
Part Five
**The Illinois State Legislature and Policies
toward Drug Use**

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Legislative Summary

Introduction

This report contains summaries of laws related to substance abuse passed by the Illinois General Assembly between 1989 and 1998 based primarily on material in *The Legislative Synopsis and Digest* and *Laws of Illinois*.

The Illinois General Assembly enacted numerous laws pertaining to many aspects of illicit drugs, from their manufacture, distribution, and impact on children, to criminal justice and property forfeiture procedures. A careful reading of the modifications of existing laws and creation of new ones shows clear purposes: eliminating the potential for profit; punishing those even remotely involved with improper use of controlled substances; and increasing intervention and public payment for those who need prevention of, and treatment for substance abuse.

Deterrence

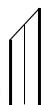
A review of acts passed by the state legislature during the 1990s and signed into law by the governor indicates the strong inclination of policymakers to respond to the problem of drug use through passage of laws aimed at further criminalization of drug possession or distribution. Of the 77 public acts created between 1989 and 1998, fully half dealt in some way with criminalization of drug-related activity. Nearly half of these, 15 of 39, were passed in the 1989-1990 legislative session alone. During the 1990s, four new drugs were added to the controlled substances list.

During the 1990s, the state legislature strengthened penalties for posses-

sion, manufacture, and delivery of illicit drugs. It allowed for multiple convictions that result in many increased prison terms. It reduced the quantity of LSD possession that qualifies as a Class X or Class 1 felony. The new laws were particularly concerned with the public locations where illicit drugs are potentially possessed. These locations include streets and buildings, by defining the term *street-gang related*. It also includes houses of worship, by increasing fines for possession or delivery therein, and further restrictions and penalties regarding illicit drugs at a nursing home or senior center. Drug paraphernalia is addressed by designating their possession as an offense and deeming their sale or possession a felony.

The legislature permitted administrators of student substance abuse programs to obtain juvenile court records. It also more clearly defined the distribution of proceeds from assets forfeited due to their owners' involvement in illicit drugs, and required DASA, Department of Alcoholism and Substance Abuse (now OASA, Office of Alcoholism and Substance Abuse), to approve statements about the availability of counseling for legal gambling.

The legislature moved decidedly toward stricter penalties, as exemplified by its defining street gang criminal drug conspiracy as a Class X felony, and by increasing fines for possession of a controlled substance to \$25,000 from \$15,000, in addition to other fines already modified or on the books. Leniency is scarcely apparent, but it may be discerned when a court allows install-



ment payments or community service in lieu of fines. Generally, however, the legislature has worked to reduce illicit drug supplies through stern methods.

The state legislature showed particular concern about ridding schools of illicit drugs by, for example, designating delivery of cannabis on or near school grounds as a felony or misdemeanor. It permits prosecution of minors 15 years and older for drug violations, possibly in adult courts. In certain hearings regarding possible delinquency of a minor, a judge is permitted to require the minor to refrain from drug use and to take drug tests. The state allowed treatment in lieu of fines for drug law violations, but added categories of convictions under which a person may not elect treatment. The Illinois Substance Abuse Treatment Program was modified by requiring offenders on probation to pay for drug testing.

The courts and law enforcement agencies became more involved in targeting illegal drug use by creating the offense of criminal drug conspiracy as an amendment to the Criminal Code of 1961. The state modified this code many times during the 1990s. Those on probation as drug convicts were prohibited from possessing firearms or dangerous weapons. Courts were permitted to add conditions to probation, if an addict elected treatment in order to get probation. However, a Public Act was enacted that specifies that election of treatment is not allowed in cases when the person is subject to a current charge or conviction or a non-probable violation, or a previous conviction of the same. In a potentially stern penalty to drug dealers, the state provided

for civil penalties from illicit drug distributors, payable to parents, employers, insurers, and other entities, for drug treatment or employee assistance programs. The Illinois Anti-Crime Advisory Council was also required to work with Drug Abuse Resistance Education (DARE), a program implemented by police departments in which police officers meet with groups of students.

Under the enacted laws, lease terminations by lessors are permitted in the event of illegal drug possession on the premises. A later law allows lessors to declare a lease void if the lessee or occupant uses the premises for activities relating to controlled substances. A new requirement was passed so that a real property conveyer must disclose the fact that the property is the subject of a notice under the Controlled Substance and Cannabis Nuisance Act.

Drivers who may have been at fault in an accident are now deemed to have given consent to drug testing. A new law requires the Regional Transportation Authority, which serves the six counties of northeastern Illinois of metropolitan Chicago, and Service Boards subject to it to maintain drug testing.

Treatment and Prevention

Only 13 of the public acts created from 1989 through 1998 enhanced programs for treatment or prevention. Half of these were passed during the 1991-1992 legislative session.

A law providing that a school district where a student lives must pay for residential drug treatment programs exemplifies concern for treatment of minors who are already on drugs. Another law indicates that treatment for minors may

proceed without supervision of the Illinois Department of Alcoholism and Substance Abuse, and another allows school districts to hold programs for pupils whose parents or guardians are chemically dependent. The state is evidently acting on the well-accepted belief that substance abuse travels among various family members.

Schools are allowed a role in treatment, as school counselors, and later school social workers were added to the list of trained intervenors under the Alcoholism and Drug Addiction Intervenor and Reporter Immunity Law. The law also permits administrators of substance abuse student assistance programs to receive juvenile court records if court permission is granted. The state has shown concern for the safety of all students by requiring drug testing for a school bus driver permit test, if not already required by federal law. In recognition of the fact that young drug dealers often utilize modern telephone methods, pupils on school property are prohibited from using cellular communications devices.

