



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3235

by Rep. Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Cannabis Control Act, the Illinois Controlled Substances Act, the Drug Paraphernalia Control Act, the Methamphetamine Control and Community Protection Act, and the Unified Code of Corrections. Lowers penalties for the manufacture, delivery, possession with intent to manufacture or deliver, and trafficking and possession of cannabis, controlled substances, and methamphetamine. Eliminates mandatory sentences of imprisonment for the manufacture, delivery, possession with intent to manufacture or deliver, and trafficking and possession of these drugs. Eliminates extended term sentences, habitual criminal status, and Class X sentencing for violations of the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act.

LRB100 08746 RLC 21552 b

FISCAL 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 Sections 4, 5, 5.1, 5.2, 7, and 8 as follows:

6 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

7 Sec. 4. It is unlawful for any person knowingly to possess  
8 cannabis. Any person who violates this section with respect to:

9 (a) not more than 30 ~~10~~ grams of any substance  
10 containing cannabis is guilty of a civil law violation  
11 punishable by a ~~minimum~~ fine not to exceed \$125 ~~of \$100 and~~  
12 ~~a maximum fine of \$200~~. The proceeds of the fine shall be  
13 payable to the clerk of the circuit court. Within 30 days  
14 after the deposit of the fine, the clerk shall distribute  
15 the proceeds of the fine as follows:

16 (1) \$10 of the fine to the circuit clerk and \$10 of  
17 the fine to the law enforcement agency that issued the  
18 citation; the proceeds of each \$10 fine distributed to  
19 the circuit clerk and each \$10 fine distributed to the  
20 law enforcement agency that issued the citation for the  
21 violation shall be used to defer the cost of automatic  
22 expungements under paragraph (2.5) of subsection (a)  
23 of Section 5.2 of the Criminal Identification Act;

1 (2) \$15 to the county to fund drug addiction  
2 services;

3 (3) \$10 to the Office of the State's Attorneys  
4 Appellate Prosecutor for use in training programs;

5 (4) \$10 to the State's Attorney; and

6 (5) any remainder of the fine to the law  
7 enforcement agency that issued the citation for the  
8 violation.

9 With respect to funds designated for the Department of  
10 State Police, the moneys shall be remitted by the circuit  
11 court clerk to the Department of State Police within one  
12 month after receipt for deposit into the State Police  
13 Operations Assistance Fund. With respect to funds  
14 designated for the Department of Natural Resources, the  
15 Department of Natural Resources shall deposit the moneys  
16 into the Conservation Police Operations Assistance Fund;

17 (b) (blank); ~~more than 10 grams but not more than 30~~  
18 ~~grams of any substance containing cannabis is guilty of a~~  
19 ~~Class B misdemeanor;~~

20 (c) more than 30 grams but not more than 500 ~~100~~ grams  
21 of any substance containing cannabis is guilty of a Class A  
22 misdemeanor; ~~provided, that if any offense under this~~  
23 ~~subsection (c) is a subsequent offense, the offender shall~~  
24 ~~be guilty of a Class 4 felony;~~

25 (d) (blank); ~~more than 100 grams but not more than 500~~  
26 ~~grams of any substance containing cannabis is guilty of a~~

1 ~~Class 4 felony; provided that if any offense under this~~  
2 ~~subsection (d) is a subsequent offense, the offender shall~~  
3 ~~be guilty of a Class 3 felony;~~

4 (e) more than 500 grams but not more than 2,000 grams  
5 of any substance containing cannabis is guilty of a Class 4  
6 ~~3~~ felony;

7 (f) more than 2,000 grams but not more than 5,000 grams  
8 of any substance containing cannabis is guilty of a Class 3  
9 ~~2~~ felony;

10 (g) more than 5,000 grams of any substance containing  
11 cannabis is guilty of a Class 2 ~~1~~ felony.

12 (Source: P.A. 99-697, eff. 7-29-16.)

13 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

14 Sec. 5. It is unlawful for any person knowingly to  
15 manufacture, deliver, or possess with intent to deliver, or  
16 manufacture, cannabis. Any person who violates this section  
17 with respect to:

18 (a) not more than 10 ~~2.5~~ grams of any substance containing  
19 cannabis is guilty of a Class B misdemeanor;

20 (b) (blank) ~~more than 2.5 grams but not more than 10 grams~~  
21 ~~of any substance containing cannabis is guilty of a Class A~~  
22 ~~misdemeanor;~~

23 (c) more than 10 grams but not more than 30 grams of any  
24 substance containing cannabis is guilty of a Class A  
25 misdemeanor ~~4~~ felony;

1 (d) more than 30 grams but not more than 500 grams of any  
2 substance containing cannabis is guilty of a Class 4 ~~3~~ felony  
3 for which a fine not to exceed \$50,000 may be imposed;

4 (e) more than 500 grams but not more than 2,000 grams of  
5 any substance containing cannabis is guilty of a Class 3 ~~2~~  
6 felony for which a fine not to exceed \$100,000 may be imposed;

7 (f) more than 2,000 grams ~~but not more than 5,000 grams~~ of  
8 any substance containing cannabis is guilty of a Class 2 ~~1~~  
9 felony for which a fine not to exceed \$150,000 may be imposed;

10 (g) (blank). ~~more than 5,000 grams of any substance~~  
11 ~~containing cannabis is guilty of a Class 2 X felony for which a~~  
12 ~~fine not to exceed \$200,000 may be imposed.~~

13 (Source: P.A. 90-397, eff. 8-15-97.)

