

# Illinois' War on Drugs has failed.

## A public health approach to drugs means defelonizing small-scale possession.

- **Felony prosecutions for small-scale drug possession have not reduced use.**  
Felony prosecution and conviction for small-scale drug possession is an ineffective deterrent of drug use. Despite decades of using the criminal justice system as a “stick” against drug use, both the supply of and demand for drugs remain high all across Illinois and nationwide.
- **Felony prosecutions have worked to inhibit people from becoming productive citizens.**  
The collateral consequences of a felony conviction create significant barriers to an individual and their family’s well-being. Criminal records inhibit pathways to productive citizenship, safe housing, meaningful education and gainful employment. These obstacles frequently exacerbate the circumstances that triggered the person’s initial drug use, and contribute to the likelihood that they will return to the criminal justice system.
- **Public safety tax dollars should be used efficiently.**  
Finite law enforcement resources should be prioritized based on risk to public safety. Expending the time and resources of police officers, sheriffs, prosecutors, public defenders and judges on small-scale drug possession cases is counterproductive to the public safety goals we all share. The Sentencing Policy Advisory Council (SPAC) found that reclassifying possession of a very small quantity of a controlled substance as a misdemeanor would produce a 3-year net positive impact of over \$57 million to Illinois’ criminal justice system.
- **Justice involvement should not be a primary source of or prerequisite to drug treatment.**  
Relying on the criminal justice system as a primary referral mechanism for substance use services is extremely expensive and inefficient. While those involved in the system who need treatment absolutely should be able to access it through diversion and alternatives to traditional case processing, many more people who need treatment can and should be served in community settings outside of, prior to, and as an alternative to typical trajectories into and through the system.
- **Current enforcement disproportionately harms communities of color.**  
The enforcement of drug laws is unevenly applied based on race, class, geography and patterns of use, producing massive inequalities in conviction and incarceration rates. By right-sizing sentences for small-scale drug possession, those inequalities in conviction and incarceration rates can be reduced, while upholding public safety.
- **Defelonization is not decriminalization.**  
It makes sense to right-size the penalties for possession of small-scale amounts of drugs, while both keeping possession of drugs illegal and maintaining the current sanctions for the manufacture, sale or distribution of drugs. Drug dealers can still be held accountable while small-scale possession is defelonized. The consequences for a misdemeanor conviction could include jail time and up to 2 years of probation, or drug treatment and behavioral therapy.
- **Illinois is ready to reclassify small-scale drug possession as a misdemeanor.**  
78% of Illinois voters surveyed in late 2015—including 74% of Republicans--stated that they support reducing the penalty for simple possession of a user quantity of an illegal drug from a felony to a misdemeanor (punishable by less than one year in jail, or more typically by probation). This policy has also been recommended by the bipartisan Illinois State Commission on Criminal Justice and Sentencing Reform in its Final Report.

## **SUPPORT HB 2291 (Ammons)**

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