



**RECOMMENDATION OF
THE ILLINOIS FORENSIC SCIENCE COMMISSION
FOR LEGISLATIVE AMENDMENTS TO THE ILLINOIS VEHICLE CODE
RELATED TO DRIVING UNDER THE INFLUENCE OF
DELTA-9 TETRAHYDROCANNABINOL**

The Illinois Forensic Science Commission recommends that a statutory amendment be enacted to eliminate possible confusion regarding what compound must be present in a person’s whole blood or other bodily substance for charging and prosecution of an individual for DUI under Section 11-501(a)(7) of the Illinois Vehicle Code.

After hearing evidence and holding extensive discussion on the topic, the Illinois Forensic Science Commission recommends a statutory amendment which would clarify that, for purposes of Section 11-501(a)(7) and Section 11-501.2(a)(6) of the Illinois Vehicle Code, “tetrahydrocannabinol” means only free delta-9 tetrahydrocannabinol.

The Illinois Forensic Science Commission was established in 2021 by the Illinois General Assembly under Public Act 102-253. Members of the Forensic Science Commission include crime lab directors, forensic scientists, law enforcement officials, attorneys with experience in the use of forensic evidence in criminal cases (judicial, prosecutorial, and defense), a member of academia with experience in forensic science, a medical examiner, and community representatives.

20 ILCS 2605/2605-615(a) outlines the purpose and duties of the Forensic Science Commission, and provides that the Commission shall:

“Collect and analyze information related to the impact of current laws, rules, policies, and practices on forensic crime laboratories and the practice of forensic science; evaluate the impact of those laws, rules, policies, and practices on forensic crime laboratories and the practice of forensic science; identify new policies and approaches, together with changes in science, and technology; and make recommendations for changes to those laws, rules, policies, and practices that will yield better results in the criminal justice system consistent with the sound practice of forensic science.” 20 ILCS 2605/2605-615 (a)(6).

Consistent with this statutory charge, the Public Policy Subcommittee of the Forensic Science Commission examined Section 11-501(a)(7) and Section 11-501.2(a)(6) of the Illinois Vehicle Code to determine what, if any, amendments to the statutory language would be consistent with the sound practice of forensic science. On March 18, 2024, the Subcommittee presented its findings to the full Forensic Science Commission and the Commission voted unanimously to make the above recommendation.