AGENDA
Public Safety and Justice Committee
Tuesday, August 27, 2019
@ 2:00 PM
Peoria County Courthouse, Room 402

1. Call to Order

2. Approval of Minutes
   • July 23, 2019

3. Informational Items / Reports / Other Minutes / Updates
   • PCAPS Monthly Report
   • ETSB
   • EMA
   • Public Defender Report
   • Cannabis Regulation and Tax Act

4. Resolutions
   • Appropriation of Forfeiture Funds
   • 2019 ILEAS Overtime Appropriation

5. Miscellaneous

6. Adjournment
Call to Order
Chairman Rosenbohm called the meeting to order at 2:04 pm.

Approval of Minutes
A motion to approve the minutes of June 25, 2019 was made by Ms. Williams and seconded by Mr. Salzer. The motion carried.

Informational Items / Reports / Other Minutes / Updates

• PCAPS Monthly Department Report
Ms. Spencer directed committee members to the submitted report and stood for any questions. There were no questions or comments from committee.

• ETSB
Mr. Tuttle stood for any questions. There were no questions or comments from committee.

• Emergency Management Agency
Mr. Marks updated the committee on activities for the month of June:
- EMA continues to work with IEMA on the recent flooding of the Illinois River. Both IEMA and FEMA are scheduled to travel to Peoria County next week.
- Met with ESRI representatives to discuss GIS technology in emergency management and will attend a conference in Springfield next week on beneficial platforms and programs.
- The Sheriff’s Office conducted landscape maintenance at five outdoor warning siren locations.
- Several needed repairs were identified during routine maintenance of a generator diesel fuel tank located at the EMA facility, and staff is working with the vendor to schedule the necessary repairs.

• Public Defender Report
Mr. Rieker noted the number of backlogged cases has been constant and asked if the ability to contract public defenders is satisfactory. Mr. Bach stated that the number of independent contractors has been relatively consistent, with some turnover primarily in traffic court.
Resolutions

- Policing Services with Pleasant Valley School District
  A motion to approve was made by Ms. Williams and seconded by Ms. Pastucha.

- Policing Services with the Board of Education of Princeville Community Unit School District #326 and the Village of Princeville
  A motion to approve was made by Ms. Williams and seconded by Ms. Pastucha.

- Appropriation into FY 2019 Sheriff’s Office Budget for Dedicated Policing Services
  A motion to approve was made by Ms. Williams and seconded by Ms. Pastucha.

Sheriff Asbell advised that the Sheriff’s Office has contracted with Princeville School District and Pleasant Valley School District for the assignment of a School Resource Officer to provide policing services for both districts. He commented that the cost of the contract with Princeville will be split equally between the School District and the Village, providing the School Resource Office to provide policing services to the Village during school hours.

Sheriff Asbell advised that the Sheriff’s Office is requesting an appropriation into the Sheriff’s Office budget for revenues and expenses related to the policing services. He noted that revenues and expenses are in the same amount, resulting in a net neutral impact to the budget.

- Policing Services with Pleasant Valley School District
  The motion to approve carried unanimously.

- Policing Services with the Board of Education of Princeville Community Unit School District #326 and the Village of Princeville
  The motion to approve carried unanimously.

- Appropriation into FY 2019 Sheriff’s Office Budget for Dedicated Policing Services
  The motion to approve carried unanimously.

- Law Library Fund FY 2019 Budget Amendment
  A motion to approve was made by Ms. Pastucha and seconded by Ms. Blair. Ms. Shadid advised that staff requests a budget amendment of $5,000.00 to the Law Library Fund. She remarked that the special revenue fund pays the costs of a part-time Navigator employed by Prairie State Legal Services to assist the Law Library Self-Help Center. She stated that the contract with Prairie State Legal Services had not been finalized at the time the FY 2019 budget was prepared. She advised that the Law Library fund balance has sufficient available funds to accommodate the request.

  The motion to approve carried unanimously.

- FY20 Public Defender COLA Increase
  A motion to approve was made by Mr. Salzer and seconded by Ms. Blair. Mr. Sorrel advised that a cost of living adjustment was approved for all Illinois State’s Attorney’s via state statute, and in accordance with the Counties Code, the Public Defender’s salary must be at least 90% of the State’s Attorney’s salary. He stated that the Courts are requesting to increase the salary of the Public Defender in accordance with the Counties Code.

  The motion to approve carried unanimously.
**Miscellaneous**
Sheriff Asbell remarked that inmate workers who are providing landscaping maintenance and other services on county properties deliver a substantial financial savings to Peoria County, and the Sheriff’s Office is looking to expand those services in the future.

Sheriff Asbell introduced Captain Chris Atkins, the new Court Security Director.

**Adjournment**
The meeting was adjourned by Chairman Rosenbohm at 2:30 p.m.

*Recorded and Transcribed by: Jan Kleffman*
AGENDA BRIEFING

COMMITTEE: Public Safety and Justice

MEETING DATE: August 27, 2019

ISSUE: FOR INFORMATION ONLY

BACKGROUND/DISCUSSION:
The attached report outlines the activity of Peoria County Animal Protection Services during the month of July 2019. It includes information from the same period in 2018 for comparison purposes.

