

1 AN ACT concerning criminal law.

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

4 Section 5. The Cannabis Control Act is amended by changing  
5 Section 8 as follows:

6 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

7 Sec. 8. It is unlawful for any person knowingly to produce  
8 the cannabis sativa plant or to possess such plants unless  
9 production or possession has been authorized pursuant to the  
10 provisions of Section 11 of the Act. Any person who violates  
11 this Section with respect to production or possession of:

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

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

16 (c) More than 20, but not more than 50 plants, is guilty of  
17 a Class 3 felony.

18 (d) More than 50, but not more than 200 plants, is guilty  
19 of a Class 2 felony for which a fine not to exceed \$100,000 may  
20 be imposed and for which liability for the cost of conducting  
21 the investigation and eradicating such plants may be assessed.  
22 Compensation for expenses incurred in the enforcement of this  
23 provision shall be transmitted to and deposited in the

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

13 (e) More than 200 plants is guilty of a Class 1 felony for  
14 which a fine not to exceed \$100,000 may be imposed and for  
15 which liability for the cost of conducting the investigation  
16 and eradicating such plants may be assessed. Compensation for  
17 expenses incurred in the enforcement of this provision shall be  
18 transmitted to and deposited in the treasurer's office at the  
19 level of government represented by the Illinois law enforcement  
20 agency whose officers or employees conducted the investigation  
21 or caused the arrest or arrests leading to the prosecution, to  
22 be subsequently made available to that law enforcement agency  
23 as expendable receipts for use in the enforcement of laws  
24 regulating controlled substances and cannabis. If such seizure  
25 was made by a combination of law enforcement personnel  
26 representing different levels of government, the court levying

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

5 (Source: P.A. 84-1233.)