14 (720 ILCS 550/5.1) (from Ch. 56 1/2, par. 705.1)

15 Sec. 5.1. Cannabis Trafficking. (a) Except for purposes  
16 authorized by this Act, any person who knowingly brings or  
17 causes to be brought into this State for the purpose of  
18 manufacture or delivery or with the intent to manufacture or  
19 deliver 2,500 grams or more of cannabis in this State or any  
20 other state or country is guilty of cannabis trafficking.

21 (a-5) A person convicted of cannabis trafficking shall be  
22 sentenced as authorized by Section 5 of this Act, based upon  
23 the amount of the cannabis brought or caused to be brought into  
24 this State, if the person at sentencing proves by a  
25 preponderance of the evidence that he or she:

1           (1) received little or no compensation from the illegal  
2           transport of the cannabis into this State and had minimal  
3           knowledge of the scope and structure of the enterprise to  
4           manufacture or deliver the cannabis transported; or

5           (2) was not involved in the organization or planning of  
6           the enterprise to manufacture or deliver the cannabis  
7           transported.

8           (b) Except as otherwise provided in subsection (a-5) of  
9           this Section, a ~~A~~ person convicted of cannabis trafficking is  
10           ~~guilty of a Class 1 felony shall be sentenced to a term of~~  
11           ~~imprisonment not less than twice the minimum term and fined an~~  
12           ~~amount as authorized by subsection (f) or (g) of Section 5 of~~  
13           ~~this Act, based upon the amount of cannabis brought or caused~~  
14           ~~to be brought into this State, and not more than twice the~~  
15           ~~maximum term of imprisonment and fined twice the amount as~~  
16           ~~authorized by subsection (f) or (g) of Section 5 of this Act,~~  
17           ~~based upon the amount of cannabis brought or caused to be~~  
18           ~~brought into this State.~~

19           (Source: P.A. 90-397, eff. 8-15-97.)

20           (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

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

22           (a.01) Any person who violates subsection (f) of Section 5  
23           in any school, on the real property comprising any school, or  
24           any conveyance owned, leased or contracted by a school to  
25           transport students to or from school or a school-related

1 activity, or on any public way within 500 feet of the real  
2 property comprising any school, or any conveyance owned, leased  
3 or contracted by a school to transport students to or from  
4 school or a school-related activity, is guilty of a Class 1  
5 felony;

6 (a) Any person who violates subsection (e) of Section 5 in  
7 any school, on the real property comprising any school, or any  
8 conveyance owned, leased or contracted by a school to transport  
9 students to or from school or a school-related ~~school-related~~  
10 activity, or on any public way within 500 ~~1,000~~ feet of the  
11 real property comprising any school, or any conveyance owned,  
12 leased or contracted by a school to transport students to or  
13 from school or a school-related ~~school-related~~ activity, is  
14 guilty of a Class 2 ~~1~~ felony, the fine for which shall not  
15 exceed \$200,000;

16 (b) Any person who violates subsection (d) of Section 5 in  
17 any school, on the real property comprising any school, or any  
18 conveyance owned, leased or contracted by a school to transport  
19 students to or from school or a school-related ~~school-related~~  
20 activity, or on any public way within 500 ~~1,000~~ feet of the  
21 real property comprising any school, or any conveyance owned,  
22 leased or contracted by a school to transport students to or  
23 from school or a school-related ~~school-related~~ activity, is  
24 guilty of a Class 3 ~~2~~ felony, the fine for which shall not  
25 exceed \$100,000;

26 (c) Any person who violates subsection (c) of Section 5

1 with respect to more than 15 grams of any substance containing  
2 cannabis in any school, on the real property comprising any  
3 school, or any conveyance owned, leased or contracted by a  
4 school to transport students to or from school or a  
5 school-related ~~school-related~~ activity, or on any public way  
6 within 500 ~~1,000~~ feet of the real property comprising any  
7 school, or any conveyance owned, leased or contracted by a  
8 school to transport students to or from school or a  
9 school-related ~~school-related~~ activity, is guilty of a Class 4  
10 ~~3~~ felony, the fine for which shall not exceed \$50,000;

11 (d) (Blank) ~~Any person who violates subsection (b) of~~  
12 ~~Section 5 in any school, on the real property comprising any~~  
13 ~~school, or any conveyance owned, leased or contracted by a~~  
14 ~~school to transport students to or from school or a school~~  
15 ~~related activity, or on any public way within 1,000 feet of the~~  
16 ~~real property comprising any school, or any conveyance owned,~~  
17 ~~leased or contracted by a school to transport students to or~~  
18 ~~from school or a school related activity, is guilty of a Class~~  
19 ~~4~~ felony, the fine for which shall not exceed \$25,000;

20 (e) (Blank) ~~Any person who violates subsection (a) of~~  
21 ~~Section 5 in any school, on the real property comprising any~~  
22 ~~school, or any conveyance owned, leased or contracted by a~~  
23 ~~school to transport students to or from school or a school~~  
24 ~~related activity, on any public way within 1,000 feet of the~~  
25 ~~real property comprising any school, or any conveyance owned,~~  
26 ~~leased or contracted by a school to transport students to or~~



1 ~~from school or a school related activity, is guilty of a Class~~  
2 ~~A misdemeanor.~~

3 (Source: P.A. 87-544.)

