

HB3235 Puts More Drugs on Illinois Streets by Raising the Amounts of Drugs Constituting an Offense While Decreasing Penalties for Drug Offenses

When access to drugs is increased (via lowered price, decriminalization, positive social norms), use and dependency also increase, leading to a number of personal and societal problems. Public policy should protect the health, safety and wellbeing of citizens and not contribute to these issues.

Understandably, in decreasing sentencing for the drug offenses, this bill aims to alleviate concerns related to over-incarceration. According to law enforcement sources, however, virtually no one is in prison for straight "personal use" drug possession charges and convictions. People who show a drug possession conviction and are sentenced to prison are:

- persons who were caught selling or trafficking drugs and were offered a deal to plead guilty to the lesser offense of "possession" in exchange for a lighter sentence than if convicted of narcotics distribution,**
- people who were found to be in possession of a large amount of drugs, much more than personal use, and were or could be charged with possession with intent to deliver,**
- and, to a lesser degree, people with multiple prior offenses where a judge deems prison time is warranted.**

Against the backdrop of heroin overdoses devastating communities across the state, the current bill proposes the following amendments.

Heroin — Unlawful to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance

↘ HB3235 reduces the penalties for heroin anywhere from 50% to 77% depending upon the amount of grams involved.

↘ A kilo costs \$60,000 to \$70,000. There are 5 doses in just 1 gram. Offenses for different amounts of heroin range from 15 grams to 900 grams or more. 15 to 900 grams is equivalent to 75 to 4,500 bags of heroin prepared for illegal distribution. At \$10/bag, distributors can make about a \$45,000 profit.

↘ The penalty for manufacturing, delivering or possessing 900 grams, 4,500 bags of heroin, is reduced from between 15 and 60 years to between 4 and 15 years.

Fentanyl also contributes to the overdose trend, as it is much more potent than heroin and is often mixed with the drug due to its powerful effects.

Fentanyl — Unlawful, to manufacture or deliver, or possess with intent to manufacture or deliver a controlled substance

- ↘ **Fentanyl, a synthetic opioid, is 50-100 times more potent than morphine and 50 times more potent than heroin. Yet, it carries the same penalties as heroin.**
- ↘ **Offenses for different amounts range from 15 grams to 900 grams or more. These amounts translate to 75 to 4,500 .2-gram bags on the street.**
- ↘ **Fentanyl, sells for \$5,000 a kilo and is used as a cutting agent for heroin increasing drug traffickers and dealers' profit margins.**
- ↘ **A 3-milligram dose of fentanyl is enough to kill an average-sized adult male (there are 1,000 milligrams per gram).**
- ↘ **HB3235 reduces penalties for fentanyl anywhere from 50% to 77% depending upon the amount of grams involved.**



On the left, a lethal dose of heroin; on the right, a lethal dose of fentanyl. Photo from New Hampshire State Police Forensic Lab

Cannabis — Unlawful to possess cannabis

- ↘ **Penalties reduced anywhere from 50% to 80% depending upon the amount of grams involved. Under HB3235, possession of up to 30 grams is a civil law violation which carries no penalty other than a fine not to exceed \$125.**
- ↘ **Offenses for different amounts of cannabis range from not more than 30 grams to MORE than 5,000 grams. 30 grams is about a solid sandwich bag full. 500 grams goes for about \$900. Cannabis with high levels of THC may go for \$2,500 to \$3,000 a pound. The THC level can reach over 80%. Cannabis edibles in the form of cookies, brownies, and candies are becoming popular.**

Oxycodone — Unlawful for any person knowingly to manufacture, or deliver, or possess with intent to manufacture or deliver a controlled substance

↘ **HB3235 reduces penalties for oxycodone at least 73%.**

↘ **Offenses are for 100 grams. On the street, one pill is 8mg, so 100 grams is the same as 12,500 pills. At \$10/pill, someone could make a profit of up to \$125,000 at this amount.**

Methamphetamine — Knowingly participating in the manufacture of methamphetamine with intent to produce methamphetamine

↘ **Offenses for different amounts of Methamphetamine range from 15 grams to MORE than 900 grams. This translates to 1,500-90,000 doses.**

↘ **Methamphetamine sells for \$60 to \$90 a gram, in southern Illinois and 900 grams of Meth would yield \$54,000 to \$81,000.**

↘ **HB3235 reduces penalties anywhere from 25% to 53% depending upon the amount of grams involved.**