


2019 CANNABIS AND COUNTIES

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CANNABIS - HB 1438 PA 101-0027
11TH STATE



LAW ENFORCEMENT AND CANNABIS

- ▶ Allows 21+ to purchase cannabis 1/1/20
- ▶ 30 grams, 5g concentrate 5 plants taller than 5 inches
- ▶ ½ this for out of state
- ▶ No registration or scanning at dispensary
- ▶ No driver or passenger may possess within passenger area or anywhere unless in sealed, odorless child proof container
- ▶ Can't possess on school bus, school grounds, licensed child care provider

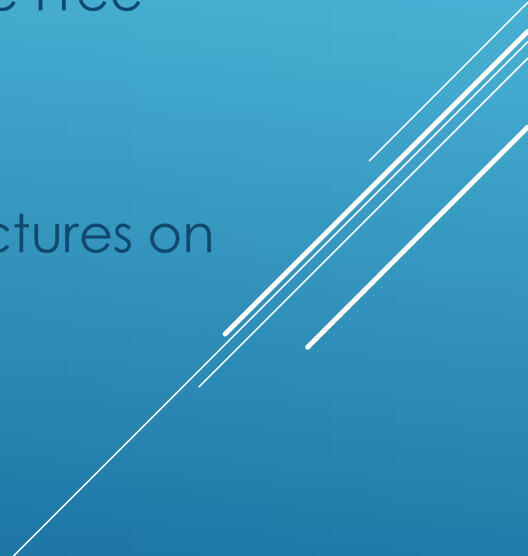
THE COMPONENTS OF HB 1438

- ▶ NO Possession in motor vehicle - suspension
- ▶ Very similar to contributing to delinquency of minor-Class A
- ▶ Improperly stored-not in sealed container

UNDER 21

- ▶ Under the influence - under 21 zero tolerance
- ▶ 21 or older-same penalties as today
- ▶ There is no roadside testing available yet although some is being piloted - the bill provides for validated roadside tests
- ▶ 5 nanograms of whole blood or 10 of any other fluids - warrant or consent
- ▶ FST - are officers trained Aride or DRE

UNDER THE INFLUENCE

- ▶ Home grow is allowed for medical only --- however, we don't have any ability to inspect
 - ▶ Chronic pain is now a condition for medical marijuana - this could be a tremendous increase in the number of individuals in the medical program and thus homegrow
 - ▶ Smoking in public is NOT allowed for - follows the Smoke Free Illinois Act
 - ▶ Cannot be placed in "public view"
 - ▶ Enclosed locked space --- this could include other structures on property
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Law enforcement gets 8 percent of what we don't know yet - this money can be used like DUI \$ today

This will come as a separate check that can only be used for these purposes like Local Government Distributive Fund is today

LE \$\$-DON'T KNOW HOW MUCH YET

Expunging criminal records

- ▶ Different categories — arrests and convictions
- ▶ Arrests-are automatic
- ▶ The governor's clemency process will be used for convictions of up to 30 grams. These expungements will be automatic, so long as they were not included as part of a violent crime.
- ▶ For amounts of 30-500 grams, the clemency process also applies, however the individual must petition the court to vacate the conviction.
- ▶ In all, advocates estimate around 770,000 cannabis-related records will be eligible for expungement.

EXPUNGEMENT

- ▶ Much of this is still under discussion as to how it will actually work
- ▶ The new law defines “Minor Cannabis Offense”: is not more than 30 grams
- ▶ ALL LE shall automatically expunge **all records of arrests** if:
 - ▶ 1yr elapsed
 - ▶ No criminal charges filed
 - ▶ 1/1/13 to 1/1/20-by 1/1/21
 - ▶ 1/1/00 to 1/1/13-by 1/1/23
 - ▶ EVERYTHING prior by 1/1/25

THE DETAILS.....CONVICTIONS VS.
ARRESTS

- ▶ Governor pardon for “minor”
- ▶ ISP to research and locate all eligible records and notify PRB within 180 days of effective date
- ▶ PRB notifies appropriate SA (Class 4) and SA respond within 60
- ▶ SA may object, no other LE is allowed
- ▶ Court shall act within 90 days of receipt of order to order all LE to expunge records
- ▶ Allows for dismissal of pending case for minor offenses
- ▶ IF person is imprisoned solely for minor-must be released upon expungement order

CONVICTIONS

▶ Next Steps:

- ▶ Law is under review to determine any necessary changes
- ▶ Discussion ongoing to determine how all of this will function in real time
- ▶ Better understanding of the needed resources if this truly goes back forever
- ▶ I would expect more changes in the future

QUESTIONS??

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