5 paid, accrued, or incurred, directly or  
6 indirectly, from a transaction with a person if the  
7 taxpayer establishes by clear and convincing  
8 evidence, that the adjustments are unreasonable;  
9 or if the taxpayer and the Director agree in  
10 writing to the application or use of an alternative  
11 method of apportionment under Section 304(f);

12 Nothing in this subsection shall preclude the  
13 Director from making any other adjustment  
14 otherwise allowed under Section 404 of this Act for  
15 any tax year beginning after the effective date of  
16 this amendment provided such adjustment is made  
17 pursuant to regulation adopted by the Department  
18 and such regulations provide methods and standards  
19 by which the Department will utilize its authority  
20 under Section 404 of this Act;

21 (G-14) For taxable years ending on or after  
22 December 31, 2008, an amount equal to the amount of  
23 insurance premium expenses and costs otherwise allowed  
24 as a deduction in computing base income, and that were  
25 paid, accrued, or incurred, directly or indirectly, to  
26 a person who would be a member of the same unitary

1 business group but for the fact that the person is  
2 prohibited under Section 1501(a)(27) from being  
3 included in the unitary business group because he or  
4 she is ordinarily required to apportion business  
5 income under different subsections of Section 304. The  
6 addition modification required by this subparagraph  
7 shall be reduced to the extent that dividends were  
8 included in base income of the unitary group for the  
9 same taxable year and received by the taxpayer or by a  
10 member of the taxpayer's unitary business group  
11 (including amounts included in gross income under  
12 Sections 951 through 964 of the Internal Revenue Code  
13 and amounts included in gross income under Section 78  
14 of the Internal Revenue Code) with respect to the stock  
15 of the same person to whom the premiums and costs were  
16 directly or indirectly paid, incurred, or accrued. The  
17 preceding sentence does not apply to the extent that  
18 the same dividends caused a reduction to the addition  
19 modification required under Section 203(c)(2)(G-12) or  
20 Section 203(c)(2)(G-13) of this Act;

21 (G-15) An amount equal to the credit allowable to  
22 the taxpayer under Section 218(a) of this Act,  
23 determined without regard to Section 218(c) of this  
24 Act;

25 (G-16) For taxable years ending on or after  
26 December 31, 2017, an amount equal to the deduction

1           allowed under Section 199 of the Internal Revenue Code  
2           for the taxable year;

3           and by deducting from the total so obtained the sum of the  
4           following amounts:

5                   (H) An amount equal to all amounts included in such  
6                   total pursuant to the provisions of Sections 402(a),  
7                   402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the  
8                   Internal Revenue Code or included in such total as  
9                   distributions under the provisions of any retirement  
10                   or disability plan for employees of any governmental  
11                   agency or unit, or retirement payments to retired  
12                   partners, which payments are excluded in computing net  
13                   earnings from self employment by Section 1402 of the  
14                   Internal Revenue Code and regulations adopted pursuant  
15                   thereto;

16                   (I) The valuation limitation amount;

17                   (J) An amount equal to the amount of any tax  
18                   imposed by this Act which was refunded to the taxpayer  
19                   and included in such total for the taxable year;

20                   (K) An amount equal to all amounts included in  
21                   taxable income as modified by subparagraphs (A), (B),  
22                   (C), (D), (E), (F) and (G) which are exempt from  
23                   taxation by this State either by reason of its statutes  
24                   or Constitution or by reason of the Constitution,  
25                   treaties or statutes of the United States; provided  
26                   that, in the case of any statute of this State that



1 exempts income derived from bonds or other obligations  
2 from the tax imposed under this Act, the amount  
3 exempted shall be the interest net of bond premium  
4 amortization;

5 (L) With the exception of any amounts subtracted  
6 under subparagraph (K), an amount equal to the sum of  
7 all amounts disallowed as deductions by (i) Sections  
8 171(a)(2) and 265(a)(2) of the Internal Revenue Code,  
9 and all amounts of expenses allocable to interest and  
10 disallowed as deductions by Section 265(a)(1) ~~265(1)~~  
11 of the Internal Revenue Code; and (ii) for taxable  
12 years ending on or after August 13, 1999, Sections  
13 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the  
14 Internal Revenue Code, plus, (iii) for taxable years  
15 ending on or after December 31, 2011, Section 45G(e)(3)  
16 of the Internal Revenue Code and, for taxable years  
17 ending on or after December 31, 2008, any amount  
18 included in gross income under Section 87 of the  
19 Internal Revenue Code; the provisions of this  
20 subparagraph are exempt from the provisions of Section  
21 250;

22 (M) An amount equal to those dividends included in  
23 such total which were paid by a corporation which  
24 conducts business operations in a River Edge  
25 Redevelopment Zone or zones created under the River  
26 Edge Redevelopment Zone Act and conducts substantially

1 all of its operations in a River Edge Redevelopment  
2 Zone or zones. This subparagraph (M) is exempt from the  
3 provisions of Section 250;

4 (N) An amount equal to any contribution made to a  
5 job training project established pursuant to the Tax  
6 Increment Allocation Redevelopment Act;

7 (O) An amount equal to those dividends included in  
8 such total that were paid by a corporation that  
9 conducts business operations in a federally designated  
10 Foreign Trade Zone or Sub-Zone and that is designated a  
11 High Impact Business located in Illinois; provided  
12 that dividends eligible for the deduction provided in  
13 subparagraph (M) of paragraph (2) of this subsection  
14 shall not be eligible for the deduction provided under  
15 this subparagraph (O);

16 (P) An amount equal to the amount of the deduction  
17 used to compute the federal income tax credit for  
18 restoration of substantial amounts held under claim of  
19 right for the taxable year pursuant to Section 1341 of  
20 the Internal Revenue Code;

21 (Q) For taxable year 1999 and thereafter, an amount  
22 equal to the amount of any (i) distributions, to the  
23 extent includible in gross income for federal income  
24 tax purposes, made to the taxpayer because of his or  
25 her status as a victim of persecution for racial or  
26 religious reasons by Nazi Germany or any other Axis

1 regime or as an heir of the victim and (ii) items of  
2 income, to the extent includible in gross income for  
3 federal income tax purposes, attributable to, derived  
4 from or in any way related to assets stolen from,  
5 hidden from, or otherwise lost to a victim of  
6 persecution for racial or religious reasons by Nazi  
7 Germany or any other Axis regime immediately prior to,  
8 during, and immediately after World War II, including,  
9 but not limited to, interest on the proceeds receivable  
10 as insurance under policies issued to a victim of  
11 persecution for racial or religious reasons by Nazi  
12 Germany or any other Axis regime by European insurance  
13 companies immediately prior to and during World War II;  
14 provided, however, this subtraction from federal  
15 adjusted gross income does not apply to assets acquired  
16 with such assets or with the proceeds from the sale of  
17 such assets; provided, further, this paragraph shall  
18 only apply to a taxpayer who was the first recipient of  
19 such assets after their recovery and who is a victim of  
20 persecution for racial or religious reasons by Nazi  
21 Germany or any other Axis regime or as an heir of the  
22 victim. The amount of and the eligibility for any  
23 public assistance, benefit, or similar entitlement is  
24 not affected by the inclusion of items (i) and (ii) of  
25 this paragraph in gross income for federal income tax  
26 purposes. This paragraph is exempt from the provisions

1 of Section 250;

2 (R) For taxable years 2001 and thereafter, for the  
3 taxable year in which the bonus depreciation deduction  
4 is taken on the taxpayer's federal income tax return  
5 under subsection (k) of Section 168 of the Internal  
6 Revenue Code and for each applicable taxable year  
7 thereafter, an amount equal to "x", where:

8 (1) "y" equals the amount of the depreciation  
9 deduction taken for the taxable year on the  
10 taxpayer's federal income tax return on property  
11 for which the bonus depreciation deduction was  
12 taken in any year under subsection (k) of Section  
13 168 of the Internal Revenue Code, but not including  
14 the bonus depreciation deduction;

15 (2) for taxable years ending on or before  
16 December 31, 2005, "x" equals "y" multiplied by 30  
17 and then divided by 70 (or "y" multiplied by  
18 0.429); and

19 (3) for taxable years ending after December  
20 31, 2005:

21 (i) for property on which a bonus  
22 depreciation deduction of 30% of the adjusted  
23 basis was taken, "x" equals "y" multiplied by  
24 30 and then divided by 70 (or "y" multiplied by  
25 0.429); and

26 (ii) for property on which a bonus

1                   depreciation deduction of 50% of the adjusted  
2                   basis was taken, "x" equals "y" multiplied by  
3                   1.0.

4                   The aggregate amount deducted under this  
5                   subparagraph in all taxable years for any one piece of  
6                   property may not exceed the amount of the bonus  
7                   depreciation deduction taken on that property on the  
8                   taxpayer's federal income tax return under subsection  
9                   (k) of Section 168 of the Internal Revenue Code. This  
10                  subparagraph (R) is exempt from the provisions of  
11                  Section 250;

12                  (S) If the taxpayer sells, transfers, abandons, or  
13                  otherwise disposes of property for which the taxpayer  
14                  was required in any taxable year to make an addition  
15                  modification under subparagraph (G-10), then an amount  
16                  equal to that addition modification.

17                  If the taxpayer continues to own property through  
18                  the last day of the last tax year for which the  
19                  taxpayer may claim a depreciation deduction for  
20                  federal income tax purposes and for which the taxpayer  
21                  was required in any taxable year to make an addition  
22                  modification under subparagraph (G-10), then an amount  
23                  equal to that addition modification.

24                  The taxpayer is allowed to take the deduction under  
25                  this subparagraph only once with respect to any one  
26                  piece of property.

1           This subparagraph (S) is exempt from the  
2 provisions of Section 250;

3           (T) The amount of (i) any interest income (net of  
4 the deductions allocable thereto) taken into account  
5 for the taxable year with respect to a transaction with  
6 a taxpayer that is required to make an addition  
7 modification with respect to such transaction under  
8 Section           203(a)(2)(D-17),           203(b)(2)(E-12),  
9 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
10 the amount of such addition modification and (ii) any  
11 income from intangible property (net of the deductions  
12 allocable thereto) taken into account for the taxable  
13 year with respect to a transaction with a taxpayer that  
14 is required to make an addition modification with  
15 respect to such transaction under Section  
16 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
17 203(d)(2)(D-8), but not to exceed the amount of such  
18 addition modification. This subparagraph (T) is exempt  
19 from the provisions of Section 250;

20           (U) An amount equal to the interest income taken  
21 into account for the taxable year (net of the  
22 deductions allocable thereto) with respect to  
23 transactions with (i) a foreign person who would be a  
24 member of the taxpayer's unitary business group but for  
25 the fact the foreign person's business activity  
26 outside the United States is 80% or more of that

1 person's total business activity and (ii) for taxable  
2 years ending on or after December 31, 2008, to a person  
3 who would be a member of the same unitary business  
4 group but for the fact that the person is prohibited  
5 under Section 1501(a)(27) from being included in the  
6 unitary business group because he or she is ordinarily  
7 required to apportion business income under different  
8 subsections of Section 304, but not to exceed the  
9 addition modification required to be made for the same  
10 taxable year under Section 203(c)(2)(G-12) for  
11 interest paid, accrued, or incurred, directly or  
12 indirectly, to the same person. This subparagraph (U)  
13 is exempt from the provisions of Section 250;

14 (V) An amount equal to the income from intangible  
15 property taken into account for the taxable year (net  
16 of the deductions allocable thereto) with respect to  
17 transactions with (i) a foreign person who would be a  
18 member of the taxpayer's unitary business group but for  
19 the fact that the foreign person's business activity  
20 outside the United States is 80% or more of that  
21 person's total business activity and (ii) for taxable  
22 years ending on or after December 31, 2008, to a person  
23 who would be a member of the same unitary business  
24 group but for the fact that the person is prohibited  
25 under Section 1501(a)(27) from being included in the  
26 unitary business group because he or she is ordinarily

1 required to apportion business income under different  
2 subsections of Section 304, but not to exceed the  
3 addition modification required to be made for the same  
4 taxable year under Section 203(c)(2)(G-13) for  
5 intangible expenses and costs paid, accrued, or  
6 incurred, directly or indirectly, to the same foreign  
7 person. This subparagraph (V) is exempt from the  
8 provisions of Section 250;

9 (W) in the case of an estate, an amount equal to  
10 all amounts included in such total pursuant to the  
11 provisions of Section 111 of the Internal Revenue Code  
12 as a recovery of items previously deducted by the  
13 decedent from adjusted gross income in the computation  
14 of taxable income. This subparagraph (W) is exempt from  
15 Section 250;

16 (X) an amount equal to the refund included in such  
17 total of any tax deducted for federal income tax  
18 purposes, to the extent that deduction was added back  
19 under subparagraph (F). This subparagraph (X) is  
20 exempt from the provisions of Section 250; ~~and~~

21 (Y) For taxable years ending on or after December  
22 31, 2011, in the case of a taxpayer who was required to  
23 add back any insurance premiums under Section  
24 203(c)(2)(G-14), such taxpayer may elect to subtract  
25 that part of a reimbursement received from the  
26 insurance company equal to the amount of the expense or



1 loss (including expenses incurred by the insurance  
2 company) that would have been taken into account as a  
3 deduction for federal income tax purposes if the  
4 expense or loss had been uninsured. If a taxpayer makes  
5 the election provided for by this subparagraph (Y), the  
6 insurer to which the premiums were paid must add back  
7 to income the amount subtracted by the taxpayer  
8 pursuant to this subparagraph (Y). This subparagraph  
9 (Y) is exempt from the provisions of Section 250; ~~and~~

10 (Z) An amount equal to all the ordinary and  
11 necessary expenses paid or incurred during the taxable  
12 year in carrying on the business of a cannabis  
13 establishment as defined in Section 10 of the Cannabis  
14 Legalization Equity Act if the cannabis establishment  
15 is in compliance with that Act, including:

16 (i) a reasonable allowance for salaries or  
17 other compensation for personal services actually  
18 rendered;

19 (ii) traveling expenses (including amounts  
20 expended for meals and lodging other than amounts  
21 which are lavish or extravagant under the  
22 circumstances) while away from home in the pursuit  
23 of the business of the cannabis establishment; and

24 (iii) rentals or other payments required to be  
25 made as a condition to the continued use or  
26 possession, for purposes of the business of a

1           cannabis establishment, of property to which the  
2           taxpayer has not taken or is not taking title or in  
3           which he or she has no equity.

4           (3) Limitation. The amount of any modification  
5 otherwise required under this subsection shall, under  
6 regulations prescribed by the Department, be adjusted by  
7 any amounts included therein which were properly paid,  
8 credited, or required to be distributed, or permanently set  
9 aside for charitable purposes pursuant to Internal Revenue  
10 Code Section 642(c) during the taxable year.

11          (d) Partnerships.

12           (1) In general. In the case of a partnership, base  
13 income means an amount equal to the taxpayer's taxable  
14 income for the taxable year as modified by paragraph (2).

