



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4342

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

720 ILCS 550/5.2	from Ch. 56 1/2, par. 705.2
720 ILCS 570/407	from Ch. 56 1/2, par. 1407
720 ILCS 646/15	

Amends the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act. For drug offenses that occur in protected places, provides that the distance away from the protected place shall be 500 feet in a county with a population of 3,000,000 or more or 1,000 feet in any other county.

LRB100 17414 SLF 32581 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Cannabis Control Act is amended by changing
5 Section 5.2 as follows:

6 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

7 Sec. 5.2. Delivery of cannabis on school grounds.

8 (a) Any person who violates subsection (e) of Section 5 in
9 any school, on the real property comprising any school, or any
10 conveyance owned, leased or contracted by a school to transport
11 students to or from school or a school related activity, or on
12 any public way within 500 feet in a county with a population of
13 3,000,000 or more or within 1,000 feet in any other county of
14 the real property comprising any school, or in any conveyance
15 owned, leased or contracted by a school to transport students
16 to or from school or a school related activity, and at the time
17 of the violation persons under the age of 18 are present, the
18 offense is committed during school hours, or the offense is
19 committed at times when persons under the age of 18 are
20 reasonably expected to be present in the school, in the
21 conveyance, on the real property, or on the public way, such as
22 when after-school activities are occurring, is guilty of a
23 Class 1 felony, the fine for which shall not exceed \$200,000;

1 (b) Any person who violates subsection (d) of Section 5 in
2 any school, on the real property comprising any school, or any
3 conveyance owned, leased or contracted by a school to transport
4 students to or from school or a school related activity, or on
5 any public way within 500 feet in a county with a population of
6 3,000,000 or more or within 1,000 feet in any other county of
7 the real property comprising any school, or in any conveyance
8 owned, leased or contracted by a school to transport students
9 to or from school or a school related activity, and at the time
10 of the violation persons under the age of 18 are present, the
11 offense is committed during school hours, or the offense is
12 committed at times when persons under the age of 18 are
13 reasonably expected to be present in the school, in the
14 conveyance, on the real property, or on the public way, such as
15 when after-school activities are occurring, is guilty of a
16 Class 2 felony, the fine for which shall not exceed \$100,000;

17 (c) Any person who violates subsection (c) of Section 5 in
18 any school, on the real property comprising any school, or any
19 conveyance owned, leased or contracted by a school to transport
20 students to or from school or a school related activity, or on
21 any public way within 500 feet in a county with a population of
22 3,000,000 or more or within 1,000 feet in any other county of
23 the real property comprising any school, or in any conveyance
24 owned, leased or contracted by a school to transport students
25 to or from school or a school related activity, and at the time
26 of the violation persons under the age of 18 are present, the

1 offense is committed during school hours, or the offense is
2 committed at times when persons under the age of 18 are
3 reasonably expected to be present in the school, in the
4 conveyance, on the real property, or on the public way, such as
5 when after-school activities are occurring, is guilty of a
6 Class 3 felony, the fine for which shall not exceed \$50,000;

7 (d) Any person who violates subsection (b) of Section 5 in
8 any school, on the real property comprising any school, or any
9 conveyance owned, leased or contracted by a school to transport
10 students to or from school or a school related activity, or on
11 any public way within 500 feet of in a county with a population
12 of 3,000,000 or more or within 1,000 feet in any other county
13 the real property comprising any school, or in any conveyance
14 owned, leased or contracted by a school to transport students
15 to or from school or a school related activity, and at the time
16 of the violation persons under the age of 18 are present, the
17 offense is committed during school hours, or the offense is
18 committed at times when persons under the age of 18 are
19 reasonably expected to be present in the school, in the
20 conveyance, on the real property, or on the public way, such as
21 when after-school activities are occurring, is guilty of a
22 Class 4 felony, the fine for which shall not exceed \$25,000;

23 (e) Any person who violates subsection (a) of Section 5 in
24 any school, on the real property comprising any school, or in
25 any conveyance owned, leased or contracted by a school to
26 transport students to or from school or a school related