Preventing drug use by pregnant women received considerable attention. The Abused and Neglected Child Reporting Act was amended by requiring the reporting of pregnant women who are addicted to alcohol or drugs. Programs further emphasize case management and referrals for addiction, and a Subcommittee on Women's Alcohol and Substance Abuse was established by statute within the Advisory Council on Alcoholism and Other Drug Dependency. Outside of Cook County, a program was established for low-income pregnant women. Another provision directs fines

from people on probation in Cook County to community-based treatment for pregnant women who are substance abusers. It also allows for establishment of an Adolescent Family Life Program in Cook County to assist drug using pregnant adolescents.

For the protection of Illinois families, the legislature has added family members and partners to those whom intervention is intended for substance abuse. It has established that children and co-dependents of substance abusers should benefit by state-funded prevention and treatment programs. Also, under the Illinois Alcoholism and Other Drug Dependency Act, the legislature has allowed funding to help parents prevent substance abuse in their families. The law requires a drug abuse education program for participants in the Women, Infant and Children Nutrition Program, and requires the annual state plan for alcohol and drug services to report on the Cook County model program for addicted women and their children. As further protection for children, it also prohibits a person who was convicted of street-gang criminal drug conspiracy from leading or living in a foster home.

Administrative Change

The legislature also changed the structure of its own drug abuse agency as a part of the system-wide reforms that took place in Illinois human service departments during the 1990s. The Governor was directed to designate a lead state agency for substance abuse strategy. In the following year, the legislature repealed the Alcoholism and Other Drug Dependency Act, and enacted the Alcoholism and Other Drug Abuse

and Dependency Act. The new law more clearly defines the role of the Department of Alcoholism and Substance Abuse, initiates a statewide prevention program, and modifies many state functions. Additionally, individuals and corporations are now allowed to provide treatment in state-run drug related programs.

The state changed the procedures for proceeds of sales from forfeited property, and also provided that money from forfeited property is deposited into the Secretary of State Evidence Fund. The legislature amended the Narcotics Profit Forfeiture Act to apply to a person guilty of narcotics racketeering or in violation of a section of the Drug Paraphernalia Control Act. It also modified the distribution of some of the proceeds from the Drug Paraphernalia Act so that some will go toward substance abuse programs. Later, it established the State and Federal Asset Forfeiture Funds for forfeited funds received by the Illinois State Police. The following section provides a list of acts of the state legislature from 1989 through 1998 that became law.

Description of the Process

Every effort was made to develop a comprehensive listing of substance abuse-related legislation (this work is limited to legislative work; it does not include executive orders). However, due to the sheer magnitude of legislation that

is generated at the state level, it should be anticipated that some information was inadvertently overlooked.

In order to identify the substance abuse-related state legislation enacted into law over the period of 1989 to 1998, we initially searched the *Legislative Synopsis and Digest* index under the subject heading of Alcohol and Controlled Substances for the 86th and 87th General Assemblies and the Controlled Substances subject heading for the 88th through the 90th General Assemblies (a separate Alcohol subject heading was created prior to the 88th Assembly). Summaries of the intent of the law specific to substance abuse were developed. Finally, we determined which were specifically relevant to this project, that is, in any way relating to the control of illicit drug use, impacting substance abuse services or programs, or appropriating funds. Public Acts specific only to either prescription drugs or alcohol were excluded.

For all sessions, we used either the *Legislative Synopsis and Digest* or *Laws of Illinois* to summarize intent of the laws. The former contains synopses of the law and the latter contains the actual law language. For the 90th General Assembly, we also needed to refer to the *West's Smith-Hurd Illinois Compiled Statutes Annotated* and the *Illinois Legislative Service 1998: 90th General Assembly*.

90th Session of the General Assembly 1997 through June 17, 1998

Of the 52 bills shown in the Controlled Substances section of *Legislative Synopsis and Digest*, 12 bills became Public Acts, of which the 10 listed here are relevant to substance abuse policy.*

PA 90-0009, SB-1101. Creates the FY 1998 Budget Implementation Act. Amends the Narcotics Control Division Abolition Act. (20 ILCS 2620/7). Creates the State and Federal Asset Forfeiture Funds for forfeited funds received by the Illinois State Police (20 ILCS 2620/7). These funds are from the Drug Asset Forfeiture Procedure Act, the Cannabis Control Act, the Illinois Controlled Substances Act, the Environmental Protection Act, and from other laws. Passed in the General Assembly (Gen. Assy.) June 1, 1997. Approved by Governor (App.) June 11, 1997. Effective (Eff.) July 1, 1997.

PA 90-0135, SB-292. Amends the Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/1-10). Adds robbery to the enumerated crimes of violence, to which, with armed robbery and other crimes, the Act applies. Passed in Gen. Assy. May 8, 1997. App. July 22, 1997. Eff. July 22, 1997.

PA 90-0164, HB-2015. Amends the Controlled Substances Act (720 ILCS 570/407). Adds to the list of possible buildings in which delivery of a controlled or counterfeit substance to a minor is a felony, to include nursing homes and seniors centers. Lists the classes and fines. Passed in Gen. Assy. May 9, 1997. App. July 23, 1997. Eff. Jan. 1, 1998.

PA 90-0238, HB-1294. Amends the Alcoholism and Other Drug Abuse and Dependency Act by adding Sect. 35-10 (20 ILCS301/35-10 new). Allows establishment of Adolescent Family Life Program in Cook County by the Illinois Department of Human Services. The program is intended to assist high-risk (drug using) pregnant adolescents with counseling and treatment. No funding was appropriated. Passed in Gen. Assy. May 13, 1997. App. July 28, 1997. Eff. Jan. 1, 1998.