COUNTY BOARD GOALS:

- FINANCIAL STABILITY
- INFRASTRUCTURE STEWARDSHIP
- EFFECTIVE SERVICE DELIVERY
- HEALTHY VIBRANT COMMUNITIES
- WORKFORCE DEVELOPMENT
- COLLABORATION

STAFF RECOMMENDATION:

COMMITTEE ACTION: INFORMATIONAL ITEM

PREPARED BY: Becky Spencer
DEPARTMENT: PCAPS
DATE: August 16, 2019
# Monthly Department Report - July 2019

## Animal Statistics

<table>
<thead>
<tr>
<th>Animal Type</th>
<th>JULY 2019</th>
<th>JULY 2018</th>
<th>YTD 2019</th>
<th>YTD 2018</th>
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<tr>
<td>Cat</td>
<td>231</td>
<td>198</td>
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<tr>
<td>Dog</td>
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<td>144</td>
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<td>Other</td>
<td>33</td>
<td>23</td>
<td>162</td>
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<td><strong>TOTAL</strong></td>
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<td><strong>365</strong></td>
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<table>
<thead>
<tr>
<th>Animal Type</th>
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<th>JULY 2018</th>
<th>YTD 2019</th>
<th>YTD 2018</th>
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<tr>
<td>Adopted</td>
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<td>166</td>
<td>556</td>
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<td>Died</td>
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<td>Euthanized</td>
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<td>Other</td>
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<td>60</td>
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<td>Returned to Owner</td>
<td>54</td>
<td>54</td>
<td>364</td>
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<td>Transfer</td>
<td>24</td>
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<td><strong>Total</strong></td>
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## Field Activities - Calls for Service by Type

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<th>Activity</th>
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<th>JULY 2018</th>
<th>YTD 2019</th>
<th>YTD 2018</th>
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<tr>
<td>Assist</td>
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<td>Dead</td>
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<td>Emergency</td>
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<td>Transport</td>
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<td>Wild</td>
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<td>Extra Service</td>
<td>32</td>
<td>49</td>
<td>341</td>
<td>340</td>
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<td><strong>Total</strong></td>
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<td><strong>1,461</strong></td>
<td><strong>8,151</strong></td>
<td><strong>9,060</strong></td>
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Field Activities - Calls for Service by Jurisdiction

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<tr>
<th>Jurisdiction</th>
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<td>Bellevue</td>
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<td>Brimfield</td>
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<td>Unincorporated</td>
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<td>Dunlap</td>
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<td>Elmwood</td>
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<tr>
<td>Kingston Mines</td>
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<tr>
<td>Mapleton</td>
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<tr>
<td>Norwood</td>
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<td>18</td>
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<td>Out of County</td>
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<td>9</td>
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<tr>
<td>Peoria Heights</td>
<td>22</td>
<td>35</td>
<td>337</td>
<td>305</td>
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<tr>
<td>Princeville</td>
<td>5</td>
<td>2</td>
<td>38</td>
<td>28</td>
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<tr>
<td>Tazewell County</td>
<td>5</td>
<td>5</td>
<td>41</td>
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<tr>
<td>West Peoria</td>
<td>16</td>
<td>33</td>
<td>165</td>
<td>231</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>982</strong></td>
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<td><strong>8,151</strong></td>
<td><strong>9,060</strong></td>
</tr>
</tbody>
</table>
Peoria County Board Public Safety & Justice Committee
Emergency Management Agency Monthly Report – August 2019

Significant Events (Incident Reports)
- Spring 2019 Illinois R. Flood
  - 07/24/2019 State Emergency Operations Center Recovery Conference Call
  - 07/29/2019 FEMA and IEMA Public Assistance Joint Preliminary Damage Assessment visit to Peoria Co.
  - 08/12/2019 FEMA and IEMA Individual Assistance Damage Assessment conducted in Peoria Co.

Meeting Attendance
- 07/16/2019 - Tri-County LEPC Governance Committee
- 07/19/2019 - Central Illinois Coalition Active in Response Planning (CIL-CARP) Advisory Council
- 08/13/2019 - Mapleton Community Advisory Panel
- 08/14/2019 - Peoria Area Maritime Security Council Advisory Meeting

Drill/Exercise Participation
- Complex Coordinated Terrorism Attack Grant
  - 08/01/2019 Planning Meeting with City of Peoria (Emergency Mgmt./Fire/Police) and IEMA
- 08/01/2019 Developed and initiated facilitation of a functional exercise for the Central Illinois Public Information Officer Work Group
- 08/05/2019 Illinois Air National Guard 182 Airlift Wing Active Shooter Exercise
- 08/14/2019 Peoria Area Maritime Security Council Tabletop Exercise Concept and Objectives/Initial Planning Meeting

Training Attendance
- 07/31/2019 Attended the Illinois GIS Association Emergency Management Functional Meeting

Outreach
- 07/30/2019 Presented at the Peoria Regional Office of Education Safety Day

Grant Management
- Submitted Emergency Performance Management Grant 3rd Quarter Report to IEMA

Equipment Status
- Outdoor Warning Siren 1008 – Oak Hill radio needed reprogramming
Facilities

- Generator diesel fuel tank repairs completed by Illinois Oil Marketing Equipment
- 08/13/2019 Generator diesel fuel tank inspection by the Illinois State Fire Marshal

Strategic Plan

- 07/26/2019 visited the City of Joliet Emergency Operations Center (EOC) and Will County EOC

Misc.

- Illinois Emergency Management Mutual Aid System Agreement
August 23, 2019

Mr. Paul Rosenbohm
Chairman
Public Safety & Justice Committee

Honorable Paul P. Gilfillan
Chief Judge of the Tenth Judicial Circuit

Dear Chairman Rosenbohm & Chief Judge Gilfillan,

Please consider this the monthly report for the Public Defender’s Office of Peoria County for the month of July 2019.