1 activity, on any public way within 500 feet in a county with a
2 population of 3,000,000 or more or within 1,000 feet in any
3 other county of the real property comprising any school, or any
4 conveyance owned, leased or contracted by a school to transport
5 students to or from school or a school related activity, and at
6 the time of the violation persons under the age of 18 are
7 present, the offense is committed during school hours, or the
8 offense is committed at times when persons under the age of 18
9 are reasonably expected to be present in the school, in the
10 conveyance, on the real property, or on the public way, such as
11 when after-school activities are occurring, is guilty of a
12 Class A misdemeanor.

13 (Source: P.A. 100-3, eff. 1-1-18.)

14 Section 10. The Illinois Controlled Substances Act is
15 amended by changing Section 407 as follows:

16 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

17 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
18 violates any subsection of Section 401 or subsection (b) of
19 Section 404 by delivering a controlled, counterfeit or
20 look-alike substance to a person under 18 years of age may be
21 sentenced to imprisonment for a term up to twice the maximum
22 term and fined an amount up to twice that amount otherwise
23 authorized by the pertinent subsection of Section 401 and
24 Subsection (b) of Section 404.

1 (B) (Blank).

2 (2) Except as provided in paragraph (3) of this subsection,
3 any person who violates:

4 (A) subsection (c) of Section 401 by delivering or
5 possessing with intent to deliver a controlled,
6 counterfeit, or look-alike substance in or on, or within
7 500 feet in a county with a population of 3,000,000 or more
8 or within 1,000 feet in any other county of, a truck stop
9 or safety rest area, is guilty of a Class 1 felony, the
10 fine for which shall not exceed \$250,000;

11 (B) subsection (d) of Section 401 by delivering or
12 possessing with intent to deliver a controlled,
13 counterfeit, or look-alike substance in or on, or within
14 500 feet in a county with a population of 3,000,000 or more
15 or within 1,000 feet in any other county of, a truck stop
16 or safety rest area, is guilty of a Class 2 felony, the
17 fine for which shall not exceed \$200,000;

18 (C) subsection (e) of Section 401 or subsection (b) of
19 Section 404 by delivering or possessing with intent to
20 deliver a controlled, counterfeit, or look-alike substance
21 in or on, or within 500 feet in a county with a population
22 of 3,000,000 or more or within 1,000 feet in any other
23 county of, a truck stop or safety rest area, is guilty of a
24 Class 3 felony, the fine for which shall not exceed
25 \$150,000;

26 (D) subsection (f) of Section 401 by delivering or

1 possessing with intent to deliver a controlled,
2 counterfeit, or look-alike substance in or on, or within
3 500 feet in a county with a population of 3,000,000 or more
4 or within 1,000 feet in any other county of, a truck stop
5 or safety rest area, is guilty of a Class 3 felony, the
6 fine for which shall not exceed \$125,000;

7 (E) subsection (g) of Section 401 by delivering or
8 possessing with intent to deliver a controlled,
9 counterfeit, or look-alike substance in or on, or within
10 500 feet in a county with a population of 3,000,000 or more
11 or within 1,000 feet in any other county of, a truck stop
12 or safety rest area, is guilty of a Class 3 felony, the
13 fine for which shall not exceed \$100,000;

14 (F) subsection (h) of Section 401 by delivering or
15 possessing with intent to deliver a controlled,
16 counterfeit, or look-alike substance in or on, or within
17 500 feet in a county with a population of 3,000,000 or more
18 or within 1,000 feet in any other county of, a truck stop
19 or safety rest area, is guilty of a Class 3 felony, the
20 fine for which shall not exceed \$75,000;

21 (3) Any person who violates paragraph (2) of this
22 subsection (a) by delivering or possessing with intent to
23 deliver a controlled, counterfeit, or look-alike substance in
24 or on, or within 500 feet in a county with a population of
25 3,000,000 or more or within 1,000 feet in any other county of a
26 truck stop or a safety rest area, following a prior conviction

1 or convictions of paragraph (2) of this subsection (a) may be
2 sentenced to a term of imprisonment up to 2 times the maximum
3 term and fined an amount up to 2 times the amount otherwise
4 authorized by Section 401.