PA 90-0382, HB-70. Amends the Controlled Substances Act (720 ILCS 570/204) by adding gamma hydroxybutyric acid and Ketamine (depressants) to the list of controlled substances. Adds the amount of 10 to 30g of Ketamine, or an analog thereof, to the list of substances, possession of which is a Class 1 felony. Passed in Gen. Assy. May 20, 1997. App. & Eff. Aug. 15, 1997.

PA 90-0384, HB-618. Amends the Controlled Substances Act (720 ILCS 570/402) by increasing fines for possession of a controlled or counterfeit substance to \$25,000 from \$15,000. Amends The Unified Code of Corrections (730 ILCS 5/5-9-1) by increasing the level of fine at which a petty offense is a business offense, and increasing fines. Passed in Gen. Assy. May 20, 1997. App. Aug. 15, 1997. Eff. Jan. 1, 1998.

PA 90-0397, SB-14. Amends the Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/40-5), pertaining to election of treatment following conviction or charge of a crime with addiction or alcoholism. Adds the following categories under which the person may not elect treatment (to replace other sentencing) possession of from 500g to 5000g or more of any substance containing cannabis. Designates these as felonies and specifies fines. Passed in Gen. Assy. May 20, 1997. App. & Eff. Aug. 15, 1997.

PA 90-0593, SB-1756. Modifies section structure of the following: Cannabis Control Act and Illinois Controlled Substances Act. There was no new substantive legislation. Passed in Gen. Assem. May 15, 1998. App. & Eff. June 19, 1998.

PA 90-0674, HB-3170. Amends the Illinois Controlled Substances Act. Expands penalties for manufacture, possession, or delivery of methamphetamines, except as otherwise authorized by the Act. Provides for prison terms, for the Class X felony, from 6 years to 60 years, depending on the amount of methamphetamines from 15 to 900 grams. Deems an amount of 5 grams to 15 grams to be a Class I felony, with a fine up to \$250,000. In another section of the Act, deems a Class I felony for an amount of 15 grams to 900 grams, with imprisonment from 15 years to 50 years. The Act also has information on amphetamines, morphine, LSD, etc. Passed in Gen. Assem. May 7, 1998. App. July 31, 1998. Eff. Jan. 1, 1999.

PA 90-0775, SB-1028. Amends the Anti-Crime Advisory Council Act by granting the Council the power and duty to work with D.A.R.E. and other drug alert or drug abuse task forces led by State or local law enforcement agencies. Applies the same definition to the local anti-crime program as to D.A.R.E. programs. Passed in Gen. Assem. May 19, 1998. App. Aug. 14, 1998. Eff. Jan. 1, 1999.

Note The following abbreviations are used in this summary of legislation: PA for Illinois Public Act; SB for Illinois Senate Bill; HB for Illinois House Bill; and ILCS for Illinois Compiled Statutes.

89th Session of the General Assembly 1995 and 1996

Of the 48 bills shown in the Controlled Substances section of *Legislative Synopsis and Digest*, 13 bills became Public Acts, of which the 10 listed here are relevant to substance abuse policy.

PA 89-0082, SB-628. Amends The Controlled Substance and Cannabis Nuisance Act (740 ILCS 40/11). Provides that if a lessee or occupant uses the leased premises for activities relating to controlled substances, a lessor may declare the lease void and require the person to vacate in five days. This is also permitted if the tenant commits a Class X felony on the premises. It is enforceable only if the parties concerned had executed a lease addendum regarding drug free housing. Passed by Gen. Assy. May 18, 1995. App. & Eff. June 30, 1995.

PA 89-0202, SB-831. Amends The Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/1-10). Provides definition of rehabilitation. In cases of minors receiving alcohol or drug abuse treatment or counseling, removes the requirement that it is supervised by the Illinois Department of Alcoholism and Substance Abuse. Changes definitions of controlled substances that are opiates. Passed May 23, 1995. App. July 21, 1995. Eff. July 21, 1995 and Oct. 1, 1995.

PA 89-0215, HB-300. Amends the Illinois Controlled Substances Act (720 ILCS 570/411.2). Provides that fines received from people on probation in Cook County, be directed to community-based treatment (instead of hospitalization) for pregnant women who are substance abusers. Passed in Gen. Assy. May 15, 1995. App. Aug. 4, 1995. Eff. Jan. 1, 1996.

PA 89-0241, HB-1968. Amends Section 3 of the Alcoholism and Drug Addiction Intervenor and Reporter Immunity Law. Adds licensed school social worker to the list of trained intervenors (745 ILCS 35/3). Passed in the Gen. Assy. May 16, 1995. App. & Eff. Aug. 4, 1995.

PA 89-0293, HB-153. Creates the Drug Dealer Liability Act. Provides for civil damages from those involved in drug distribution, payable to parents, employers, insurers and other defined entities, for drug treatment or employee assistance programs. Provides different levels of offenses. Provides that a person in the chain of distribution of an illegal drug is entitled to recover for economic and non-economic damages, exemplary damages, attorney fees, and costs of suit. If certain conditions are met, a former drug user may bring an action for damages. There may be joint actions as plaintiffs. Passed in Gen. Assy. May 18, 1995. App. Aug. 11, 1995. Eff. Jan. 1, 1996.

PA 89-0392, HB-868. Amends The Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/5-20 new). Provides that all individuals, corporations, and other entities that provide treatment may participate in any specified program, unless Federal law indicates that only not-for-profit entities may receive funds. Also concerns child welfare and juvenile justice systems. Passed in Gen. Assy. May 26, 1995. App. & Eff. Aug. 20, 1995.

