

Department, similar control under the Illinois Controlled Substances Act whether by inclusion or rescheduling is suspended until the Department publishes its ruling.

(b) If any cannabis derivative is deleted as a controlled substance under Federal law and notice thereof is given to the Department, the Department shall similarly control the substance under this Act after the expiration of 30 days from publication in the Federal Register of a final order deleting a substance as a controlled substance or rescheduling a substance unless within that 30 day period the Department objects, or a party adversely affected files with the Department substantial written objections to inclusion or rescheduling. In that case, the Department shall publish the reasons for objection or the substantial written objections and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the Department shall publish its decision, by means of a rule, which shall be final unless altered by statute. Upon publication of objections by the Department, similar control under this Act whether by inclusion or rescheduling is suspended until the Department publishes its ruling.

(c) Cannabis derivatives are deemed to be regulated under this Act until such time as those derivatives are scheduled as provided for under the Illinois Controlled Substances Act. Following such scheduling, those derivatives shall be excepted from this Act and shall be regulated pursuant to the Illinois Controlled Substances Act. At such time that any derivative is deleted from schedules provided for under the Illinois Controlled Substances Act, that derivative shall be regulated pursuant to this Act.

P.A. 77-758, § 15.1, added by P.A. 84-1313, § 2, eff. Aug. 28, 1986; P.A. 84-1362, § 1, eff. Sept. 10, 1986.

Formerly Ill.Rev.Stat.1991, ch. 56 ½, ¶ 715.1.

1 720 ILCS 570/100 et seq.

P.A. 84-1313 and P.A. 84-1362 added identical text.

550/16. Negation of exemptions or exceptions; burden of proof

§ 16. It is not necessary for the State to negate any exemption or exception in this Act in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this Act. The burden of proof of any exemption or exception is upon the person claiming it.

P.A. 77-758, § 16, eff. Aug. 16, 1971.

Formerly Ill.Rev.Stat.1991, ch. 56 ½, ¶ 716.

550/16.1. Affirmative defense

§ 16.1. In any prosecution for any violation of this Act, it shall be an affirmative defense that the substance possessed by the defendant was regulated as a controlled substance under the Illinois Controlled Substances Act.¹ In order to raise this affirmative defense, the defendant shall give notice thereof to the State not less than 7 days prior to trial. P.A. 77-758, § 16.1, added by P.A. 84-1313, § 2, eff. Aug. 28, 1986; P.A. 84-1362, § 1, eff. Sept. 10, 1986.

Formerly Ill.Rev.Stat.1991, ch. 56 ½, ¶ 716.1.

1 720 ILCS 570/100 et seq.

P.A. 84-1313 and P.A. 84-1362 added identical text.

550/16.2. Preservation of cannabis or cannabis sativa plants for laboratory testing

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sion or application, and to this end the provisions of this Act are declared severable.

P.A. 77-758, § 19, eff. Aug. 16, 1971.

Formerly Ill.Rev.Stat.1991, ch. 56 ½, ¶ 719.

ACT 555. CHILD CURFEW ACT

Section 555/0.1. Short title. 555/1. Curfew. 555/2. Exercise of legislative or regulatory authority by municipalities.

555/0.1. Short title

§ 0.1. Short title. This Act may be cited as the Child Curfew Act.

Laws 1963, p. 3323, § 0.01, added by P.A. 86-1324, § 200, eff. Sept. 6, 1990.

Formerly Ill.Rev.Stat.1991, ch. 28, ¶ 2370.9.

Title of Act:

An Act relating to a curfew for certain children. Laws 1963, p. 3323, approved and eff. Aug. 23, 1963.

555/1. Curfew

§ 1. Curfew.

(a) Definitions. In this Section.

(1) "Curfew hours" means:

- (A) Between 12:01 a.m. and 6:00 a.m. Saturday;
- (B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and
- (C) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(2) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) "Establishment" means any privately-owned place of business operated for a profit to which the public is invited including but not limited to any place of amusement or entertainment.

(4) "Guardian" means:

(A) a person who, under court order, is the guardian of the person of a minor; or

(B) a public or private agency with whom a minor has been placed by a court.

(5) "Minor" means any person under 17 years of age.

(6) "Parent" means a person who is:

(A) a natural parent, adoptive parent, or step-parent of another person; or

(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(7) "Public Place" means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(8) "Remain" means:

(A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(9) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

(1) A minor commits an offense if he or she remains in any public place or on the premises of any establishment during curfew hours.

(2) A parent or guardian of a minor or other person in custody or control of a minor commits an offense if he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

(c) Defenses. It is a defense to prosecution under subsection (b) that the minor was:

(A) accompanied by the minor's parent or guardian or other person in custody or control of the minor;

(B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) in a motor vehicle involved in interstate travel;

(D) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;

(E) involved in an emergency;

(F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;

(H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(I) married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(d) Enforcement. Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (c) is present.

(e) A person convicted of a violation of any provision of this Section shall be guilty of a petty offense and shall be fined not less than \$10 nor more than \$500, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this Section, the court may order a parent, legal guardian, or other person convicted of a violation of subsection (b) of this Section to perform commu-