4 (720 ILCS 550/7) (from Ch. 56 1/2, par. 707)

5 Sec. 7. Delivery of cannabis by a person at least 18 years  
6 of age to a person under 18 years of age who is at least 3 years  
7 his or her junior.

8 (a) Any person who is at least 18 years of age who violates  
9 subsection (f) of Section 5 of this Act by delivering cannabis  
10 to a person under 18 years of age who is at least 3 years his  
11 junior may, at the discretion of the court, be sentenced to a  
12 maximum term of imprisonment that is equal to the maximum term  
13 of imprisonment for the underlying offense plus the minimum  
14 term of imprisonment for the underlying offense.

15 ~~may be sentenced to imprisonment for a term up to twice the~~  
16 ~~maximum term otherwise authorized by Section 5.~~

17 (b) Any person under 18 years of age who violates Section 4  
18 or 5 of this Act may be treated by the court in accordance with  
19 the Juvenile Court Act of 1987.

20 (Source: P.A. 85-1209.)

21 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

22 Sec. 8. It is unlawful for any person knowingly to produce  
23 the cannabis sativa plant or to possess such plants unless  
24 production or possession has been authorized pursuant to the

1 provisions of Section 11 or 15.2 of the Act. Any person who  
2 violates this Section with respect to production or possession  
3 of:

4 (a) Not more than 5 plants is guilty of a Class B ~~A~~  
5 misdemeanor.

6 (b) More than 5, but not more than 20 plants, is guilty of  
7 a Class A misdemeanor ~~4-felony~~.

8 (c) More than 20, but not more than 50 plants, is guilty of  
9 a Class 4 ~~3~~ felony.

10 (d) More than 50, but not more than 200 plants, is guilty  
11 of a Class 3 ~~2~~ felony for which a fine not to exceed \$100,000  
12 may be imposed and for which liability for the cost of  
13 conducting the investigation and eradicating such plants may be  
14 assessed. Compensation for expenses incurred in the  
15 enforcement of this provision shall be transmitted to and  
16 deposited in the treasurer's office at the level of government  
17 represented by the Illinois law enforcement agency whose  
18 officers or employees conducted the investigation or caused the  
19 arrest or arrests leading to the prosecution, to be  
20 subsequently made available to that law enforcement agency as  
21 expendable receipts for use in the enforcement of laws  
22 regulating controlled substances and cannabis. If such seizure  
23 was made by a combination of law enforcement personnel  
24 representing different levels of government, the court levying  
25 the assessment shall determine the allocation of such  
26 assessment. The proceeds of assessment awarded to the State

1 treasury shall be deposited in a special fund known as the Drug  
2 Traffic Prevention Fund.

3 (e) More than 200 plants is guilty of a Class 2 ~~1~~ felony  
4 for which a fine not to exceed \$100,000 may be imposed and for  
5 which liability for the cost of conducting the investigation  
6 and eradicating such plants may be assessed. Compensation for  
7 expenses incurred in the enforcement of this provision shall be  
8 transmitted to and deposited in the treasurer's office at the  
9 level of government represented by the Illinois law enforcement  
10 agency whose officers or employees conducted the investigation  
11 or caused the arrest or arrests leading to the prosecution, to  
12 be subsequently made available to that law enforcement agency  
13 as expendable receipts for use in the enforcement of laws  
14 regulating controlled substances and cannabis. If such seizure  
15 was made by a combination of law enforcement personnel  
16 representing different levels of government, the court levying  
17 the assessment shall determine the allocation of such  
18 assessment. The proceeds of assessment awarded to the State  
19 treasury shall be deposited in a special fund known as the Drug  
20 Traffic Prevention Fund.

21 (Source: P.A. 98-1072, eff. 1-1-15.)

22 (720 ILCS 550/9 rep.)

23 Section 10. The Cannabis Control Act is amended by  
24 repealing Section 9.

1           Section 15. The Illinois Controlled Substances Act is  
2 amended by changing Sections 401, 401.1, 402, 404, 405.2, 407,  
3 407.1, and 407.2 as follows:

4           (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

5           Sec. 401. Manufacture or delivery, or possession with  
6 intent to manufacture or deliver, a controlled substance, a  
7 counterfeit substance, or controlled substance analog. Except  
8 as authorized by this Act, it is unlawful for any person  
9 knowingly to manufacture or deliver, or possess with intent to  
10 manufacture or deliver, a controlled substance other than  
11 methamphetamine and other than bath salts as defined in the  
12 Bath Salts Prohibition Act sold or offered for sale in a retail  
13 mercantile establishment as defined in Section 16-0.1 of the  
14 Criminal Code of 2012, a counterfeit substance, or a controlled  
15 substance analog. A violation of this Act with respect to each  
16 of the controlled substances listed herein constitutes a single  
17 and separate violation of this Act. For purposes of this  
18 Section, "controlled substance analog" or "analog" means a  
19 substance, other than a controlled substance, that has a  
20 chemical structure substantially similar to that of a  
21 controlled substance in Schedule I or II, or that was  
22 specifically designed to produce an effect substantially  
23 similar to that of a controlled substance in Schedule I or II.  
24 Examples of chemical classes in which controlled substance  
25 analogs are found include, but are not limited to, the

