

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 Illinois Controlled Substances Act is  
5 amended by adding Section 510 as follows:

6 (720 ILCS 570/510 new)

7 Sec. 510. Preservation of evidence for laboratory testing.

8 (a) Before or after the trial in a prosecution for a  
9 violation of any Section of Article IV of this Act, a law  
10 enforcement agency or an agent acting on behalf of the law  
11 enforcement agency must preserve, subject to a continuous chain  
12 of custody, not less than:

13 (1) 2 kilograms of any substance containing a  
14 detectable amount of heroin;

15 (2) 10 kilograms of any substance containing a  
16 detectable amount of: (A) coca leaves, except coca leaves  
17 and extract of coca leaves from which cocaine, ecgonine,  
18 and derivatives of ecgonine or their salts have been  
19 removed; (B) cocaine, its salts, optical and geometric  
20 isomers, and salts of isomers; (C) ecgonine, its  
21 derivatives, their salts, isomers, and salts of isomers; or  
22 (D) any combination of the substances described in  
23 subdivisions (A) through (C) of this paragraph (a) (2);

1           (3) 10 kilograms of a mixture of substances described  
2           in subdivision (B) of paragraph (a)(2) that contains a  
3           cocaine base;

4           (4) 200 grams of phencyclidine (also referred to as  
5           "PCP") or 2 kilograms of any substance containing a  
6           detectable amount of phencyclidine;

7           (5) 20 grams of any substance containing a detectable  
8           amount of lysergic acid diethylamide (also referred to as  
9           "LSD");

10           (6) 800 grams of a mixture or substance containing a  
11           detectable amount of fentanyl, or 2 grams of any substance  
12           containing a detectable amount of any analog of fentanyl;  
13           with respect to the offenses enumerated in this subsection (a)  
14           and must maintain sufficient documentation to locate that  
15           evidence. Excess quantities with respect to the offenses  
16           enumerated in this subsection (a) cannot practicably be  
17           retained by a law enforcement agency because of its size, bulk,  
18           and physical character.

19           (b) The court may, before trial, transfer excess quantities  
20           of any substance containing any of the controlled substances  
21           enumerated in subsection (a) with respect to a prosecution for  
22           any offense enumerated in subsection (a) to the sheriff of the  
23           county, or may, in its discretion, transfer such evidence to  
24           the Department of State Police, for destruction after notice is  
25           given to the defendant's attorney of record or to the defendant  
26           if the defendant is proceeding pro se.

1       (c) After a judgment of conviction is entered and the  
2 charged quantity is no longer needed for evidentiary purposes  
3 with respect to a prosecution for any offense enumerated in  
4 subsection (a), the court may transfer any substance containing  
5 any of the controlled substances enumerated in subsection (a)  
6 to the sheriff of the county, or may, in its discretion,  
7 transfer such evidence to the Department of State Police, for  
8 destruction after notice is given to the defendant's attorney  
9 of record or to the defendant if the defendant is proceeding  
10 pro se. No evidence shall be disposed of until 30 days after  
11 the judgment is entered, and if a notice of appeal is filed, no  
12 evidence shall be disposed of until the mandate has been  
13 received by the circuit court from the Appellate Court.

14       Section 99. Effective date. This Act takes effect upon  
15 becoming law.