5 (4) For the purposes of this subsection (a):

6 (A) "Safety rest area" means a roadside facility
7 removed from the roadway with parking and facilities
8 designed for motorists' rest, comfort, and information
9 needs; and

10 (B) "Truck stop" means any facility (and its parking
11 areas) used to provide fuel or service, or both, to any
12 commercial motor vehicle as defined in Section 18b-101 of
13 the Illinois Vehicle Code.

14 (b) Any person who violates:

15 (1) subsection (c) of Section 401 in any school, on or
16 within 500 feet in a county with a population of 3,000,000
17 or more or within 1,000 feet in any other county of the
18 real property comprising any school, or in any conveyance
19 owned, leased or contracted by a school to transport
20 students to or from school or a school related activity,
21 and at the time of the violation persons under the age of
22 18 are present, the offense is committed during school
23 hours, or the offense is committed at times when persons
24 under the age of 18 are reasonably expected to be present
25 in the school, in the conveyance, or on the real property,
26 such as when after-school activities are occurring, or in

1 any public park or on or within 500 feet in a county with a
2 population of 3,000,000 or more or within 1,000 feet in any
3 other county of the real property comprising any public
4 park, on the real property comprising any church,
5 synagogue, or other building, structure, or place used
6 primarily for religious worship, or within 500 feet in a
7 county with a population of 3,000,000 or more or within
8 1,000 feet in any other county of the real property
9 comprising any church, synagogue, or other building,
10 structure, or place used primarily for religious worship,
11 on the real property comprising any of the following
12 places, buildings, or structures used primarily for
13 housing or providing space for activities for senior
14 citizens: nursing homes, assisted-living centers, senior
15 citizen housing complexes, or senior centers oriented
16 toward daytime activities, or within 500 feet in a county
17 with a population of 3,000,000 or more or within 1,000 feet
18 in any other county of the real property comprising any of
19 the following places, buildings, or structures used
20 primarily for housing or providing space for activities for
21 senior citizens: nursing homes, assisted-living centers,
22 senior citizen housing complexes, or senior centers
23 oriented toward daytime activities and at the time of the
24 violation persons are present or reasonably expected to be
25 present in the church, synagogue, or other building,
26 structure, or place used primarily for religious worship

1 during worship services, or in buildings or structures used
2 primarily for housing or providing space for activities for
3 senior citizens: nursing homes, assisted-living centers,
4 senior citizen housing complexes, or senior centers
5 oriented toward daytime activities during the hours those
6 places, buildings, or structures are open for those
7 activities, or on the real property is guilty of a Class X
8 felony, the fine for which shall not exceed \$500,000;

9 (2) subsection (d) of Section 401 in any school, on or
10 within 500 feet in a county with a population of 3,000,000
11 or more or within 1,000 feet in any other county of the
12 real property comprising any school, or in any conveyance
13 owned, leased or contracted by a school to transport
14 students to or from school or a school related activity,
15 and at the time of the violation persons under the age of
16 18 are present, the offense is committed during school
17 hours, or the offense is committed at times when persons
18 under the age of 18 are reasonably expected to be present
19 in the school, in the conveyance, or on the real property,
20 such as when after-school activities are occurring, or in
21 any public park or on or within 500 feet in a county with a
22 population of 3,000,000 or more or within 1,000 feet in any
23 other county of the real property comprising any public
24 park, on the real property comprising any church,
25 synagogue, or other building, structure, or place used
26 primarily for religious worship, or within 500 feet in a

