



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0199

Introduced 1/30/2019, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

720 ILCS 570/402

from Ch. 56 1/2, par. 1402

Amends the Illinois Controlled Substances Act. Provides that any person who knowingly possesses a controlled or counterfeit substance or controlled substance analog with respect to fentanyl is guilty of a Class 1 felony and shall, if sentenced to a term of imprisonment, be sentenced as follows: (1) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of a substance containing fentanyl; (2) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of a substance containing fentanyl; (3) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing fentanyl; and (4) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing fentanyl.

LRB101 06631 SLF 51658 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 Illinois Controlled Substances Act is
5 amended by changing Section 402 as follows:

6 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

7 Sec. 402. Except as otherwise authorized by this Act, it is
8 unlawful for any person knowingly to possess a controlled or
9 counterfeit substance or controlled substance analog. A
10 violation of this Act with respect to each of the controlled
11 substances listed herein constitutes a single and separate
12 violation of this Act. For purposes of this Section,
13 "controlled substance analog" or "analog" means a substance,
14 other than a controlled substance, which is not approved by the
15 United States Food and Drug Administration or, if approved, is
16 not dispensed or possessed in accordance with State or federal
17 law, and that has a chemical structure substantially similar to
18 that of a controlled substance in Schedule I or II, or that was
19 specifically designed to produce an effect substantially
20 similar to that of a controlled substance in Schedule I or II.
21 Examples of chemical classes in which controlled substance
22 analogs are found include, but are not limited to, the
23 following: phenethylamines, N-substituted piperidines,

1 morphinans, ecgonines, quinazolinones, substituted indoles,
2 and arylcycloalkylamines. For purposes of this Act, a
3 controlled substance analog shall be treated in the same manner
4 as the controlled substance to which it is substantially
5 similar.

6 (a) Any person who violates this Section with respect to
7 the following controlled or counterfeit substances and
8 amounts, notwithstanding any of the provisions of subsections
9 (c) and (d) to the contrary, is guilty of a Class 1 felony and
10 shall, if sentenced to a term of imprisonment, be sentenced as
11 provided in this subsection (a) and fined as provided in
12 subsection (b):

13 (1) (A) not less than 4 years and not more than 15
14 years with respect to 15 grams or more but less than
15 100 grams of a substance containing heroin;

16 (B) not less than 6 years and not more than 30
17 years with respect to 100 grams or more but less than
18 400 grams of a substance containing heroin;

19 (C) not less than 8 years and not more than 40
20 years with respect to 400 grams or more but less than
21 900 grams of any substance containing heroin;

22 (D) not less than 10 years and not more than 50
23 years with respect to 900 grams or more of any
24 substance containing heroin;

25 (1.5) (A) not less than 4 years and not more than
26 15 years with respect to 15 grams or more but less than

1 100 grams of a substance containing fentanyl;

2 (B) not less than 6 years and not more than 30
3 years with respect to 100 grams or more but less than
4 400 grams of a substance containing fentanyl;

5 (C) not less than 8 years and not more than 40
6 years with respect to 400 grams or more but less than
7 900 grams of any substance containing fentanyl;

8 (D) not less than 10 years and not more than 50
9 years with respect to 900 grams or more of any
10 substance containing fentanyl;

11 (2) (A) not less than 4 years and not more than 15
12 years with respect to 15 grams or more but less than
13 100 grams of any substance containing cocaine;

14 (B) not less than 6 years and not more than 30
15 years with respect to 100 grams or more but less than
16 400 grams of any substance containing cocaine;

17 (C) not less than 8 years and not more than 40
18 years with respect to 400 grams or more but less than
19 900 grams of any substance containing cocaine;

20 (D) not less than 10 years and not more than 50
21 years with respect to 900 grams or more of any
22 substance containing cocaine;

23 (3) (A) not less than 4 years and not more than 15
24 years with respect to 15 grams or more but less than
25 100 grams of any substance containing morphine;

26 (B) not less than 6 years and not more than 30

1 years with respect to 100 grams or more but less than
2 400 grams of any substance containing morphine;

3 (C) not less than 6 years and not more than 40
4 years with respect to 400 grams or more but less than
5 900 grams of any substance containing morphine;

6 (D) not less than 10 years and not more than 50
7 years with respect to 900 grams or more of any
8 substance containing morphine;

9 (4) 200 grams or more of any substance containing
10 peyote;

11 (5) 200 grams or more of any substance containing a
12 derivative of barbituric acid or any of the salts of a
13 derivative of barbituric acid;

14 (6) 200 grams or more of any substance containing
15 amphetamine or any salt of an optical isomer of
16 amphetamine;

17 (6.5) (blank);

18 (7) (A) not less than 4 years and not more than 15
19 years with respect to: (i) 15 grams or more but less
20 than 100 grams of any substance containing lysergic
21 acid diethylamide (LSD), or an analog thereof, or (ii)
22 15 or more objects or 15 or more segregated parts of an
23 object or objects but less than 200 objects or 200
24 segregated parts of an object or objects containing in
25 them or having upon them any amount of any substance
26 containing lysergic acid diethylamide (LSD), or an

1 analog thereof;

2 (B) not less than 6 years and not more than 30
3 years with respect to: (i) 100 grams or more but less
4 than 400 grams of any substance containing lysergic
5 acid diethylamide (LSD), or an analog thereof, or (ii)
6 200 or more objects or 200 or more segregated parts of
7 an object or objects but less than 600 objects or less
8 than 600 segregated parts of an object or objects
9 containing in them or having upon them any amount of
10 any substance containing lysergic acid diethylamide
11 (LSD), or an analog thereof;

