



OPPOSE HB 3447

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Summary: HB 3447- Controlled substance “Defelonization” and Expungement bill

- Provides that a petitioner may petition the court to expunge or seal the records of his/her arrests and charges not initiated by arrest when each arrest or charge resulted in:
 1. An order of misdemeanor diversion and the diversion program was successfully completed; or
 2. a conviction for possession of certain specified amounts of a controlled substance;
 3. a conviction for possessing less than 5 grams of methamphetamine; or
 4. a conviction where the statutory penalty changed as a result of a resentencing hearing.
- Amends the Illinois Controlled Substances Act. Changes the penalties for the manufacture, delivery, or possession with intent to manufacture or deliver, or possession of a controlled substance.
 1. Changes the quantity threshold (see attached) which possession of a controlled substance would be reduced from a felony to a Class A misdemeanor.
 - Changes sentencing options to include county jail time, two-year probation, conditional discharge and court supervision.
- Amends the Methamphetamine Control and Community Protection Act. Changes the penalties for methamphetamine delivery or possession
- Provides that a person serving a sentence, including a sentence of probation, for an offense for which the statutory penalty has been subsequently reduced under the amendatory Act to petition the trial court that entered the judgment of conviction to request resentencing in accordance with the statutory penalty in effect at the time of the filing of the petition.

Specific Objections

- Places unfunded mandates upon law enforcement to include personnel cost, time, and resources to expunge or seal additional records.
- Courts and incarceration often are the only way to get people into treatment.
- Many offenders engage in other serious crimes, victimizing our citizens, and placing them in danger by their actions and activities.
- The business of manufacture, delivery and sell of illegal narcotics:
 - Often results in death and gun violence.
 - Addiction of our children
 - Overdoses and deaths
 - Breakdown in the family and social structure of our society
- Changing the felony thresholds:
 - Does nothing to help battle the illegal drug epidemic as many offenders who sell and deliver illegal drugs are not users.

- Does not assist those suffering from addiction into treatment.
- Burden the court by making this bill retroactive and allowing convicted offenders to petition for a sentence reduction.

Conclusion

- Our country has an illegal drug epidemic costing thousands their lives annually.
- Some argue this bill will remove barriers to treatment and that few get the treatment they need while incarcerated. What percentage of people in need of treatment get it while not incarcerated? We all see those in need in our communities who continue to victimize our citizens poison our citizens to feed their habits.
- One could argue that this bill does nothing to help those in need of treatment and removes a potential leverage point to get them into treatment.
- We support diversion programs that help those suffering from addiction get into treatment. In fact, many of our member agencies and local jurisdictions have established Safe Passage programs, Drug Courts, etc. to help meet this need.
- This bill does nothing to address the business side of this epidemic. Changing the felony thresholds for those involved in the manufacture and delivery of illegal drugs only further enables their criminal enterprise and entrepreneurial ways.

*****See ACLU Defelonrization Key Provisions Sheet.**