

El Derecho Del Pueblo

Columna de comentario [Social Justice Rising](#) abogado y maestro Matthew “Mateo” Katz.

The People’s Right

A column of social commentary [Destiny](#) and legal advice by attorney and teacher Matthew “Mateo” Katz.

Last week, I spent this space discussing felony sentences with you. This week, we will look at misdemeanor sentences. It is important to realize the distinction between felony and misdemeanor crimes: felonies are crimes for which punishment can amount to more than a year in prison; misdemeanor crimes are matters for which punishment amounts to less than a year in prison.

Again, remember: only after you either admit guilt or are tried and convicted by the court can any sentence be imposed upon you. This is different than jail/bail, where you can be held in jail prior to any sentence being imposed in order for the court to ensure that you return for each court date and don’t run away.

Here’s the chart for misdemeanor sentences:

OFFENSE
SENTENCE
FINE
PROBATION

CLASS A

Any prison term less than one year

Up to \$2,500

Up to two years

CLASS B

Up to six months prison sentence

Up to \$1,500

Up to two years

CLASS C

Up to 30 days

Up to \$1,500

Up to two years

PETTY

None

Up to \$1,000

Up to six months

BUSINESS

None

Specified amount

Only cond. disch.

Now that we've looked at both the felony and misdemeanor sentences, let's take a look at one of the most commonly applied statutes (laws) and see how the different sentencing classifications are figured in.

The Cannabis Control Act took effect in Illinois on August 16, 1971. This law classified marijuana possession offenses based upon the amount of cannabis the offender was convicted of having. The citation, in case you ever want to look up the law in the books, is 720 ILCS 550/4 which reads, "Possession of cannabis; violations; punishment."

- Section (a) of this act provides that any person who knowingly possesses "not more than 2.5 grams of any substance containing cannabis is guilty of a Class C misdemeanor." You do the math – just apply the graph, above!
- Section (b) applies to more than 2.5 grams but not more than 10 grams, which is a Class B misdemeanor.
- Section (c) applies to 10-30 grams, which is a Class A misdemeanor, but a second

offense (or more) is a Class 4 Felony!

- Section (d) applies to 20-500 grams, which is a Class 4 felony, but a second offense is a Class 3 Felony (refer to last week's chart for felonies).
- Section (e) applies to 500 grams to 2,000 grams, which is a Class 3 felony.
- Section (f) applies to 2,000 to 5,000 grams, which is a Class 2 Felony.
- Section (g) applies to more than 5,000 grams, which is a Class 1 Felony.

The trick to all of these different criminal sentencing classifications, as you can see with the Cannabis law, is that it gives the lawmakers lots of ability to creatively craft the punishment scheme based upon the severity of the crime.