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

7 (a) Any person who violates this Section with respect to  
8 the following amounts of controlled or counterfeit substances  
9 or controlled substance analogs, notwithstanding any of the  
10 provisions of subsections (c), (d), ~~(e)~~, (f), (g) or (h) to the  
11 contrary, ~~is guilty of a Class X felony~~ and shall be sentenced  
12 for the class of offense to a term of imprisonment as provided  
13 in this subsection (a) and fined as provided in subsection (b):

14 (1) (A) a Class 2 felony ~~not less than 6 years and not~~  
15 ~~more than 30 years~~ with respect to 15 grams or more but  
16 less than 100 grams of a substance containing heroin,  
17 or an analog thereof;

18 (B) a Class 1 felony ~~not less than 9 years and not~~  
19 ~~more than 40 years~~ with respect to 100 grams or more  
20 but less than 900 ~~400~~ grams of a substance containing  
21 heroin, or an analog thereof;

22 (C) (blank); ~~not less than 12 years and not more~~  
23 ~~than 50 years with respect to 400 grams or more but~~  
24 ~~less than 900 grams of a substance containing heroin,~~  
25 ~~or an analog thereof;~~

26 (D) a Class 1 felony for which the person, if

1 sentenced to a term of imprisonment, shall be sentenced  
2 to not less than 6 ~~15~~ years and not more than 30 ~~60~~  
3 years with respect to 900 grams or more of any  
4 substance containing heroin, or an analog thereof;

5 (1.5) (A) a Class 2 felony ~~not less than 6 years and~~  
6 ~~not more than 30 years~~ with respect to 15 grams or more  
7 but less than 100 grams of a substance containing  
8 fentanyl, or an analog thereof;

9 (B) a Class 1 felony ~~not less than 9 years and not~~  
10 ~~more than 40 years~~ with respect to 100 grams or more  
11 but less than 900 ~~400~~ grams of a substance containing  
12 fentanyl, or an analog thereof;

13 (C) (blank); ~~not less than 12 years and not more~~  
14 ~~than 50 years with respect to 400 grams or more but~~  
15 ~~less than 900 grams of a substance containing fentanyl,~~  
16 ~~or an analog thereof;~~

17 (D) a Class 1 felony for which the person, if  
18 sentenced to a term of imprisonment, shall be sentenced  
19 to not less than 6 ~~15~~ years and not more than 30 ~~60~~  
20 years with respect to 900 grams or more of a substance  
21 containing fentanyl, or an analog thereof;

22 (2) (A) a Class 2 felony ~~not less than 6 years and not~~  
23 ~~more than 30 years~~ with respect to 15 grams or more but  
24 less than 100 grams of a substance containing cocaine,  
25 or an analog thereof;

26 (B) a Class 1 felony ~~not less than 9 years and not~~

1 ~~more than 40 years~~ with respect to 100 grams or more  
2 but less than 900 ~~400~~ grams of a substance containing  
3 cocaine, or an analog thereof;

4 (C) (blank); ~~not less than 12 years and not more~~  
5 ~~than 50 years with respect to 400 grams or more but~~  
6 ~~less than 900 grams of a substance containing cocaine,~~  
7 ~~or an analog thereof;~~

8 (D) a Class 1 felony for which the person, if  
9 sentenced to a term of imprisonment, shall be sentenced  
10 to not less than 6 ~~15~~ years and not more than 30 ~~60~~  
11 years with respect to 900 grams or more of any  
12 substance containing cocaine, or an analog thereof;

13 (3) (A) a Class 2 felony ~~not less than 6 years and not~~  
14 ~~more than 30 years~~ with respect to 15 grams or more but  
15 less than 100 grams of a substance containing morphine,  
16 or an analog thereof;

17 (B) a Class 1 felony ~~not less than 9 years and not~~  
18 ~~more than 40 years~~ with respect to 100 grams or more  
19 but less than 900 ~~400~~ grams of a substance containing  
20 morphine, or an analog thereof;

21 (C) (blank); ~~not less than 12 years and not more~~  
22 ~~than 50 years with respect to 400 grams or more but~~  
23 ~~less than 900 grams of a substance containing morphine,~~  
24 ~~or an analog thereof;~~

25 (D) a Class 1 felony for which the person, if  
26 sentenced to a term of imprisonment, shall be sentenced

1           to not less than 6 ~~15~~ years and not more than 30 ~~60~~  
2           years with respect to 900 grams or more of a substance  
3           containing morphine, or an analog thereof;

4           (4) a Class 1 felony with respect to 200 grams or more  
5           of any substance containing peyote, or an analog thereof;

6           (5) a Class 1 felony with respect to 200 grams or more  
7           of any substance containing a derivative of barbituric acid  
8           or any of the salts of a derivative of barbituric acid, or  
9           an analog thereof;

10          (6) a Class 1 felony with respect to 200 grams or more  
11          of any substance containing amphetamine or any salt of an  
12          optical isomer of amphetamine, or an analog thereof;

13          (6.5) (blank);

14          (6.6) (blank);