1 county with a population of 3,000,000 or more or within
2 1,000 feet in any other county of the real property
3 comprising any church, synagogue, or other building,
4 structure, or place used primarily for religious worship,
5 on the real property comprising any of the following
6 places, buildings, or structures used primarily for
7 housing or providing space for activities for senior
8 citizens: nursing homes, assisted-living centers, senior
9 citizen housing complexes, or senior centers oriented
10 toward daytime activities, or within 500 feet in a county
11 with a population of 3,000,000 or more or within 1,000 feet
12 in any other county of the real property comprising any of
13 the following places, buildings, or structures used
14 primarily for housing or providing space for activities for
15 senior citizens: nursing homes, assisted-living centers,
16 senior citizen housing complexes, or senior centers
17 oriented toward daytime activities and at the time of the
18 violation persons are present or reasonably expected to be
19 present in the church, synagogue, or other building,
20 structure, or place used primarily for religious worship
21 during worship services, or in buildings or structures used
22 primarily for housing or providing space for activities for
23 senior citizens: nursing homes, assisted-living centers,
24 senior citizen housing complexes, or senior centers
25 oriented toward daytime activities during the hours those
26 places, buildings, or structures are open for those

1 activities, or on the real property is guilty of a Class 1
2 felony, the fine for which shall not exceed \$250,000;

3 (3) subsection (e) of Section 401 or Subsection (b) of
4 Section 404 in any school, on or within 500 feet in a
5 county with a population of 3,000,000 or more or within
6 1,000 feet in any other county of the real property
7 comprising any school, or in any conveyance owned, leased
8 or contracted by a school to transport students to or from
9 school or a school related activity, and at the time of the
10 violation persons under the age of 18 are present, the
11 offense is committed during school hours, or the offense is
12 committed at times when persons under the age of 18 are
13 reasonably expected to be present in the school, in the
14 conveyance, or on the real property, such as when
15 after-school activities are occurring, or in any public
16 park or on or within 500 feet in a county with a population
17 of 3,000,000 or more or within 1,000 feet in any other
18 county of the real property comprising any public park, on
19 the real property comprising any church, synagogue, or
20 other building, structure, or place used primarily for
21 religious worship, or within 500 feet in a county with a
22 population of 3,000,000 or more or within 1,000 feet in any
23 other county of the real property comprising any church,
24 synagogue, or other building, structure, or place used
25 primarily for religious worship, on the real property
26 comprising any of the following places, buildings, or

1 structures used primarily for housing or providing space
2 for activities for senior citizens: nursing homes,
3 assisted-living centers, senior citizen housing complexes,
4 or senior centers oriented toward daytime activities, or
5 within 500 feet in a county with a population of 3,000,000
6 or more or within 1,000 feet in any other county of the
7 real property comprising any of the following places,
8 buildings, or structures used primarily for housing or
9 providing space for activities for senior citizens:
10 nursing homes, assisted-living centers, senior citizen
11 housing complexes, or senior centers oriented toward
12 daytime activities and at the time of the violation persons
13 are present or reasonably expected to be present in the
14 church, synagogue, or other building, structure, or place
15 used primarily for religious worship during worship
16 services, or in buildings or structures used primarily for
17 housing or providing space for activities for senior
18 citizens: nursing homes, assisted-living centers, senior
19 citizen housing complexes, or senior centers oriented
20 toward daytime activities during the hours those places,
21 buildings, or structures are open for those activities, or
22 on the real property is guilty of a Class 2 felony, the
23 fine for which shall not exceed \$200,000;

24 (4) subsection (f) of Section 401 in any school, on or
25 within 500 feet in a county with a population of 3,000,000
26 or more or within 1,000 feet in any other county of the