15           (2) Modifications. The taxable income referred to in  
16 paragraph (1) shall be modified by adding thereto the sum  
17 of the following amounts:

18           (A) An amount equal to all amounts paid or accrued  
19 to the taxpayer as interest or dividends during the  
20 taxable year to the extent excluded from gross income  
21 in the computation of taxable income;

22           (B) An amount equal to the amount of tax imposed by  
23 this Act to the extent deducted from gross income for  
24 the taxable year;

25           (C) The amount of deductions allowed to the

1 partnership pursuant to Section 707 (c) of the Internal  
2 Revenue Code in calculating its taxable income;

3 (D) An amount equal to the amount of the capital  
4 gain deduction allowable under the Internal Revenue  
5 Code, to the extent deducted from gross income in the  
6 computation of taxable income;

7 (D-5) For taxable years 2001 and thereafter, an  
8 amount equal to the bonus depreciation deduction taken  
9 on the taxpayer's federal income tax return for the  
10 taxable year under subsection (k) of Section 168 of the  
11 Internal Revenue Code;

12 (D-6) If the taxpayer sells, transfers, abandons,  
13 or otherwise disposes of property for which the  
14 taxpayer was required in any taxable year to make an  
15 addition modification under subparagraph (D-5), then  
16 an amount equal to the aggregate amount of the  
17 deductions taken in all taxable years under  
18 subparagraph (D) with respect to that property.

19 If the taxpayer continues to own property through  
20 the last day of the last tax year for which the  
21 taxpayer may claim a depreciation deduction for  
22 federal income tax purposes and for which the taxpayer  
23 was allowed in any taxable year to make a subtraction  
24 modification under subparagraph (D), then an amount  
25 equal to that subtraction modification.

26 The taxpayer is required to make the addition

1 modification under this subparagraph only once with  
2 respect to any one piece of property;

3 (D-7) An amount equal to the amount otherwise  
4 allowed as a deduction in computing base income for  
5 interest paid, accrued, or incurred, directly or  
6 indirectly, (i) for taxable years ending on or after  
7 December 31, 2004, to a foreign person who would be a  
8 member of the same unitary business group but for the  
9 fact the foreign person's business activity outside  
10 the United States is 80% or more of the foreign  
11 person's total business activity and (ii) for taxable  
12 years ending on or after December 31, 2008, to a person  
13 who would be a member of the same unitary business  
14 group but for the fact that the person is prohibited  
15 under Section 1501(a)(27) from being included in the  
16 unitary business group because he or she is ordinarily  
17 required to apportion business income under different  
18 subsections of Section 304. The addition modification  
19 required by this subparagraph shall be reduced to the  
20 extent that dividends were included in base income of  
21 the unitary group for the same taxable year and  
22 received by the taxpayer or by a member of the  
23 taxpayer's unitary business group (including amounts  
24 included in gross income pursuant to Sections 951  
25 through 964 of the Internal Revenue Code and amounts  
26 included in gross income under Section 78 of the

1 Internal Revenue Code) with respect to the stock of the  
2 same person to whom the interest was paid, accrued, or  
3 incurred.

4 This paragraph shall not apply to the following:

5 (i) an item of interest paid, accrued, or  
6 incurred, directly or indirectly, to a person who  
7 is subject in a foreign country or state, other  
8 than a state which requires mandatory unitary  
9 reporting, to a tax on or measured by net income  
10 with respect to such interest; or

11 (ii) an item of interest paid, accrued, or  
12 incurred, directly or indirectly, to a person if  
13 the taxpayer can establish, based on a  
14 preponderance of the evidence, both of the  
15 following:

16 (a) the person, during the same taxable  
17 year, paid, accrued, or incurred, the interest  
18 to a person that is not a related member, and

19 (b) the transaction giving rise to the  
20 interest expense between the taxpayer and the  
21 person did not have as a principal purpose the  
22 avoidance of Illinois income tax, and is paid  
23 pursuant to a contract or agreement that  
24 reflects an arm's-length interest rate and  
25 terms; or

26 (iii) the taxpayer can establish, based on

1 clear and convincing evidence, that the interest  
2 paid, accrued, or incurred relates to a contract or  
3 agreement entered into at arm's-length rates and  
4 terms and the principal purpose for the payment is  
5 not federal or Illinois tax avoidance; or

6 (iv) an item of interest paid, accrued, or  
7 incurred, directly or indirectly, to a person if  
8 the taxpayer establishes by clear and convincing  
9 evidence that the adjustments are unreasonable; or  
10 if the taxpayer and the Director agree in writing  
11 to the application or use of an alternative method  
12 of apportionment under Section 304(f).

13 Nothing in this subsection shall preclude the  
14 Director from making any other adjustment  
15 otherwise allowed under Section 404 of this Act for  
16 any tax year beginning after the effective date of  
17 this amendment provided such adjustment is made  
18 pursuant to regulation adopted by the Department  
19 and such regulations provide methods and standards  
20 by which the Department will utilize its authority  
21 under Section 404 of this Act; and

22 (D-8) An amount equal to the amount of intangible  
23 expenses and costs otherwise allowed as a deduction in  
24 computing base income, and that were paid, accrued, or  
25 incurred, directly or indirectly, (i) for taxable  
26 years ending on or after December 31, 2004, to a

1 foreign person who would be a member of the same  
2 unitary business group but for the fact that the  
3 foreign person's business activity outside the United  
4 States is 80% or more of that person's total business  
5 activity and (ii) for taxable years ending on or after  
6 December 31, 2008, to a person who would be a member of  
7 the same unitary business group but for the fact that  
8 the person is prohibited under Section 1501(a)(27)  
9 from being included in the unitary business group  
10 because he or she is ordinarily required to apportion  
11 business income under different subsections of Section  
12 304. The addition modification required by this  
13 subparagraph shall be reduced to the extent that  
14 dividends were included in base income of the unitary  
15 group for the same taxable year and received by the  
16 taxpayer or by a member of the taxpayer's unitary  
17 business group (including amounts included in gross  
18 income pursuant to Sections 951 through 964 of the  
19 Internal Revenue Code and amounts included in gross  
20 income under Section 78 of the Internal Revenue Code)  
21 with respect to the stock of the same person to whom  
22 the intangible expenses and costs were directly or  
23 indirectly paid, incurred or accrued. The preceding  
24 sentence shall not apply to the extent that the same  
25 dividends caused a reduction to the addition  
26 modification required under Section 203(d)(2)(D-7) of

1           this Act. As used in this subparagraph, the term  
2           "intangible expenses and costs" includes (1) expenses,  
3           losses, and costs for, or related to, the direct or  
4           indirect acquisition, use, maintenance or management,  
5           ownership, sale, exchange, or any other disposition of  
6           intangible property; (2) losses incurred, directly or  
7           indirectly, from factoring transactions or discounting  
8           transactions; (3) royalty, patent, technical, and  
9           copyright fees; (4) licensing fees; and (5) other  
10          similar expenses and costs. For purposes of this  
11          subparagraph, "intangible property" includes patents,  
12          patent applications, trade names, trademarks, service  
13          marks, copyrights, mask works, trade secrets, and  
14          similar types of intangible assets;

15                 This paragraph shall not apply to the following:

16                         (i) any item of intangible expenses or costs  
17                         paid, accrued, or incurred, directly or  
18                         indirectly, from a transaction with a person who is  
19                         subject in a foreign country or state, other than a  
20                         state which requires mandatory unitary reporting,  
21                         to a tax on or measured by net income with respect  
22                         to such item; or

23                         (ii) any item of intangible expense or cost  
24                         paid, accrued, or incurred, directly or  
25                         indirectly, if the taxpayer can establish, based  
26                         on a preponderance of the evidence, both of the



1 following:

2 (a) the person during the same taxable  
3 year paid, accrued, or incurred, the  
4 intangible expense or cost to a person that is  
5 not a related member, and

6 (b) the transaction giving rise to the  
7 intangible expense or cost between the  
8 taxpayer and the person did not have as a  
9 principal purpose the avoidance of Illinois  
10 income tax, and is paid pursuant to a contract  
11 or agreement that reflects arm's-length terms;  
12 or

13 (iii) any item of intangible expense or cost  
14 paid, accrued, or incurred, directly or  
15 indirectly, from a transaction with a person if the  
16 taxpayer establishes by clear and convincing  
17 evidence, that the adjustments are unreasonable;  
18 or if the taxpayer and the Director agree in  
19 writing to the application or use of an alternative  
20 method of apportionment under Section 304(f);

21 Nothing in this subsection shall preclude the  
22 Director from making any other adjustment  
23 otherwise allowed under Section 404 of this Act for  
24 any tax year beginning after the effective date of  
25 this amendment provided such adjustment is made  
26 pursuant to regulation adopted by the Department

1           and such regulations provide methods and standards  
2           by which the Department will utilize its authority  
3           under Section 404 of this Act;

4           (D-9) For taxable years ending on or after December  
5           31, 2008, an amount equal to the amount of insurance  
6           premium expenses and costs otherwise allowed as a  
7           deduction in computing base income, and that were paid,  
8           accrued, or incurred, directly or indirectly, to a  
9           person who would be a member of the same unitary  
10          business group but for the fact that the person is  
11          prohibited under Section 1501(a)(27) from being  
12          included in the unitary business group because he or  
13          she is ordinarily required to apportion business  
14          income under different subsections of Section 304. The  
15          addition modification required by this subparagraph  
16          shall be reduced to the extent that dividends were  
17          included in base income of the unitary group for the  
18          same taxable year and received by the taxpayer or by a  
19          member of the taxpayer's unitary business group  
20          (including amounts included in gross income under  
21          Sections 951 through 964 of the Internal Revenue Code  
22          and amounts included in gross income under Section 78  
23          of the Internal Revenue Code) with respect to the stock  
24          of the same person to whom the premiums and costs were  
25          directly or indirectly paid, incurred, or accrued. The  
26          preceding sentence does not apply to the extent that

1 the same dividends caused a reduction to the addition  
2 modification required under Section 203(d)(2)(D-7) or  
3 Section 203(d)(2)(D-8) of this Act;

4 (D-10) An amount equal to the credit allowable to  
5 the taxpayer under Section 218(a) of this Act,  
6 determined without regard to Section 218(c) of this  
7 Act;

8 (D-11) For taxable years ending on or after  
9 December 31, 2017, an amount equal to the deduction  
10 allowed under Section 199 of the Internal Revenue Code  
11 for the taxable year;

12 and by deducting from the total so obtained the following  
13 amounts:

14 (E) The valuation limitation amount;

15 (F) An amount equal to the amount of any tax  
16 imposed by this Act which was refunded to the taxpayer  
17 and included in such total for the taxable year;

18 (G) An amount equal to all amounts included in  
19 taxable income as modified by subparagraphs (A), (B),  
20 (C) and (D) which are exempt from taxation by this  
21 State either by reason of its statutes or Constitution  
22 or by reason of the Constitution, treaties or statutes  
23 of the United States; provided that, in the case of any  
24 statute of this State that exempts income derived from  
25 bonds or other obligations from the tax imposed under  
26 this Act, the amount exempted shall be the interest net

1 of bond premium amortization;

2 (H) Any income of the partnership which  
3 constitutes personal service income as defined in  
4 Section 1348(b)(1) of the Internal Revenue Code (as in  
5 effect December 31, 1981) or a reasonable allowance for  
6 compensation paid or accrued for services rendered by  
7 partners to the partnership, whichever is greater;  
8 this subparagraph (H) is exempt from the provisions of  
9 Section 250;

10 (I) An amount equal to all amounts of income  
11 distributable to an entity subject to the Personal  
12 Property Tax Replacement Income Tax imposed by  
13 subsections (c) and (d) of Section 201 of this Act  
14 including amounts distributable to organizations  
15 exempt from federal income tax by reason of Section  
16 501(a) of the Internal Revenue Code; this subparagraph  
17 (I) is exempt from the provisions of Section 250;

18 (J) With the exception of any amounts subtracted  
19 under subparagraph (G), an amount equal to the sum of  
20 all amounts disallowed as deductions by (i) Sections  
21 171(a)(2), and 265(a)(2) ~~265(2)~~ of the Internal  
22 Revenue Code, and all amounts of expenses allocable to  
23 interest and disallowed as deductions by Section  
24 265(a)(1) ~~265(1)~~ of the Internal Revenue Code; and (ii)  
25 for taxable years ending on or after August 13, 1999,  
26 Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of

1 the Internal Revenue Code, plus, (iii) for taxable  
2 years ending on or after December 31, 2011, Section  
3 45G(e) (3) of the Internal Revenue Code and, for taxable  
4 years ending on or after December 31, 2008, any amount  
5 included in gross income under Section 87 of the  
6 Internal Revenue Code; the provisions of this  
7 subparagraph are exempt from the provisions of Section  
8 250;

9 (K) An amount equal to those dividends included in  
10 such total which were paid by a corporation which  
11 conducts business operations in a River Edge  
12 Redevelopment Zone or zones created under the River  
13 Edge Redevelopment Zone Act and conducts substantially  
14 all of its operations from a River Edge Redevelopment  
15 Zone or zones. This subparagraph (K) is exempt from the  
16 provisions of Section 250;

17 (L) An amount equal to any contribution made to a  
18 job training project established pursuant to the Real  
19 Property Tax Increment Allocation Redevelopment Act;

20 (M) An amount equal to those dividends included in  
21 such total that were paid by a corporation that  
22 conducts business operations in a federally designated  
23 Foreign Trade Zone or Sub-Zone and that is designated a  
24 High Impact Business located in Illinois; provided  
25 that dividends eligible for the deduction provided in  
26 subparagraph (K) of paragraph (2) of this subsection

1 shall not be eligible for the deduction provided under  
2 this subparagraph (M);

3 (N) An amount equal to the amount of the deduction  
4 used to compute the federal income tax credit for  
5 restoration of substantial amounts held under claim of  
6 right for the taxable year pursuant to Section 1341 of  
7 the Internal Revenue Code;

8 (O) For taxable years 2001 and thereafter, for the  
9 taxable year in which the bonus depreciation deduction  
10 is taken on the taxpayer's federal income tax return  
11 under subsection (k) of Section 168 of the Internal  
12 Revenue Code and for each applicable taxable year  
13 thereafter, an amount equal to "x", where:

14 (1) "y" equals the amount of the depreciation  
15 deduction taken for the taxable year on the  
16 taxpayer's federal income tax return on property  
17 for which the bonus depreciation deduction was  
18 taken in any year under subsection (k) of Section  
19 168 of the Internal Revenue Code, but not including  
20 the bonus depreciation deduction;

21 (2) for taxable years ending on or before  
22 December 31, 2005, "x" equals "y" multiplied by 30  
23 and then divided by 70 (or "y" multiplied by  
24 0.429); and

25 (3) for taxable years ending after December  
26 31, 2005:

1 (i) for property on which a bonus  
2 depreciation deduction of 30% of the adjusted  
3 basis was taken, "x" equals "y" multiplied by  
4 30 and then divided by 70 (or "y" multiplied by  
5 0.429); and

6 (ii) for property on which a bonus  
7 depreciation deduction of 50% of the adjusted  
8 basis was taken, "x" equals "y" multiplied by  
9 1.0.

