



Supreme Court of Illinois

September 1, 2016

SUPREME COURT ADOPTS NEW RULES TO ADDRESS LAW THAT DECRIMINALIZES CANNABIS POSSESSION

The Illinois Supreme Court has adopted six new rules to establish a regulatory framework for a new state law that decriminalizes the possession of small amounts of cannabis and drug paraphernalia.

Supreme Court Rules 585, 586, 587, 588, 589 and 590 were created in response to legislation the Illinois General Assembly approved this past spring and Gov. Bruce Rauner signed into law last month. Public Act 99-697 took effect July 29, 2016, and the new Supreme Court Rules take effect September 1, 2016.

Under the new law, possession of up to 10 grams of cannabis or drug paraphernalia seized during the offense is characterized as a "civil law violation" and is punishable by a fine of between \$100 and \$200. Previously, possession of up to 10 grams of cannabis was a Class B Misdemeanor that was punishable by up to six months in jail and fines up to \$1,500, and possession of drug paraphernalia was a Class A misdemeanor punishable by up to one year of imprisonment and a fine between \$750 and \$2,500.

To address the law's creation of a "civil law violation," a case type that did not exist prior to the passage of the Public Act 99-697, the Supreme Court adopted rules to establish procedures for the court system to follow when handling civil law violations.

The six new rules can be found in Part F of Article V of the Illinois Supreme Court Rules. Article V governs rules on trial court proceedings in traffic, conservation and petty offenses, certain misdemeanors, bail schedules for many of these violations, and now civil law violations.

The language of the new rules and all of the Supreme Court rules can be found on the Court's website at <http://www.illinoiscourts.gov/SupremeCourt/Rules>.

The new rules lay out the regulatory framework for civil law violations, including applicability (Rule 585); appearance date (Rule 586); notice to accused (Rule 587); fines, penalties and costs (Rule 588); uniform forms and processing (Rule 589); and the procedure if the accused fails to appear (Rule 590).

Rule 588 allows for the resolution of a civil law violation without a court appearance. This means that persons cited for civil law violations can pay a \$120 fine, as set by Rule 586, by mail and without having to appear in court, similar to the current process for minor traffic violations.

To reflect the adoption of the new Supreme Court Rules, the Administrative Office of the Illinois Courts has amended its Manual on Recordkeeping. The manual, which governs recordkeeping in the circuit courts, has been amended to ensure the confidentiality of civil law violations for offenders under 18 and directs circuit court clerks to automatically expunge the records of individuals who resolve these violations.

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