The Public Defender’s Office is continuing to serve the needs of those individuals in Peoria County charged with crimes and facing possible jail time and/or the potential loss of parental rights, including handling all appeals arising from adjudications seeking to terminate parental rights.

### July 2019 Public Defender Statistical Data

<table>
<thead>
<tr>
<th>Division</th>
<th>Pending Case Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony</td>
<td>488</td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>698</td>
</tr>
<tr>
<td>DUI</td>
<td>305</td>
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<tr>
<td>Traffic</td>
<td>3697</td>
</tr>
<tr>
<td>Juvenile Abuse &amp; Neglect</td>
<td>752</td>
</tr>
<tr>
<td>Juvenile Delinquency</td>
<td>169</td>
</tr>
<tr>
<td>Drug Court</td>
<td>51</td>
</tr>
<tr>
<td>Mental Health Court</td>
<td>28</td>
</tr>
<tr>
<td>Veteran’s Court</td>
<td>5</td>
</tr>
<tr>
<td>Post-Conviction</td>
<td>73</td>
</tr>
</tbody>
</table>
I appreciate the opportunity to serve you and the County and please do not hesitate to contact me with questions or for discussion.

Very Truly Yours,

Nathan R. Bach
AGENDA BRIEFING

COMMITTEE: Executive Committee
MEETING DATE: August 28, 2019

ISSUE: For INFORMATION: Impact and Implementation of PA 101-0027 (Cannabis Regulation & Tax Act)

BACKGROUND/DISCUSSION:
On June 25, Governor Pritzker signed PA 101-0027 into law. The Cannabis Regulations & Tax Act (Act) legalizes, regulates, and taxes cannabis. To learn more about the impacts of the Act on County operations, the Illinois Association of County Board Members sponsored an information training for county board members and administrative staff earlier in August. The purpose of this agenda item is to inform the Committee of upcoming action items that will be necessary for the County Board to consider prior to January 1, 2020.

The Act prohibits the cannabis equivalent of a “dry” community (county or municipality), meaning the local government cannot ban the use or possession of cannabis. There are four specific areas that will require County Board action, as noted below. There are other components of the Act related to law enforcement expungement of criminal records involving minor cannabis offenses:

- **Personnel Policies:** The County’s current Personnel Policies has a zero-tolerance approach to both the possession of cannabis and being in the workplace under the influence of cannabis. It is part of our long-standing Drug Free Workplace policy. In addition to being good common sense, it is especially critical for the County as roughly 8% of our total revenues come directly from Federal sources through grants. As long as the Federal Government considers cannabis a federal crime, deviating from our policy could jeopardize these revenues. However, there are sections in the Act that may direct the manner in which we enforce this approach. In the coming months, staff will be reviewing the entire Act and developing, as needed, amendments to the Drug Free Workplace section of the Personnel Policies to comply with the Act.

- **Zoning & Land Use Regulations:** After the passage of the Compassionate Use of Medical Cannabis Pilot Program Act, the Board amended the Unified Development Ordinance to permit a State licensed growing operation or a State licensed medical dispensary as a Special Use in our “C2” General Commercial, “C3” Regional Commercial, “I1” Light Industrial, and “I2” Heavy Industrial zoning districts. Chapter 20 of the Peoria County Code (Unified Development Ordinance) will need to be amended to add a definition for “recreational dispensary,” and to identify where a recreational dispensary might be permitted. At this time, staff recommends that recreational dispensaries be permitted as a Special Use in the same zoning districts as medical dispensaries are currently identified. Bulk regulations, such as off-street parking, will be different than a medical dispensary since there are only 40,000 medical clients statewide. Additionally, staff will consider and recommend minimum and reasonable setbacks for a recreational dispensary to “sensitive locations.” These might include playgrounds, schools, and other publicly owned properties. We will also need definitions and zoning for Craft Growers (grow and dispense in the same location), and Infuser Organizations.

- **Business Regulation:** The County may regulate on-premise consumption at or within a cannabis business establishment. The County may require registration but not licensing of a cannabis business. The Act restricts the County from regulating the volume, potency, type, or just about anything related to the product specifically. New Business Regulations will be an amendment to Chapter 6, Business Regulations, to the Peoria County Code.

- **Taxation:** The Act amended 55 ILCS 5/5-1006 to create a new Cannabis County Retailers Occupation Tax in the Counties Code. To be able to receive future tax revenues, an Ordinance will be required to be adopted and transmitted to the Department of Revenue before January 1. This ordinance is the action necessary to impose the Retailers Occupation Tax on the sale of cannabis. Specifically, the County may
impose the tax in 0.25% increments up to 3.75% in the unincorporated areas of the County. Public Act 101-0363, a trailer bill to the Act, establishes, among other things, the amount of Tax the County may impose on sales of cannabis within a municipality. In municipalities, the County may also impose this Tax, again in 0.25% increments up to a maximum of 3.00%. This Tax would be imposed on top of all of the other existing sales and occupation taxes already being collected, including the Tax a municipality may impose (up to 3.00%). Therefore, in some municipalities, there could be 6.00% of local tax imposed that is above and beyond the current sales tax structure. Revenues generated by this Tax are restricted in their use, primarily to law enforcement and treatment programs. It is staff’s recommendation that the County taxes generated be used, initially, to fund an Expungement Records Clerk in the Sheriff’s Office.