10 The aggregate amount deducted under this  
11 subparagraph in all taxable years for any one piece of  
12 property may not exceed the amount of the bonus  
13 depreciation deduction taken on that property on the  
14 taxpayer's federal income tax return under subsection  
15 (k) of Section 168 of the Internal Revenue Code. This  
16 subparagraph (O) is exempt from the provisions of  
17 Section 250;

18 (P) If the taxpayer sells, transfers, abandons, or  
19 otherwise disposes of property for which the taxpayer  
20 was required in any taxable year to make an addition  
21 modification under subparagraph (D-5), then an amount  
22 equal to that addition modification.

23 If the taxpayer continues to own property through  
24 the last day of the last tax year for which the  
25 taxpayer may claim a depreciation deduction for  
26 federal income tax purposes and for which the taxpayer

1 was required in any taxable year to make an addition  
2 modification under subparagraph (D-5), then an amount  
3 equal to that addition modification.

4 The taxpayer is allowed to take the deduction under  
5 this subparagraph only once with respect to any one  
6 piece of property.

7 This subparagraph (P) is exempt from the  
8 provisions of Section 250;

9 (Q) The amount of (i) any interest income (net of  
10 the deductions allocable thereto) taken into account  
11 for the taxable year with respect to a transaction with  
12 a taxpayer that is required to make an addition  
13 modification with respect to such transaction under  
14 Section 203(a)(2)(D-17), 203(b)(2)(E-12),  
15 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
16 the amount of such addition modification and (ii) any  
17 income from intangible property (net of the deductions  
18 allocable thereto) taken into account for the taxable  
19 year with respect to a transaction with a taxpayer that  
20 is required to make an addition modification with  
21 respect to such transaction under Section  
22 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
23 203(d)(2)(D-8), but not to exceed the amount of such  
24 addition modification. This subparagraph (Q) is exempt  
25 from Section 250;

26 (R) An amount equal to the interest income taken



1           into account for the taxable year (net of the  
2           deductions allocable thereto) with respect to  
3           transactions with (i) a foreign person who would be a  
4           member of the taxpayer's unitary business group but for  
5           the fact that the foreign person's business activity  
6           outside the United States is 80% or more of that  
7           person's total business activity and (ii) for taxable  
8           years ending on or after December 31, 2008, to a person  
9           who would be a member of the same unitary business  
10          group but for the fact that the person is prohibited  
11          under Section 1501(a)(27) from being included in the  
12          unitary business group because he or she is ordinarily  
13          required to apportion business income under different  
14          subsections of Section 304, but not to exceed the  
15          addition modification required to be made for the same  
16          taxable year under Section 203(d)(2)(D-7) for interest  
17          paid, accrued, or incurred, directly or indirectly, to  
18          the same person. This subparagraph (R) is exempt from  
19          Section 250;

20                 (S) An amount equal to the income from intangible  
21          property taken into account for the taxable year (net  
22          of the deductions allocable thereto) with respect to  
23          transactions with (i) a foreign person who would be a  
24          member of the taxpayer's unitary business group but for  
25          the fact that the foreign person's business activity  
26          outside the United States is 80% or more of that

1 person's total business activity and (ii) for taxable  
2 years ending on or after December 31, 2008, to a person  
3 who would be a member of the same unitary business  
4 group but for the fact that the person is prohibited  
5 under Section 1501(a)(27) from being included in the  
6 unitary business group because he or she is ordinarily  
7 required to apportion business income under different  
8 subsections of Section 304, but not to exceed the  
9 addition modification required to be made for the same  
10 taxable year under Section 203(d)(2)(D-8) for  
11 intangible expenses and costs paid, accrued, or  
12 incurred, directly or indirectly, to the same person.  
13 This subparagraph (S) is exempt from Section 250; and

14 (T) For taxable years ending on or after December  
15 31, 2011, in the case of a taxpayer who was required to  
16 add back any insurance premiums under Section  
17 203(d)(2)(D-9), such taxpayer may elect to subtract  
18 that part of a reimbursement received from the  
19 insurance company equal to the amount of the expense or  
20 loss (including expenses incurred by the insurance  
21 company) that would have been taken into account as a  
22 deduction for federal income tax purposes if the  
23 expense or loss had been uninsured. If a taxpayer makes  
24 the election provided for by this subparagraph (T), the  
25 insurer to which the premiums were paid must add back  
26 to income the amount subtracted by the taxpayer

1 pursuant to this subparagraph (T). This subparagraph  
2 (T) is exempt from the provisions of Section 250; ~~and~~

3 (U) An amount equal to all the ordinary and  
4 necessary expenses paid or incurred during the taxable  
5 year in carrying on the business of a cannabis  
6 establishment as defined in Section 10 of the Cannabis  
7 Legalization Equity Act if the cannabis establishment  
8 is in compliance with that Act, including:

9 (i) a reasonable allowance for salaries or  
10 other compensation for personal services actually  
11 rendered;

12 (ii) traveling expenses (including amounts  
13 expended for meals and lodging other than amounts  
14 which are lavish or extravagant under the  
15 circumstances) while away from home in the pursuit  
16 of the business of the cannabis establishment; and

17 (iii) rentals or other payments required to be  
18 made as a condition to the continued use or  
19 possession, for purposes of the business of a  
20 cannabis establishment, of property to which the  
21 taxpayer has not taken or is not taking title or in  
22 which he or she has no equity.

23 (e) Gross income; adjusted gross income; taxable income.

24 (1) In general. Subject to the provisions of paragraph

25 (2) and subsection (b) (3), for purposes of this Section and

1 Section 803(e), a taxpayer's gross income, adjusted gross  
2 income, or taxable income for the taxable year shall mean  
3 the amount of gross income, adjusted gross income or  
4 taxable income properly reportable for federal income tax  
5 purposes for the taxable year under the provisions of the  
6 Internal Revenue Code. Taxable income may be less than  
7 zero. However, for taxable years ending on or after  
8 December 31, 1986, net operating loss carryforwards from  
9 taxable years ending prior to December 31, 1986, may not  
10 exceed the sum of federal taxable income for the taxable  
11 year before net operating loss deduction, plus the excess  
12 of addition modifications over subtraction modifications  
13 for the taxable year. For taxable years ending prior to  
14 December 31, 1986, taxable income may never be an amount in  
15 excess of the net operating loss for the taxable year as  
16 defined in subsections (c) and (d) of Section 172 of the  
17 Internal Revenue Code, provided that when taxable income of  
18 a corporation (other than a Subchapter S corporation),  
19 trust, or estate is less than zero and addition  
20 modifications, other than those provided by subparagraph  
21 (E) of paragraph (2) of subsection (b) for corporations or  
22 subparagraph (E) of paragraph (2) of subsection (c) for  
23 trusts and estates, exceed subtraction modifications, an  
24 addition modification must be made under those  
25 subparagraphs for any other taxable year to which the  
26 taxable income less than zero (net operating loss) is

1 applied under Section 172 of the Internal Revenue Code or  
2 under subparagraph (E) of paragraph (2) of this subsection  
3 (e) applied in conjunction with Section 172 of the Internal  
4 Revenue Code.

5 (2) Special rule. For purposes of paragraph (1) of this  
6 subsection, the taxable income properly reportable for  
7 federal income tax purposes shall mean:

8 (A) Certain life insurance companies. In the case  
9 of a life insurance company subject to the tax imposed  
10 by Section 801 of the Internal Revenue Code, life  
11 insurance company taxable income, plus the amount of  
12 distribution from pre-1984 policyholder surplus  
13 accounts as calculated under Section 815a of the  
14 Internal Revenue Code;

15 (B) Certain other insurance companies. In the case  
16 of mutual insurance companies subject to the tax  
17 imposed by Section 831 of the Internal Revenue Code,  
18 insurance company taxable income;

19 (C) Regulated investment companies. In the case of  
20 a regulated investment company subject to the tax  
21 imposed by Section 852 of the Internal Revenue Code,  
22 investment company taxable income;

23 (D) Real estate investment trusts. In the case of a  
24 real estate investment trust subject to the tax imposed  
25 by Section 857 of the Internal Revenue Code, real  
26 estate investment trust taxable income;

1           (E) Consolidated corporations. In the case of a  
2 corporation which is a member of an affiliated group of  
3 corporations filing a consolidated income tax return  
4 for the taxable year for federal income tax purposes,  
5 taxable income determined as if such corporation had  
6 filed a separate return for federal income tax purposes  
7 for the taxable year and each preceding taxable year  
8 for which it was a member of an affiliated group. For  
9 purposes of this subparagraph, the taxpayer's separate  
10 taxable income shall be determined as if the election  
11 provided by Section 243(b)(2) of the Internal Revenue  
12 Code had been in effect for all such years;

13           (F) Cooperatives. In the case of a cooperative  
14 corporation or association, the taxable income of such  
15 organization determined in accordance with the  
16 provisions of Section 1381 through 1388 of the Internal  
17 Revenue Code, but without regard to the prohibition  
18 against offsetting losses from patronage activities  
19 against income from nonpatronage activities; except  
20 that a cooperative corporation or association may make  
21 an election to follow its federal income tax treatment  
22 of patronage losses and nonpatronage losses. In the  
23 event such election is made, such losses shall be  
24 computed and carried over in a manner consistent with  
25 subsection (a) of Section 207 of this Act and  
26 apportioned by the apportionment factor reported by

1 the cooperative on its Illinois income tax return filed  
2 for the taxable year in which the losses are incurred.  
3 The election shall be effective for all taxable years  
4 with original returns due on or after the date of the  
5 election. In addition, the cooperative may file an  
6 amended return or returns, as allowed under this Act,  
7 to provide that the election shall be effective for  
8 losses incurred or carried forward for taxable years  
9 occurring prior to the date of the election. Once made,  
10 the election may only be revoked upon approval of the  
11 Director. The Department shall adopt rules setting  
12 forth requirements for documenting the elections and  
13 any resulting Illinois net loss and the standards to be  
14 used by the Director in evaluating requests to revoke  
15 elections. Public Act 96-932 is declaratory of  
16 existing law;

17 (G) Subchapter S corporations. In the case of: (i)  
18 a Subchapter S corporation for which there is in effect  
19 an election for the taxable year under Section 1362 of  
20 the Internal Revenue Code, the taxable income of such  
21 corporation determined in accordance with Section  
22 1363(b) of the Internal Revenue Code, except that  
23 taxable income shall take into account those items  
24 which are required by Section 1363(b)(1) of the  
25 Internal Revenue Code to be separately stated; and (ii)  
26 a Subchapter S corporation for which there is in effect

1 a federal election to opt out of the provisions of the  
2 Subchapter S Revision Act of 1982 and have applied  
3 instead the prior federal Subchapter S rules as in  
4 effect on July 1, 1982, the taxable income of such  
5 corporation determined in accordance with the federal  
6 Subchapter S rules as in effect on July 1, 1982; and

7 (H) Partnerships. In the case of a partnership,  
8 taxable income determined in accordance with Section  
9 703 of the Internal Revenue Code, except that taxable  
10 income shall take into account those items which are  
11 required by Section 703(a)(1) to be separately stated  
12 but which would be taken into account by an individual  
13 in calculating his taxable income.

14 (3) Recapture of business expenses on disposition of  
15 asset or business. Notwithstanding any other law to the  
16 contrary, if in prior years income from an asset or  
17 business has been classified as business income and in a  
18 later year is demonstrated to be non-business income, then  
19 all expenses, without limitation, deducted in such later  
20 year and in the 2 immediately preceding taxable years  
21 related to that asset or business that generated the  
22 non-business income shall be added back and recaptured as  
23 business income in the year of the disposition of the asset  
24 or business. Such amount shall be apportioned to Illinois  
25 using the greater of the apportionment fraction computed  
26 for the business under Section 304 of this Act for the



1 taxable year or the average of the apportionment fractions  
2 computed for the business under Section 304 of this Act for  
3 the taxable year and for the 2 immediately preceding  
4 taxable years.

5 (f) Valuation limitation amount.

6 (1) In general. The valuation limitation amount  
7 referred to in subsections (a)(2)(G), (c)(2)(I) and  
8 (d)(2)(E) is an amount equal to:

9 (A) The sum of the pre-August 1, 1969 appreciation  
10 amounts (to the extent consisting of gain reportable  
11 under the provisions of Section 1245 or 1250 of the  
12 Internal Revenue Code) for all property in respect of  
13 which such gain was reported for the taxable year; plus

14 (B) The lesser of (i) the sum of the pre-August 1,  
15 1969 appreciation amounts (to the extent consisting of  
16 capital gain) for all property in respect of which such  
17 gain was reported for federal income tax purposes for  
18 the taxable year, or (ii) the net capital gain for the  
19 taxable year, reduced in either case by any amount of  
20 such gain included in the amount determined under  
21 subsection (a)(2)(F) or (c)(2)(H).

22 (2) Pre-August 1, 1969 appreciation amount.

23 (A) If the fair market value of property referred  
24 to in paragraph (1) was readily ascertainable on August  
25 1, 1969, the pre-August 1, 1969 appreciation amount for

1           such property is the lesser of (i) the excess of such  
2           fair market value over the taxpayer's basis (for  
3           determining gain) for such property on that date  
4           (determined under the Internal Revenue Code as in  
5           effect on that date), or (ii) the total gain realized  
6           and reportable for federal income tax purposes in  
7           respect of the sale, exchange or other disposition of  
8           such property.

9           (B) If the fair market value of property referred  
10          to in paragraph (1) was not readily ascertainable on  
11          August 1, 1969, the pre-August 1, 1969 appreciation  
12          amount for such property is that amount which bears the  
13          same ratio to the total gain reported in respect of the  
14          property for federal income tax purposes for the  
15          taxable year, as the number of full calendar months in  
16          that part of the taxpayer's holding period for the  
17          property ending July 31, 1969 bears to the number of  
18          full calendar months in the taxpayer's entire holding  
19          period for the property.

20          (C) The Department shall prescribe such  
21          regulations as may be necessary to carry out the  
22          purposes of this paragraph.

23          (g) Double deductions. Unless specifically provided  
24          otherwise, nothing in this Section shall permit the same item  
25          to be deducted more than once.

1 (h) Legislative intention. Except as expressly provided by  
2 this Section there shall be no modifications or limitations on  
3 the amounts of income, gain, loss or deduction taken into  
4 account in determining gross income, adjusted gross income or  
5 taxable income for federal income tax purposes for the taxable  
6 year, or in the amount of such items entering into the  
7 computation of base income and net income under this Act for  
8 such taxable year, whether in respect of property values as of  
9 August 1, 1969 or otherwise.

10 (Source: P.A. 100-22, eff. 7-6-17; 100-905, eff. 8-17-18;  
11 revised 10-29-18.)

12 Section 925. The Compassionate Use of Medical Cannabis  
13 Pilot Program Act is amended by changing Section 10 as follows:

14 (410 ILCS 130/10)

15 (Section scheduled to be repealed on July 1, 2020)

16 Sec. 10. Definitions. The following terms, as used in this  
17 Act, shall have the meanings set forth in this Section:

18 (a) "Adequate supply" means:

19 (1) 2.5 ounces of usable cannabis during a period of 14  
20 days and that is derived solely from an intrastate source.

21 (2) Subject to the rules of the Department of Public  
22 Health, a patient may apply for a waiver where a physician  
23 provides a substantial medical basis in a signed, written

1 statement asserting that, based on the patient's medical  
2 history, in the physician's professional judgment, 2.5  
3 ounces is an insufficient adequate supply for a 14-day  
4 period to properly alleviate the patient's debilitating  
5 medical condition or symptoms associated with the  
6 debilitating medical condition.

