

Department, similar control under the Illinois Controlled Substances Act whether by inclusion or rescheduling is suspended until the Department publishes its ruling.

(b) If any cannabis derivative is deleted as a controlled substance under Federal law and notice thereof is given to the Department, the Department shall similarly control the substance under this Act after the expiration of 30 days from publication in the Federal Register of a final order deleting a substance as a controlled substance or rescheduling a substance unless within that 30 day period the Department objects, or a party adversely affected files with the Department substantial written objections to inclusion or rescheduling. In that case, the Department shall publish the reasons for objection or the substantial written objections and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the Department shall publish its decision, by means of a rule, which shall be final unless altered by statute. Upon publication of objections by the Department, similar control under this Act whether by inclusion or rescheduling is suspended until the Department publishes its ruling.

(c) Cannabis derivatives are deemed to be regulated under this Act until such time as those derivatives are scheduled as provided for under the Illinois Controlled Substances Act. Following such scheduling, those derivatives shall be excepted from this Act and shall be regulated pursuant to the Illinois Controlled Substances Act. At such time that any derivative is deleted from schedules provided for under the Illinois Controlled Substances Act, that derivative shall be regulated pursuant to this Act.

P.A. 77-758, § 15.1, added by P.A. 84-1313, § 2, eff. Aug. 28, 1986; P.A. 84-1362, § 1, eff. Sept. 10, 1986.

Formerly Ill.Rev.Stat.1991, ch. 56 ½, ¶ 715.1.
1 720 ILCS 570/100 et seq.

P.A. 84-1313 and P.A. 84-1362 added identical text.

550/16. Negation of exemptions or exceptions; burden of proof

§ 16. It is not necessary for the State to negate any exemption or exception in this Act in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this Act. The burden of proof of any exemption or exception is upon the person claiming it.

P.A. 77-758, § 16, eff. Aug. 16, 1971.

Formerly Ill.Rev.Stat.1991, ch. 56 ½, ¶ 716.

550/16.1. Affirmative defense

§ 16.1. In any prosecution for any violation of this Act, it shall be an affirmative defense that the substance possessed by the defendant was regulated as a controlled substance under the Illinois Controlled Substances Act.¹ In order to raise this affirmative defense, the defendant shall give notice thereof to the State not less than 7 days prior to trial.

P.A. 77-758, § 16.1, added by P.A. 84-1313, § 2, eff. Aug. 28, 1986; P.A. 84-1362, § 1, eff. Sept. 10, 1986.

Formerly Ill.Rev.Stat.1991, ch. 56 ½, ¶ 716.1.

1 720 ILCS 570/100 et seq.

P.A. 84-1313 and P.A. 84-1362 added identical text.

550/16.2. Preservation of cannabis or cannabis sativa plants for laboratory testing

§ 16.2. Preservation of cannabis or cannabis sativa plants for laboratory testing.

(a) Before or after the trial in a prosecution for a violation of Section 4, 5, 5.1, 5.2, 8, or 9 of this Act, a law enforcement agency or an agent acting on behalf of the law enforcement agency must preserve, subject to a continuous chain of custody, not less than 6,001 grams of any substance containing cannabis and not less than 51 cannabis sativa plants with respect to the offenses enumerated in this subsection (a) and must maintain sufficient documentation to locate that evidence. Excess quantities with respect to the offenses enumerated in this subsection (a) cannot practicably be retained by a law enforcement agency because of its size, bulk, and physical character.

(b) The court may before trial transfer excess quantities of any substance containing cannabis or cannabis sativa plants with respect to a prosecution for any offense enumerated in subsection (a) to the sheriff of the county, or may in its discretion transfer such evidence to the Department of State Police, for destruction after notice is given to the defendant's attorney of record or to the defendant if the defendant is proceeding pro se.