PA 89-0404, SB-1187. Amends The Illinois Controlled Substances Act (720 ILCS 570/100). Allows for multiple convictions for drug possession, manufacturing, and delivery. States that a violation of each controlled substance is a separate violation (720 ILCS 570/402). Modifies distribution of sale proceeds of forfeited and seized property. Requires judges to make a statement after sentencing that includes an explanation of credit of a certain number of days for participation in a substance abuse program. Passed in Gen. Assy. May 24, 1995. App. & Eff. Aug. 20, 1995.

PA 89-0428, SB-721. Amends The Child Sex Offender Community Notification Law. Adds kidnapping, predatory criminal sexual assault of a child, and other offenses, to the list of sex offenses. Amends The Cannabis Control Act by adding possession levels of 500 to 500 grams and more as felonies. Passed in Gen. Assy. Nov. 16, 1995. App. Dec. 13, 1995. Eff. Dec. 13, 1995, Jan. 1, 1996, and June 1, 1996.

PA 89-0451, SB-1296. Amends The Controlled Substances Act (720 ILCS 570/407). Enhances the penalties by one felony classification. Increases fines for possession or delivery of a controlled substance at any church or synagogue, or to any building used primarily for religious worship. Passed in Gen. Assy. April 30, 1996. App. May 6, 1996. Eff. Jan. 1, 1997.

PA 89-0498, HB-3448. Amends the IL Controlled Substances Act (720 ILCS 570/405.2 new) by defining street gang criminal drug conspiracy as a Class X felony. Amends The Child Care Act of 1969 (225 ILCS 10/4.2) by prohibiting a person convicted of street gang criminal drug conspiracy from leading or living in a foster home. Passed in Gen. Assy. May 23, 1996. App. & Eff. June 27, 1996.

88th Session of the General Assembly 1993 and 1994

Of the 93 bills shown in the Controlled Substances section of *Legislative Synopsis and Digest*, 18 bills became Public Acts, of which the 16 listed here are relevant to substance abuse policy.

PA 88-0080, HB-1497. Repeals the Alcoholism and Other Drug Dependency Act (PA 89-0965). Creates the Alcoholism and Other Drug Abuse and Dependency Act. Provides for assistance and case management. More clearly defines the functions of the Department of Alcoholism and Substance Abuse for prevention, intervention, treatment, and rehabilitation of alcoholism or other drug abuse or dependency. Requires it to work with other state departments such as Corrections and Education. Continues the functioning of the Illinois Advisory Council on Alcoholism and Other Drug Dependency and the Inter-agency Alcoholism and Other Drug Dependency Board. Continues the licensure requirements by DASA and special services for pregnant women and mothers. Initiates development of a state-wide prevention system, and programs for early intervention and steroid education. The section Comprehensive Treatment Services goes beyond Clients Rights in the repealed Act. Likewise for the sections Services for Pregnant Women and Mothers and Adolescent Family Life Program. Adds authorization for several prevention and treatment funds. Passed in the Gen. Assy. May 13, 1993. App. & Eff. July 13, 1993.

PA 88-0098, SB-206. Amends the Illinois Alcoholism and Other Drug Dependency Act. Adds the category of a current charge or conviction or a non-probationable violation, or previous conviction of the same, to the list of crimes in which election of treatment is not allowed. Passed in the Gen. Assy. May 12, 1993. App. & Eff. July 20, 1993.

PA 88-0142, SB-602. Amends the Illinois Controlled Substances Act, Sec. 305 (720 ILCS 570/305). Adds licensure or disciplinary board regarding licensure by the Illinois Department of Professional Regulation, in a case to suspend registration for possession of a controlled substance. Allows for attorney involvement in a disciplinary hearing. Passed in the Gen. Assy. May 13, 1993. App. & Eff. July 27, 1993.

PA 88-0168, HB-2187. Amends the Illinois Controlled Substances Act (720 ILCS 570/204). Adds Aminorex, Methcathinone, and Thebaine-derived butorphanol to the list on controlled substances. Exempts certain anabolic steroids. Passed in Gen. Assy. May 13, 1993. App. & Eff. July 28, 1993.

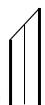
PA 88-0171, HB-2347. Amends the Illinois Alcoholism and Other Drug Dependency Act. Allows funding for programs to help parents prevent substance abuse in their families. May include subjects of communications, conflict reduction, and others. Programs are open to all parents. Passed in Gen. Assy. May 13, 1993. App. July 28, 1993. Eff. Jan. 1, 1994.

PA 88-0283, HB-1686. Adds Section 401.5 to the Illinois Controlled Substances Act (720 ILCS 570/401.5 new). Prohibits manufacture of a prohibited controlled substance by chemical breakdown of an illicit controlled substance. Passed in Gen. Assy. May 17, 1993. App. Aug. 10, 1993. Eff. Jan. 1, 1994.

PA 88-0311, SB-956. Amends the Illinois Alcoholism and Other Drug Dependency Act. Provides that a court may add conditions to probation, if an addict elects treatment in order to get probation authorized by Section 5-6-3 of the Unified Code of Corrections (ILCS 305/10-102). Passed in Gen. Assy. July 12, 1993. App. & Eff. Aug. 11, 1993.

PA 88-0510, HB-1256. Amends Section 5-19 of The Juvenile Court Act of 1987 (705 ILCS 405/5-19). In hearings to determine whether a minor is delinquent, allows a court to require the minor to refrain from using prohibited drugs, and have blood or urine tested for drugs. Adds the same provisions to The Cannabis Control Act (720 ILCS 550/10) and to the Illinois Controlled Substances Act (720 ILCS 570/410) when the sentence is probation and for conditional discharge or supervision. Requires notification to person's employer, if a child care center, of conviction, order of supervision, or probation for any of these laws (730 ILCS 5/5-6-3). Passed in Gen. Assy. May 28, 1993. Governor returned bill (Amendatory Veto Aug. 20, 1993). Amendatory Veto Overridden Oct. 27, 1993. Eff. Jan. 1, 1994.