1 real property comprising any school, or in any conveyance
2 owned, leased or contracted by a school to transport
3 students to or from school or a school related activity,
4 and at the time of the violation persons under the age of
5 18 are present, the offense is committed during school
6 hours, or the offense is committed at times when persons
7 under the age of 18 are reasonably expected to be present
8 in the school, in the conveyance, or on the real property,
9 such as when after-school activities are occurring, or in
10 any public park or on or within 500 feet in a county with a
11 population of 3,000,000 or more or within 1,000 feet in any
12 other county of the real property comprising any public
13 park, on the real property comprising any church,
14 synagogue, or other building, structure, or place used
15 primarily for religious worship, or within 500 feet in a
16 county with a population of 3,000,000 or more or within
17 1,000 feet in any other county of the real property
18 comprising any church, synagogue, or other building,
19 structure, or place used primarily for religious worship,
20 on the real property comprising any of the following
21 places, buildings, or structures used primarily for
22 housing or providing space for activities for senior
23 citizens: nursing homes, assisted-living centers, senior
24 citizen housing complexes, or senior centers oriented
25 toward daytime activities, or within 500 feet in a county
26 with a population of 3,000,000 or more or within 1,000 feet

1 in any other county of the real property comprising any of
2 the following places, buildings, or structures used
3 primarily for housing or providing space for activities for
4 senior citizens: nursing homes, assisted-living centers,
5 senior citizen housing complexes, or senior centers
6 oriented toward daytime activities and at the time of the
7 violation persons are present or reasonably expected to be
8 present in the church, synagogue, or other building,
9 structure, or place used primarily for religious worship
10 during worship services, or in buildings or structures used
11 primarily for housing or providing space for activities for
12 senior citizens: nursing homes, assisted-living centers,
13 senior citizen housing complexes, or senior centers
14 oriented toward daytime activities during the hours those
15 places, buildings, or structures are open for those
16 activities, or on the real property is guilty of a Class 2
17 felony, the fine for which shall not exceed \$150,000;

18 (5) subsection (g) of Section 401 in any school, on or
19 within 500 feet in a county with a population of 3,000,000
20 or more or within 1,000 feet in any other county of the
21 real property comprising any school, or in any conveyance
22 owned, leased or contracted by a school to transport
23 students to or from school or a school related activity,
24 and at the time of the violation persons under the age of
25 18 are present, the offense is committed during school
26 hours, or the offense is committed at times when persons

1 under the age of 18 are reasonably expected to be present
2 in the school, in the conveyance, or on the real property,
3 such as when after-school activities are occurring, or in
4 any public park or on or within 500 feet in a county with a
5 population of 3,000,000 or more or within 1,000 feet in any
6 other county of the real property comprising any public
7 park, on the real property comprising any church,
8 synagogue, or other building, structure, or place used
9 primarily for religious worship, or within 500 feet in a
10 county with a population of 3,000,000 or more or within
11 1,000 feet in any other county of the real property
12 comprising any church, synagogue, or other building,
13 structure, or place used primarily for religious worship,
14 on the real property comprising any of the following
15 places, buildings, or structures used primarily for
16 housing or providing space for activities for senior
17 citizens: nursing homes, assisted-living centers, senior
18 citizen housing complexes, or senior centers oriented
19 toward daytime activities, or within 500 feet in a county
20 with a population of 3,000,000 or more or within 1,000 feet
21 in any other county of the real property comprising any of
22 the following places, buildings, or structures used
23 primarily for housing or providing space for activities for
24 senior citizens: nursing homes, assisted-living centers,
25 senior citizen housing complexes, or senior centers
26 oriented toward daytime activities and at the time of the

1 violation persons are present or reasonably expected to be
2 present in the church, synagogue, or other building,
3 structure, or place used primarily for religious worship
4 during worship services, or in buildings or structures used
5 primarily for housing or providing space for activities for
6 senior citizens: nursing homes, assisted-living centers,
7 senior citizen housing complexes, or senior centers
8 oriented toward daytime activities during the hours those
9 places, buildings, or structures are open for those
10 activities, or on the real property is guilty of a Class 2
11 felony, the fine for which shall not exceed \$125,000;

12 (6) subsection (h) of Section 401 in any school, on or
13 within 500 feet in a county with a population of 3,000,000
14 or more or within 1,000 feet in any other county of the
15 real property comprising any school, or in any conveyance
16 owned, leased or contracted by a school to transport
17 students to or from school or a school related activity,
18 and at the time of the violation persons under the age of
19 18 are present, the offense is committed during school
20 hours, or the offense is committed at times when persons
21 under the age of 18 are reasonably expected to be present
22 in the school, in the conveyance, or on the real property,
23 such as when after-school activities are occurring, or in
24 any public park or on or within 500 feet in a county with a
25 population of 3,000,000 or more or within 1,000 feet in any
26 other county of the real property comprising any public

