



Rep. LaShawn K. Ford

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LRB096 03254 RLC 24865 a

1 AMENDMENT TO HOUSE BILL 67

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 67, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Cannabis Control Act is amended by changing  
6 Section 10 as follows:

7 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

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

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

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

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) Discharge and dismissal under this Section, Section 410  
8 of the Illinois Controlled Substances Act, or Section 70 of the  
9 Methamphetamine Control and Community Protection Act may occur  
10 only once with respect to any person.

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

18 (Source: P.A. 94-556, eff. 9-11-05.)

19 Section 10. The Illinois Controlled Substances Act is  
20 amended by changing Section 410 as follows:

21 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

22 Sec. 410. (a) Whenever any person who has not previously  
23 been convicted of, or placed on probation or court supervision  
24 for any offense under this Act or any law of the United States

1 or of any State relating to ~~cannabis or~~ controlled substances  
2 or a felony cannabis violation, pleads guilty to or is found  
3 guilty of possession of a controlled or counterfeit substance  
4 under subsection (c) of Section 402 or of unauthorized  
5 possession of prescription form under Section 406.2, the court,  
6 without entering a judgment and with the consent of such  
7 person, may sentence him to probation.

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

13 (c) The conditions of probation shall be that the person:  
14 (1) not violate any criminal statute of any jurisdiction; (2)  
15 refrain from possessing a firearm or other dangerous weapon;  
16 (3) submit to periodic drug testing at a time and in a manner  
17 as ordered by the court, but no less than 3 times during the  
18 period of the probation, with the cost of the testing to be  
19 paid by the probationer; and (4) perform no less than 30 hours  
20 of community service, provided community service is available  
21 in the jurisdiction and is funded and approved by the county  
22 board.

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

25 (1) make a report to and appear in person before or  
26 participate with the court or such courts, person, or

1 social service agency as directed by the court in the order  
2 of probation;

3 (2) pay a fine and costs;

4 (3) work or pursue a course of study or vocational  
5 training;

6 (4) undergo medical or psychiatric treatment; or  
7 treatment or rehabilitation approved by the Illinois  
8 Department of Human Services;

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

11 (6) support his dependents;

12 (6-5) refrain from having in his or her body the  
13 presence of any illicit drug prohibited by the Cannabis  
14 Control Act, the Illinois Controlled Substances Act, or the  
15 Methamphetamine Control and Community Protection Act,  
16 unless prescribed by a physician, and submit samples of his  
17 or her blood or urine or both for tests to determine the  
18 presence of any illicit drug;

19 (7) and in addition, if a minor:

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

21 (ii) attend school;

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

23 (iv) contribute to his own support at home or in a  
24 foster home.

25 (e) Upon violation of a term or condition of probation, the  
26 court may enter a judgment on its original finding of guilt and

1 proceed as otherwise provided.

2 (f) Upon fulfillment of the terms and conditions of  
3 probation, the court shall discharge the person and dismiss the  
4 proceedings against him.

5 (g) A disposition of probation is considered to be a  
6 conviction for the purposes of imposing the conditions of  
7 probation and for appeal, however, discharge and dismissal  
8 under this Section is not a conviction for purposes of this Act  
9 or for purposes of disqualifications or disabilities imposed by  
10 law upon conviction of a crime.

11 (h) There may be only one discharge and dismissal under  
12 this Section, Section 10 of the Cannabis Control Act, or  
13 Section 70 of the Methamphetamine Control and Community  
14 Protection Act with respect to any person.

15 (i) If a person is convicted of an offense under this Act,  
16 the Cannabis Control Act, or the Methamphetamine Control and  
17 Community Protection Act within 5 years subsequent to a  
18 discharge and dismissal under this Section, the discharge and  
19 dismissal under this Section shall be admissible in the  
20 sentencing proceeding for that conviction as evidence in  
21 aggravation.

22 (Source: P.A. 94-556, eff. 9-11-05; 95-487, eff. 1-1-08.)

23 Section 15. The Methamphetamine Control and Community  
24 Protection Act is amended by changing Section 70 as follows:

1 (720 ILCS 646/70)

2 Sec. 70. Probation.

3 (a) Whenever any person who has not previously been  
4 convicted of, or placed on probation or court supervision for  
5 any offense under this Act, the Illinois Controlled Substances  
6 Act, a felony violation of the Cannabis Control Act, or any law  
7 of the United States or of any state relating to ~~cannabis or~~  
8 controlled substances or a felony cannabis violation, pleads  
9 guilty to or is found guilty of possession of less than 15  
10 grams of methamphetamine under paragraph (1) or (2) of  
11 subsection (b) of Section 60 of this Act, the court, without  
12 entering a judgment and with the consent of the person, may  
13 sentence him or her to probation.

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

19 (c) The conditions of probation shall be that the person:

20 (1) not violate any criminal statute of any  
21 jurisdiction;

22 (2) refrain from possessing a firearm or other  
23 dangerous weapon;

24 (3) submit to periodic drug testing at a time and in a  
25 manner as ordered by the court, but no less than 3 times  
26 during the period of the probation, with the cost of the

1 testing to be paid by the probationer; and

2 (4) perform no less than 30 hours of community service,  
3 if community service is available in the jurisdiction and  
4 is funded and approved by the county board.

5 (d) The court may, in addition to other conditions, require  
6 that the person take one or more of the following actions:

7 (1) make a report to and appear in person before or  
8 participate with the court or such courts, person, or  
9 social service agency as directed by the court in the order  
10 of probation;

11 (2) pay a fine and costs;

12 (3) work or pursue a course of study or vocational  
13 training;

14 (4) undergo medical or psychiatric treatment; or  
15 treatment or rehabilitation approved by the Illinois  
16 Department of Human Services;

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

19 (6) support his or her dependents;

20 (7) refrain from having in his or her body the presence  
21 of any illicit drug prohibited by this Act, the Cannabis  
22 Control Act, or the Illinois Controlled Substances Act,  
23 unless prescribed by a physician, and submit samples of his  
24 or her blood or urine or both for tests to determine the  
25 presence of any illicit drug; or

26 (8) if a minor:

1           (i) reside with his or her parents or in a foster  
2 home;

3           (ii) attend school;

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

5 or

6           (iv) contribute to his or her own support at home  
7 or in a foster home.

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

11          (f) Upon fulfillment of the terms and conditions of  
12 probation, the court shall discharge the person and dismiss the  
13 proceedings against the person.

14          (g) A disposition of probation is considered to be a  
15 conviction for the purposes of imposing the conditions of  
16 probation and for appeal, however, discharge and dismissal  
17 under this Section is not a conviction for purposes of this Act  
18 or for purposes of disqualifications or disabilities imposed by  
19 law upon conviction of a crime.

20          (h) There may be only one discharge and dismissal under  
21 this Section, Section 410 of the Illinois Controlled Substances  
22 Act, or Section 10 of the Cannabis Control Act with respect to  
23 any person.

24          (i) If a person is convicted of an offense under this Act,  
25 the Cannabis Control Act, or the Illinois Controlled Substances  
26 Act within 5 years subsequent to a discharge and dismissal

1 under this Section, the discharge and dismissal under this  
2 Section are admissible in the sentencing proceeding for that  
3 conviction as evidence in aggravation.  
4 (Source: P.A. 94-556, eff. 9-11-05.)"