PA 88-0517, SB-479. Amends the Flood Control Act of 1945. Changes wording regarding forfeiture of money collected under the Illinois Cannabis Control Act or the Illinois Controlled Substances Act, that is deposited into the Secretary Of State Evidence Fund (625 ILCS 5/2-115). Passed in Gen. Assy. May 25, 1993. Governor returned bill with recommendations for change (Amendatory Veto of Aug. 20, 1993). Gen. Assy. accepted the change Oct. 28, 1993. Certified by Governor Nov. 16, 1993. Eff. Nov. 16, 1993.



PA 88-0660, SB-1365. Amends the Cannabis and Controlled Substances Tax Act and other acts to provide that credits, exemptions, and deductions from the tax will have a sunset date. Passed in Gen. Assy. June 30, 1994. App. Sept. 16, 1994. Eff. Sept. 16, 1994.

PA 88-0669, SB-1369. (35 ILCS 520/14.1 new, 720 ILCS, 730 ILCS, 230 ILCS, 410 ILCS, 625 ILCS). Amends the Cannabis and Controlled Substances Tax Act. Concerns tax collected in an action by a states attorney. Provides for penalties of drug dealers of twice the tax, in addition to the tax. Increases taxes on cannabis and controlled substances and reduces the amount of the penalty. Concerns property liens. Amends the Unified Code of Corrections so prisoners need to reimburse the state for costs of incarceration. Gen. Assy. July 12, 1994. Vetoed Aug. 19, 1994. Veto overridden Nov. 29, 1994. Eff. Nov. 29, 1994.

PA 88-0674, SB-1232. (310 ILCS 50/2). Creates the Real Estate Nuisance Abatement Disclosure Act. Requires a conveyor of real property to disclose if it is the subject of a notice under the Controlled Substance and Cannabis Nuisance Act. Allows damages for failure to disclose. Amends the Abandoned Housing Rehabilitation Act to include illegal activities involving controlled substances, cannabis, or street gangs in the definition of nuisance. Passed in Gen. Assy. Dec. 1, 1994. App. Dec. 14, 1994. Eff. Dec. 14, 1994.

PA 88-0677, HB-356. Amends the Criminal Code of 1961 (720 ILCS 5/2-13). Amends the Intergovernmental Drug Laws Enforcement Act to define street-gang related. Amends the Drug

Paraphernalia Act to create the offense of possession of drug paraphernalia, with a fine. Expands definition of peace officer. Provides that a Metropolitan Enforcement Group (MEG) may enforce certain weapons violations to investigate street gang offenses. In the setting of bail in certain gang cases, consent to periodic drug testing is allowed to be considered as a factor. Passed in Gen. Assy. Nov. 15, 1994. App. Dec. 15, 1994. Eff. Dec. 15, 1994.

PA 88-0679, HB-1129. Amends the Cannabis and Controlled Substances Tax Act by increasing penalties and permitting enforcement of the tax by a states attorney. Gen. Assy. Nov. 15, 1994. App. Dec. 15, 1994. Eff. July 1, 1995.

PA 88-0680, SB-1153. Amends the Criminal Code of 1961. Amends the Juvenile Court Act of 1987. Permits prosecution of minors 15 years old and older for violation of the Illinois Controlled Substances Act. Directs a judge to permit prosecution unless a juvenile court may handle care and treatment, and the minor is amenable. Other changes regarding penalties. Adds felony of aggravated driving under the influence of drugs or alcohol. Provides for imprisonment. Modifies the Cannabis Control Act by requiring periodic drug testing and community service during probation. Passed in Gen. Assy. Dec. 1, 1994. App. Dec. 15, 1994. Eff. Jan. 1, 1995.

PA 88-0682, SB-33. Amends the Drug Paraphernalia Control Act to make it a Class A misdemeanor for possession of drug paraphernalia (sale and delivery were already covered). Minimum fine \$750 (720 ILCS 600/3.5 new, 720 ILCS 600/6). Passed in Gen. Assy. Jan. 10, 1995. App. & Eff. Jan. 13, 1995.

87th Session of the General Assembly 1991 and 1992

Of the 130 bills shown in the Controlled Substances section of *Legislative Synopsis and Digest*, 32 bills became Public Acts, of which the 20 listed here are relevant to substance abuse policy.

PA 87-0154, HB-734. Amends the School Code to provide that a school district where a student lives is required to pay for expenses of a residential drug or alcohol treatment program. Specifies payment arrangements between school districts. Passed in Gen. Assy. June 27, 1991. App. & Eff. Aug. 22, 1991.

PA 87-0213, HB-2413. Amends the Alcoholism and Drug Addiction Intervenor and Reporter Immunity Law, by changing the definition of intervention and adding school counselor or other

certified professional to the list of trained intervenors. Amends the School Code regarding interventions for students with drug and alcohol problems. Passed in the Gen. Assy. June 19, 1991. App. & Eff. Sept. 3, 1991.

PA 87-0324, HB-1925. Amends the Illinois Alcoholism and Other Drug Dependency Act. Begins a program outside Cook County for low income pregnant women. Passed in Gen. Assy. June 19, 1991. App. Sept. 6, 1991. Eff. Jan. 1, 1992.

PA 87-0325, HB-2050. Amends the Illinois Alcoholism and Other Drug Dependency Act. Adds these members to the Illinois Advisory Council: the attorney general, state comptroller, or their designees; and two more member appointed by the governor, one of whom is in the liquor business. Passed in Gen. Assy. June 19, 1991. App. & Eff. Sept. 6, 1991.