COUNTY BOARD GOALS:

- Financial Stability
- Effective Service Delivery

STAFF RECOMMENDATION:  

COMMITTEE ACTION:

PREPARED BY: Scott A. Sorrel, County Administrator  
DEPARTMENT: County Administration  
DATE: August 21, 2019
Cannabis Regulation and Tax Act

On May 31, 2019, the Illinois General Assembly adopted the Cannabis Regulation and Tax Act legalizing the sale, possession and use of marijuana for recreational purposes by adults over age 21. Illinois is the 11th state to legalize marijuana and the first state to do so by legislative action rather than by public referendum. The new law is being called the most progressive in the country. The Act takes effect immediately for regulatory and licensing purposes, but the sale and possession of cannabis will not become legal until January 1, 2020.

The Cannabis Regulation and Tax Act legalizes the sale, possession and use of cannabis by persons 21 and older for recreational purposes and provides for a rapid expansion in the number of cannabis retailers. The Act sets tax rates on both wholesale transactions by cultivators and retail sales by dispensary. It also authorizes counties and municipalities to impose local taxes on retail sales.

Primary licensing authority for cannabis businesses is reserved to the state, while local governments are granted limited authority to regulate cannabis businesses through zoning.

The Act also tasks state and local law enforcement agencies with expunging decades of criminal records involving minor cannabis offenses. The provisions of the Act requiring expungement of minor cannabis offenses were narrowed to exclude felony convictions and the time period to complete the expungement process was extended.

One surprising late addition to the Act was the ability for cannabis businesses to allow on-premises consumption subject to local permission. This research brief focuses on how legalization of cannabis will impact local governments in Illinois.
Cannabis Regulation and Tax Act

What will be allowed?

As of January 1, 2020, Illinois residents over age 21 will be allowed to possess up to 30 grams of raw cannabis, 5 grams of cannabis concentrate or cannabis-infused products containing up to 500 milligrams of THC. All permitted cannabis products must be purchased from a licensed dispensary.

Adults 21 and over will be allowed to consume cannabis on private property away from minors and certain prohibited areas.

What will be prohibited?

- Consumption of cannabis in any "public place." A "public place" is defined as "any place where a person could reasonably be expected to be observed by others" but excludes private residences
- Consumption of cannabis on school grounds
- Consumption "in close physical proximity" to persons under 21
- Smoking cannabis in any location where smoking is prohibited by the Smoke Free Illinois Act (410 ILCS 82), including hospitals, restaurants, retail stores, offices, commercial establishments, etc.
- Sale of cannabis to minors under the age of 21
- Home delivery of cannabis to a consumer by a cannabis business
- Possession and consumption by a minor under the age of 21 (other than for legal medical purpose)
- Possession of cannabis in motor vehicle unless the cannabis is in a "sealed, odor-proof, child resistant, tamper-evident cannabis container" and "reasonably inaccessible"
- Driving under the influence of cannabis (DUI)

As with alcohol-related offenses, the enforcement and prosecution of most cannabis offenses will be the responsibility of local governments.

Most importantly, the right of unlicensed private citizens to grow cannabis for personal use in their own home was removed from the Act. It allows only medical-marijuana patients to grow their own.
Local Authority Over the Sale and Consumption of Cannabis

The preamble of the Cannabis Regulation and Tax Act declares the regulation of recreational cannabis sale and consumption is a matter of statewide concern, effectively preemptiong local governments, including home-rule units, from imposing regulations that conflict with, or are more stringent than, the Act. Nevertheless, the Act does grant local governments limited authority over certain aspects of recreational cannabis.

Zoning

First, and most importantly, a municipality may "prohibit or significantly limit" the location of cannabis businesses by ordinance. It is expected that this provision will be interpreted to allow municipalities to impose a generally applicable prohibition on recreational cannabis businesses from locating in any zoning district. This authority includes the ability to allow certain classes of cannabis businesses (e.g., cultivation centers or processors) while prohibiting others (e.g., dispensaries). **Note:** The Illinois Compassionate Use of Medical Cannabis Pilot Program Act still requires municipalities to allow medical cannabis facilities to locate and operate pursuant to reasonable zoning restrictions.

If a municipality chooses to permit cannabis businesses to locate and operate within its borders, it may also enact reasonable zoning regulations that are not in conflict with the Act. This authority would include permitting cannabis businesses to locate in certain zoning districts but not others, and imposing generally applicable off-street parking requirements.

Further, the Act explicitly authorizes municipalities to impose limits on the "time, place, manner, and number" of cannabis business by requiring the businesses to obtain conditional or special use permits. These limits must be reasonable and may not conflict with the requirements of the Act.

Although requiring cannabis businesses to obtain a conditional or special use permit will be useful to local zoning authorities, determining whether a local restriction conflicts with the Act may be more difficult than the drafters anticipated. For instance, the Act allows dispensaries to operate between 6 a.m. and 10 p.m. It is uncertain whether a municipality would be allowed to require shorter hours of operation as a condition of issuing a conditional use permit for a dispensary. Similar questions arise with respect to separation requirements. The Act prohibits new dispensaries from locating within 1,500 feet of another dispensary. Whether a municipality could require a greater separation distance is not clear. Finally, the ability to limit the "number" of cannabis businesses through a conditional use permit process raises the question of whether a municipality could impose a hard numerical cap on the number of conditional use permits the municipality would be willing to issue.

Although licensing of cannabis businesses will be the exclusive domain of states agencies such as the Department of Agriculture (cultivation centers, processors, infusers, transporters, and craft growers) and the IDFPR (dispensaries), local governments may still enforce generally applicable business registration requirements for cannabis businesses and conduct inspections of premises to ensure compliance with local building codes.