7 (3) This subsection may not be construed to authorize  
8 the possession of more than 2.5 ounces at any time without  
9 authority from the Department of Public Health.

10 (4) The pre-mixed weight of medical cannabis used in  
11 making a cannabis infused product shall apply toward the  
12 limit on the total amount of medical cannabis a registered  
13 qualifying patient may possess at any one time.

14 (b) "Cannabis" has the meaning given that term in Section 3  
15 of the Cannabis Control Act.

16 (c) "Cannabis plant monitoring system" means a system that  
17 includes, but is not limited to, testing and data collection  
18 established and maintained by the registered cultivation  
19 center and available to the Department for the purposes of  
20 documenting each cannabis plant and for monitoring plant  
21 development throughout the life cycle of a cannabis plant  
22 cultivated for the intended use by a qualifying patient from  
23 seed planting to final packaging.

24 (d) "Cardholder" means a qualifying patient or a designated  
25 caregiver who has been issued and possesses a valid registry  
26 identification card by the Department of Public Health.

1 (e) "Cultivation center" means a facility operated by an  
2 organization or business that is registered by the Department  
3 of Agriculture to perform necessary activities to provide only  
4 registered medical cannabis dispensing organizations with  
5 usable medical cannabis.

6 (f) "Cultivation center agent" means a principal officer,  
7 board member, employee, or agent of a registered cultivation  
8 center who is 21 years of age or older and has not been  
9 convicted of an excluded offense.

10 (g) "Cultivation center agent identification card" means a  
11 document issued by the Department of Agriculture that  
12 identifies a person as a cultivation center agent.

13 (h) (Blank). ~~"Debilitating medical condition" means one or~~  
14 ~~more of the following:~~

15 ~~(1) cancer, glaucoma, positive status for human~~  
16 ~~immunodeficiency virus, acquired immune deficiency~~  
17 ~~syndrome, hepatitis C, amyotrophic lateral sclerosis,~~  
18 ~~Crohn's disease, agitation of Alzheimer's disease,~~  
19 ~~cachexia/wasting syndrome, muscular dystrophy, severe~~  
20 ~~fibromyalgia, spinal cord disease, including but not~~  
21 ~~limited to arachnoiditis, Tarlov cysts, hydromyelia,~~  
22 ~~syringomyelia, Rheumatoid arthritis, fibrous dysplasia,~~  
23 ~~spinal cord injury, traumatic brain injury and~~  
24 ~~post-concussion syndrome, Multiple Sclerosis,~~  
25 ~~Arnold-Chiari malformation and Syringomyelia,~~  
26 ~~Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,~~

1 ~~Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD~~  
2 ~~(Complex Regional Pain Syndromes Type I), Causalgia, CRPS~~  
3 ~~(Complex Regional Pain Syndromes Type II),~~  
4 ~~Neurofibromatosis, Chronic Inflammatory Demyelinating~~  
5 ~~Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial~~  
6 ~~Cystitis, Myasthenia Gravis, Hydrocephalus, nail patella~~  
7 ~~syndrome, residual limb pain, seizures (including those~~  
8 ~~characteristic of epilepsy), post traumatic stress~~  
9 ~~disorder (PTSD), or the treatment of these conditions;~~

10 ~~(1.5) terminal illness with a diagnosis of 6 months or~~  
11 ~~less; if the terminal illness is not one of the qualifying~~  
12 ~~debilitating medical conditions, then the physician shall~~  
13 ~~on the certification form identify the cause of the~~  
14 ~~terminal illness; or~~

15 ~~(2) any other debilitating medical condition or its~~  
16 ~~treatment that is added by the Department of Public Health~~  
17 ~~by rule as provided in Section 45.~~

18 (i) "Designated caregiver" means a person who: (1) is at  
19 least 21 years of age; (2) has agreed to assist with a  
20 patient's medical use of cannabis; (3) has not been convicted  
21 of an excluded offense; and (4) assists no more than one  
22 registered qualifying patient with his or her medical use of  
23 cannabis.

24 (j) "Dispensing organization agent identification card"  
25 means a document issued by the Department of Financial and  
26 Professional Regulation that identifies a person as a medical

1 cannabis dispensing organization agent.

2 (k) "Enclosed, locked facility" means a room, greenhouse,  
3 building, or other enclosed area equipped with locks or other  
4 security devices that permit access only by a cultivation  
5 center's agents or a dispensing organization's agent working  
6 for the registered cultivation center or the registered  
7 dispensing organization to cultivate, store, and distribute  
8 cannabis for registered qualifying patients.

9 (l) "Excluded offense" for cultivation center agents and  
10 dispensing organizations means:

11 (1) a violent crime defined in Section 3 of the Rights  
12 of Crime Victims and Witnesses Act or a substantially  
13 similar offense that was classified as a felony in the  
14 jurisdiction where the person was convicted; or

15 (2) a violation of a state or federal controlled  
16 substance law, the Cannabis Control Act, or the  
17 Methamphetamine Control and Community Protection Act that  
18 was classified as a felony in the jurisdiction where the  
19 person was convicted, except that the registering  
20 Department may waive this restriction if the person  
21 demonstrates to the registering Department's satisfaction  
22 that his or her conviction was for the possession,  
23 cultivation, transfer, or delivery of a reasonable amount  
24 of cannabis intended for medical use. This exception does  
25 not apply if the conviction was under state law and  
26 involved a violation of an existing medical cannabis law.

1           For purposes of this subsection, the Department of Public  
2 Health shall determine by emergency rule within 30 days after  
3 the effective date of this amendatory Act of the 99th General  
4 Assembly what constitutes a "reasonable amount".

5           (1-5) (Blank).

6           (1-10) "Illinois Cannabis Tracking System" means a  
7 web-based system established and maintained by the Department  
8 of Public Health that is available to the Department of  
9 Agriculture, the Department of Financial and Professional  
10 Regulation, the Illinois State Police, and registered medical  
11 cannabis dispensing organizations on a 24-hour basis to upload  
12 written certifications for Opioid Alternative Pilot Program  
13 participants, to verify Opioid Alternative Pilot Program  
14 participants, to verify Opioid Alternative Pilot Program  
15 participants' available cannabis allotment and assigned  
16 dispensary, and the tracking of the date of sale, amount, and  
17 price of medical cannabis purchased by an Opioid Alternative  
18 Pilot Program participant.

19           (m) "Medical cannabis cultivation center registration"  
20 means a registration issued by the Department of Agriculture.

21           (n) "Medical cannabis container" means a sealed,  
22 traceable, food compliant, tamper resistant, tamper evident  
23 container, or package used for the purpose of containment of  
24 medical cannabis from a cultivation center to a dispensing  
25 organization.

26           (o) "Medical cannabis dispensing organization", or



1 "dispensing organization", or "dispensary organization" means  
2 a facility operated by an organization or business that is  
3 registered by the Department of Financial and Professional  
4 Regulation to acquire medical cannabis from a registered  
5 cultivation center for the purpose of dispensing cannabis,  
6 paraphernalia, or related supplies and educational materials  
7 to registered qualifying patients, individuals with a  
8 provisional registration for qualifying patient cardholder  
9 status, or an Opioid Alternative Pilot Program participant.

10 (p) "Medical cannabis dispensing organization agent" or  
11 "dispensing organization agent" means a principal officer,  
12 board member, employee, or agent of a registered medical  
13 cannabis dispensing organization who is 21 years of age or  
14 older and has not been convicted of an excluded offense.

15 (q) "Medical cannabis infused product" means food, oils,  
16 ointments, or other products containing usable cannabis that  
17 are not smoked.

18 (r) "Medical use" means the acquisition; administration;  
19 delivery; possession; transfer; transportation; or use of  
20 cannabis to treat or alleviate a registered qualifying  
21 patient's debilitating medical condition or symptoms  
22 associated with the patient's debilitating medical condition.

23 (r-5) "Opioid" means a narcotic drug or substance that is a  
24 Schedule II controlled substance under paragraph (1), (2), (3),  
25 or (5) of subsection (b) or under subsection (c) of Section 206  
26 of the Illinois Controlled Substances Act.

1 (r-10) "Opioid Alternative Pilot Program participant"  
2 means an individual who has received a valid written  
3 certification to participate in the Opioid Alternative Pilot  
4 Program for a medical condition for which an opioid has been or  
5 could be prescribed by a physician based on generally accepted  
6 standards of care.

7 (s) "Physician" means a doctor of medicine or doctor of  
8 osteopathy licensed under the Medical Practice Act of 1987 to  
9 practice medicine and who has a controlled substances license  
10 under Article III of the Illinois Controlled Substances Act. It  
11 does not include a licensed practitioner under any other Act  
12 including but not limited to the Illinois Dental Practice Act.

13 (s-5) "Provisional registration" means a document issued  
14 by the Department of Public Health to a qualifying patient who  
15 has submitted: (1) an online application and paid a fee to  
16 participate in Compassionate Use of Medical Cannabis Pilot  
17 Program pending approval or denial of the patient's  
18 application; or (2) a completed application for terminal  
19 illness.

20 (t) "Qualifying patient" means a person who has been  
21 diagnosed by a physician with a condition that the physician  
22 believes would benefit from the use of medical cannabis ~~as~~  
23 ~~having a debilitating medical condition.~~

24 (u) "Registered" means licensed, permitted, or otherwise  
25 certified by the Department of Agriculture, Department of  
26 Public Health, or Department of Financial and Professional

1 Regulation.

2 (v) "Registry identification card" means a document issued  
3 by the Department of Public Health that identifies a person as  
4 a registered qualifying patient or registered designated  
5 caregiver.

6 (w) "Usable cannabis" means the seeds, leaves, buds, and  
7 flowers of the cannabis plant and any mixture or preparation  
8 thereof, but does not include the stalks, and roots of the  
9 plant. It does not include the weight of any non-cannabis  
10 ingredients combined with cannabis, such as ingredients added  
11 to prepare a topical administration, food, or drink.

12 (x) "Verification system" means a Web-based system  
13 established and maintained by the Department of Public Health  
14 that is available to the Department of Agriculture, the  
15 Department of Financial and Professional Regulation, law  
16 enforcement personnel, and registered medical cannabis  
17 dispensing organization agents on a 24-hour basis for the  
18 verification of registry identification cards, the tracking of  
19 delivery of medical cannabis to medical cannabis dispensing  
20 organizations, and the tracking of the date of sale, amount,  
21 and price of medical cannabis purchased by a registered  
22 qualifying patient.

23 (y) "Written certification" means a document dated and  
24 signed by a physician, stating (1) that the qualifying patient  
25 has a debilitating medical condition and specifying the  
26 debilitating medical condition the qualifying patient has; and

1 (2) that (A) the physician is treating or managing treatment of  
2 the patient's debilitating medical condition; or (B) an Opioid  
3 Alternative Pilot Program participant has a medical condition  
4 for which opioids have been or could be prescribed. A written  
5 certification shall be made only in the course of a bona fide  
6 physician-patient relationship, after the physician has  
7 completed an assessment of either a qualifying patient's  
8 medical history or Opioid Alternative Pilot Program  
9 participant, reviewed relevant records related to the  
10 patient's debilitating condition, and conducted a physical  
11 examination.

12 (z) "Bona fide physician-patient relationship" means a  
13 relationship established at a hospital, physician's office, or  
14 other health care facility in which the physician has an  
15 ongoing responsibility for the assessment, care, and treatment  
16 of a patient's debilitating medical condition or a symptom of  
17 the patient's debilitating medical condition.

18 A veteran who has received treatment at a VA hospital shall  
19 be deemed to have a bona fide physician-patient relationship  
20 with a VA physician if the patient has been seen for his or her  
21 debilitating medical condition at the VA Hospital in accordance  
22 with VA Hospital protocols.

23 A bona fide physician-patient relationship under this  
24 subsection is a privileged communication within the meaning of  
25 Section 8-802 of the Code of Civil Procedure.

26 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

1 (410 ILCS 130/220 rep.)

2 Section 930. The Compassionate Use of Medical Cannabis  
3 Pilot Program Act is amended by repealing Section 220.

4 Section 935. The Cannabis Control Act is amended by  
5 changing Sections 4, 5, 7, 8, 9, 10, 12, and 16.2 and adding  
6 Sections 3.5 and 4.1 as follows:

7 (720 ILCS 550/3.5 new)

8 Sec. 3.5. Applicability of Act. The possession,  
9 cultivation, harvest, display, distribution, packaging,  
10 processing, purchase, transportation, transfer, delivery,  
11 sale, storage, and consumption of cannabis as provided for in  
12 the Cannabis Legalization Equity Act is not a violation of this  
13 Act.

14 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

15 Sec. 4. It is unlawful for any person knowingly to possess  
16 225 or more grams of cannabis outside the premises where the  
17 cannabis was cultivated or an amount that exceeds the amount  
18 that can reasonably be harvested from 24 mature cannabis sativa  
19 plants. Any person regardless of age who violates this Section  
20 section with respect to:

21 (a) 225 not more than 10 grams or more of any substance  
22 containing cannabis is guilty of a civil law violation

1 punishable by a minimum fine of \$100 and a maximum fine of  
2 \$200. The proceeds of the fine shall be payable to the  
3 clerk of the circuit court. Within 30 days after the  
4 deposit of the fine, the clerk shall distribute the  
5 proceeds of the fine as follows:

6 (1) \$10 of the fine to the circuit clerk and \$10 of  
7 the fine to the law enforcement agency that issued the  
8 citation; the proceeds of each \$10 fine distributed to  
9 the circuit clerk and each \$10 fine distributed to the  
10 law enforcement agency that issued the citation for the  
11 violation shall be used to defer the cost of automatic  
12 expungements under paragraph (2.5) of subsection (a)  
13 of Section 5.2 of the Criminal Identification Act;

14 (2) \$15 to the county to fund drug addiction  
15 services;

16 (3) \$10 to the Office of the State's Attorneys  
17 Appellate Prosecutor for use in training programs;

18 (4) \$10 to the State's Attorney; and

19 (5) any remainder of the fine to the law  
20 enforcement agency that issued the citation for the  
21 violation.

22 With respect to funds designated for the Department of  
23 State Police, the moneys shall be remitted by the circuit  
24 court clerk to the Department of State Police within one  
25 month after receipt for deposit into the State Police  
26 Operations Assistance Fund. With respect to funds

1 designated for the Department of Natural Resources, the  
2 Department of Natural Resources shall deposit the moneys  
3 into the Conservation Police Operations Assistance Fund;

4 (b) (blank); ~~more than 10 grams but not more than 30~~  
5 ~~grams of any substance containing cannabis is guilty of a~~  
6 ~~Class B misdemeanor;~~

7 (c) (blank); ~~more than 30 grams but not more than 100~~  
8 ~~grams of any substance containing cannabis is guilty of a~~  
9 ~~Class A misdemeanor; provided, that if any offense under~~  
10 ~~this subsection (c) is a subsequent offense, the offender~~  
11 ~~shall be guilty of a Class 4 felony;~~

12 (d) (blank); ~~more than 100 grams but not more than 500~~  
13 ~~grams of any substance containing cannabis is guilty of a~~  
14 ~~Class 4 felony; provided that if any offense under this~~  
15 ~~subsection (d) is a subsequent offense, the offender shall~~  
16 ~~be guilty of a Class 3 felony;~~

17 (e) (blank); ~~more than 500 grams but not more than~~  
18 ~~2,000 grams of any substance containing cannabis is guilty~~  
19 ~~of a Class 3 felony;~~

20 (f) (blank); ~~more than 2,000 grams but not more than~~  
21 ~~5,000 grams of any substance containing cannabis is guilty~~  
22 ~~of a Class 2 felony;~~

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

25 (Source: P.A. 99-697, eff. 7-29-16.)

