



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3470

Introduced 2/14/2014, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

720 ILCS 550/9.1 new

Amends the Cannabis Control Act. Creates the offense of criminal cannabis conspiracy. Provides that a person commits the offense when, with the intent that an offense of knowing possession of more than 30 grams of cannabis, or the knowing manufacture, delivery, or possession with the intent to manufacture or deliver more than 10 grams of cannabis, or delivery of more than 2.5 grams of cannabis on school grounds or producing or possessing more than 5 cannabis sativa plants be committed, he or she agrees with another to the commission of that offense. Provides that a person may not be convicted of conspiracy to commit the offense unless an act in furtherance of the agreement is alleged and proved to have been committed by him or her or by a co-conspirator. Establishes penalties which are generally one penalty level higher than for the same offense under the General Conspiracy Statute. Effective immediately.

LRB098 18197 RLC 53326 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 adding
5 Section 9.1 as follows:

6 (720 ILCS 550/9.1 new)

7 Sec. 9.1. Criminal cannabis conspiracy.

8 (a) A person commits criminal cannabis conspiracy when,
9 with the intent that an offense set forth in Section 4(d),
10 4(e), 4(f), 4(g), 5(c), 5(d), 5(e), 5(f), 5(g), 5.2(a), 5.2(b),
11 5.2(c), 5.2(d), 8(b), 8(c), 8(d), or 8(e) of this Act be
12 committed, he or she agrees with another to the commission of
13 that offense. A person may not be convicted of conspiracy to
14 commit the offense unless an act in furtherance of the
15 agreement is alleged and proved to have been committed by him
16 or her or by a co-conspirator.

17 (b) Co-conspirators. It is not a defense to criminal
18 cannabis conspiracy that the person or persons with whom the
19 accused is alleged to have conspired:

20 (1) has not been prosecuted or convicted; or

21 (2) has been convicted of a different offense; or

22 (3) is not amenable to justice; or

23 (4) has been acquitted; or

1 (5) lacked the capacity to commit an offense.

2 (c) Sentence. A person convicted of criminal cannabis
3 conspiracy may be fined or imprisoned or both, but any term of
4 imprisonment imposed shall not be less than the minimum nor
5 more than the maximum provided for the offense which is the
6 object of the conspiracy.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.