

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

“Possession of Marijuana for Personal Use”



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I heard that having marijuana for personal use in Illinois was no longer illegal, but a civil violation. What does this mean? What is the law now?

As of July 29, 2016, Illinois did not legalize possession of any amount of marijuana

EXCEPT

MEDICAL MARIJUANA

HOWEVER, POSSESSION OF NOT MORE THAN 10 GRAMS OF MARIJUANA WILL ONLY BE GUILTY OF A CIVIL LAW VIOLATION, NOT A CRIME.



What are the differences because possession of no more than 10 grams in only a civil law violation?



φ conviction or a judgment against you does **not** create a **criminal record**

φ you no longer have to go to court instead pay fine and costs of **\$120**; **unless** you want to contest it in court

In Illinois, the fine is a minimum of \$100 up to \$200 plus court costs.

φ since this is a **civil case**, you will be found guilty if it is more likely true than not





What if I am issued a City ordinance violation for possession of cannabis instead of a State violation?

Urbana and Champaign have civil violation systems allowing someone issued a ticket for cannabis violations to pay before court.

The complaint and notice to appear will not be filed with the court if you pay the minimum fine set by the City.



You avoid paying court costs and having to appear on a certain date.

paid w/o court

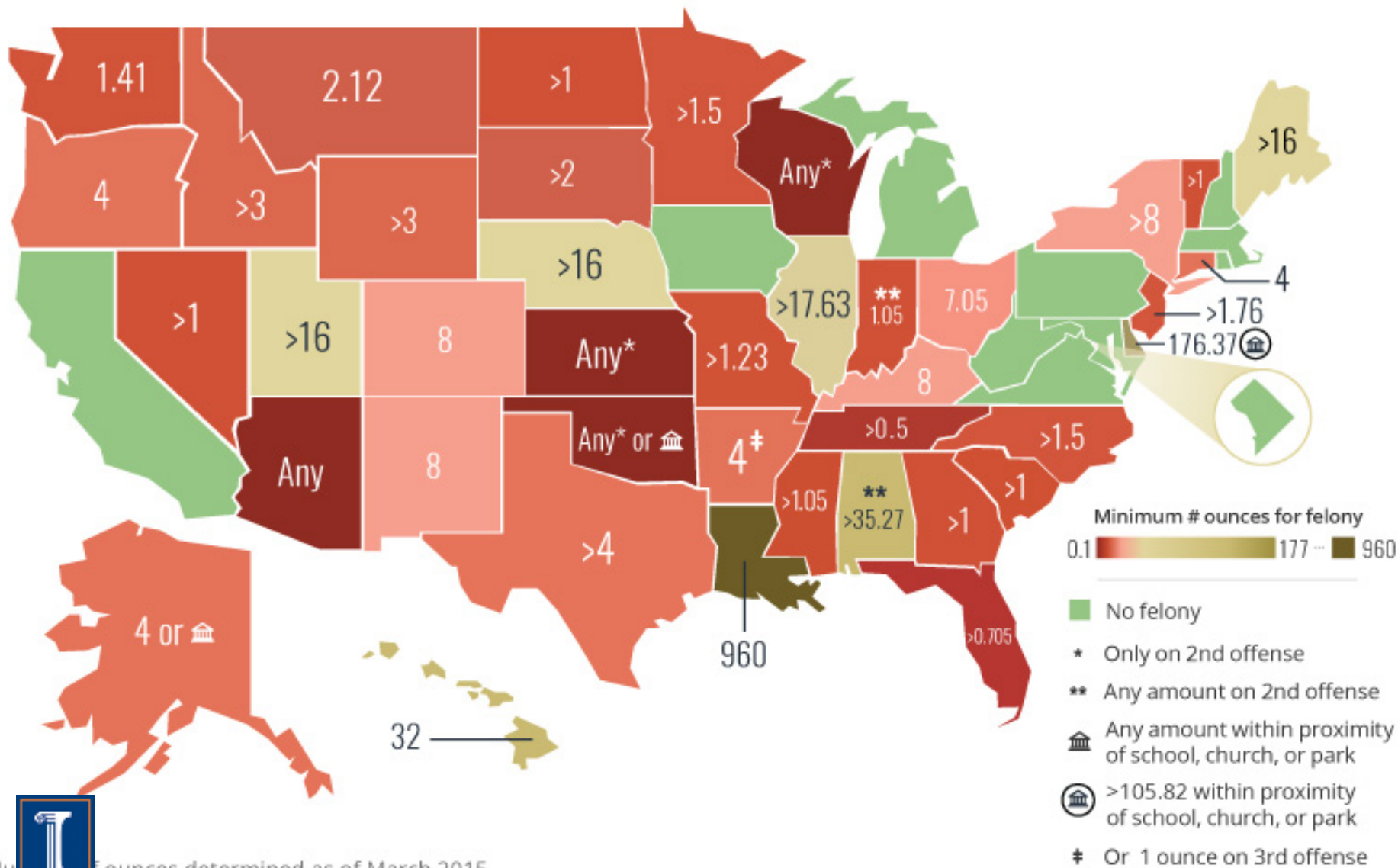
State - \$120

Urbana - \$50

Champaign - \$340



Marijuana: Minimum Number of Ounces for a Felony Charge



Since I will usually have some type of paraphernalia when I smoke marijuana, can I still be prosecuted for the criminal offense of possession of paraphernalia?

If you are in violation of having no more than 10 grams of marijuana at the time you are in possession of the paraphernalia, the penalty for having the paraphernalia is also a civil law penalty with the minimum fine of \$100 and the maximum fine of \$200 plus court costs.

You can also pay \$120* before the court date!



*incl. fine + court costs

Is delivery of small amounts of marijuana legal now?

- Delivery of less than 10 grams of anything with cannabis not for consideration is now considered “casual delivery” and “is treated in all respects like possession of cannabis for purposes of penalties.”
- Delivery of more than 10 grams of marijuana, even if not for consideration, just transporting it from one friend to another as a favor, is still delivery and subject to the penalties applicable to delivery of cannabis depending on the amount you have in your possession.