1 (720 ILCS 550/4.1 new)

2 Sec. 4.1. Persons under 21 years of age. A person under 21  
3 years of age in possession of 100 grams or less of cannabis is  
4 guilty of a civil law violation charged by a Uniform Civil Law  
5 Citation and punishable by forfeiture of the cannabis and  
6 completion not to exceed 4 hours of instruction in a drug  
7 awareness program. The parents or legal guardian of any  
8 offender under the age of 18 shall be notified of the offense  
9 and of available drug awareness programs, which shall be  
10 established by the Department of Public Health. The Department  
11 of Public Health shall set fees for the program sufficient to  
12 cover all costs of administering the program, which shall not  
13 exceed \$300. If an offender fails within one year of the notice  
14 of the offense and available programs to complete a drug  
15 awareness program, the person is guilty of a civil law  
16 violation and shall pay a fine not to exceed \$300 or shall  
17 complete up to 40 hours of community service, or both.

18 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

19 Sec. 5. It is unlawful for any person knowingly to  
20 manufacture, deliver, or possess with intent to deliver, or  
21 manufacture, cannabis, except as authorized under the Cannabis  
22 Legalization Equity Act. Any person who violates this Section  
23 ~~section~~ with respect to:

24 (a) not more than 2.5 grams of any substance containing  
25 cannabis is guilty of a Class B misdemeanor;



1 (b) more than 2.5 grams but not more than 10 grams of any  
2 substance containing cannabis is guilty of a Class A  
3 misdemeanor;

4 (c) more than 10 grams but not more than 30 grams of any  
5 substance containing cannabis is guilty of a Class 4 felony;

6 (d) more than 30 grams but not more than 500 grams of any  
7 substance containing cannabis is guilty of a Class 3 felony for  
8 which a fine not to exceed \$50,000 may be imposed;

9 (e) more than 500 grams but not more than 2,000 grams of  
10 any substance containing cannabis is guilty of a Class 2 felony  
11 for which a fine not to exceed \$100,000 may be imposed;

12 (f) more than 2,000 grams but not more than 5,000 grams of  
13 any substance containing cannabis is guilty of a Class 1 felony  
14 for which a fine not to exceed \$150,000 may be imposed;

15 (g) more than 5,000 grams of any substance containing  
16 cannabis is guilty of a Class X felony for which a fine not to  
17 exceed \$200,000 may be imposed.

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

19 (720 ILCS 550/7) (from Ch. 56 1/2, par. 707)

20 Sec. 7. (a) Any person who is at least 18 years of age who  
21 violates Section 5 of this Act by delivering cannabis to a  
22 person under 18 years of age who is at least 3 years his junior  
23 may be sentenced to imprisonment for a term up to twice the  
24 maximum term otherwise authorized by Section 5.

25 (b) Any person under 18 years of age who violates Section

1 4, 4.1, or 5 of this Act may be treated by the court in  
2 accordance with the Juvenile Court Act of 1987.

3 (Source: P.A. 85-1209.)

4 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

5 Sec. 8. It is unlawful for any person knowingly to produce  
6 25 or more mature ~~the~~ cannabis sativa plants ~~plant~~ or to  
7 possess 25 or more mature cannabis sativa ~~such~~ plants unless  
8 production or possession has been authorized under ~~pursuant to~~  
9 ~~the provisions of~~ Section 11 or 15.2 of the Act or under the  
10 Cannabis Legalization Equity Act. Any person who violates this  
11 Section with respect to production or possession of:

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

14 (b) (Blank). ~~More than 5, but not more than 20 plants, is~~  
15 ~~guilty of a Class 4 felony.~~

16 (c) 25 or more ~~More than 20~~, but not more than 50 plants,  
17 is guilty of a civil law violation punishable by a maximum fine  
18 of \$1,000. The proceeds of the fine shall be payable to the  
19 clerk of the circuit court. Within 30 days after the deposit of  
20 the fine, the clerk shall distribute the proceeds of the fine  
21 as follows: Class 3 felony

22 (1) \$10 of the fine to the circuit clerk and \$10 of the  
23 fine to the law enforcement agency that issued the  
24 citation; the proceeds of each \$10 fine distributed to the  
25 circuit clerk and each \$10 fine distributed to the law

1 enforcement agency that issued the citation for the  
2 violation shall be used to defer the cost of automatic  
3 expungements under paragraph (2.5) of subsection (a) of  
4 Section 5.2 of the Criminal Identification Act;

5 (2) \$15 to the county to fund drug addiction services;

6 (3) \$10 to the Office of the State's Attorneys  
7 Appellate Prosecutor for use in training programs;

8 (4) \$10 to the State's Attorney; and

9 (5) any remainder of the fine to the law enforcement  
10 agency that issued the citation for the violation.

11 With respect to funds designated for the Department of  
12 State Police, the moneys shall be remitted by the circuit  
13 court clerk to the Department of State Police within one  
14 month after receipt for deposit into the State Police  
15 Operations Assistance Fund. With respect to funds  
16 designated for the Department of Natural Resources, the  
17 Department of Natural Resources shall deposit the moneys  
18 into the Conservation Police Operations Assistance Fund.

19 (d) More than 50, but not more than 200 plants, is guilty  
20 of a Class A misdemeanor ~~2-felony~~ for which a fine not to  
21 exceed \$100,000 may be imposed and for which liability for the  
22 cost of conducting the investigation and eradicating such  
23 plants may be assessed. Compensation for expenses incurred in  
24 the enforcement of this provision shall be transmitted to and  
25 deposited in the treasurer's office at the level of government  
26 represented by the Illinois law enforcement agency whose

1 officers or employees conducted the investigation or caused the  
2 arrest or arrests leading to the prosecution, to be  
3 subsequently made available to that law enforcement agency as  
4 expendable receipts for use in the enforcement of laws  
5 regulating controlled substances and cannabis. If such seizure  
6 was made by a combination of law enforcement personnel  
7 representing different levels of government, the court levying  
8 the assessment shall determine the allocation of such  
9 assessment. The proceeds of assessment awarded to the State  
10 treasury shall be deposited in a special fund known as the Drug  
11 Traffic Prevention Fund.

12 (e) More than 200 plants is guilty of a Class 4 ± felony  
13 for which a fine not to exceed \$100,000 may be imposed and for  
14 which liability for the cost of conducting the investigation  
15 and eradicating such plants may be assessed. Compensation for  
16 expenses incurred in the enforcement of this provision shall be  
17 transmitted to and deposited in the treasurer's office at the  
18 level of government represented by the Illinois law enforcement  
19 agency whose officers or employees conducted the investigation  
20 or caused the arrest or arrests leading to the prosecution, to  
21 be subsequently made available to that law enforcement agency  
22 as expendable receipts for use in the enforcement of laws  
23 regulating controlled substances and cannabis. If such seizure  
24 was made by a combination of law enforcement personnel  
25 representing different levels of government, the court levying  
26 the assessment shall determine the allocation of such

1 assessment. The proceeds of assessment awarded to the State  
2 treasury shall be deposited in a special fund known as the Drug  
3 Traffic Prevention Fund.

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

5 (720 ILCS 550/9) (from Ch. 56 1/2, par. 709)

6 Sec. 9. (a) Any person who engages in a calculated criminal  
7 cannabis conspiracy, as defined in subsection (b), is guilty of  
8 a Class 3 felony, and fined not more than \$200,000 and shall be  
9 subject to the forfeitures prescribed in subsection (c); except  
10 that, if any person engages in such offense after one or more  
11 prior convictions under this Section, ~~Section 4 (d)~~, Section 5  
12 (d) or Section 8 (d) or any law of the United States or of any  
13 State relating to cannabis, or controlled substances as defined  
14 in the Illinois Controlled Substances Act, in addition to the  
15 fine and forfeiture authorized above, he shall be guilty of a  
16 Class 1 felony for which an offender may not be sentenced to  
17 death.

18 (b) For purposes of this section, a person engages in a  
19 calculated criminal cannabis conspiracy when:

20 (1) he violates Section ~~4 (d), 4 (e)~~, 5 (d), 5 (e), 8 (c) or  
21 8 (d) of this Act; and

22 (2) such violation is a part of a conspiracy undertaken or  
23 carried on with 2 or more other persons; and

24 (3) he obtains anything of value greater than \$500 from, or  
25 organizes, directs or finances such violation or conspiracy.

1 (c) Any person who is convicted under this Section of  
2 engaging in a calculated criminal cannabis conspiracy shall  
3 forfeit to the State of Illinois:

4 (1) the receipts obtained by him in such conspiracy; and

5 (2) any of his interests in, claims against, receipts from,  
6 or property or rights of any kind affording a source of  
7 influence over, such conspiracy.

8 (d) The circuit court may enter such injunctions,  
9 restraining orders, directions, or prohibitions, or take such  
10 other actions, including the acceptance of satisfactory  
11 performance bonds, in connection with any property, claim,  
12 receipt, right or other interest subject to forfeiture under  
13 this Section, as it deems proper.

14 (Source: P.A. 84-1233.)

15 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

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

24 (b) When a person is placed on probation, the court shall  
25 enter an order specifying a period of probation of 24 months,

1 and shall defer further proceedings in the case until the  
2 conclusion of the period or until the filing of a petition  
3 alleging violation of a term or condition of probation.

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

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

18 (1) make a report to and appear in person before or  
19 participate with the court or such courts, person, or  
20 social service agency as directed by the court in the order  
21 of probation;

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational  
24 training;

25 (4) undergo medical or psychiatric treatment; or  
26 treatment for drug addiction or alcoholism;

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

3           (6) support his dependents;

4           (7) refrain from possessing a firearm or other  
5 dangerous weapon;

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

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

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

15                 (ii) attend school;

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

17                 (iv) contribute to his own support at home or in a  
18 foster home.

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

22           (f) Upon fulfillment of the terms and conditions of  
23 probation, the court shall discharge such person and dismiss  
24 the proceedings against him.

25           (g) A disposition of probation is considered to be a  
26 conviction for the purposes of imposing the conditions of



1 probation and for appeal, however, discharge and dismissal  
2 under this Section is not a conviction for purposes of  
3 disqualification or disabilities imposed by law upon  
4 conviction of a crime (including the additional penalty imposed  
5 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)  
6 of this Act).

7 (h) A person may not have more than one discharge and  
8 dismissal under this Section within a 4-year period.

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 (j) Notwithstanding subsection (a), before a person is  
17 sentenced to probation under this Section, the court may refer  
18 the person to the drug court established in that judicial  
19 circuit pursuant to Section 15 of the Drug Court Treatment Act.  
20 The drug court team shall evaluate the person's likelihood of  
21 successfully completing a sentence of probation under this  
22 Section and shall report the results of its evaluation to the  
23 court. If the drug court team finds that the person suffers  
24 from a substance abuse problem that makes him or her  
25 substantially unlikely to successfully complete a sentence of  
26 probation under this Section, then the drug court shall set

1     forth its findings in the form of a written order, and the  
2     person shall not be sentenced to probation under this Section,  
3     but shall be considered for the drug court program.

4     (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18; 100-575,  
5     eff. 1-8-18.)

6             (720 ILCS 550/12) (from Ch. 56 1/2, par. 712)

7     Sec. 12. Forfeiture.

8     (a) The following are subject to forfeiture:

9             (1) (blank);

10            (2) all raw materials, products, and equipment of any  
11     kind which are produced, delivered, or possessed in  
12     connection with any substance containing cannabis in a  
13     felony violation of this Act;

14            (3) all conveyances, including aircraft, vehicles, or  
15     vessels, which are used, or intended for use, to transport,  
16     or in any manner to facilitate the transportation, sale,  
17     receipt, possession, or concealment of any substance  
18     containing cannabis or property described in paragraph (2)  
19     of this subsection (a) that constitutes a felony violation  
20     of the Act, but:

21            (i) no conveyance used by any person as a common  
22     carrier in the transaction of business as a common  
23     carrier is subject to forfeiture under this Section  
24     unless it appears that the owner or other person in  
25     charge of the conveyance is a consenting party or privy

1 to the violation;

2 (ii) no conveyance is subject to forfeiture under  
3 this Section by reason of any act or omission which the  
4 owner proves to have been committed or omitted without  
5 his or her knowledge or consent;

6 (iii) a forfeiture of a conveyance encumbered by a  
7 bona fide security interest is subject to the interest  
8 of the secured party if he or she neither had knowledge  
9 of nor consented to the act or omission;

10 (4) all money, things of value, books, records, and  
11 research products and materials including formulas,  
12 microfilm, tapes, and data which are used, or intended for  
13 use, in a felony violation of this Act;

14 (5) everything of value furnished or intended to be  
15 furnished by any person in exchange for a substance in  
16 violation of this Act, all proceeds traceable to such an  
17 exchange, and all moneys, negotiable instruments, and  
18 securities used, or intended to be used, to commit or in  
19 any manner to facilitate any felony violation of this Act;

20 (6) all real property, including any right, title, and  
21 interest including, but not limited to, any leasehold  
22 interest or the beneficial interest in a land trust, in the  
23 whole of any lot or tract of land and any appurtenances or  
24 improvements, that is used or intended to be used to  
25 facilitate the manufacture, distribution, sale, receipt,  
26 or concealment of a substance containing cannabis or

1 property described in paragraph (2) of this subsection (a)  
2 that constitutes a felony violation of this Act involving  
3 more than 2,000 grams of a substance containing cannabis or  
4 that is the proceeds of any felony violation of this Act.

5 (b) Property subject to forfeiture under this Act may be  
6 seized under the Drug Asset Forfeiture Procedure Act. In the  
7 event of seizure, forfeiture proceedings shall be instituted  
8 under the Drug Asset Forfeiture Procedure Act.

9 (c) Forfeiture under this Act is subject to an 8th  
10 Amendment to the United States Constitution disproportionate  
11 penalties analysis as provided under Section 9.5 of the Drug  
12 Asset Forfeiture Procedure Act.

13 (c-1) With regard to possession of cannabis offenses only,  
14 a sum of currency with a value of less than \$500 shall not be  
15 subject to forfeiture under this Act. For all other offenses  
16 under this Act, a sum of currency with a value of less than  
17 \$100 shall not be subject to forfeiture under this Act. In  
18 seizures of currency in excess of these amounts, this Section  
19 shall not create an exemption for these amounts.

20 (d) (Blank).

21 (e) (Blank).

22 (f) (Blank).

23 (g) (Blank).

24 (h) Contraband, including cannabis possessed without  
25 authorization under State or federal law, is not subject to  
26 forfeiture. No property right exists in contraband. Contraband

1 is subject to seizure and shall be disposed of according to  
2 State law.