15          (7) (A) a Class 2 felony ~~not less than 6 years and not~~  
16          ~~more than 30 years~~ with respect to: (i) 15 grams or  
17          more but less than 100 grams of a substance containing  
18          lysergic acid diethylamide (LSD), or an analog  
19          thereof, or (ii) 15 or more objects or 15 or more  
20          segregated parts of an object or objects but less than  
21          200 objects or 200 segregated parts of an object or  
22          objects containing in them or having upon them any  
23          amounts of any substance containing lysergic acid  
24          diethylamide (LSD), or an analog thereof;

25          (B) a Class 1 felony ~~not less than 9 years and not~~  
26          ~~more than 40 years~~ with respect to: (i) 100 grams or



1 more but less than 900 ~~400~~ grams of a substance  
2 containing lysergic acid diethylamide (LSD), or an  
3 analog thereof, or (ii) 200 or more objects or 200 or  
4 more segregated parts of an object or objects but less  
5 than 1500 ~~600~~ objects or less than 1500 ~~600~~ segregated  
6 parts of an object or objects containing in them or  
7 having upon them any amount of any substance containing  
8 lysergic acid diethylamide (LSD), or an analog  
9 thereof;

10 (C) (blank); ~~not less than 12 years and not more~~  
11 ~~than 50 years with respect to: (i) 400 grams or more~~  
12 ~~but less than 900 grams of a substance containing~~  
13 ~~lysergic acid diethylamide (LSD), or an analog~~  
14 ~~thereof, or (ii) 600 or more objects or 600 or more~~  
15 ~~segregated parts of an object or objects but less than~~  
16 ~~1500 objects or 1500 segregated parts of an object or~~  
17 ~~objects containing in them or having upon them any~~  
18 ~~amount of any substance containing lysergic acid~~  
19 ~~diethylamide (LSD), or an analog thereof;~~

20 (D) a Class 1 felony for which the person, if  
21 sentenced to a term of imprisonment, shall be sentenced  
22 to not less than 6 ~~15~~ years and not more than 30 ~~60~~  
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) a Class 2 felony ~~not less than 6 years and~~  
5 ~~not more than 30 years~~ with respect to: (i) 15 grams or  
6 more but less than 100 grams of a substance listed in  
7 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),  
8 (20), (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 amounts 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) a Class 1 felony ~~not less than 9 years and not~~  
18 ~~more than 40 years~~ with respect to: (i) 100 grams or  
19 more but less than 400 grams of a substance listed in  
20 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),  
21 (20), (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) a Class 1 felony for which the person, if  
5 sentenced to a term of imprisonment, shall be sentenced  
6 to not less than 6 12 years and not more than 30 50  
7 years with respect to: (i) 400 grams or more but less  
8 than 900 grams of a substance listed in paragraph (1),  
9 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),  
10 (21), (25), or (26) of subsection (d) of Section 204,  
11 or an analog or derivative thereof, or (ii) 600 or more  
12 pills, tablets, caplets, capsules, or objects ~~but less~~  
13 ~~than 1,500 pills, tablets, caplets, capsules, or~~  
14 ~~objects~~ containing in them or having upon them any  
15 amount of any substance listed in paragraph (1), (2),  
16 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),  
17 (25), or (26) of subsection (d) of Section 204, or an  
18 analog or derivative thereof;

19 (D) (blank); not less than 15 years and not more  
20 than 60 years with respect to: (i) 900 grams or more of  
21 any substance listed in paragraph (1), (2), (2.1),  
22 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or  
23 (26) of subsection (d) of Section 204, or an analog or  
24 derivative thereof, or (ii) 1,500 or more pills,  
25 tablets, caplets, capsules, or objects containing in  
26 them or having upon them any amount of a substance

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

5 (8) a Class 1 felony with respect to 30 grams or more  
6 of any substance containing pentazocine or any of the  
7 salts, isomers and salts of isomers of pentazocine, or an  
8 analog thereof;

9 (9) a Class 1 felony with respect to 30 grams or more  
10 of any substance containing methaqualone or any of the  
11 salts, isomers and salts of isomers of methaqualone, or an  
12 analog thereof;

13 (10) a Class 1 felony with respect to 30 grams or more  
14 of any substance containing phencyclidine or any of the  
15 salts, isomers and salts of isomers of phencyclidine (PCP),  
16 or an analog thereof;

17 (10.5) a Class 1 felony with respect to 30 grams or  
18 more of any substance containing ketamine or any of the  
19 salts, isomers and salts of isomers of ketamine, or an  
20 analog thereof;

21 (10.6) a Class 1 felony with respect to 100 grams or  
22 more of any substance containing hydrocodone, or any of the  
23 salts, isomers and salts of isomers of hydrocodone, or an  
24 analog thereof;

25 (10.7) a Class 1 felony with respect to 100 grams or  
26 more of any substance containing dihydrocodeinone, or any

1 of the salts, isomers and salts of isomers of  
2 dihydrocodeinone, or an analog thereof;

3 (10.8) a Class 1 felony with respect to 100 grams or  
4 more of any substance containing dihydrocodeine, or any of  
5 the salts, isomers and salts of isomers of dihydrocodeine,  
6 or an analog thereof;

7 (10.9) a Class 1 felony with respect to 100 grams or  
8 more of any substance containing oxycodone, or any of the  
9 salts, isomers and salts of isomers of oxycodone, or an  
10 analog thereof;

11 (11) a Class 1 felony with respect to 200 grams or more  
12 of any substance containing any other controlled substance  
13 classified in Schedules I or II, or an analog thereof,  
14 which is not otherwise included in this subsection.