If I have a medical marijuana card, can I legally take my marijuana across State lines or use it in other States with medical marijuana laws?

MEDICAL MARIJUANA

ILLINOIS

You cannot take the marijuana across state lines. The Federal government will enforce this. The other state, likely has different conditions and could not recognize a certification by a physician not licensed in their state.



What about a violation of Driving Under the Influence of Drugs or Alcohol

If you drive and have more than 5 nanograms of marijuana in your blood or 10 nanograms in other bodily fluids (saliva), you will be violating the DUI laws.

Generally, it takes more than 20 days and up to 30 days for all traces of marijuana to clear your system.

However, the amount of TCH rapidly decreases in red blood cells and saliva even though traces stay in the system.

If you are over the legal limit according to test, it is still a violation. It also does not matter if the officer says you had no signs of impairment.

On the other hand, if you feel any effects of marijuana, it is strongly recommended you DO NOT DRIVE.

Your lawyer will have the opportunity to challenge whether you had to take the test in court.


SOME COMPARE 13 NANOGRAMS OF TCH IN SALIVA TO BE THE AMOUNT EQUIVALENT TO .08 ALCOHOL IN THE BLOOD. THERE IS STILL NO CONSENSUS ON THIS.



You do not need to take any action. The police and the circuit court must expunge the records of the civil violations at least every 6 months for every civil violation case closed.

How do I get the record removed from law enforcement and court records for a civil law violation of marijuana or paraphernalia?





HANDLING
STATE & MUNICIPAL
**DRUG
CHARGES**

The Supreme Court Rules allow you to pay just like a minor traffic ticket \$120 by mail or in person to the Circuit Clerk before your court date to enter a plea of guilty. There would be no additional court costs added if you do to use the court room.

**IS THERE A STANDARD PROCESS IF I AM CAUGHT
VIOLATING ONE OF THESE CIVIL LAW VIOLATIONS?**



A photograph of a brick wall at the University of Illinois. The wall is made of red bricks with a concrete top and bottom. In the center, the words "UNIVERSITY of ILLINOIS" are written in white, with "of" in a smaller font. Below that, "FOUNDED 1867" is written in white. On either side of the text is a blue square logo with a white letter "I". The wall is flanked by two brick pillars with concrete tops. In the background, there are trees and a brick building.

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