3 (i) The changes made to this Section by Public Act 100-512  
4 and Public Act 100-699 only apply to property seized on and  
5 after July 1, 2018.

6 (j) The changes made to this Section by Public Act 100-699  
7 are subject to Section 4 of the Statute on Statutes.

8 (k) Items described in paragraphs (1) through (6) of  
9 subsection (a) of this Section used, possessed, or derived from  
10 activities that are in compliance with the Cannabis  
11 Legalization Equity Act are not subject to forfeiture.

12 (Source: P.A. 99-686, eff. 7-29-16; 100-512, eff. 7-1-18;  
13 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

14 (720 ILCS 550/16.2)

15 Sec. 16.2. Preservation of cannabis or cannabis sativa  
16 plants for laboratory testing.

17 (a) Before or after the trial in a prosecution for a  
18 violation of Section ~~4~~, 5, 5.1, 5.2, 8, or 9 of this Act, a law  
19 enforcement agency or an agent acting on behalf of the law  
20 enforcement agency must preserve, subject to a continuous chain  
21 of custody, not less than 6,001 grams of any substance  
22 containing cannabis and not less than 51 cannabis sativa plants  
23 with respect to the offenses enumerated in this subsection (a)  
24 and must maintain sufficient documentation to locate that  
25 evidence. Excess quantities with respect to the offenses

1 enumerated in this subsection (a) cannot practicably be  
2 retained by a law enforcement agency because of its size, bulk,  
3 and physical character.

4 (b) The court may before trial transfer excess quantities  
5 of any substance containing cannabis or cannabis sativa plants  
6 with respect to a prosecution for any offense enumerated in  
7 subsection (a) to the sheriff of the county, or may in its  
8 discretion transfer such evidence to the Department of State  
9 Police, for destruction after notice is given to the  
10 defendant's attorney of record or to the defendant if the  
11 defendant is proceeding pro se.

12 (c) After a judgment of conviction is entered and the  
13 charged quantity is no longer needed for evidentiary purposes  
14 with respect to a prosecution for any offense enumerated in  
15 subsection (a), the court may transfer any substance containing  
16 cannabis or cannabis sativa plants to the sheriff of the  
17 county, or may in its discretion transfer such evidence to the  
18 Department of State Police, for destruction after notice is  
19 given to the defendant's attorney of record or to the defendant  
20 if the defendant is proceeding pro se. No evidence shall be  
21 disposed of until 30 days after the judgment is entered, and if  
22 a notice of appeal is filed, no evidence shall be disposed of  
23 until the mandate has been received by the circuit court from  
24 the Appellate Court.

25 (Source: P.A. 94-180, eff. 7-12-05.)

1 Section 940. The Drug Paraphernalia Control Act is amended  
2 by changing Sections 2, 3.5, 4, and 6 as follows:

3 (720 ILCS 600/2) (from Ch. 56 1/2, par. 2102)

4 Sec. 2. As used in this Act, unless the context otherwise  
5 requires:

6 (a) (Blank). ~~The term "cannabis" shall have the meaning~~  
7 ~~ascribed to it in Section 3 of the Cannabis Control Act, as if~~  
8 ~~that definition were incorporated herein.~~

9 (b) The term "controlled substance" shall have the meaning  
10 ascribed to it in Section 102 of the Illinois Controlled  
11 Substances Act, as if that definition were incorporated herein.

12 (c) "Deliver" or "delivery" means the actual, constructive  
13 or attempted transfer of possession, with or without  
14 consideration, whether or not there is an agency relationship.

15 (d) "Drug paraphernalia" means all equipment, products and  
16 materials of any kind, other than methamphetamine  
17 manufacturing materials as defined in Section 10 of the  
18 Methamphetamine Control and Community Protection Act, which  
19 are intended to be used unlawfully in planting, propagating,  
20 cultivating, growing, harvesting, manufacturing, compounding,  
21 converting, producing, processing, preparing, testing,  
22 analyzing, packaging, repackaging, storing, containing,  
23 concealing, injecting, ingesting, inhaling or otherwise  
24 introducing into the human body ~~cannabis or~~ a controlled  
25 substance in violation of ~~the Cannabis Control Act,~~ the

1 Illinois Controlled Substances Act, or the Methamphetamine  
2 Control and Community Protection Act or a synthetic drug  
3 product or misbranded drug in violation of the Illinois Food,  
4 Drug and Cosmetic Act. It includes, but is not limited to:

5 (1) kits intended to be used unlawfully in  
6 manufacturing, compounding, converting, producing,  
7 processing or preparing ~~cannabis~~ or a controlled  
8 substance;

9 (2) isomerization devices intended to be used  
10 unlawfully in increasing the potency of any species of  
11 plant which is ~~cannabis~~ or a controlled substance;

12 (3) testing equipment intended to be used unlawfully in  
13 a private home for identifying or in analyzing the  
14 strength, effectiveness or purity of ~~cannabis~~ or  
15 controlled substances;

16 (4) diluents and adulterants intended to be used  
17 unlawfully for cutting ~~cannabis~~ or a controlled substance  
18 by private persons;

19 (5) objects intended to be used unlawfully in  
20 ingesting, inhaling, or otherwise introducing ~~cannabis,~~  
21 ~~cocaine, hashish, hashish oil,~~ or a synthetic drug product  
22 or misbranded drug in violation of the Illinois Food, Drug  
23 and Cosmetic Act into the human body including, where  
24 applicable, the following items:

25 (A) water pipes;

26 (B) carburetion tubes and devices;



- 1 (C) smoking and carburetion masks;  
2 (D) miniature cocaine spoons and cocaine vials;  
3 (E) carburetor pipes;  
4 (F) electric pipes;  
5 (G) air-driven pipes;  
6 (H) chillums;  
7 (I) bonges;  
8 (J) ice pipes or chillers;  
9 (6) any item whose purpose, as announced or described  
10 by the seller, is for use in violation of this Act.  
11 (Source: P.A. 97-872, eff. 7-31-12.)

12 (720 ILCS 600/3.5)

13 Sec. 3.5. Possession of drug paraphernalia.

14 (a) A person who knowingly possesses an item of drug  
15 paraphernalia with the intent to use it in ingesting, inhaling,  
16 or otherwise introducing ~~cannabis or~~ a controlled substance  
17 into the human body, or in preparing ~~cannabis or~~ a controlled  
18 substance for that use, is guilty of a Class A misdemeanor for  
19 which the court shall impose a minimum fine of \$750 in addition  
20 to any other penalty prescribed for a Class A misdemeanor. This  
21 subsection (a) does not apply to a person who is legally  
22 authorized to possess hypodermic syringes or needles under the  
23 Hypodermic Syringes and Needles Act.

24 (b) In determining intent under subsection (a), the trier  
25 of fact may take into consideration the proximity of the

1 cannabis or controlled substances to drug paraphernalia or the  
2 presence of ~~cannabis or~~ a controlled substance on the drug  
3 paraphernalia.

4 (c) (Blank). ~~If a person violates subsection (a) of Section~~  
5 ~~4 of the Cannabis Control Act, the penalty for possession of~~  
6 ~~any drug paraphernalia seized during the violation for that~~  
7 ~~offense shall be a civil law violation punishable by a minimum~~  
8 ~~fine of \$100 and a maximum fine of \$200. The proceeds of the~~  
9 ~~fine shall be payable to the clerk of the circuit court. Within~~  
10 ~~30 days after the deposit of the fine, the clerk shall~~  
11 ~~distribute the proceeds of the fine as follows:~~

12 ~~(1) \$10 of the fine to the circuit clerk and \$10 of the~~  
13 ~~fine to the law enforcement agency that issued the~~  
14 ~~citation; the proceeds of each \$10 fine distributed to the~~  
15 ~~circuit clerk and each \$10 fine distributed to the law~~  
16 ~~enforcement agency that issued the citation for the~~  
17 ~~violation shall be used to defer the cost of automatic~~  
18 ~~expungements under paragraph (2.5) of subsection (a) of~~  
19 ~~Section 5.2 of the Criminal Identification Act;~~

20 ~~(2) \$15 to the county to fund drug addiction services;~~

21 ~~(3) \$10 to the Office of the State's Attorneys~~  
22 ~~Appellate Prosecutor for use in training programs;~~

23 ~~(4) \$10 to the State's Attorney; and~~

24 ~~(5) any remainder of the fine to the law enforcement~~  
25 ~~agency that issued the citation for the violation.~~

26 With respect to funds designated for the Department of

1 State Police, the moneys shall be remitted by the circuit court  
2 clerk to the Department of State Police within one month after  
3 receipt for deposit into the State Police Operations Assistance  
4 Fund. With respect to funds designated for the Department of  
5 Natural Resources, the Department of Natural Resources shall  
6 deposit the moneys into the Conservation Police Operations  
7 Assistance Fund.

8 (Source: P.A. 99-697, eff. 7-29-16.)

9 (720 ILCS 600/4) (from Ch. 56 1/2, par. 2104)

10 Sec. 4. Exemptions. This Act does not apply to:

11 (a) Items used in the preparation, compounding,  
12 packaging, labeling, or other use of ~~cannabis~~ or a  
13 controlled substance as an incident to lawful research,  
14 teaching, or chemical analysis and not for sale.

15 (b) Items historically and customarily used in  
16 connection with the planting, propagating, cultivating,  
17 growing, harvesting, manufacturing, compounding,  
18 converting, producing, processing, preparing, testing,  
19 analyzing, packaging, repackaging, storing, containing,  
20 concealing, injecting, ingesting, or inhaling of tobacco  
21 or any other lawful substance.

22 Items exempt under this subsection include, but are not  
23 limited to, garden hoes, rakes, sickles, baggies, tobacco  
24 pipes, and cigarette-rolling papers.

25 (c) Items listed in Section 2 of this Act which are

1           used for decorative purposes, when such items have been  
2           rendered completely inoperable or incapable of being used  
3           for any illicit purpose prohibited by this Act.

4           (d) A person who is legally authorized to possess  
5           hypodermic syringes or needles under the Hypodermic  
6           Syringes and Needles Act.

7           In determining whether or not a particular item is exempt under  
8           this Section, the trier of fact should consider, in addition to  
9           all other logically relevant factors, the following:

10           (1) the general, usual, customary, and historical use  
11           to which the item involved has been put;

12           (2) expert evidence concerning the ordinary or  
13           customary use of the item and the effect of any peculiarity  
14           in the design or engineering of the device upon its  
15           functioning;

16           (3) any written instructions accompanying the delivery  
17           of the item concerning the purposes or uses to which the  
18           item can or may be put;

19           (4) any oral instructions provided by the seller of the  
20           item at the time and place of sale or commercial delivery;

21           (5) any national or local advertising concerning the  
22           design, purpose or use of the item involved, and the entire  
23           context in which such advertising occurs;

24           (6) the manner, place and circumstances in which the  
25           item was displayed for sale, as well as any item or items  
26           displayed for sale or otherwise exhibited upon the premises

1 where the sale was made;

2 (7) whether the owner or anyone in control of the  
3 object is a legitimate supplier of like or related items to  
4 the community, such as a licensed distributor or dealer of  
5 tobacco products;

6 (8) the existence and scope of legitimate uses for the  
7 object in the community.

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 (720 ILCS 600/6) (from Ch. 56 1/2, par. 2106)

10 Sec. 6. This Act is intended to be used solely for the  
11 suppression of the commercial traffic in and possession of  
12 items that, within the context of the sale or offering for  
13 sale, or possession, are clearly and beyond a reasonable doubt  
14 intended for the illegal and unlawful use of ~~cannabis or~~  
15 controlled substances. To this end all reasonable and  
16 common-sense inferences shall be drawn in favor of the  
17 legitimacy of any transaction or item.

18 (Source: P.A. 93-526, eff. 8-12-03.)

19 Section 945. The Narcotics Profit Forfeiture Act is amended  
20 by changing Section 3 as follows:

21 (725 ILCS 175/3) (from Ch. 56 1/2, par. 1653)

22 Sec. 3. Definitions.

23 (a) "Narcotics activity" means:

1           1. Any conduct punishable as a felony under the  
2 Cannabis Control Act or the Illinois Controlled Substances  
3 Act, or

4           2. Any conduct punishable, by imprisonment for more  
5 than one year, as an offense against the law of the United  
6 States or any State, concerning narcotics, controlled  
7 substances, dangerous drugs, or any substance or things  
8 scheduled or listed under the Cannabis Control Act, the  
9 Illinois Controlled Substances Act, or the Methamphetamine  
10 Control and Community Protection Act.

11           "Narcotics activity" does not include conduct that is  
12 lawful under the Cannabis Legalization Equity Act.

13           (b) "Pattern of narcotics activity" means 2 or more acts of  
14 narcotics activity of which at least 2 such acts were committed  
15 within 5 years of each other. At least one of those acts of  
16 narcotics activity must have been committed after the effective  
17 date of this Act and at least one of such acts shall be or shall  
18 have been punishable as a Class X, Class 1 or Class 2 felony.

19           (c) "Person" includes any individual or entity capable of  
20 holding a legal or beneficial interest in property.

21           (d) "Enterprise" includes any individual, partnership,  
22 corporation, association, or other entity, or group of  
23 individuals associated in fact, although not a legal entity.

24           (Source: P.A. 94-556, eff. 9-11-05.)

25           Section 950. The Code of Criminal Procedure of 1963 is

1 amended by adding Section 111-3.1 as follows:

2 (725 ILCS 5/111-3.1 new)

3 Sec. 111-3.1. Uniform Civil Law Citation.

4 (a) As used in this Section, "local authorities" means a  
5 duly organized State, county, or municipal peace unit or police  
6 force.

7 (b) For a violation of Section 20 or 30 of the Cannabis  
8 Legalization Equity Act or subsection (a) of Section 4, Section  
9 4.1, or subsection (c) of Section 8 of the Cannabis Control  
10 Act, the local authorities having jurisdiction shall, except as  
11 otherwise provided in this Section, charge the violation by a  
12 Uniform Civil Law Citation. A copy of the Uniform Civil Law  
13 Citation shall be sent to the circuit court clerk, within 30  
14 days, but in no event later than 90 days after the violation.

15 The Uniform Civil Law Citation shall include:

16 (1) the name and address of the defendant;

17 (2) the violation charged;

18 (3) the municipality where the violation occurred or if  
19 in an unincorporated area the county where the violation  
20 occurred;

21 (4) the statutory fine for the offense;

22 (5) the date by which the fine must be paid or plea of  
23 not guilty entered by the defendant;

24 (6) a warning that failure to pay the fine or enter a  
25 plea of not guilty by the date set in the Citation, may

1 result in an order of contempt by the court and shall  
2 result in issuance of a warrant of arrest for the  
3 defendant; and

4 (7) a notice that the person may plead guilty and pay  
5 the fine to the circuit court clerk or enter a plea of not  
6 guilty to the circuit court clerk and request a trial.

7 (c) The peace officer issuing the Citation or the clerk of  
8 the circuit court shall give the accused a first appearance  
9 date 30 to 45 days from the date of the violation whenever  
10 practicable. The accused shall pay \$120 per violation on or  
11 before the appearance date set by the officer or the clerk of  
12 the circuit court or to appear in court.