One area in which municipalities appear to have been granted broad regulatory authority is on-premises consumption. Early versions of the Act only allowed for consumption of cannabis in private residences, but the final version allows for on-premises consumption of recreational cannabis in a licensed cannabis business, subject to local permission and regulation.

Bill author and principal sponsor Rep. Kelly Cassidy (D-Chicago) clarified that this would permit smoking lounges as accessory uses to dispensaries, but the decision of whether, and to what extent, to allow them would be left to local governments.

If a municipality chooses to allow on-premises consumption through the grant of a local license or permit, it is expected that the municipality could impose significant restrictions on the location, security, and environment in which such consumption would occur.

Requiring cannabis dispensaries to obtain a local "on-premises consumption" license will also provide municipalities with a legitimate justification to periodically inspect the licensed premises to ensure compliance with local regulations.
The Act provides municipalities with the authority to locally regulate possession and consumption of cannabis by private citizens in a manner consistent with the Act.

Accordingly, municipalities should evaluate whether to adopt the prohibitions and penalties of the Act into their local codes. This will give the local governments the ability to enforce and prosecute these offenses (with the exception of DUIs) through local adjudication or the circuit court, so long as the penalties do not exceed those provided for in the Act.

**Possession limit for Illinois residents:**
- 30 grams of cannabis flower;
- 5 grams of cannabis concentrate; and
- No more than 500 milligrams of THC contained in a cannabis-infused product;
- Registered patients in the medical cannabis pilot program may possess more than 30 grams of cannabis if it is grown and secured in their residence under certain conditions.

**Possession limit for non-Illinois residents:**
- 15 grams of cannabis flower;
- 2.5 grams of cannabis; and
- No more than 250 milligrams of THC contained in a cannabis-infused product.

The legalization of adult use cannabis does not alter the state's medical cannabis pilot program. Cultivators and dispensaries will be required to reserve sufficient supply to ensure patient access to product is not interrupted.

**Labor and Employment: Drug Free Work Zones**

The Act maintains important protections for employers previously established under the Compassionate Use of Medical Cannabis Pilot Program Act of 2013 (Medical Cannabis Act), including the ability to enforce reasonable workplace policies such as "drug free" or "zero tolerance" policies and to impose discipline up to, and including, termination if an employee is impaired or under the influence of cannabis while in the workplace. The Act's final language resolves ambiguity caused by earlier drafts that did not expressly authorize "drug free" and "zero tolerance" policies.

The Act's employment provisions differ from the Medical Cannabis Act in two main respects. First, the Act precludes employees from being impaired or under the influence of cannabis not only in the workplace, but also if they are "on call." Employees are considered to be "on call" if they are scheduled to be on standby with at least 24 hours' notice or otherwise responsible for performing work-related tasks. Second, the Act amends the Illinois Right to Privacy in the Workplace Act, which protects employees from adverse employment actions related to their use of "lawful products" outside of working hours, to clarify that recreational cannabis is considered a "lawful product." It is unclear how this provision is intended to interact with the Act's authorization for employers to impose "zero tolerance" policies, so it will be important to carefully monitor how courts will strike a balance between the competing rights of employers and employees.
Recreational cannabis will be subject to multiple layers of taxation, on top of existing state, county and local sales taxes. In addition to state taxes on wholesale cannabis sales by cultivation centers and retail sales by dispensaries, counties and municipalities may impose local retailer occupation taxes on dispensary sales.

Non-home rule counties are authorized to impose a tax of up to 0.75 percent in incorporated areas and 3.75 percent on sales emanating from unincorporated areas. Cook County, the only home-rule county in the state, is authorized to impose a tax of 3 percent regardless of whether the sale occurs in an incorporated or unincorporated area. Municipalities are likewise authorized to impose a 3 percent retailer occupation tax on final sales to consumers. All local taxes will be collected by the state and deposited into dedicated funds that will be protected from budgetary sweeps. These revenues will be disbursed to local governments in the same manner as local sales tax revenues.

**ALL TAXES ARE DEPOSITED IN THE NEW CANNABIS REGULATION FUND**

**Cultivation Privilege Tax**
- 7% of the gross receipts from the sale of cannabis by a cultivator or a craft grower to a dispensing organization

**Cannabis Purchaser Excise Tax**
- 10% of the purchase price – Cannabis with a THC level at or below 35%
- 20% of the purchase price – All cannabis infused products
- 25% of the purchase price – Cannabis with a THC level above 35%
- This tax is not imposed on cannabis that is subject to tax under the Compassionate Use of Medical Cannabis Pilot Program Act
- This tax shall be in addition to all other occupation, privilege, or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof.

**Municipal Cannabis Retailers’ Occupation Tax**

On and after January 1, 2020, the corporate authorities of a municipality may, by ordinance, impose a tax on all persons engaged in the business of selling cannabis at retail location in the municipality on the gross receipts from these sales. If imposed, the tax shall be imposed in 0.25% increments and may not exceed 3% of the gross receipts from these sales.

**ALLOCATION OF STATE REVENUE**

State agencies responsible for administering the adult use cannabis program will receive resources to cover administrative costs from the taxes collected by the program.

