



Drug Laws in Illinois

In Illinois, the Controlled Substances Act (1971), Cannabis Control Act (1971), and the Methamphetamine Control and Community Protection Act (2005) are the main statutes that regulate drugs and define the related criminal offenses. The Controlled Substances Act regulates substances such as prescription drugs heroin, cocaine, and morphine. The other two acts regulate cannabis and methamphetamine respectively.

History of Drug Laws

Controlled Substances Act (720 ILCS 570/):

- Enacted in 1971
- 1990: Enumerated LSD in offense subsections
- 1995: Clarified that each substance possessed/delivered/manufactured is a separate offense
- 1997: Added GHB to Schedule I and ketamine to Schedule III
- 2007: Enumerated fentanyl in offense subsections

Cannabis Control Act (720 ILCS 550/):

- Enacted in 1971
- 1997: enumerates classes for possession between 500 and 2,000, 2,000 and 5,000, and above 5,000 grams
- 2016: Possession of less than 10 grams becomes a civil violation
- 2020: Cannabis legalization

Methamphetamine Control and Community Protection Act (720 ILCS 646/):

- Enacted in 2005
- 2007, 2013, 2017: Adds location (near school/place of worship) to aggravating factors for manufacturing participation, reduces distance from 1,000 feet to 500 feet

Relevant Offenses

- Possession: carrying it on your person, having it in your house/car, etc.
- Manufacture: creating the substance
- Delivery: selling the substance or giving the substance away
- Trafficking: bringing the substance into Illinois for manufacture or delivery

Additional Considerations

Habitual Criminal Changes

- PA101-652 provides that Class 1 or Class 2 felonies are forcible felonies which count towards a habitual criminal disposition

Drug Treatment Court Act (730 ILCS 166/)

- Authorized the creation of specialized drug courts in accordance with problem-solving court standards
- Defines eligibility for drug courts
- Requires defendant consent and court approval
- Regulates treatment program availability, termination from the program, and judicial education

Drug Specific Probation Programs

- Allows for people who have no prior convictions for a felony drug offense to successfully complete the program and have no conviction on their record when they are charged with certain possession offenses
- Provided for in each individual act

Legislative Proposals

Legislative proposals have included adding offenses to the controlled substances list, increasing penalties that are associated with fentanyl, or to reducing the offense classes for possession of methamphetamine and controlled substances.



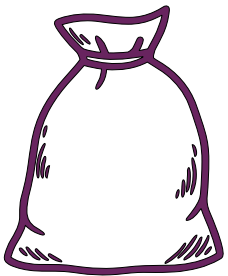
Possession Offenses

Possession of a Controlled Substance	Class 4 or Class 1	Offense class is determined by the specific substance and amount possessed
Possession of Methamphetamine	Class 3 to Class X	



Manufacture/Delivery

Schedule I or II Controlled Substance	Class 2 to Class X	Offense class is determined by the amount of the substance possessed
Schedule III, IV, or V Controlled Substance	Class 3	Offense class does not change based on weight
Manufacturing Methamphetamine	Class 1 to Class X	Offense class is determined by the amount of the substance possessed
Delivery Methamphetamine	Class 2 to Class X	



Trafficking Offenses

Controlled Substance	Same as Underlying Offense	The offense class is determined by the underlying class, but the sentence length must be at least twice the minimum of the underlying offense
Methamphetamine	Same as Underlying Offense	



Offense Class	Probation Sentence	Prison Sentence	Extended Term
Class X	Not Allowed	6-30 years	30-60 years
Class 1	Up to 4 years	4-15 years	15-30 years
Class 2	Up to 4 years	3-7 years	7-14 years
Class 3	Up to 30 months	2-5 years	5-10 years
Class 4	Up to 30 months	1-3 years	3-6 years