13 (d) When issuing a Uniform Civil Law Citation, the officer  
14 shall also issue a written notice to the accused in  
15 substantially the following form:

16 CONTEST THIS VIOLATION

17 If you intend to contest this violation or if you  
18 intend to demand a trial, so notify the clerk of the  
19 circuit court at least 10 work days before the date set for  
20 your appearance. Note that appearing in court may result in  
21 additional fines and fees. A new appearance date will be  
22 set, and you will be notified of the time and place of your  
23 appearance. When you are notified of your new appearance  
24 date, you should come to court prepared for trial and bring  
25 any witnesses you may have. You will also have the  
26 opportunity to demand a trial by jury, which would occur at



1 a later date. If you demand a trial by jury, additional  
2 fees may apply.

3 Upon timely receipt of notice that the accused intends to  
4 contest the violation, the clerk shall set a new appearance  
5 date not less than 7 days nor more than 60 days after the  
6 original appearance date set by the peace officer or the clerk  
7 of the circuit court and shall notify all parties of the new  
8 date and the time for appearance. If the accused demands a  
9 trial by jury, the trial shall be scheduled within a reasonable  
10 period. A jury fee may be applicable, as directed by the court.

11 (e) All civil law violations may be satisfied without a  
12 court appearance by admitting to the violation, with the  
13 exception of electronic admissions unless authorized by the  
14 Supreme Court, and payment of \$120, inclusive of all penalties,  
15 fees, and costs.

16 (f) No other fines, fees, penalties, or costs shall be  
17 assessed in any case that is disposed of on an admission to the  
18 violation without a court appearance. The fine shall be  
19 disbursed by the clerk under law. Uniform Civil Law  
20 Citations—Processing Uniform Civil Law Citation forms shall be  
21 in a form, which may from time to time be approved by the  
22 Conference of Chief Circuit Judges and filed with this court.  
23 The uniform form shall be adapted for use by municipalities.  
24 The law enforcement officer shall complete the form or Citation  
25 and, within 48 hours after the issuance, shall transmit the  
26 portions entitled "Complaint" and "Disposition Report", either

1 in person or by mail, to the clerk of the circuit court of the  
2 county in which the violation occurred. Each Uniform Civil Law  
3 Citation form shall, upon receipt by the clerk, be assigned a  
4 separate case number, numbered chronologically, including  
5 multiple citations issued to the same accused for more than one  
6 violation arising out of the same occurrence. A final  
7 disposition noted on the reverse side of the "Complaint" shall  
8 be evidence of the judgment in the case. Upon final disposition  
9 of each case, the clerk shall execute the "Disposition Report"  
10 and promptly forward it to the law enforcement agency that  
11 issued the Citation. This Section does not prohibit the use of  
12 electronic or mechanical systems of record keeping,  
13 transmitting, or reporting.

14 (g) In all civil law violation cases in which a defendant  
15 is issued a Uniform Civil Law Citation as provided under this  
16 Section and fails to appear on the date set for appearance, or  
17 on any date to which the case may be continued, the court may  
18 enter a default judgment and in so doing shall assess a fine,  
19 inclusive of costs, as prescribed in Supreme Court Rule.  
20 Payment received for the fine assessed following the entry of a  
21 default judgment shall be disbursed by the clerk under Supreme  
22 Court Rule.

23 (h) A person may not be arrested for an offense subject to  
24 charging by a Uniform Civil Law Citation, except as provided in  
25 this subsection. A person may be arrested if:

26 (1) he or she is in possession of an identification

1 card, license, or other form of identification issued by  
2 the federal government, this State or any other state,  
3 municipality, or college or university, and fails to  
4 produce the identification upon request of a peace officer  
5 who informs the person that he or she has been found in  
6 possession of what appears to the officer to be a violation  
7 of Section 20 or 30 of the Cannabis Legalization Equity Act  
8 or Section 4.1 of the Cannabis Control Act;

9 (2) he or she is without any form of identification and  
10 fails or refuses to truthfully provide his or her name,  
11 address, and date of birth to a peace officer who has  
12 informed the person that the officer intends to issue the  
13 person with a Uniform Civil Law Citation for a violation of  
14 Section 20 or 30 of the Cannabis Legalization Equity Act or  
15 Section 4.1 of the Cannabis Control Act; or

16 (3) he or she fails to pay the fine or enter a plea of  
17 not guilty within the time period set in the Uniform Civil  
18 Law Citation.

19 (i) The amount of bail for the offense charged by a Uniform  
20 Civil Law Citation shall be the amount as the Supreme Court may  
21 establish by rule.

22 (j) The copy of the Uniform Civil Law Citation filed with  
23 the circuit court constitutes a complaint to which the  
24 defendant may plead, unless he or she specifically requests  
25 that a verified complaint be filed. A Uniform Civil Law  
26 Citation may be satisfied without a court appearance by a

1 written plea of guilty, and payment of fines and costs equal to  
2 \$100, and if a failure to appear to answer the charge has been  
3 entered, in which case the fine and costs shall be equal to the  
4 \$100 fine plus \$35. The balance remaining after deducting the  
5 amount required by Section 27.1a or 27.2a of the Clerks of  
6 Courts Act shall be distributed as follows:

7 (1) 44.5% shall be disbursed to the entity authorized  
8 to receive the fine imposed in the case;

9 (2) 16.825% shall be disbursed to the State Treasurer;  
10 and

11 (3) 38.675% shall be disbursed to the county's general  
12 corporate fund.

13 (k) Except as otherwise provided in this Section, no other  
14 fines, fees, penalties, or costs shall be assessed on a  
15 conviction or plea of guilty to a Uniform Civil Law Citation.

16 (l) A defendant who fails to pay the fine or enter a plea  
17 of not guilty within the time period set in the Uniform Civil  
18 Law Citation is guilty of a civil law violation as provided in  
19 the offense charged in the Citation.

20 (m) Nothing contained in this Section prohibits a unit of  
21 local government from enacting an ordinance or bylaw regulating  
22 or prohibiting the consumption of cannabis in public places and  
23 providing a civil law violation for additional penalties for  
24 the public use of cannabis, provided that the penalties are not  
25 greater than those for the public consumption of alcohol.

26 (n) No issuance of a Uniform Civil Law Citation,

1 conviction, or entry of a plea of guilty to a Uniform Civil Law  
2 Citation shall be considered a criminal offense or a violation  
3 of parole, mandatory supervised release, probation,  
4 conditional discharge, or supervision.

5 (o) No Uniform Civil Law Citation for a violation of  
6 Section 20 or 30 of the Cannabis Legalization Equity Act or  
7 subsection (a) of Section 4, Section 4.1, or subsection (c) of  
8 Section 8 of the Cannabis Control Act shall be maintained in  
9 any criminal record or database.

10 Section 955. The Unified Code of Corrections is amended by  
11 changing Sections 3-3-13, 5-1-15, 5-9-1.1 and 5-9-1.4 and by  
12 adding Sections 5-1-18.1-1 and 5-4.5-83 as follows:

13 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

14 Sec. 3-3-13. Procedure for executive clemency; release  
15 from the Department of Corrections for cannabis violations  
16 ~~Executive Clemency.~~

17 (a) Petitions seeking pardon, commutation, or reprieve  
18 shall be addressed to the Governor and filed with the Prisoner  
19 Review Board. The petition shall be in writing and signed by  
20 the person under conviction or by a person on his behalf. It  
21 shall contain a brief history of the case, the reasons for  
22 seeking executive clemency, and other relevant information the  
23 Board may require.

24 (a-5) After a petition has been denied by the Governor, the

1 Board may not accept a repeat petition for executive clemency  
2 for the same person until one full year has elapsed from the  
3 date of the denial. The Chairman of the Board may waive the  
4 one-year requirement if the petitioner offers in writing new  
5 information that was unavailable to the petitioner at the time  
6 of the filing of the prior petition and which the Chairman  
7 determines to be significant. The Chairman also may waive the  
8 one-year waiting period if the petitioner can show that a  
9 change in circumstances of a compelling humanitarian nature has  
10 arisen since the denial of the prior petition.

11 (b) Notice of the proposed application shall be given by  
12 the Board to the committing court and the state's attorney of  
13 the county where the conviction was had.

14 (c) The Board shall, if requested and upon due notice, give  
15 a hearing to each application, allowing representation by  
16 counsel, if desired, after which it shall confidentially advise  
17 the Governor by a written report of its recommendations which  
18 shall be determined by majority vote. The Board shall meet to  
19 consider such petitions no less than 4 times each year.

20 Application for executive clemency under this Section may  
21 not be commenced on behalf of a person who has been sentenced  
22 to death without the written consent of the defendant, unless  
23 the defendant, because of a mental or physical condition, is  
24 incapable of asserting his or her own claim.

25 (d) The Governor shall decide each application and  
26 communicate his decision to the Board which shall notify the

1 petitioner.

2 In the event a petitioner who has been convicted of a Class  
3 X felony is granted a release, after the Governor has  
4 communicated such decision to the Board, the Board shall give  
5 written notice to the Sheriff of the county from which the  
6 offender was sentenced if such sheriff has requested that such  
7 notice be given on a continuing basis. In cases where arrest of  
8 the offender or the commission of the offense took place in any  
9 municipality with a population of more than 10,000 persons, the  
10 Board shall also give written notice to the proper law  
11 enforcement agency for said municipality which has requested  
12 notice on a continuing basis.

13 (d-5) If the petitioner seeks release from a Department of  
14 Corrections institution or facility for a felony conviction of  
15 the Cannabis Control Act, the petitioner may file an expedited  
16 petition with the Prisoner Review Board. Notice of the proposed  
17 application shall be given by the Board to the committing court  
18 and the State's Attorney of the county where the conviction was  
19 had. The Board shall decide the petition within 30 days from  
20 the date of filing of the petition. If the Board, by a majority  
21 vote of its members, decides that the cannabis violation did  
22 not occur during the course of a crime of violence as defined  
23 in Section 2 of the Crime Victims Compensation Act and that  
24 public safety is not jeopardized by the release of the  
25 petitioner, it shall present its recommendation to release the  
26 petitioner to the Governor. If the Governor denies the

1 recommendation of the Board to release the petitioner or fails  
2 to grant the petition for executive clemency within 60 days  
3 after the Governor is notified by the Board of its decision,  
4 the petitioner may appeal that decision of the Governor to the  
5 circuit court of the circuit where the petitioner was convicted  
6 of the cannabis violation which shall hear the matter. If the  
7 court determines that in the interest of justice the petitioner  
8 should be released from a Department of Corrections institution  
9 or facility, it shall order the release of the petitioner for  
10 the cannabis violation unless the petitioner is serving  
11 sentence for a non-cannabis violation.

12 (e) Nothing in this Section shall be construed to limit the  
13 power of the Governor under the constitution to grant a  
14 reprieve, commutation of sentence, or pardon.

15 (Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)

16 (730 ILCS 5/5-1-15) (from Ch. 38, par. 1005-1-15)

17 Sec. 5-1-15. Offense.

18 "Offense" means conduct for which a sentence to a term of  
19 imprisonment or to a fine is provided by any law of this State  
20 or by any law, local law or ordinance of a political  
21 subdivision of this State, or by any order, rule or regulation  
22 of any governmental instrumentality authorized by law to adopt  
23 the same. "Offense" does not include a civil law violation of  
24 the Cannabis Legalization Equity Act, the Cannabis Control Act,  
25 or Section 111-3.1 of the Code of Criminal Procedure of 1963 or



1 any criminal violation that would no longer be an offense under  
2 this amendatory Act of the 101st General Assembly of the 101st  
3 General Assembly and any criminal violation committed by a  
4 person under 21 years of age who if he or she were 21 years of  
5 age or older would not be in violation of law as result of this  
6 amendatory Act of the 101st General Assembly of the 101st  
7 General Assembly.

8 (Source: P.A. 77-2097.)

9 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

10 (Text of Section from P.A. 94-550, 96-132, 96-402, 96-1234,  
11 97-545, 98-537, 99-480, and 100-987)

12 (Section scheduled to be repealed on July 1, 2019)

13 Sec. 5-9-1.1. Drug related offenses.

14 (a) Except for a conviction or plea of guilty to a Uniform  
15 Civil Law Citation, when ~~when~~ a person has been adjudged guilty  
16 of a drug related offense involving possession or delivery of  
17 cannabis or possession or delivery of a controlled substance,  
18 other than methamphetamine, as defined in the Cannabis Control  
19 Act, as amended, or the Illinois Controlled Substances Act, as  
20 amended, in addition to any other penalty imposed, a fine shall  
21 be levied by the court at not less than the full street value  
22 of the cannabis or controlled substances seized.

23 "Street value" shall be determined by the court on the  
24 basis of testimony of law enforcement personnel and the  
25 defendant as to the amount seized and such testimony as may be

1 required by the court as to the current street value of the  
2 cannabis or controlled substance seized.

3 (b) In addition to any penalty imposed under subsection (a)  
4 of this Section, a fine of \$100 shall be levied by the court,  
5 the proceeds of which shall be collected by the Circuit Clerk  
6 and remitted to the State Treasurer under Section 27.6 of the  
7 Clerks of Courts Act for deposit into the Trauma Center Fund  
8 for distribution as provided under Section 3.225 of the  
9 Emergency Medical Services (EMS) Systems Act.

10 (c) In addition to any penalty imposed under subsection (a)  
11 of this Section, a fee of \$5 shall be assessed by the court,  
12 the proceeds of which shall be collected by the Circuit Clerk  
13 and remitted to the State Treasurer under Section 27.6 of the  
14 Clerks of Courts Act for deposit into the Spinal Cord Injury  
15 Paralysis Cure Research Trust Fund. This additional fee of \$5  
16 shall not be considered a part of the fine for purposes of any  
17 reduction in the fine for time served either before or after  
18 sentencing.

19 (d) Blank).

20 (e) In addition to any penalty imposed under subsection (a)  
21 of this Section, a \$25 assessment shall be assessed by the  
22 court, the proceeds of which shall be collected by the Circuit  
23 Clerk and remitted to the State Treasurer for deposit into the  
24 Criminal Justice Information Projects Fund. The moneys  
25 deposited into the Criminal Justice Information Projects Fund  
26 under this Section shall be appropriated to and administered by

1 the Illinois Criminal Justice Information Authority for  
2 distribution to fund Department of State Police drug task  
3 forces and Metropolitan Enforcement Groups by dividing the  
4 funds equally by the total number of Department of State Police  
5 drug task forces and Illinois Metropolitan Enforcement Groups.

6 (f) In addition to any penalty imposed under subsection (a)  
7 of this Section, a \$40 assessment shall be assessed by the  
8 court, the proceeds of which shall be collected by the Circuit  
9 Clerk. Of the collected proceeds, (i) 90% shall be remitted to  
10 the State Treasurer for deposit into the Prescription Pill and  
11 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into  
12 the Criminal Justice Information Projects Fund, for use by the  
13 Illinois Criminal Justice Information Authority for the costs  
14 associated with making grants from the Prescription Pill and  
15 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%  
16 for deposit into the Circuit Court Clerk Operation and  
17 Administrative Fund for the costs associated with  
18 administering this subsection.

19 (Source: P.A. 98-537, eff. 8-23-13; 99-480, eff. 9-9-15;  
20 100-987, Article 900, Section 900-5, eff. 8-20-18. Repealed by  
21 P.A. 100-987, Article 905, Section 905-93, eff. 7-1-19.)

