

Illinois Marijuana Penalties

 hemp  drugged driving

| | | Incarceration | Fine |
|--|----------------|----------------|----------------|
| Possession | | | |
| 2.5 g or less | misdemeanor | 30 days* | \$1,500 |
| 2.5 to 10 g | misdemeanor | 6 months* | \$1,500 |
| 10 to 30 g | misdemeanor | 1 year* | \$2,500 |
| 30 to 500 g (first offense) | felony | 1 - 3 years | \$25,000 |
| 30 to 500 g (subsequent offense) | felony | 2 - 5 years | \$25,000 |
| 500 to 2,000 g | felony | 2 - 5 years | \$25,000 |
| 2,000 to 5,000 g | felony | 3 - 7 years | \$25,000 |
| More than 5,000 g | felony | 4 - 15 years | \$25,000 |
| *Eligible for 24 month probation with first conviction, dismissal of charges upon completion of probation. | | | |
| Cultivation | | | |
| 5 plants or less | misdemeanor | 1 year* | \$2,500 |
| 5 to 20 plants | felony | 1 - 3 years* | \$25,000 |
| 20 to 50 plants | felony | 2 - 5 years* | \$25,000 |
| More than 50 plants | felony | 3 - 7 years | \$100,000 |
| *Eligible for 24 month probation with first conviction, dismissal of charges upon completion of probation. | | | |
| Sale or Trafficking | | | |
| Casual delivery (without sale) | see Possession | | |
| 2.5 g or less | | 6 months* | \$1,500 |
| In school zone | misdemeanor | 1 year* | \$2,500 |
| 2.5 to 10 g | misdemeanor | 1 year* | \$2,500 |
| In school zone | felony | 1 - 3 years* | \$25,000 |
| 10 to 30 g | felony | 1 - 3 years* | \$25,000 |
| In school zone | felony | 2 - 5 years* | \$50,000 |
| 30 to 500 g | felony | 2 - 5 years | \$50,000 |
| In school zone | felony | 3 - 7 years | \$100,000 |
| 500 to 2,000 g | felony | 3 - 7 years | \$100,000 |
| In school zone | felony | 4 - 15 years | \$200,000 |
| 2,000 to 5,000 g | felony | 4 - 15 years | \$150,000 |
| More than 5,000 g | felony | 6 - 30 years | \$200,000 |
| Traffic more than 2,500 g across state lines | felony | double penalty | double penalty |
| Sale to minor 3 years younger than seller | felony | double penalty | double penalty |
| *Eligible for 24 month probation with first conviction, dismissal of charges upon completion. | | | |
| Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...) | | | |
| Any conviction can cause additional fine of full street value. | | | |
| Details | | | |

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Working to Reform Marijuana Laws

Possession of 2.5 grams or less of marijuana is a misdemeanor, punishable by up to 30 days in jail and a fine of up to \$1,500. Possession of greater than 2.5 grams is punishable by up to six months in jail and a fine of up to \$1,500. Possession of greater than 10 grams is punishable by up to one year in jail and a fine of up to \$2,500.

All possession of greater than 30 grams is considered a felony. Possession of greater than 30 grams is punishable by 1 - 3 years in prison and a fine of up to \$25,000. For a subsequent conviction, the penalty increases to 2 - 5 years in prison and a fine of up to \$25,000. For possession of greater than 500 grams, the penalty is 2 - 5 years in prison and a fine of up to \$25,000. For possession of greater than 2,000 grams the penalty is 3 - 7 years in prison and a fine of up to \$25,000. For any possession of an amount greater than 5,000 grams the penalty is 4 - 15 years in prison and a fine of up to \$25,000.

The cultivation of no more than five marijuana plants is a misdemeanor, punishable by up to one year in jail and a fine of up to \$2,500. Cultivation of more than five plants is a felony, punishable by 1 - 3 years in prison and a fine of up to \$25,000. Cultivation of more than 20 plants is punishable by 2 - 5 years in prison and a fine of up to \$25,000. The penalty for cultivation of more than 50 plants is 3 - 7 years in prison and a fine of up to \$100,000.