15 (b) Any person sentenced with respect to violations of  
16 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)  
17 involving 100 grams or more of the controlled substance named  
18 therein, may in addition to the penalties provided therein, be  
19 fined an amount not more than \$500,000 or the full street value  
20 of the controlled or counterfeit substance or controlled  
21 substance analog, whichever is greater. The term "street value"  
22 shall have the meaning ascribed in Section 110-5 of the Code of  
23 Criminal Procedure of 1963. Any person sentenced with respect  
24 to any other provision of subsection (a), may in addition to  
25 the penalties provided therein, be fined an amount not to  
26 exceed \$500,000.

1 (b-1) Excluding violations of this Act when the controlled  
2 substance is fentanyl, any person sentenced to a term of  
3 imprisonment with respect to violations of Section 401, 401.1,  
4 405, 405.1, 405.2, or 407, when it is proven that the person  
5 knew or should have known that the substance containing the  
6 controlled substance contained ~~contains~~ any amount of  
7 fentanyl, a term of imprisonment not to exceed 3 years may, at  
8 the discretion of the court, ~~shall~~ be added to the term of  
9 imprisonment imposed by the court, and the maximum sentence for  
10 the offense, if the additional term is imposed, shall be  
11 increased by that period of time not to exceed 3 years.

12 (c) Any person who violates this Section with regard to the  
13 following amounts of controlled or counterfeit substances or  
14 controlled substance analogs, notwithstanding any of the  
15 provisions of subsections (a), (b), (d), ~~(e)~~, (f), (g) or (h)  
16 to the contrary, shall be sentenced for the class of offense as  
17 provided in this subsection (c) is guilty of a Class 1 felony.  
18 ~~The fine for violation of this subsection (c) shall not be more~~  
19 ~~than \$250,000:~~

20 (1) a Class 3 felony with respect to 1 gram or more but  
21 less than 15 grams of any substance containing heroin, or  
22 an analog thereof;

23 (1.5) a Class 3 felony with respect to 1 gram or more  
24 but less than 15 grams of any substance containing  
25 fentanyl, or an analog thereof;

26 (2) a Class 3 felony with respect to 1 gram or more but

1 less than 15 grams of any substance containing cocaine, or  
2 an analog thereof;

3 (3) a Class 3 felony with respect to 5 ~~10~~ grams or more  
4 but less than 15 grams of any substance containing  
5 morphine, or an analog thereof;

6 (4) a Class 2 felony with respect to 50 grams or more  
7 but less than 200 grams of any substance containing peyote,  
8 or an analog thereof;

9 (4.5) a Class 3 felony with respect to 10 grams or more  
10 but less than 50 grams of any substance containing peyote,  
11 or an analog thereof;

12 (5) a Class 2 felony with respect to 50 grams or more  
13 but less than 200 grams of any substance containing a  
14 derivative of barbituric acid or any of the salts of a  
15 derivative of barbituric acid, or an analog thereof;

16 (5.5) a Class 3 felony with respect to 10 grams or more  
17 but less than 50 grams of any substance containing a  
18 derivative of barbituric acid or any of the salts of a  
19 derivative of barbituric acid, or an analog thereof;

20 (6) a Class 2 felony with respect to 50 grams or more  
21 but less than 200 grams of any substance containing  
22 amphetamine or any salt of an optical isomer of  
23 amphetamine, or an analog thereof;

24 (6.1) a Class 3 felony with respect to 10 grams or more  
25 but less than 50 grams of any substance containing  
26 amphetamine or any salt of an optical isomer of

1       amphetamine, or an analog thereof;

2           (6.5) (blank);

3           (7) a Class 3 felony with respect to (i) 5 grams or  
4 more but less than 15 grams of any substance containing  
5 lysergic acid diethylamide (LSD), or an analog thereof, or  
6 (ii) more than 10 objects or more than 10 segregated parts  
7 of an object or objects but less than 15 objects or less  
8 than 15 segregated parts of an object containing in them or  
9 having upon them any amount of any substance containing  
10 lysergic acid diethylamide (LSD), or an analog thereof;

11           (7.5) a Class 3 felony with respect to (i) 5 grams or  
12 more but less than 15 grams of any substance listed in  
13 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
14 (20.1), (21), (25), or (26) of subsection (d) of Section  
15 204, or an analog or derivative thereof, or (ii) more than  
16 10 pills, tablets, caplets, capsules, or objects but less  
17 than 15 pills, tablets, caplets, capsules, or objects  
18 containing in them or having upon them any amount of any  
19 substance listed in paragraph (1), (2), (2.1), (2.2), (3),  
20 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
21 subsection (d) of Section 204, or an analog or derivative  
22 thereof;

23           (8) a Class 2 felony with respect to 10 grams or more  
24 but less than 30 grams of any substance containing  
25 pentazocine or any of the salts, isomers and salts of  
26 isomers of pentazocine, or an analog thereof;



1           (8.5) a Class 3 felony with respect to 5 grams or more  
2           but less than 10 grams of pentazocine, or an analog  
3           thereof;