12 (C) not less than 8 years and not more than 40
13 years with respect to: (i) 400 grams or more but less
14 than 900 grams of any substance containing lysergic
15 acid diethylamide (LSD), or an analog thereof, or (ii)
16 600 or more objects or 600 or more segregated parts of
17 an object or objects but less than 1500 objects or 1500
18 segregated parts of an object or objects containing in
19 them or having upon them any amount of any substance
20 containing lysergic acid diethylamide (LSD), or an
21 analog thereof;

22 (D) not less than 10 years and not more than 50
23 years with respect to: (i) 900 grams or more of any
24 substance containing lysergic acid diethylamide (LSD),
25 or an analog thereof, or (ii) 1500 or more objects or
26 1500 or more segregated parts of an object or objects

1 containing in them or having upon them any amount of a
2 substance containing lysergic acid diethylamide (LSD),
3 or an analog thereof;

4 (7.5) (A) not less than 4 years and not more than 15
5 years with respect to: (i) 15 grams or more but less
6 than 100 grams of any substance listed in paragraph
7 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
8 (20.1), (21), (25), or (26) of subsection (d) of
9 Section 204, or an analog or derivative thereof, or
10 (ii) 15 or more pills, tablets, caplets, capsules, or
11 objects but less than 200 pills, tablets, caplets,
12 capsules, or objects containing in them or having upon
13 them any amount of any substance listed in paragraph
14 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
15 (20.1), (21), (25), or (26) of subsection (d) of
16 Section 204, or an analog or derivative thereof;

17 (B) not less than 6 years and not more than 30
18 years with respect to: (i) 100 grams or more but less
19 than 400 grams of any substance listed in paragraph
20 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
21 (20.1), (21), (25), or (26) of subsection (d) of
22 Section 204, or an analog or derivative thereof, or
23 (ii) 200 or more pills, tablets, caplets, capsules, or
24 objects but less than 600 pills, tablets, caplets,
25 capsules, or objects containing in them or having upon
26 them any amount of any substance listed in paragraph

1 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
2 (20.1), (21), (25), or (26) of subsection (d) of
3 Section 204, or an analog or derivative thereof;

4 (C) not less than 8 years and not more than 40
5 years with respect to: (i) 400 grams or more but less
6 than 900 grams of any substance listed in paragraph
7 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
8 (20.1), (21), (25), or (26) of subsection (d) of
9 Section 204, or an analog or derivative thereof, or
10 (ii) 600 or more pills, tablets, caplets, capsules, or
11 objects but less than 1,500 pills, tablets, caplets,
12 capsules, or objects containing in them or having upon
13 them any amount of any substance listed in paragraph
14 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
15 (20.1), (21), (25), or (26) of subsection (d) of
16 Section 204, or an analog or derivative thereof;

17 (D) not less than 10 years and not more than 50
18 years with respect to: (i) 900 grams or more of any
19 substance listed in paragraph (1), (2), (2.1), (2.2),
20 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
21 subsection (d) of Section 204, or an analog or
22 derivative thereof, or (ii) 1,500 or more pills,
23 tablets, caplets, capsules, or objects containing in
24 them or having upon them any amount of a substance
25 listed in paragraph (1), (2), (2.1), (2.2), (3),
26 (14.1), (19), (20), (20.1), (21), (25), or (26) of

1 subsection (d) of Section 204, or an analog or
2 derivative thereof;

3 (8) 30 grams or more of any substance containing
4 pentazocine or any of the salts, isomers and salts of
5 isomers of pentazocine, or an analog thereof;

6 (9) 30 grams or more of any substance containing
7 methaqualone or any of the salts, isomers and salts of
8 isomers of methaqualone;

9 (10) 30 grams or more of any substance containing
10 phencyclidine or any of the salts, isomers and salts of
11 isomers of phencyclidine (PCP);

12 (10.5) 30 grams or more of any substance containing
13 ketamine or any of the salts, isomers and salts of isomers
14 of ketamine;

15 (11) 200 grams or more of any substance containing any
16 substance classified as a narcotic drug in Schedules I or
17 II, or an analog thereof, which is not otherwise included
18 in this subsection.

19 (b) Any person sentenced with respect to violations of
20 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
21 involving 100 grams or more of the controlled substance named
22 therein, may in addition to the penalties provided therein, be
23 fined an amount not to exceed \$200,000 or the full street value
24 of the controlled or counterfeit substances, whichever is
25 greater. The term "street value" shall have the meaning
26 ascribed in Section 110-5 of the Code of Criminal Procedure of

1 1963. Any person sentenced with respect to any other provision
2 of subsection (a), may in addition to the penalties provided
3 therein, be fined an amount not to exceed \$200,000.

4 (c) Any person who violates this Section with regard to an
5 amount of a controlled substance other than methamphetamine or
6 counterfeit substance not set forth in subsection (a) or (d) is
7 guilty of a Class 4 felony. The fine for a violation punishable
8 under this subsection (c) shall not be more than \$25,000.

9 (d) Any person who violates this Section with regard to any
10 amount of anabolic steroid is guilty of a Class C misdemeanor
11 for the first offense and a Class B misdemeanor for a
12 subsequent offense committed within 2 years of a prior
13 conviction.

14 (Source: P.A. 99-371, eff. 1-1-16; 100-368, eff. 1-1-18.)