PA 87-0466, HB-316. Amends An Act in regard to attorneys general, approved 1874, by requiring the attorney general to attend, present evidence to and prosecute indictments returned by each statewide grand jury. Amends the Criminal Code of 1961 by requiring that in offenses of narcotics racketeering or money laundering, defendants are tried where it took place, and cannabis or controlled substance trafficking defendants may be tried in any county. Specifies distribution of proceeds under provisions of the Statewide Grand Jury Act, for narcotics racketeering or for violations of the Drug Paraphernalia Control Act. Passed in Gen Assy. June 28, 1991. App. Sept. 13, 1991. Eff. Jan. 1, 1992.

PA 87-0503, SB-757. Amends the Illinois Alcoholism and Other Drug Dependency Act by adding partners and family members to those to whom intervention is intended for alcohol and drug abuse. Adds intervention services for families as a state function. Passed in Gen. Assy. June 21, 1991. App. & Eff. Sept. 13, 1991.

PA 87-0540, SB-759. Amends the Illinois Alcoholism and Other Drug Dependency Act. Defines alcoholism as a family illness. Defines children and co-dependents of substance abusers, and says both should benefit by prevention and treatment programs provided or funded by the department. Passed in Gen. Assy. June 25, 1991. App. & Eff. Sept. 16, 1991.

PA 87-0544, HB-65. Amends the Cannabis Control Act by designating delivery of cannabis on or within 1000 feet of a school ground as a Class 1, 2, 3, or 4 felony, or as a Class A misdemeanor, with specified fines. Passed in Gen. Assy. June 27, 1991. App. Sept. 17, 1991. Eff. Jan. 1, 1992.

PA 87-0614, SB-151. Amends certain acts relating to criminal and juvenile proceedings. Provides that the presiding judge of the juvenile court may add the administrator of a substance abuse student assistance program to those who may obtain juvenile court records. Amends the State Appellate Defender Act pertaining to definition of criminal cases. Also modifies forfeiture procedures in the Drug Forfeiture Procedure Act. Passed in Gen. Assy. July 18, 1991. App. Sept. 18, 1991. Eff. Sept. 18, 1991 and Sept 1, 1992.

PA 87-0711, SB-588. Amends the Illinois Controlled Substances Act regarding registration of business locations where controlled substances are located. Passed in Gen. Assy. June 27, 1991. App. Sept. 23, 1991. Eff. Jan. 1, 1992.

PA 87-0719, SB-758. Amends the Illinois Alcoholism and Other Drug Dependency Act by directing the governor to designate a lead agency to coordinate a statewide substance abuse strategy. It includes concern with prevention, intervention, and treatment. Passed in Gen. Assy. June 27, 1991. App. Sept. 23, 1991. Eff. Jan. 1, 1992.

PA 87-0742, HB-1128. Amends the Illinois Public Aid Code. States that all medical providers that provide assistance to women under this code receive information from the department on case management and referrals for addiction. Explains the department s services for pregnant women and mothers. Directs the department to continue the model programs for substance abuse. Passed in Gen. Assy. July 3, 1991. App. & Eff. Sept. 26, 1991.

PA 87-0754, HB-1955. Amends the Illinois Food, Drug and Cosmetic Act by making distribution of human growth hormone a Class 3 felony, subject to a fine of up to \$50,000, if the intent was not to treat a disease. Specifies drugs that are anabolic steroids and defines their legal possession, including having a physician s approval. Revises definitions of controlled substances. Authorizes the department to begin a steroid education program, with the advice of the Illinois Advisory Council. Passed in Gen. Assy. July 4, 1991. App. & Eff. Sept. 29, 1991.

PA 87-0765, SB-1227. Amends the Controlled Substance and Cannabis Nuisance Act by specifying the time at one year in which a nuisance is a place where controlled substances are possessed. Adds to definition of places and fixtures used for controlled substances. Provides for notice of a complaint by a states attorney to the owner of a nuisance, for forcible entry and detainer action by an owner or lessor when controlled substances were in possession on the premises, and for lease termination. Amends the Illinois Alcoholism and Other Drug Dependency Act by allowing the state to make grants from the Drug Treatment Fund. Passed in Gen. Assy. July 11, 1991. App. Oct.4, 1991. Eff. Jan. 1, 1992.

PA 87-0772, HB-2125. Amends the Cannabis Control Act and the Illinois Controlled Substances Act and the Steroid Control Act regarding fines for conviction, which may also be paid through community service, and may be suspended if the defendant enters a treatment pro-



gram. Sets assessment rates according to class of felony or misdemeanor, for which a court may allow installment payments. Directs the proceeds to be forwarded to the Drug Treatment Fund, or if in Cook County, to the County Health Fund. Passed in Gen. Assy. July 18, 1991. App. Oct. 10, 1991. Eff. Jan. 1, 1992.

PA 87-0993, SB-2165. Amends the Cannabis Control Act, the Illinois Controlled Substances Act, etc. Creates the Secretary of State Evidence Fund and provides that money from forfeited property is deposited into the fund to obtain evidence. Passed in Gen. Assy. June 11, 1992. Eff. & App. Sept. 1, 1992.

PA 87-1013, SB-2155. Amends the Narcotics Profit Forfeiture Act regarding distribution of 25 percent of proceeds from violations of the Drug Paraphernalia Act under the provisions of the Statewide Grand Jury Act. Modified to require the attorney general to distribute the funds to programs licensed or approved by the Illinois Department of Alcoholism and Substance Abuse, and in making the grants to take into account the Department's plans and service priorities. Passed in Gen. Assy. June 11, 1992. App. & Eff. Sept. 3, 1992.

