

Britta's Cannabis Expungement Cheat Sheet

Minor Cannabis Offense = (1) violation of §4 or §5 of the Cannabis Control Act (720 ILCS 550), (2) **not more than 30g** of Cannabis, (3) no sentencing enhancement under §7, and (4) not associated with an arrest or conviction that is a violent crime. *See* 20 ILCS 2630/5.2(a)(1)(G-5).

§4 of the Cannabis Control Act = cannot possess cannabis	
< 10g	Civil Law Violation
10-30g	Class B Misdemeanor
30-100g	Class A Misdem. first time Class 4 Felony subsequent
100-500g	Class 4 Felony first time Class 3 Felony subsequent
500-2000g	Class 3 Felony
2000-5000g	Class 2 Felony
> 5000g	Class 1 Felony

See 720 ILCS 550/4

§5 of the Cannabis Control Act = cannot manufacture or deliver cannabis	
< 2.5g	Class B Misdemeanor
2.5-10g	Class A Misdemeanor
10-30g	Class 4 Felony
30-500g	Class 3 Felony
500-2000g	Class 2 Felony
2000-5000g	Class 1 Felony
> 5000g	Class X Felony

See 720 ILCS 550/5

Prior to 2016, a subsequent offense 10-30g was a Class 4 felony

§7 Enhancement = when D over 18yrs old delivers to someone younger than 18yrs old and at least 3 years younger than D = twice the maximum imprisonment sentence. *See* 720 ILCS 550/7.

Violent Crime = any felony that uses force or threat of force, sexual conduct, child porn, domestic battery, stalking, violate OP, any misdemeanor that causes death or great bodily harm, or reckless homicide. *See* 725 ILCS 120/3(c).

Three Cannabis Record Avenues										
Automatic Expungement	Pardon Process	Individual Action								
<ul style="list-style-type: none"> <input type="checkbox"/> Minor Cannabis Offense (see the Yellow text above) <input type="checkbox"/> Arrested > 1yr ago <input type="checkbox"/> No criminal charges filed or case was dismissed, acquitted, or vacated 	<ul style="list-style-type: none"> <input type="checkbox"/> Minor Cannabis offense (see the Yellow text above) <input type="checkbox"/> Conviction 	<ul style="list-style-type: none"> <input type="checkbox"/> Conviction <input type="checkbox"/> Misdemeanor or Class 4 Felony of § 4 or § 5 (see the Yellow or Green text above) <p>= motion to vacate and expunge</p>								
<p>Timeline:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #d3d3d3;">Charged or Arrested</th> <th style="background-color: #d3d3d3;">Expunged by</th> </tr> </thead> <tbody> <tr> <td>After 2013</td> <td>2021</td> </tr> <tr> <td>2000-2013</td> <td>2023</td> </tr> <tr> <td>Prior to 2000</td> <td>2025</td> </tr> </tbody> </table> <p>Note: Request to E is still available to individuals</p>	Charged or Arrested	Expunged by	After 2013	2021	2000-2013	2023	Prior to 2000	2025	<p>Process:</p> <ol style="list-style-type: none"> 1. ISP will give PRB a list that meet that criteria 2. PRB will notify county SA if Class 4 Felony and have an opportunity to object. 3. PRB will make a recommendation to the Governor regard all records 4. If granted, AG shall file for expungement in each court 	<p>Process</p> <p>= same as a traditional Request to Seal/ Expunge (judge can consider the same factors too)</p> <p>Waiting period</p> <p>= after the competition of the sentence</p> <p>Note: Legal aid organizations can include a motion with more than one individual listed</p>
Charged or Arrested	Expunged by									
After 2013	2021									
2000-2013	2023									
Prior to 2000	2025									

See 20 ILCS 2630/5.2(i)(1)

See 20 ILCs 2630/5.2(i)(2)

See ILCS 2630/5.2(i)(3)