1 park, on the real property comprising any church,
2 synagogue, or other building, structure, or place used
3 primarily for religious worship, or within 500 feet in a
4 county with a population of 3,000,000 or more or within
5 1,000 feet in any other county of the real property
6 comprising any church, synagogue, or other building,
7 structure, or place used primarily for religious worship,
8 on the real property comprising any of the following
9 places, buildings, or structures used primarily for
10 housing or providing space for activities for senior
11 citizens: nursing homes, assisted-living centers, senior
12 citizen housing complexes, or senior centers oriented
13 toward daytime activities, or within 500 feet in a county
14 with a population of 3,000,000 or more or within 1,000 feet
15 in any other county of the real property comprising any of
16 the following places, buildings, or structures used
17 primarily for housing or providing space for activities for
18 senior citizens: nursing homes, assisted-living centers,
19 senior citizen housing complexes, or senior centers
20 oriented toward daytime activities and at the time of the
21 violation persons are present or reasonably expected to be
22 present in the church, synagogue, or other building,
23 structure, or place used primarily for religious worship
24 during worship services, or in buildings or structures used
25 primarily for housing or providing space for activities for
26 senior citizens: nursing homes, assisted-living centers,

1 senior citizen housing complexes, or senior centers
2 oriented toward daytime activities during the hours those
3 places, buildings, or structures are open for those
4 activities, or on the real property is guilty of a Class 2
5 felony, the fine for which shall not exceed \$100,000.

6 (c) Regarding penalties prescribed in subsection (b) for
7 violations committed in a school or on or within 500 feet in a
8 county with a population of 3,000,000 or more or within 1,000
9 feet in any other county of school property, the time of day
10 and time of year at the time of the offense is irrelevant.

11 (Source: P.A. 100-3, eff. 1-1-18.)

12 Section 15. The Methamphetamine Control and Community
13 Protection Act is amended by changing Section 15 as follows:

14 (720 ILCS 646/15)

15 Sec. 15. Participation in methamphetamine manufacturing.

16 (a) Participation in methamphetamine manufacturing.

17 (1) It is unlawful to knowingly participate in the
18 manufacture of methamphetamine with the intent that
19 methamphetamine or a substance containing methamphetamine
20 be produced.

21 (2) A person who violates paragraph (1) of this
22 subsection (a) is subject to the following penalties:

23 (A) A person who participates in the manufacture of
24 less than 15 grams of methamphetamine or a substance

1 containing methamphetamine is guilty of a Class 1
2 felony.

3 (B) A person who participates in the manufacture of
4 15 or more grams but less than 100 grams of
5 methamphetamine or a substance containing
6 methamphetamine is guilty of a Class X felony, subject
7 to a term of imprisonment of not less than 6 years and
8 not more than 30 years, and subject to a fine not to
9 exceed \$100,000 or the street value of the
10 methamphetamine manufactured, whichever is greater.

11 (C) A person who participates in the manufacture of
12 100 or more grams but less than 400 grams of
13 methamphetamine or a substance containing
14 methamphetamine is guilty of a Class X felony, subject
15 to a term of imprisonment of not less than 9 years and
16 not more than 40 years, and subject to a fine not to
17 exceed \$200,000 or the street value of the
18 methamphetamine manufactured, whichever is greater.

19 (D) A person who participates in the manufacture of
20 400 or more grams but less than 900 grams of
21 methamphetamine or a substance containing
22 methamphetamine is guilty of a Class X felony, subject
23 to a term of imprisonment of not less than 12 years and
24 not more than 50 years, and subject to a fine not to
25 exceed \$300,000 or the street value of the
26 methamphetamine manufactured, whichever is greater.