PA 87-1054, SB-1902. Amends the Community Services Act and the Illinois Alcoholism and Oth-

er Drug Dependency Act. Requires the annual state plan for alcohol and drug services to report on the Cook County model program for addicted women and their children. Indicates dates by which the Subcommittee on Women's Alcohol and Substance Abuse Treatment must submit a plan to the governor and Gen. Assy. Passed in Gen. Assy. June 26, 1992. App. & Eff. Sept. 11, 1992.

PA 87-1095, HB-3513. Amends the Critical Health Problems and Comprehensive Health Education Act to add to the Comprehensive Health Education Program. Permits school districts, during or after school hours, to offer support services and instruction to pupils whose parents or guardians are chemically dependent. Authorizes school districts to offer these programs for grades 5 to 12. Passed in Gen. Assy. June 24, 1992. App. Sept. 15, 1992. Eff. Jan. 1, 1993.

PA 87-1225, HB-3598. Amends the Illinois Controlled Substances Act. Increases certain drug violations if committed in, or within 1000 feet, of a truck stop or rest area. Specifies felonies committed and fines for delivery or possession of a controlled, counterfeit, or look-alike substance. Passed in Gen. Assy. July 1, 1992. Amendatory Veto of Sept. 24, 1992. Gen. Assy. accepted change Dec. 1, 1992. Certified by Governor & Eff. Dec. 22, 1992.

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Of the 200 bills shown in the Controlled Substances section of *Legislative Synopsis and Digest*, 50 bills became Public Acts, of which the 22 listed here are relevant to substance abuse policy.

PA 86-0265, HB-2014. Amends the Illinois Controlled Substances Act to require, as a condition of probation, that the person not have violated any criminal statute of any jurisdiction, and refrains from possessing a firearm or other dangerous weapon. Passed in Gen. Assy. June 19, 1989. App. Aug. 16, 1989. Eff. Jan. 1, 1990.

PA 86-0266, HB-2313. Amends the Illinois Controlled Substances Act by imposing fines specified and prison terms for illegal possession of indicated amounts of controlled or counterfeit substances. They are designated a Class X felony, and the prison terms increase with larger possession levels. Reduced fines and prison terms are specified for indicated Class 1 felonies. Passed in Gen. Assy. June 19, 1989. App. Aug. 16, 1989. Eff. Jan. 1, 1990.

PA 86-0271, SB-0394. Amends the Narcotics Profit Forfeiture Act in regard to forfeiture to the State. Adds wording so forfeiture applies to a person who is guilty of narcotics racketeering or who violates Section 3 of the Drug Paraphernalia Control Act. Applies business offenses without consideration of whether the person knows, or should have known, that he or she may be selling drug paraphernalia, and specifies these as Class 4 or 3 felonies. Passed in Gen. Assy. June 30, 1989. App. & Eff. Aug. 22, 1989.

PA 86-0442, SB-1224. Amends the Illinois Controlled Substances Act by providing for various fines and imprisonment for possession of certain drugs. Replaces language that did not specify penalties. Passed in Gen. Assy. June 15, 1989. App. Aug. 30, 1989. Eff. Jan. 1, 1990.

PA 86-0508, HB-572. Amends the Illinois Vehicle Code by adding to the requirements for school bus driver permit tests for drug and alcohol use for each applicant not subject to testing according to federal law. The test must be conducted by a physician within 90 days of the application. Passed in Gen. Assy. June 27, 1989. App. Sept. 1, 1989. Eff. Jan. 1, 1990.

PA 86-0604, HB-1746. Amends the Illinois Controlled Substances Act by reducing the quantity of possession and changing the definition of LSD that is a controlled substance, for which a person may be convicted of a Class X or Class 1 felony. Passed in Gen. Assy. June 27, 1989. App. Sept. 1, 1989. Eff. Jan. 1, 1990.

PA 86-0625, HB-2108. Amends the Illinois Controlled Substances Act by banning the distribution of butyl nitrate for euphoric or physical effect. Passed in Gen. Assy. June 27, 1989. App. & Eff. Sept. 1, 1989.

PA 86-0809, HB-1360. Creates the offense of criminal drug conspiracy, by amending the Criminal Code of 1961. The crime is committed when the offender agrees with another to the commission of that offense. Conviction requires that the offense was committed by the person or with a co-conspirator, and certain defenses of conspiracy are excluded. A fine or imprisonment might be imposed. Passed in Gen. Assy. June 19, 1989. App. Sept. 7, 1989. Eff. Jan. 1, 1990.

PA 86-0825, HB-2451. Amends the Illinois Alcoholism and Other Drug Dependency Act by adding two members to the Interagency Alcoholism and Other Drug Dependency Board, for a total of 18 members. The board advises the director of the Illinois Department of Alcoholism and Substance Abuse in planning and coordinating state programs that discourage abuse and misuse of alcohol and other drugs. Passed in Gen. Assy. June 19, 1989. App. & Eff. Sept. 7, 1989.

PA 86-0829, HB-2626. Amends the Steroid Control Act. Requires the Department of Alcoholism and Substance Abuse to provide training in recognition of symptoms and side effects of anabolic steroid abuse, for health care professionals and educators. Expects the department to include information on education and referral. Passed in Gen. Assy. June 6, 1989. App. Sept. 7, 1989. Eff. Jan. 1, 1990.

PA 86-0848, SB-1329. Amends the Illinois Controlled Substances Act by adding possession of propylhexedrine, except if legally sold, to the controlled substances list. Amends the Hospital Licensing Act to remove persons or facilities li-

censed under the Alcohol and Other Drug Dependency Act from the definition of hospital. Defines satellite facility. Adds certain vehicle code violations and homicides to the crimes for which a person charged or convicted (amended from convicted only) may not elect substance abuse treatment after conviction. Passed in Gen. Assy. June 28, 1989. App. & Eff. Sept. 7, 1989.