4           (9) a Class 2 felony with respect to 10 grams or more  
5           but less than 30 grams of any substance containing  
6           methaqualone or any of the salts, isomers and salts of  
7           isomers of methaqualone, or an analog thereof;

8           (9.5) a Class 3 felony with respect to 5 grams or more  
9           but less than 10 grams of any substance containing  
10           methaqualone or any of the salts, isomers and salts of  
11           isomers of methaqualone, or an analog thereof;

12           (10) a Class 2 felony with respect to 10 grams or more  
13           but less than 30 grams of any substance containing  
14           phencyclidine or any of the salts, isomers and salts of  
15           isomers of phencyclidine (PCP), or an analog thereof;

16           (10.1) a Class 3 felony with respect to 1 gram or more  
17           but less than 10 grams of any substance containing  
18           phencyclidine or any of the salts, isomers and salts of  
19           isomers of phencyclidine (PCP), or an analog thereof;

20           (10.5) a Class 2 felony with respect to 10 grams or  
21           more but less than 30 grams of any substance containing  
22           ketamine or any of the salts, isomers and salts of isomers  
23           of ketamine, or an analog thereof;

24           (10.5-1) a Class 3 felony with respect to 1 gram or  
25           more but less than 10 grams of any substance containing  
26           ketamine or any of the salts, isomers and salts of isomers

1 of ketamine, or an analog thereof;

2 (10.6) a Class 2 felony with respect to 50 grams or  
3 more but less than 100 grams of any substance containing  
4 hydrocodone, or any of the salts, isomers and salts of  
5 isomers of hydrocodone, or an analog thereof;

6 (10.6-1) a Class 3 felony with respect to 10 grams or  
7 more but less than 50 grams of any substance containing  
8 hydrocodone, or any of the salts, isomers and salts of  
9 isomers of hydrocodone, or an analog thereof;

10 (10.7) a Class 2 felony with respect to 50 grams or  
11 more but less than 100 grams of any substance containing  
12 dihydrocodeinone, or any of the salts, isomers and salts of  
13 isomers of dihydrocodeinone, or an analog thereof;

14 (10.7-1) a Class 3 felony with respect to 10 grams or  
15 more but less than 50 grams of any substance containing  
16 dihydrocodeinone, or any of the salts, isomers and salts of  
17 isomers of dihydrocodeinone, or an analog thereof;

18 (10.8) a Class 2 felony with respect to 50 grams or  
19 more but less than 100 grams of any substance containing  
20 dihydrocodeine, or any of the salts, isomers and salts of  
21 isomers of dihydrocodeine, or an analog thereof;

22 (10.8-1) a Class 3 felony with respect to 10 grams or  
23 more but less than 50 grams of any substance containing  
24 dihydrocodeine, or any of the salts, isomers and salts of  
25 isomers of dihydrocodeine, or an analog thereof;

26 (10.9) a Class 2 felony with respect to 50 grams or

1 more but less than 100 grams of any substance containing  
2 oxycodone, or any of the salts, isomers and salts of  
3 isomers of oxycodone, or an analog thereof;

4 (10.9-1) a Class 3 felony with respect to 10 grams or  
5 more but less than 50 grams of any substance containing  
6 oxycodone, or any of the salts, isomers and salts of  
7 isomers of oxycodone, or an analog thereof;

8 (11) a Class 2 felony with respect to 50 grams or more  
9 but less than 200 grams of any substance containing a  
10 substance classified in Schedules I or II, or an analog  
11 thereof, which is not otherwise included in this subsection  
12 (c).

13 (11.1) a Class 3 felony with respect to 10 grams or  
14 more but less than 50 grams grams of any substance  
15 containing a substance classified in Schedules I or II, or  
16 an analog thereof, which is not otherwise included in this  
17 subsection (c);

18 (c-5) (Blank).

19 (d) Any person who violates this Section with regard to any  
20 other amount of a controlled or counterfeit substance  
21 ~~containing dihydrocodeinone or dihydrocodeine or~~ classified in  
22 Schedules I or II, or an analog thereof, which is not otherwise  
23 included in subsection (a), (b), or (c), which is (i) a  
24 ~~narcotic drug, (ii) lysergic acid diethylamide (LSD) or an~~  
25 ~~analog thereof, (iii) any substance containing amphetamine or~~  
26 ~~fentanyl or any salt or optical isomer of amphetamine or~~

1 ~~fantanyl, or an analog thereof, or (iv) any substance~~  
2 ~~containing N-Benzylpiperazine (BZP) or any salt or optical~~  
3 ~~isomer of N-Benzylpiperazine (BZP), or an analog thereof, is~~  
4 guilty of a Class 4 ~~2~~ felony. ~~The fine for violation of this~~  
5 ~~subsection (d) shall not be more than \$200,000.~~

6 (d-5) (Blank).