(c) After a judgment of conviction is entered and the charged quantity is no longer needed for evidentiary purposes with respect to a prosecution for any offense enumerated in subsection (a), the court may transfer any substance containing cannabis or cannabis sativa plants to the sheriff of the county, or may in its discretion transfer such evidence to the Department of State Police, for destruction after notice is given to the defendant's attorney of record or to the defendant if the defendant is proceeding pro se. No evidence shall be disposed of until 30 days after the judgment is entered, and if a notice of appeal is filed, no evidence shall be disposed of until the mandate has been received by the circuit court from the Appellate Court.

P.A. 77-758, § 16.2, added by P.A. 94-180, § 5, eff. July 12, 2005.

550/17. Enforcement of Act

§ 17. It is hereby made the duty of the Department of State Police, all peace officers within the State and of all State's attorneys, to enforce all provisions of this Act and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states, relating to cannabis.

P.A. 77-758, § 17, eff. Aug. 16, 1971. Amended by P.A. 84-25, Art. IV, § 19, eff. July 18, 1985.

Formerly Ill.Rev.Stat.1991, ch. 56 ½, ¶ 717.

550/18. Savings clause; application of penalties

§ 18. Prosecution for any violation of law occurring prior to the effective date of this Act is not affected or abated by this Act. If the offense being prosecuted would be a violation of this Act, and has not reached the sentencing stage or a final adjudication, then for purposes of penalty the penalties under this Act apply if they are less than under the prior law upon which the prosecution was commenced.

P.A. 77-758, § 18, eff. Aug. 16, 1971.

Formerly Ill.Rev.Stat.1991, ch. 56 ½, ¶ 718.

550/19. Invalid provision or application; severability

§ 19. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provi-

sion or application, and to this end the provisions of this Act are declared severable.

P.A. 77-758, § 19, eff. Aug. 16, 1971.

Formerly Ill.Rev.Stat.1991, ch. 56 ½, ¶ 719.

ACT 555. CHILD CURFEW ACT

Section
555/0.01. Short title.
555/1. Curfew.
555/2. Exercise of legislative or regulatory authority by municipalities.

555/0.01. Short title

§ 0.01. Short title. This Act may be cited as the Child Curfew Act.

Laws 1963, p. 3323, § 0.01, added by P.A. 86-1324, § 200, eff. Sept. 6, 1990.

Formerly Ill.Rev.Stat.1991, ch. 23, ¶ 2370.9.

Title of Act:

An Act relating to a curfew for certain children. Laws 1963, p. 3323, approved and eff. Aug. 23, 1963.

555/1. Curfew

§ 1. Curfew.

(a) Definitions. In this Section.

(1) "Curfew hours" means:

- (A) Between 12:01 a.m. and 6:00 a.m. Saturday;
- (B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and
- (C) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(2) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) "Establishment" means any privately-owned place of business operated for a profit to which the public is invited including but not limited to any place of amusement or entertainment.

(4) "Guardian" means:

- (A) a person who, under court order, is the guardian of the person of a minor; or
- (B) a public or private agency with whom a minor has been placed by a court.

(5) "Minor" means any person under 17 years of age.

(6) "Parent" means a person who is:

- (A) a natural parent, adoptive parent, or step-parent of another person; or
- (B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(7) "Public Place" means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(8) "Remain" means to:

- (A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(9) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

(1) A minor commits an offense if he or she remains in any public place or on the premises of any establishment during curfew hours.

(2) A parent or guardian of a minor or other person in custody or control of a minor commits an offense if he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

(c) Defenses. It is a defense to prosecution under subsection (b) that the minor was:

(A) accompanied by the minor's parent or guardian or other person in custody or control of the minor;

(B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) in a motor vehicle involved in interstate travel;

(D) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;

(E) involved in an emergency;

(F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;

(H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(I) married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(d) Enforcement. Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (c) is present.

(e) A person convicted of a violation of any provision of this Section shall be guilty of a petty offense and shall be fined not less than \$10 nor more than \$500, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this Section, the court may order a parent, legal guardian, or other person convicted of a violation of subsection (b) of this Section to perform commu-