

CONVICTIONS FOR MINOR OFFENSES OR HIGHER

IF YOU WERE CONVICTED FOR A MINOR MARIJUANA OFFENSE:

Your conviction will be reviewed by Illinois State Police and the Prisoner Review Board, and then you might be given a pardon (not guaranteed) by the governor. The Illinois Attorney General may then file petitions for expungement. This process may differ in Cook County.

CONVICTIONS FOR HIGHER-LEVEL OFFENSES RELATED TO MARIJUANA:

Higher level convictions involving 30-500 grams of marijuana may require going through the court process. There may be a waiting period before you are eligible to petition for expungement. You may want to seek legal advice to see what your options are in terms of petitioning for expungement.

When your arrest is officially expunged, you should be sent a copy of the order and a certificate of disposition. It is important you keep your address up to date with the clerk of the circuit court of the county where the criminal case occurred.

MARIJUANA RECORD EXPUNGEMENT

DO YOU QUALIFY FOR AUTOMATIC RECORD EXPUNGEMENT?

20 ILCS 2630/5.2(i)

If you were previously arrested, but not convicted, for a minor marijuana offense involving 30 grams or less—meaning a misdemeanor or class 4 felony not involving a count for a “violent crime”—then your record should be automatically expunged by the state by the following deadlines:

- Arrested 2013- June 25, 2019:
expunged by Jan. 1, 2021
- Arrested 2000- 2012:
expunged by Jan.1, 2023
- Arrested before 2000:
expunged by 2025

If you qualify for automatic expungement, then you shouldn't have to do anything. Expunged records will no longer be accessible to law enforcement or show up on background checks.



ILLINOIS
MARIJUANA
LEGALIZATION
WHAT YOU SHOULD KNOW

LAW PROJECT
OF THE
CHICAGO COALITION
FOR THE HOMELESS



1-800-940-1119
WWW.CHICAGOHOMELESS.ORG

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IMPORTANT RESTRICTIONS

PURCHASE AND SALE OF MARIJUANA:

410 ILCS 705/10-20, 705/15-5

- Only stores licensed by the state are allowed to sell marijuana and infused products
- *Sales by individuals are still illegal*
- You may only purchase marijuana from a licensed seller within the state of Illinois
- You may be asked to provide a government issued ID for proof of age before you can purchase

CAN YOU GROW YOUR OWN MARIJUANA?

No, home growing is not allowed unless you are a medical marijuana patient, meaning you are a cardholder under Compassionate Use of Medical Cannabis Program Act. Qualified medical marijuana patients, 21 years of age or older can grow up to 5 plants, at home.

410 ILCS 705/10-5, 10

YOU MAY BE FINED FOR USING MARIJUANA WHERE IT IS NOT ALLOWED

Fines may vary by local ordinance.



WHAT ARE YOUR RIGHTS?

HOW DOES THE LAW AFFECT YOUR RIGHTS TO USE AND POSSESSION OF MARIJUANA?

While recreational marijuana has been legalized in Illinois, there are still a number of restrictions under this law that affect the right to use and possession of marijuana.

410 ILCS 705/1-5

POSSESSION OF MARIJUANA FOR PERSONAL USE BY ILLINOIS RESIDENTS IS LEGAL AS OF JANUARY 1, 2020

WHAT IS THE AGE REQUIREMENT?

You must be an adult 21 years of age or older in order to legally possess or use marijuana for non-medical purposes under this law.

410 ILCS 705/10-5

HOW MUCH ARE YOU ALLOWED TO CARRY ON YOUR PERSON?

Illinois residents may possess up to 30 grams of flower, 5 grams of concentrate, or 500 milligrams of marijuana infused products (such as edibles).

410 ILCS 750/10-10



LIMITS ON USE AND STORAGE

WHERE IS USE NOT ALLOWED?

410 ILCS 705/10-30, 35

Public consumption is not allowed. Places where it is illegal to use marijuana include:

- At school (unless permitted for a patient or caregiver); in public parks sidewalks; on a bus or train; in a car or truck; near children; or anywhere you can "reasonably expect to be observed by others."

MARIJUANA IN HOUSING

You may use marijuana in housing so long as it is permitted by the landlord, however private property owners are allowed to ban use (not possession) on their premises. Also, marijuana remains illegal under federal law, so use or possession in federally subsidized housing is still not allowed.

MARIJUANA IN YOUR CAR

You can keep marijuana in your car, but only if it's in a secured, sealed container that cannot be reached while the car is moving. Using marijuana in your car is not allowed, and driving under the influence of marijuana is not permitted.