All remaining revenue will be allocated as follows:
- 35% will be transferred to the General Revenue Fund,
- 25% will be transferred to the Criminal Justice Information Projects Fund to support the R3 program,
- 20% will be transferred to the Department of Human Services Community Services Fund to address substance abuse and prevention and mental health concerns,
- 10% will be transferred to the Budget Stabilization Fund to pay the backlog of unpaid bills,
- 8% will be transferred to the Local Government Distributive Fund to support crime prevention programs, training, and interdiction efforts, including detection, enforcement, and prevention efforts, relating to the illegal cannabis market and driving under the influence of cannabis, and
- 2% will be transferred to the Drug Treatment Fund to fund public education campaign and to support data collection and analysis of the public health impacts of legalizing the recreational use of cannabis.

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**Cannabis County Retailers Occupation Tax**

On and after January 1, 2020, the corporate authorities of a county may, by ordinance, impose a tax on all persons engaged in the business of selling cannabis at retail locations in the county on the gross receipts from these sales. If imposed, the tax shall be imposed in 0.25% increments. The tax rate may not exceed:
- 3.75% of the gross receipts of sales made in unincorporated areas of the county
- 0.75% of the gross receipts of sales made in a municipality located in a non-home rule county
- 3% of the gross sales receipts made in a municipality located in a home rule county.
Expungement of Law Enforcement Records
Minor Cannabis Offenses

As part of its broad social justice focus, the Act mandates that certain criminal records must be automatically expunged by law enforcement agencies and creates a process for expunging many other records that do not qualify for automatic expungement. The Act’s expungement provisions differ significantly from the expungement provisions that were in previous version of the Act.

The Act mandates that the Illinois State Police and other law enforcement agencies automatically expunge all criminal history records of an arrest, charge not initiated by arrest, order of supervision, or order of qualified probation for a "minor cannabis offense" if:

1. one year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records
2. no criminal charges were filed relating to the arrest or law enforcement interaction or criminal charges were filed and subsequently dismissed or vacated or the arrestee was acquitted

Minor cannabis offenses" are violations of Section 4 or 5 of the Cannabis Control Act concerning not more than 30 grams of any substance containing cannabis, provided the violation did not include a penalty enhancement under Section 7 of the Cannabis Control Act and is not associated with an arrest, conviction or other disposition for a violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act. Because "minor cannabis offenses" are defined as violations of the Cannabis Control Act, the automatic expungement mandate does not appear to include local ordinance violations.

The Act provides that law enforcement agencies must automatically expunge qualifying records pursuant to the following schedule:

1. records created prior to the effective date of the Act, but on or after Jan. 1, 2013, shall be automatically expunged prior to Jan. 1, 2021
2. records created prior to Jan. 1, 2013, but on or after Jan. 1, 2000, shall be automatically expunged prior to Jan. 1, 2023
3. records created prior to Jan. 1, 2000, shall be automatically expunged prior to Jan. 1, 2025

Therefore, it appears that law enforcement agencies will have significant time to automatically expunge decades worth of qualifying records. That said, it is unclear how these deadlines will interact with the state’s standard expungement processes which require an order from a circuit court before a law enforcement agency is required to expunge its records.

The Act provides two other avenues for persons who are not eligible for automatic expungement. First, the governor is authorized to grant pardons and order the expungement of arrest records for offenders who were actually convicted of minor cannabis offenses. Second, offenders who were arrested for, charged with or convicted of more serious violations of the Cannabis Control Act may petition the circuit court for expungement.

Community Investment

The proposal establishes a new grant program, the Restore, Reinvest and Renew (R3) program, to address the impact of economic disinvestment, violence, and the historical overuse of the criminal justice system.

After enforcement and administrative costs are paid, the bill earmarks 25% of the remaining cannabis tax revenues to the R3. Program funds (grants) will be used to address economic development, violence prevention services, re-entry services, civil legal aid and youth development.

License Types

New entrants to the adult use cannabis market

Dispensary: provides cannabis products to adult consumers
Processor: infuses products such as edibles with cannabis extract
Transporter: transports cannabis between business licensees
Craft Grower: can grow between 5,000 and 14,000 square feet of canopy space and may be separately licensed as a processor and a dispensary at the same facility
Cultivation Center: can grow up to 210,000 square feet

License fees vary. Application fees will be $100,000 for cultivators and $30,000 for dispensaries with lower fees for social equity partners. There is also a separate business development fee of 5% of total sales or $750,000, whichever is less, for cultivators and up to $200,000 for dispensaries, again both with lower fees for social equity applicants.
### CURRENT LAW AND CATEGORY OF EXPUNGEMENT THAT EACH FALLS UNDER

#### Section 4 (Possession) – Unlawful for any person knowingly to possess cannabis in the following amounts.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Violation</th>
<th>Penalty Description</th>
<th>Governor's Clemency Authority / Automatic Law Enforcement Expungement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) &lt;10g</td>
<td>Civil Law Violation</td>
<td>Fees; May be given probation and charges dismissed §10(a)</td>
<td>Governor’s Clemency Authority / Automatic Law Enforcement Expungement</td>
</tr>
<tr>
<td>(b) 10-30g</td>
<td>Class B Misdemeanor</td>
<td>&lt;6 months; May be given probation and charges dismissed §10(a)</td>
<td>Governor’s Clemency Authority / Automatic Law Enforcement Expungement</td>
</tr>
<tr>
<td>(c) 30-100g</td>
<td>Class A Misdemeanor</td>
<td>&lt;1 year; May be given probation and charges dismissed §10(a)</td>
<td>Individual / State’s Attorney Motions to Vacate</td>
</tr>
<tr>
<td>(d) 100-500g</td>
<td>Class 4 Felony</td>
<td>1-3 years</td>
<td>Individual / State’s Attorney Motions to Vacate</td>
</tr>
</tbody>
</table>