PA 86-0906, SB-0090. Amends the Metropolitan Transit Authority Act, approved in 1945. Requires the authority to maintain comprehensive employee drug testing as provided by the Regional Transportation Authority Act. Requires the Regional Transportation Authority and all service boards subject to it to maintain drug testing in conformity with federal statutes and regulations. Passed in Gen. Assy. June 15, 1989. App. & Eff. Sept. 11, 1989.

PA 86-0919, SB-1414. Amends the Civil Administrative Code of Illinois to require the Department of Public Health, with the Department of Alcoholism and Substance Abuse to develop a drug abuse education program for participants in the Women, Infant and Children Nutrition Program. It should include drug abuse information and referral. Passed in Gen. Assy. June 15, 1989. App. Sept. 11, 1989. Eff. Jan. 1, 1990.

PA 86-0947, HB-2059. Amends the Illinois Municipal Code as it pertains to driver involvement in personal injury or fatal motor vehicle accident. Indicates drivers are deemed to have given consent to alcohol or drug testing by blood, breath, or urine if the driver may have been at fault in an accident resulting in death or injury. Such consent may not be withdrawn. Physicians or health practitioners are required to draw blood for the test if safe to do so. A law enforcement officer must warn the driver that refusal to submit to the test may result in driver's license suspension. Evidence of refusal may be admissible in a civil or criminal action. Passed in Gen. Assy. June 30, 1989. Amendatory veto Sept. 6, 1989. Gen. Assy. accepts change Oct. 31, 1989. Certified by the governor Nov. 13, 1989. Eff. Nov. 13, 1989 and Jan. 1, 1991.

PA 86-1004, SB-734. Amends the Abused and Neglected Child Reporting Act by requiring reporting of pregnant women who are addicted to alcohol or drugs. Requires notification to the local Infant Mortality Reduction Network service provider or Department funded prenatal care provider. A case management plan must be prepared for counseling and treatment. The indicated provider must monitor the women. Requires reports of numbers of addicted children and a list of service providers. Requires the Dept. of Public Health to create or contract with

existing residences or recovery homes to provide counseling and other services. With the Department of Alcoholism and Substance Abuse, it must also develop guidelines for residential care facilities for pregnant women and expand these programs. Passed in Gen. Assy. Nov. 2, 1989. App. Dec. 28, 1989. Eff. July 1, 1990.

PA 86-1316, SB-1593. Amends the Illinois Alcoholism and Other Drug Dependency Act. Creates the Subcommittee on Women's Alcohol and Substance Abuse Treatment as a subcommittee of the Advisory Council on Alcoholism and Other Drug Dependency. The subcommittee is meant to advise the council and the director on prevention and treatment plans for women and in preparation of a state plan for the same. The council with the subcommittee is required to report every two years to the Gen. Assy. Passed in Gen. Assy. June 26, 1990. App. & Eff. Sept. 6, 1990.

PA 86-1320, SB-1874. Modifies the Illinois Substance Abuse Treatment Program by requiring an offender sentenced to probation, conditional discharge, supervision or periodic imprisonment to pay for any mandatory drug or alcohol testing. Payment is in accordance with ability to pay. County boards, with the judicial circuits chief judge, are required to set the fees for the testing. Passed in Gen. Assy. June 25, 1990. App. Sept. 6, 1990. Eff. Jan. 1, 1991.

PA 86-1342, HB-3590. Amends the Illinois Alcoholism and Other Drug Dependency Act by defining research into controlled substances, as defined in the Illinois Controlled Substances Act. Requires inventory reporting of controlled substances.

PA 86-1382, HB-3610. Minor modification of the Criminal Code of 1961 pertaining to property seizure. Amends the Cannabis Control Act by adding to the items subject to forfeiture. Modifies procedures and lists distribution of proceeds of sales from forfeited property. Passed in Gen. Assy. June 29, 1990. App. July 27, 1990. Eff. Sept. 10, 1990.

PA 86-1391, HB-4053. Amends the Illinois Controlled Substances Act by designating usage of cellular communications devices for controlled substances trafficking as a Class 2 felony, with a fine up to \$100,000 and other possible penalties. Amends the School Code by prohibiting possession of these devices by pupils while on school property, unless approved by its school board and principal. Passed in Gen. Assy. June 20, 1990. App. Sept. 10, 1990. Eff. Jan. 1, 1991.

PA 86-1459, HB-3337. Amends the Criminal Code of 1961 by defining the offense of drug induced infliction of great bodily harm. It involves unlawful delivery of a controlled substance to a person who then experiences great bodily harm or permanent disability. Designates the offense as a Class 1 felony. Set money laundering sentence. Amends the Illinois Controlled Substances Act by prohibiting delivery of a controlled substance or drug paraphernalia to a pregnant woman, and designates the offense as a felony. Passed in Gen. Assy. June 29, 1990. Governor's amendatory veto Sept. 10, 1990. Amendatory veto accepted by both houses Nov. 29, 1990. Governor certifies changes Dec. 12, 1990. Eff. Jan. 1, 1991 & Jan. 1, 1992.

PA 86-1466, SB-1456. Amends the Drug Paraphernalia Act by changing the offense of sale or possession of a drug paraphernalia item to a Class 4 felony (from a business offense). Changes the fine to minimum of \$1000.00 per item, instead of a fixed amount of \$1000.00 for each item. Changes the category of offense of a sale or delivery of drug paraphernalia by a person 18 or older to a person under 18 to a Class 3 felony (from a Class 4 felony). Passed in Gen. Assy. May 16, 1989. Amendatory veto of Aug. 2, 1990. Both houses accept amendatory veto Nov. 28, 1989. Eff. July 1, 1991.