1 (E) A person who participates in the manufacture of
2 900 grams or more of methamphetamine or a substance
3 containing methamphetamine is guilty of a Class X
4 felony, subject to a term of imprisonment of not less
5 than 15 years and not more than 60 years, and subject
6 to a fine not to exceed \$400,000 or the street value of
7 the methamphetamine, whichever is greater.

8 (b) Aggravated participation in methamphetamine
9 manufacturing.

10 (1) It is unlawful to engage in aggravated
11 participation in the manufacture of methamphetamine. A
12 person engages in aggravated participation in the
13 manufacture of methamphetamine when the person violates
14 paragraph (1) of subsection (a) and:

15 (A) the person knowingly does so in a multi-unit
16 dwelling;

17 (B) the person knowingly does so in a structure or
18 vehicle where a child under the age of 18, a person
19 with a disability, or a person 60 years of age or older
20 who is incapable of adequately providing for his or her
21 own health and personal care resides, is present, or is
22 endangered by the manufacture of methamphetamine;

23 (C) the person does so in a structure or vehicle
24 where a woman the person knows to be pregnant
25 (including but not limited to the person herself)
26 resides, is present, or is endangered by the

1 methamphetamine manufacture;

2 (D) the person knowingly does so in a structure or
3 vehicle protected by one or more firearms, explosive
4 devices, booby traps, alarm systems, surveillance
5 systems, guard dogs, or dangerous animals;

6 (E) the methamphetamine manufacturing in which the
7 person participates is a contributing cause of the
8 death, serious bodily injury, disability, or
9 disfigurement of another person, including but not
10 limited to an emergency service provider;

11 (F) the methamphetamine manufacturing in which the
12 person participates is a contributing cause of a fire
13 or explosion that damages property belonging to
14 another person;

15 (G) the person knowingly organizes, directs, or
16 finances the methamphetamine manufacturing or
17 activities carried out in support of the
18 methamphetamine manufacturing; or

19 (H) the methamphetamine manufacturing occurs
20 within 500 feet in a county with a population of
21 3,000,000 or more or within 1,000 feet in any other
22 county of a place of worship or parsonage, or within
23 500 feet in a county with a population of 3,000,000 or
24 more or within 1,000 feet in any other county of the
25 real property comprising any school at a time when
26 children, clergy, patrons, staff, or other persons are

1 present or any activity sanctioned by the place of
2 worship or parsonage or school is taking place.

3 (2) A person who violates paragraph (1) of this
4 subsection (b) is subject to the following penalties:

5 (A) A person who participates in the manufacture of
6 less than 15 grams of methamphetamine or a substance
7 containing methamphetamine is guilty of a Class X
8 felony, subject to a term of imprisonment of not less
9 than 6 years and not more than 30 years, and subject to
10 a fine not to exceed \$100,000 or the street value of
11 the methamphetamine, whichever is greater.

12 (B) A person who participates in the manufacture of
13 15 or more grams but less than 100 grams of
14 methamphetamine or a substance containing
15 methamphetamine is guilty of a Class X felony, subject
16 to a term of imprisonment of not less than 9 years and
17 not more than 40 years, and subject to a fine not to
18 exceed \$200,000 or the street value of the
19 methamphetamine, whichever is greater.

20 (C) A person who participates in the manufacture of
21 100 or more grams but less than 400 grams of
22 methamphetamine or a substance containing
23 methamphetamine is guilty of a Class X felony, subject
24 to a term of imprisonment of not less than 12 years and
25 not more than 50 years, and subject to a fine not to
26 exceed \$300,000 or the street value of the

1 methamphetamine, whichever is greater.

2 (D) A person who participates in the manufacture of
3 400 grams or more of methamphetamine or a substance
4 containing methamphetamine is guilty of a Class X
5 felony, subject to a term of imprisonment of not less
6 than 15 years and not more than 60 years, and subject
7 to a fine not to exceed \$400,000 or the street value of
8 the methamphetamine, whichever is greater.

9 (Source: P.A. 100-3, eff. 1-1-18.)