#### Section 5 (Manufacture, deliver or intent to deliver) – Unlawful for any person knowingly to manufacture, deliver, or possess with intent to deliver or manufacture cannabis in the following amounts.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Violation</th>
<th>Penalty Description</th>
<th>Governor’s Clemency Authority / Automatic Law Enforcement Expungement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) &lt;2.5g</td>
<td>Class B Misdemeanor</td>
<td>&lt;6 months; May be given probation and charges dismissed §10(a)</td>
<td>Governor’s Clemency Authority / Automatic Law Enforcement Expungement</td>
</tr>
<tr>
<td>(b) 2.5-10g</td>
<td>Class A Misdemeanor</td>
<td>&lt;1 year; May be given probation and charges dismissed §10(a)</td>
<td>Governor’s Clemency Authority / Automatic Law Enforcement Expungement</td>
</tr>
<tr>
<td>(c) 10-30g</td>
<td>Class 4 Felony</td>
<td>1-3 years</td>
<td>Governor’s Clemency Authority / Automatic Law Enforcement Expungement</td>
</tr>
</tbody>
</table>

**NOTE:** Possession amounts were different pre-2016.

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### Projected Revenue

The Department of Revenue projects that this industry will generate over $57 million in tax revenue and licensing fees in FY20. This figure represents the combined revenue projections that Governor’s Office received from the Department of Revenue concerning the taxation of cannabis as well as the application and licensing fees estimated by the Department of Agriculture and the Department of Financial and Professional Regulation.

**Breakdown**

- DOR tax revenue: $34 million (midpoint of the range project by DOR: 10-58 million)
- DOA estimate: $12.7 million
- IDFPR estimate: $10.78 million

The Department of Revenue estimates that the state will generate $140.5 million in tax revenue in FY21. This excludes agencies’ application and licensing fees as the program continues to expand. As the cannabis market matures, the state could generate $253.5 million in FY22, $323.5 million in FY23, and $375.5 million in FY24.

*The cannabis market has already delivered $1 billion in revenue to Colorado. Marijuana Business Daily projects the Illinois recreational market potentially will eclipse $2 billion in annual sales, factors including tourist traffic, among others.*
RESOURCES

Holland & Knight
www.hklaw.com
Holland & Knight’s Local Government Advocacy Team has an extensive history of representing cities, counties, transportation agencies, education districts, and other public entities across the United States. The legalization of cannabis for recreational use will impact local governments across Illinois. Holland & Knight attorneys are ready to advise you on issues that may arise.

Ancel Glink
www.ancelglink.com
For over 80 years, Ancel Glink has built and modernized the practice of local government law in Illinois. From litigation to land use and labor relations, their clients enjoy access to top attorneys and large firm resources in a small, personalized setting. Ancel Glink attorneys are available to present legal advice of the Cannabis Regulation and Tax Act in a form that can be easily understood, evaluation and applied.

Marijuana Policy Project
www.mpp.org
The Marijuana Policy Project (MPP) is the largest organization in the U.S. that’s focused solely on enacting humane marijuana laws. MPP’s mission is to change federal law to allow states to determine their own marijuana policies without federal interference.

Useful websites for information on cannabis regulation

Department of Revenue
www.revenue.state.il.us
Responsible for enforcing and collecting taxes associated with the sale of cannabis.

Department of Agriculture
www2.illinois.gov/sites/agr
Responsible for licensure and oversight of cultivation centers, craft growers, infusers, and transporting organizations and for authorizing laboratories that test cannabis.

Department of Public Health
www.dph.illinois.gov
Develops recommendations surrounding health warnings and facilitates the Adult Use Cannabis Public Health Advisory Committee

Department of Financial and Professional Regulation
www.idfpr.com
Responsible for licensure and oversight of dispensing organizations.

Illinois State Police
www.isp.state.il.us
Conducts background checks on everyone involved in the licensed cannabis sector. Reviews security plans for all licensed entities. Responsible for reviewing all criminal history record information and identifying all individuals with minor violations of the Cannabis Control Act that are eligible for expungement.

Department of Commerce and Economic Opportunity
www2.illinois.gov/dceo
Administers a low-interest loan program, a grant program, and technical assistance for social equity applicants. Identifies ‘disproportionately impacted areas’.

Department of Human Services
www.dhs.state.il.us
Administers programs that address substance abuse and prevention and mental health. Makes recommendations to the Adult Use Cannabis Public Health Advisory Committee regarding drug treatment and prevention. Responsible for administering a public education campaign and collecting data and conducting analysis of the public health impacts of legalizing the recreational use of cannabis.

Sources: Illinois General Assembly P.A. 101-0027, Office of the Governor Adult Use Cannabis Summary. Insight overview of the Cannabis Regulation and Tax Act provided by Holland & Knight Attorneys (Stewart Weiss, Andrew Fiske, Benjamin Schuster),

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AGENDA BRIEFING

COMMITTEE: Public Safety and Justice Committee
LINE ITEM: 046-2-046-1-253-52210

MEETING DATE: August 27, 2019
AMOUNT: $54,531.00

ISSUE: Appropriation FY 2019

BACKGROUND/DISCUSSION:

The Peoria County State’s Attorney’s Office wishes to appropriate funds for the purchase of office chairs. Currently, the chairs the attorneys and staff are using were purchased between 2006 and 2007. To date, these chairs have outlived their warranty, are no longer being serviced or repaired by Widmer Interiors, and are falling apart or collapsing from the repetitive daily use. To assist the County and be fiscally responsible, forfeiture funds are requested for appropriation and use in the sum of $54,531.00 for the total purchase of task chairs for the support staff, executive chairs for the attorneys, task chairs for the grand jurors, and installation fee by Widmer Interiors. This purchase is part of the agreement between Peoria County and US Communities/Omni Partners Cooperative contract.

