



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3632

by Rep. Daniel J. Burke

#### SYNOPSIS AS INTRODUCED:

720 ILCS 550/3	from Ch. 56 1/2, par. 703
720 ILCS 550/5	from Ch. 56 1/2, par. 705
720 ILCS 550/5.05 new	

Amends the Cannabis Control Act. Defines "hash oil". Provides that any person who knowingly manufactures, delivers, or possesses with intent to deliver, or manufacture, hash oil is guilty of: (1) a Class 3 felony if the amount of the hash oil is less than 1 gram; (2) a Class 2 felony if the amount of the hash oil is more than 1 gram but not more than 4 grams; (3) a Class 1 felony if the amount of the hash oil is more than 4 grams but not more than 400 grams; and (4) a Class X felony if the amount of the hash oil is more than 400 grams.

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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 changing  
5 Sections 3 and 5 and by adding Section 5.05 as follows:

6 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

7 Sec. 3. As used in this Act, unless the context otherwise  
8 requires:

9 (a) "Cannabis" includes marihuana, hashish and other  
10 substances which are identified as including any parts of the  
11 plant Cannabis Sativa, whether growing or not; the seeds  
12 thereof, the resin extracted from any part of such plant; and  
13 any compound, manufacture, salt, derivative, mixture, or  
14 preparation of such plant, its seeds, or resin, including  
15 tetrahydrocannabinol (THC) and all other cannabinol  
16 derivatives, including its naturally occurring or  
17 synthetically produced ingredients, whether produced directly  
18 or indirectly by extraction, or independently by means of  
19 chemical synthesis or by a combination of extraction and  
20 chemical synthesis; but shall not include the mature stalks of  
21 such plant, fiber produced from such stalks, oil or cake made  
22 from the seeds of such plant, any other compound, manufacture,  
23 salt, derivative, mixture, or preparation of such mature stalks

1 (except the resin extracted therefrom), fiber, oil or cake, or  
2 the sterilized seed of such plant which is incapable of  
3 germination.

4 (b) "Casual delivery" means the delivery of not more than  
5 10 grams of any substance containing cannabis without  
6 consideration.

7 (c) "Department" means the Illinois Department of Human  
8 Services (as successor to the Department of Alcoholism and  
9 Substance Abuse) or its successor agency.

10 (d) "Deliver" or "delivery" means the actual, constructive  
11 or attempted transfer of possession of cannabis, with or  
12 without consideration, whether or not there is an agency  
13 relationship.

14 (e) "Department of State Police" means the Department of  
15 State Police of the State of Illinois or its successor agency.

16 (f) "Director" means the Director of the Department of  
17 State Police or his designated agent.

18 (f-1) "Hash oil" means the resin extracted from a part of  
19 the plant Cannabis Sativa or a compound, manufacture, salt,  
20 derivative, mixture, or preparation of the resin.

21 (g) "Local authorities" means a duly organized State,  
22 county, or municipal peace unit or police force.

23 (h) "Manufacture" means the production, preparation,  
24 propagation, compounding, conversion or processing of  
25 cannabis, either directly or indirectly, by extraction from  
26 substances of natural origin, or independently by means of

1 chemical synthesis, or by a combination of extraction and  
2 chemical synthesis, and includes any packaging or repackaging  
3 of cannabis or labeling of its container, except that this term  
4 does not include the preparation, compounding, packaging, or  
5 labeling of cannabis as an incident to lawful research,  
6 teaching, or chemical analysis and not for sale.

7 (i) "Person" means any individual, corporation, government  
8 or governmental subdivision or agency, business trust, estate,  
9 trust, partnership or association, or any other entity.

10 (j) "Produce" or "production" means planting, cultivating,  
11 tending or harvesting.

12 (k) "State" includes the State of Illinois and any state,  
13 district, commonwealth, territory, insular possession thereof,  
14 and any area subject to the legal authority of the United  
15 States of America.

16 (l) "Subsequent offense" means an offense under this Act,  
17 the offender of which, prior to his conviction of the offense,  
18 has at any time been convicted under this Act or under any laws  
19 of the United States or of any state relating to cannabis, or  
20 any controlled substance as defined in the Illinois Controlled  
21 Substances Act.

22 (Source: P.A. 89-507, eff. 7-1-97.)

23 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

24 Sec. 5. It is unlawful for any person knowingly to  
25 manufacture, deliver, or possess with intent to deliver, or

1 manufacture, cannabis, other than hash oil. Any person who  
2 violates this section with respect to:

3 (a) not more than 2.5 grams of any substance containing  
4 cannabis, other than hash oil, is guilty of a Class B  
5 misdemeanor;

6 (b) more than 2.5 grams but not more than 10 grams of any  
7 substance containing cannabis, other than hash oil, is guilty  
8 of a Class A misdemeanor;

9 (c) more than 10 grams but not more than 30 grams of any  
10 substance containing cannabis, other than hash oil, is guilty  
11 of a Class 4 felony;

12 (d) more than 30 grams but not more than 500 grams of any  
13 substance containing cannabis, other than hash oil, is guilty  
14 of a Class 3 felony for which a fine not to exceed \$50,000 may  
15 be imposed;

16 (e) more than 500 grams but not more than 2,000 grams of  
17 any substance containing cannabis, other than hash oil, is  
18 guilty of a Class 2 felony for which a fine not to exceed  
19 \$100,000 may be imposed;

20 (f) more than 2,000 grams but not more than 5,000 grams of  
21 any substance containing cannabis, other than hash oil, is  
22 guilty of a Class 1 felony for which a fine not to exceed  
23 \$150,000 may be imposed;

24 (g) more than 5,000 grams of any substance containing  
25 cannabis, other than hash oil, is guilty of a Class X felony  
26 for which a fine not to exceed \$200,000 may be imposed.

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

2 (720 ILCS 550/5.05 new)

3 Sec. 5.05. Manufacture, delivery, or possession with  
4 intent to manufacture or deliver hash oil. It is unlawful for  
5 any person knowingly to manufacture, deliver, or possess with  
6 intent to deliver, or manufacture, hash oil. Any person who  
7 violates this Section with respect to:

8 (a) not more than 1 gram of any substance containing hash  
9 oil is guilty of a Class 3 felony;

10 (b) more than 1 gram but not more than 4 grams of any  
11 substance containing hash oil is guilty of a Class 2 felony;

12 (c) more than 4 grams but not more than 400 grams of any  
13 substance containing hash oil is guilty of a Class 1 felony;

14 (d) more than 400 grams of any substance containing hash  
15 oil is guilty of a Class X felony.