22 (Text of Section from P.A. 94-556, 96-132, 96-402, 96-1234,  
23 97-545, 98-537, 99-480, and 100-987)

24 (Section scheduled to be repealed on January 1, 2021)

25 Sec. 5-9-1.1. Drug related offenses.

1           (a) Except for a conviction or plea of guilty to a Uniform  
2 Civil Law Citation, when ~~When~~ a person has been adjudged guilty  
3 of a drug related offense involving possession or delivery of  
4 cannabis or possession or delivery of a controlled substance as  
5 defined in the Cannabis Control Act, the Illinois Controlled  
6 Substances Act, or the Methamphetamine Control and Community  
7 Protection Act, in addition to any other penalty imposed, a  
8 fine shall be levied by the court at not less than the full  
9 street value of the cannabis or controlled substances seized.

10           "Street value" shall be determined by the court on the  
11 basis of testimony of law enforcement personnel and the  
12 defendant as to the amount seized and such testimony as may be  
13 required by the court as to the current street value of the  
14 cannabis or controlled substance seized.

15           (b) In addition to any penalty imposed under subsection (a)  
16 of this Section, a fine of \$100 shall be levied by the court,  
17 the proceeds of which shall be collected by the Circuit Clerk  
18 and remitted to the State Treasurer under Section 27.6 of the  
19 Clerks of Courts Act for deposit into the Trauma Center Fund  
20 for distribution as provided under Section 3.225 of the  
21 Emergency Medical Services (EMS) Systems Act.

22           (c) In addition to any penalty imposed under subsection (a)  
23 of this Section, a fee of \$5 shall be assessed by the court,  
24 the proceeds of which shall be collected by the Circuit Clerk  
25 and remitted to the State Treasurer under Section 27.6 of the  
26 Clerks of Courts Act for deposit into the Spinal Cord Injury

1 Paralysis Cure Research Trust Fund. This additional fee of \$5  
2 shall not be considered a part of the fine for purposes of any  
3 reduction in the fine for time served either before or after  
4 sentencing.

5 (d) (Blank).

6 (e) In addition to any penalty imposed under subsection (a)  
7 of this Section, a \$25 assessment shall be assessed by the  
8 court, the proceeds of which shall be collected by the Circuit  
9 Clerk and remitted to the State Treasurer for deposit into the  
10 Criminal Justice Information Projects Fund. The moneys  
11 deposited into the Criminal Justice Information Projects Fund  
12 under this Section shall be appropriated to and administered by  
13 the Illinois Criminal Justice Information Authority for  
14 distribution to fund Department of State Police drug task  
15 forces and Metropolitan Enforcement Groups by dividing the  
16 funds equally by the total number of Department of State Police  
17 drug task forces and Illinois Metropolitan Enforcement Groups.

18 (f) In addition to any penalty imposed under subsection (a)  
19 of this Section, a \$40 assessment shall be assessed by the  
20 court, the proceeds of which shall be collected by the Circuit  
21 Clerk. Of the collected proceeds, (i) 90% shall be remitted to  
22 the State Treasurer for deposit into the Prescription Pill and  
23 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into  
24 the Criminal Justice Information Projects Fund, for use by the  
25 Illinois Criminal Justice Information Authority for the costs  
26 associated with making grants from the Prescription Pill and

1 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%  
2 for deposit into the Circuit Court Clerk Operation and  
3 Administrative Fund for the costs associated with  
4 administering this subsection.

5 (Source: 99-480, eff. 9-9-15; 100-987, Article 900, Section  
6 900-5, eff. 8-20-18. Repealed by P.A. 100-987, Article 905,  
7 Section 905-93, eff. 7-1-19.)

8 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

9 (Text of Section before amendment by P.A. 100-987)

10 Sec. 5-9-1.4. (a) "Crime laboratory" means any  
11 not-for-profit laboratory registered with the Drug Enforcement  
12 Administration of the United States Department of Justice,  
13 substantially funded by a unit or combination of units of local  
14 government or the State of Illinois, which regularly employs at  
15 least one person engaged in the analysis of controlled  
16 substances, cannabis, methamphetamine, or steroids for  
17 criminal justice agencies in criminal matters and provides  
18 testimony with respect to such examinations.

19 (b) Except for a conviction or plea of guilty to a Uniform  
20 Civil Law Citation, when ~~When~~ a person has been adjudged guilty  
21 of an offense in violation of the Cannabis Control Act, the  
22 Illinois Controlled Substances Act, the Methamphetamine  
23 Control and Community Protection Act, or the Steroid Control  
24 Act, in addition to any other disposition, penalty or fine  
25 imposed, a criminal laboratory analysis fee of \$100 for each

1 offense for which he was convicted shall be levied by the  
2 court. Any person placed on probation pursuant to Section 10 of  
3 the Cannabis Control Act, Section 410 of the Illinois  
4 Controlled Substances Act, Section 70 of the Methamphetamine  
5 Control and Community Protection Act, or Section 10 of the  
6 Steroid Control Act or placed on supervision for a violation of  
7 the Cannabis Control Act, the Illinois Controlled Substances  
8 Act or the Steroid Control Act shall be assessed a criminal  
9 laboratory analysis fee of \$100 for each offense for which he  
10 was charged. Upon verified petition of the person, the court  
11 may suspend payment of all or part of the fee if it finds that  
12 the person does not have the ability to pay the fee.

13 (c) In addition to any other disposition made pursuant to  
14 the provisions of the Juvenile Court Act of 1987, any minor  
15 adjudicated delinquent for an offense which if committed by an  
16 adult would constitute a violation of the Cannabis Control Act,  
17 the Illinois Controlled Substances Act, the Methamphetamine  
18 Control and Community Protection Act, or the Steroid Control  
19 Act shall be assessed a criminal laboratory analysis fee of  
20 \$100 for each adjudication. Upon verified petition of the  
21 minor, the court may suspend payment of all or part of the fee  
22 if it finds that the minor does not have the ability to pay the  
23 fee. The parent, guardian or legal custodian of the minor may  
24 pay some or all of such fee on the minor's behalf.

25 (d) All criminal laboratory analysis fees provided for by  
26 this Section shall be collected by the clerk of the court and

1 forwarded to the appropriate crime laboratory fund as provided  
2 in subsection (f).

3 (e) Crime laboratory funds shall be established as follows:

4 (1) Any unit of local government which maintains a  
5 crime laboratory may establish a crime laboratory fund  
6 within the office of the county or municipal treasurer.

7 (2) Any combination of units of local government which  
8 maintains a crime laboratory may establish a crime  
9 laboratory fund within the office of the treasurer of the  
10 county where the crime laboratory is situated.

11 (3) The State Crime Laboratory Fund is hereby created  
12 as a special fund in the State Treasury.

13 (f) The analysis fee provided for in subsections (b) and  
14 (c) of this Section shall be forwarded to the office of the  
15 treasurer of the unit of local government that performed the  
16 analysis if that unit of local government has established a  
17 crime laboratory fund, or to the State Crime Laboratory Fund if  
18 the analysis was performed by a laboratory operated by the  
19 Illinois State Police. If the analysis was performed by a crime  
20 laboratory funded by a combination of units of local  
21 government, the analysis fee shall be forwarded to the  
22 treasurer of the county where the crime laboratory is situated  
23 if a crime laboratory fund has been established in that county.  
24 If the unit of local government or combination of units of  
25 local government has not established a crime laboratory fund,  
26 then the analysis fee shall be forwarded to the State Crime



1 Laboratory Fund. The clerk of the circuit court may retain the  
2 amount of \$10 from each collected analysis fee to offset  
3 administrative costs incurred in carrying out the clerk's  
4 responsibilities under this Section.

5 (g) Fees deposited into a crime laboratory fund created  
6 pursuant to paragraphs (1) or (2) of subsection (e) of this  
7 Section shall be in addition to any allocations made pursuant  
8 to existing law and shall be designated for the exclusive use  
9 of the crime laboratory. These uses may include, but are not  
10 limited to, the following:

11 (1) costs incurred in providing analysis for  
12 controlled substances in connection with criminal  
13 investigations conducted within this State;

14 (2) purchase and maintenance of equipment for use in  
15 performing analyses; and

16 (3) continuing education, training and professional  
17 development of forensic scientists regularly employed by  
18 these laboratories.

19 (h) Fees deposited in the State Crime Laboratory Fund  
20 created pursuant to paragraph (3) of subsection (d) of this  
21 Section shall be used by State crime laboratories as designated  
22 by the Director of State Police. These funds shall be in  
23 addition to any allocations made pursuant to existing law and  
24 shall be designated for the exclusive use of State crime  
25 laboratories. These uses may include those enumerated in  
26 subsection (g) of this Section.

1 (Source: P.A. 94-556, eff. 9-11-05.)

2 (Text of Section after amendment by P.A. 100-987)

3 Sec. 5-9-1.4. (a) "Crime laboratory" means any  
4 not-for-profit laboratory registered with the Drug Enforcement  
5 Administration of the United States Department of Justice,  
6 substantially funded by a unit or combination of units of local  
7 government or the State of Illinois, which regularly employs at  
8 least one person engaged in the analysis of controlled  
9 substances, cannabis, methamphetamine, or steroids for  
10 criminal justice agencies in criminal matters and provides  
11 testimony with respect to such examinations.

12 (b) (Blank).

13 (c) In addition to any other disposition made pursuant to  
14 the provisions of the Juvenile Court Act of 1987, any minor  
15 adjudicated delinquent for an offense which if committed by an  
16 adult would constitute a violation of the Cannabis Control Act,  
17 the Illinois Controlled Substances Act, the Methamphetamine  
18 Control and Community Protection Act, or the Steroid Control  
19 Act shall be required to pay a criminal laboratory analysis  
20 assessment of \$100 for each adjudication. Upon verified  
21 petition of the minor, the court may suspend payment of all or  
22 part of the assessment if it finds that the minor does not have  
23 the ability to pay the assessment. The parent, guardian or  
24 legal custodian of the minor may pay some or all of such  
25 assessment on the minor's behalf.

1           (d) All criminal laboratory analysis fees provided for by  
2 this Section shall be collected by the clerk of the court and  
3 forwarded to the appropriate crime laboratory fund as provided  
4 in subsection (f).

5           (e) Crime laboratory funds shall be established as follows:

6           (1) Any unit of local government which maintains a  
7 crime laboratory may establish a crime laboratory fund  
8 within the office of the county or municipal treasurer.

9           (2) Any combination of units of local government which  
10 maintains a crime laboratory may establish a crime  
11 laboratory fund within the office of the treasurer of the  
12 county where the crime laboratory is situated.

13           (3) The State Crime Laboratory Fund is hereby created  
14 as a special fund in the State Treasury.

15           (f) The analysis assessment provided for in subsection (c)  
16 of this Section shall be forwarded to the office of the  
17 treasurer of the unit of local government that performed the  
18 analysis if that unit of local government has established a  
19 crime laboratory fund, or to the State Crime Laboratory Fund if  
20 the analysis was performed by a laboratory operated by the  
21 Illinois State Police. If the analysis was performed by a crime  
22 laboratory funded by a combination of units of local  
23 government, the analysis assessment shall be forwarded to the  
24 treasurer of the county where the crime laboratory is situated  
25 if a crime laboratory fund has been established in that county.  
26 If the unit of local government or combination of units of

1 local government has not established a crime laboratory fund,  
2 then the analysis assessment shall be forwarded to the State  
3 Crime Laboratory Fund.

4 (g) Moneys deposited into a crime laboratory fund created  
5 pursuant to paragraphs (1) or (2) of subsection (e) of this  
6 Section shall be in addition to any allocations made pursuant  
7 to existing law and shall be designated for the exclusive use  
8 of the crime laboratory. These uses may include, but are not  
9 limited to, the following:

10 (1) costs incurred in providing analysis for  
11 controlled substances in connection with criminal  
12 investigations conducted within this State;

13 (2) purchase and maintenance of equipment for use in  
14 performing analyses; and

15 (3) continuing education, training and professional  
16 development of forensic scientists regularly employed by  
17 these laboratories.

18 (h) Moneys deposited in the State Crime Laboratory Fund  
19 created pursuant to paragraph (3) of subsection (d) of this  
20 Section shall be used by State crime laboratories as designated  
21 by the Director of State Police. These funds shall be in  
22 addition to any allocations made pursuant to existing law and  
23 shall be designated for the exclusive use of State crime  
24 laboratories. These uses may include those enumerated in  
25 subsection (g) of this Section.

26 (Source: P.A. 100-987, eff. 7-1-19.)

1           Section 995. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.

8           Section 997. Severability. The provisions of this Act are  
9 severable under Section 1.31 of the Statute on Statutes.

10           Section 999. Effective date. This Act takes effect upon  
11 becoming law.

|    |   |                            |
|----|---|----------------------------|
| 1  | INDEX                                   |                            |
| 2  | Statutes amended in order of appearance |                            |
| 3  | New Act                                 |                            |
| 4  | 20 ILCS 301/40-5                        |                            |
| 5  | 20 ILCS 2630/5                          | from Ch. 38, par. 206-5    |
| 6  | 20 ILCS 2630/5.2                        |                            |
| 7  | 30 ILCS 105/5.891 new                   |                            |
| 8  | 30 ILCS 105/5.892 new                   |                            |
| 9  | 35 ILCS 5/203                           | from Ch. 120, par. 2-203   |
| 10 | 410 ILCS 130/10                         |                            |
| 11 | 410 ILCS 130/220 rep.                   |                            |
| 12 | 720 ILCS 550/3.5 new                    |                            |
| 13 | 720 ILCS 550/4                          | from Ch. 56 1/2, par. 704  |
| 14 | 720 ILCS 550/4.1 new                    |                            |
| 15 | 720 ILCS 550/5                          | from Ch. 56 1/2, par. 705  |
| 16 | 720 ILCS 550/7                          | from Ch. 56 1/2, par. 707  |
| 17 | 720 ILCS 550/8                          | from Ch. 56 1/2, par. 708  |
| 18 | 720 ILCS 550/9                          | from Ch. 56 1/2, par. 709  |
| 19 | 720 ILCS 550/10                         | from Ch. 56 1/2, par. 710  |
| 20 | 720 ILCS 550/12                         | from Ch. 56 1/2, par. 712  |
| 21 | 720 ILCS 550/16.2                       |                            |
| 22 | 720 ILCS 600/2                          | from Ch. 56 1/2, par. 2102 |
| 23 | 720 ILCS 600/3.5                        |                            |
| 24 | 720 ILCS 600/4                          | from Ch. 56 1/2, par. 2104 |
| 25 | 720 ILCS 600/6                          | from Ch. 56 1/2, par. 2106 |

- 1 725 ILCS 175/3 from Ch. 56 1/2, par. 1653
- 2 725 ILCS 5/111-3.1 new
- 3 730 ILCS 5/3-3-13 from Ch. 38, par. 1003-3-13
- 4 730 ILCS 5/5-1-15 from Ch. 38, par. 1005-1-15
- 5 730 ILCS 5/5-9-1.1 from Ch. 38, par. 1005-9-1.1
- 6 730 ILCS 5/5-9-1.4 from Ch. 38, par. 1005-9-1.4