COUNTY BOARD GOALS:

FINANCIAL STABILITY

STAFF RECOMMENDATION: To recommend and authorize the approval of the appropriation of $54,531.00 for FY 2019.

COMMITTEE ACTION:

PREPARED BY: Julie Dickerson, Office Administrator

DEPARTMENT: Peoria County State’s Attorney’s Office

DATE: August 21, 2019
TO THE HONORABLE COUNTY BOARD
COUNTY OF PEORIA, ILLINOIS

Your Public Safety and Justice Committee does hereby recommend the passage of the following Resolution:

RE: APPROPRIATION OF FORFEITURE FUNDS FOR FY19

RESOLUTION

WHEREAS, the Peoria County State’s Attorney’s Office maintains a state forfeiture account as a result of assets or property seized or confiscated by law enforcement/prosecutors that is involved during a commission of criminal activity; and

WHEREAS, these forfeited funds are to be used to help protect and serve the community and law enforcement, as well as train law enforcement and aid in the prosecution of the criminal activity; and

WHEREAS, the Peoria County State’s Attorney’s Office agrees to purchase the chairs from Widmer Interiors as part of the agreement between Peoria County and US Communities/Omni Partners Cooperative contract; and

WHEREAS, the Peoria County State’s Attorney Forfeiture fund has adequate funds for the appropriation and purchase of chairs for the attorneys, support staff, and grand jurors; and

NOW, THEREFORE BE IT RESOLVED, that the Peoria County Public Safety and Justice Committee recommends and authorizes the appropriation of $54,531.00 to 046-2-046-1-253-52210 for the purchase from Widmer Interiors for task chairs for the support staff and executive chairs for the attorneys of the Peoria County State’s Attorney’s Office.

Respectfully submitted,
Public Safety and Justice Committee
AGENDA BRIEFING

COMMITTEE: Public Safety and Justice Committee
MEETING DATE: August 27, 2019

LINE ITEM: 001-1-012-3-311-51060 $50,000.00
LINE ITEM: 001-1-012-3-311-36760 $50,000.00

FOR RESOLUTION:

Annual appropriation of overtime expenses related to ILEAS (Illinois Law Enforcement Alarm System) training for the Peoria County Sheriff’s Office.

BACKGROUND/DISCUSSION:

The Peoria County Sheriff’s Office is a member of the Illinois Law Enforcement Alarm System (ILEAS). ILEAS receives grant funds from the Department of Homeland Security through the Illinois Emergency Management Agency (IEMA) and Illinois Terrorism Task Force. ILEAS is providing overtime reimbursement funds for various agencies throughout the state for training.

The Sheriff's office will be reimbursed for the training sessions held 1/7/19, 1/28/19, 2/21/19, 2/25/19, 3/4/19, 3/6/19, 3/18/17, 3/25/19-3/29/19, 4/18/19, 4/29/19, 5/20/19, 6/11/19-6/14/19, 6/12/19, and the remainder of 2019.

The amount of reimbursement is expected to be approximately $25,100 for the first six months of 2019. This amount is not budgeted due to the granting agency funding appropriation each year. This is the thirteenth year the Sheriff's Office is receiving ILEAS funds for training.

Rather than appropriate each time there is an expected reimbursement from ILEAS, the Sheriff's Office is requesting an appropriation of $50,000.00 for the entire year for ILEAS overtime and reimbursement.

COUNTY BOARD GOALS:

- Collaboration
- Financial Stability

STAFF RECOMMENDATION:

To appropriate the expense and revenue to the Sheriff’s Office budget as listed above.

COMMITTEE ACTION:

PREPARED BY Randy Brunner, Finance Director
DEPARTMENT: Peoria County Sheriff’s Office
DATE: 08/14/19
TO THE HONORABLE COUNTY BOARD
COUNTY OF PEORIA, ILLINOIS

Your Public Safety and Justice Committee does hereby recommend passage of the following Resolution:

RE: Annual Appropriation of overtime reimbursement for expenses related to Illinois Law Enforcement Alarm System (ILEAS) training

RESOLUTION

WHEREAS, the Peoria County Sheriff's Office is a member of the Illinois Law Enforcement Alarm System ("ILEAS"); and

WHEREAS, ILEAS is providing the Sheriff's Office with overtime reimbursement funds for training sessions as outlined in the Sheriff's Finance Director's Agenda Briefing; and

WHEREAS, the Sheriff and your Committee recommends that appropriation of the revenue and expenses as set forth in the Sheriff's Finance Director's agenda briefing be approved.

NOW THEREFORE BE IT RESOLVED, by the County Board of Peoria County, that the ILEAS reimbursement funds in the amount of Fifty Thousand Dollars ($50,000.00) be appropriated to Line Item No. 001-1-012-3-311-36760 and that the expenses outlined in the Sheriff's Finance Director's Agenda Briefing in the amount of Fifty Thousand Dollars ($50,000.00) be appropriated to Line Item No. 001-1-012-3-311-51060.

RESPECTFULLY SUBMITTED,
PUBLIC SAFETY AND JUSTICE COMMITTEE