Casual delivery of marijuana is treated as possession. Manufacture or delivery of 2.5 grams or less is considered a misdemeanor and is punishable by up to six months in jail and a fine of up to \$1,500, unless activity occurred in school zone, then up to one year in jail and a fine of up to \$2,500. Manufacture or delivery of greater than 2.5 grams is punishable by up to one year in jail and a fine of up to \$2,500 (in school zone: 1 - 3 years in prison and a fine of up to \$25,000). For manufacture or delivery of greater than 10 grams the penalty is 1 - 3 years in prison and a fine of up to \$25,000 (in school zone: 2 - 5 years in prison and a fine of up to \$50,000). For manufacture or delivery of more than 30 grams the penalty is 2 - 5 years in prison and a fine of up to \$50,000 (in school zone: 3 - 7 years in prison and a fine of up to \$100,000). The penalty for manufacture or delivery of greater than 500 grams is 3 - 7 years in prison and a fine of up to \$100,000 (in school zone: 4 - 15 years in prison and a fine of up to \$200,000). The penalty for manufacture or delivery of greater than 2,000 grams is 4 - 15 years in prison and a fine of up to \$150,000. Any manufacture or delivery of amounts greater than 5,000 grams is punishable by 6 - 30 years in prison and a fine of up to \$200,000.

Bringing more than 2,500 grams into the state for manufacture or delivery is considered trafficking and the penalties are doubled. Any sale to a minor at least three years younger than the seller also doubles the penalty and fine.

When convicted of a drug-related offense, the court may impose an additional fine of at least the full street value of the marijuana seized.

For any first conviction for possession of less than 30 grams, cultivation of any amount or manufacture or delivery of less than fifty plants, the court can defer judgment, place the offender on probation for 24 months and upon successful completion of the probation the court can discharge the proceedings.



Hemp: This state has an active hemp industry or has authorized research. Hemp is a distinct variety of the plant species *cannabis sativa L.* that contains minimal (less than 1%) amounts of tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana. Various parts of the plant can be utilized in the making of textiles, paper, paints, clothing, plastics, cosmetics, foodstuffs, insulation, animal feed, and other products. For more information see NORML's Industrial Use section. http://norml.org/index.cfm?Group_ID=3377



Drugged driving: This state has a per se drugged driving law enacted. In their strictest form, these laws forbid drivers from operating a motor vehicle if they have any detectable level of an illicit drug or drug

The National Organization for the Reform of Marijuana Laws (www.norml.org)

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metabolite (i.e., compounds produced from chemical changes of a drug in the body, but not necessarily psychoactive themselves) present in their bodily fluids above a specific threshold. For more information, see state DUID laws. http://norml.org/index.cfm?Group_ID=6669

Also see Federal Laws http://norml.org/index.cfm?Group_ID=4575

About this Report

NORML's State Guide to Marijuana Penalties outlines most penalties for prohibited marijuana conduct in the 50 states, the District of Columbia, and under federal law. To view the list of prohibited conduct and penalties, click the map icon to the left to find your jurisdiction.

Marijuana laws and penalties change rapidly and are enforced and interpreted differently even in the same legal jurisdiction. Please consult a criminal defense lawyer if you have been busted or if you want to know how a particular conduct might be punished. If you spot an error or have information that should be included in NORML's State Guide to Marijuana Penalties, please inform the NORML Foundation (foundation@norml.org).

Please note:

- The guide does not list penalties for every marijuana offense nor every enhanced sentence such as possessing marijuana near a school, involving a minor, and automatic driver's or professional license suspension. Your state may require an enhanced sentence even if the enhancement is not in the guide.
- Unless otherwise specified, please assume that listed penalties apply only to first convictions. Prior convictions often place a defendant in a higher penalty range, and convictions while on probation for a previous offense may result in revocation of probation.
- Except where indicated otherwise, a listed fine is the maximum fine for the conviction and the minimum fine is zero.
- "Possession" usually means "possessing marijuana only for personal use". If the government accuses you of possessing marijuana for other reasons, the accompanying penalties will probably exceed those for possessing marijuana for personal use. Possessing large amounts of marijuana frequently results in more serious charges of "possession with intent to distribute", "trafficking", and/or "sale".
- Many factors contribute to a defendant's sentence. Factors include level of involvement in the prohibited conduct, location, age, presence or absence of minors, use or presence of weapons, conduct for which a person has been acquitted, and many other things.
- If you are in trouble, please know your rights and hire an attorney.

Warning: The information contained in this report is for informational purposes only. Individuals are encouraged to confirm their state's laws before engaging in any particular behavior, or before going to court without a lawyer.

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| Metric units to United States units of measurements: |
|--|
| One ounce (oz.) = 28.35 grams |
| One pound (lb.) = 16 ounces = 453.59 grams |
| One kilogram (kg.) = 1,000 grams (g) = 2.2 pounds (lbs.) |