



Rep. La Shawn K. Ford

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09800HB2332ham001

LRB098 06288 RLC 42630 a

1 AMENDMENT TO HOUSE BILL 2332

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2332 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by adding Section  
5 5-1005.1 as follows:

6 (55 ILCS 5/5-1005.1 new)

7 Sec. 5-1005.1. Cannabis possession of no more than 15  
8 grams. Notwithstanding subsection (a), (b), or (c) of Section 4  
9 of the Cannabis Control Act to the contrary, a county board may  
10 adopt an ordinance or resolution that declares possession of  
11 not more than 15 grams of cannabis a petty offense. The county  
12 board may determine the amount of the fine to be imposed for  
13 possession of not more than 15 grams of cannabis. The county  
14 board may adopt a uniform citation form to be issued by the  
15 sheriff who arrests a person for possession of not more than 15  
16 grams of cannabis. If the county board adopts a uniform

1 citation form, the sheriff may instead of arresting the person  
2 for possession of cannabis issue a notice to appear as provided  
3 in Section 107-12 of the Code of Criminal Procedure of 1963. As  
4 used in this Section, "cannabis" has the meaning ascribed to it  
5 in Section 3 of the Cannabis Control Act.

6 Section 10. The Illinois Municipal Code is amended by  
7 adding Section 11-5-11 as follows:

8 (65 ILCS 5/11-5-11 new)

9 Sec. 11-5-11. Cannabis possession of no more than 15 grams.  
10 Notwithstanding subsection (a), (b), or (c) of Section 4 of the  
11 Cannabis Control Act to the contrary, a municipality may adopt  
12 an ordinance or resolution that declares possession of not more  
13 than 15 grams of cannabis a petty offense. The municipality may  
14 determine the amount of the fine to be imposed for possession  
15 of not more than 15 grams of cannabis. The municipality may  
16 adopt a uniform citation form to be issued by a peace officer  
17 who arrests a person for possession of not more than 15 grams  
18 of cannabis. If the municipality adopts a uniform citation  
19 form, a peace officer may instead of arresting the person for  
20 possession of cannabis issue a notice to appear as provided in  
21 Section 107-12 of the Code of Criminal Procedure of 1963. As  
22 used in this Section, "cannabis" has the meaning ascribed to it  
23 in Section 3 of the Cannabis Control Act.

1 Section 15. The Cannabis Control Act is amended by changing  
2 Section 4 as follows:

3 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

4 Sec. 4. Except as otherwise provided in Section 5-1005.1 of  
5 the Counties Code or Section 11-5-11 of the Illinois Municipal  
6 Code, it ~~is~~ is unlawful for any person knowingly to possess  
7 cannabis. Any person who violates this section with respect to:

8 (a) not more than 2.5 grams of any substance containing  
9 cannabis is guilty of a Class C misdemeanor;

10 (b) more than 2.5 grams but not more than 10 grams of  
11 any substance containing cannabis is guilty of a Class B  
12 misdemeanor;

13 (c) more than 10 grams but not more than 30 grams of  
14 any substance containing cannabis is guilty of a Class A  
15 misdemeanor; provided, that if any offense under this  
16 subsection (c) is a subsequent offense, the offender shall  
17 be guilty of a Class 4 felony;

18 (d) more than 30 grams but not more than 500 grams of  
19 any substance containing cannabis is guilty of a Class 4  
20 felony; provided that if any offense under this subsection  
21 (d) is a subsequent offense, the offender shall be guilty  
22 of a Class 3 felony;

23 (e) more than 500 grams but not more than 2,000 grams  
24 of any substance containing cannabis is guilty of a Class 3  
25 felony;

1 (f) more than 2,000 grams but not more than 5,000 grams  
2 of any substance containing cannabis is guilty of a Class 2  
3 felony;

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

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

7 Section 20. The Local Governmental and Governmental  
8 Employees Tort Immunity Act is amended by adding Section 4-108  
9 as follows:

10 (745 ILCS 10/4-108 new)

11 Sec. 4-108. Failure to enforce State cannabis laws. Neither  
12 a local public entity nor a public employee is liable for  
13 failure to enforce subsection (a), (b), or (c) of Section 4 of  
14 the Cannabis Control Act concerning the possession of 15 grams  
15 or less of cannabis in a county or municipality that has  
16 adopted an ordinance or resolution that declares possession of  
17 not more than 15 grams of cannabis a petty offense.

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