7 (e) (Blank). ~~Any person who violates this Section with~~  
8 ~~regard to any other amount of a controlled substance other than~~  
9 ~~methamphetamine or counterfeit substance classified in~~  
10 ~~Schedule I or II, or an analog thereof, which substance is not~~  
11 ~~included under subsection (d) of this Section, is guilty of a~~  
12 ~~Class 3 felony. The fine for violation of this subsection (e)~~  
13 ~~shall not be more than \$150,000.~~

14 (f) Any person who violates this Section with regard to 10  
15 grams or more ~~any other amount~~ of a controlled or counterfeit  
16 substance classified in Schedule III, which is not otherwise  
17 included in subsection (a), (b), or (c), is guilty of a Class 3  
18 felony. ~~The fine for violation of this subsection (f) shall not~~  
19 ~~be more than \$125,000.~~

20 (f-1) Any person who violates this Section with regard to  
21 any other amount of a controlled or counterfeit substance  
22 classified in Schedule III which is not otherwise included in  
23 subsection (a), (b), or (c), is guilty of a Class 4 felony.

24 (g) Any person who violates this Section with regard to 10  
25 grams or more ~~any other amount~~ of a controlled or counterfeit  
26 substance classified in Schedule IV is guilty of a Class 3

1 ~~felony. The fine for violation of this subsection (g) shall not~~  
2 ~~be more than \$100,000.~~

3 (g-1) Any person who violates this Section with regard to  
4 any other amount of a controlled or counterfeit substance  
5 classified in Schedule IV which is not otherwise included in  
6 subsection (a), (b), or (c), is guilty of a Class 4 felony.

7 (h) Any person who violates this Section with regard to 10  
8 grams or more ~~any other amount~~ of a controlled or counterfeit  
9 substance classified in Schedule V, which is not otherwise  
10 included in subsection (a), (b), or (c), is guilty of a Class 3  
11 felony. ~~The fine for violation of this subsection (h) shall not~~  
12 ~~be more than \$75,000.~~

13 (h-1) Any person who violates this Section with regard to  
14 any other amount of a controlled or counterfeit substance  
15 classified in Schedule V, which is not otherwise included in  
16 subsection (a), (b), or (c), is guilty of a Class 4 felony.

17 (i) This Section does not apply to the manufacture,  
18 possession or distribution of a substance in conformance with  
19 the provisions of an approved new drug application or an  
20 exemption for investigational use within the meaning of Section  
21 505 of the Federal Food, Drug and Cosmetic Act.

22 (j) (Blank).

23 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17.)

24 (720 ILCS 570/401.1) (from Ch. 56 1/2, par. 1401.1)

25 Sec. 401.1. Controlled Substance Trafficking.

1           (a) Except for purposes as authorized by this Act, any  
2 person who knowingly brings or causes to be brought into this  
3 State 400 grams or more of a controlled substance or 600 or  
4 more objects or 600 or more segregated parts of an object or  
5 objects containing in them or having upon them any amounts of  
6 any substance containing lysergic acid diethylamide (LSD), or  
7 an analog thereof or 600 or more pills, tablets, caplets,  
8 capsules, or objects containing in them or having upon them any  
9 amount of any substance listed in paragraph (1), (2), (2.1),  
10 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of  
11 subsection (d) of Section 204, or an analog or derivative  
12 thereof for the purpose of manufacture or delivery or with the  
13 intent to manufacture or deliver a controlled substance other  
14 than methamphetamine or counterfeit substance in this or any  
15 other state or country is guilty of controlled substance  
16 trafficking.

17           (b) Except as otherwise provided in subsection (b-5) of  
18 this Section, a ~~A~~ person convicted of controlled substance  
19 trafficking shall be sentenced for the class of an offense that  
20 is one class higher than the amount authorized by Section 401  
21 of this Act for the manufacture or delivery, or possession with  
22 intent to manufacture or deliver, based upon the amount of  
23 controlled or counterfeit substance brought or caused to be  
24 brought into this State. If the sentence for the underlying  
25 offense under Section 401 of this Act is a Class 1 felony for  
26 which the offender may be sentenced to a term of imprisonment

1 of not less than 6 years and not more than 30 years, the  
2 penalty for controlled substance trafficking is a Class 1  
3 felony for which the person may be sentenced to a term of  
4 imprisonment of not less 9 years and not more than 40 years ~~to~~  
5 ~~a term of imprisonment not less than twice the minimum term and~~  
6 ~~fined an amount as authorized by Section 401 of this Act, based~~  
7 ~~upon the amount of controlled or counterfeit substance brought~~  
8 ~~or caused to be brought into this State, and not more than~~  
9 ~~twice the maximum term of imprisonment and fined twice the~~  
10 ~~amount as authorized by Section 401 of this Act, based upon the~~  
11 ~~amount of controlled or counterfeit substance brought or caused~~  
12 ~~to be brought into this State.~~

13 (b-5) A person convicted of controlled substance  
14 trafficking shall be sentenced as authorized by Section 401 of  
15 this Act, based upon the amount of the controlled or  
16 counterfeit substance brought or caused to be brought into this  
17 State, if the person at sentencing proves by a preponderance of  
18 the evidence that he or she:

19 (1) received little or no compensation from the illegal  
20 transport of the substance into this State and had minimal  
21 knowledge of the scope and structure of the enterprise to  
22 manufacture or deliver the illegal substance transported;  
23 or

24 (2) was not involved in the organization or planning of  
25 the enterprise to manufacture or deliver the illegal  
26 substance transported.

1           (c) (Blank) ~~It shall be a Class 2 felony for which a fine~~  
2 ~~not to exceed \$100,000 may be imposed for any person to~~  
3 ~~knowingly use a cellular radio telecommunication device in the~~  
4 ~~furtherance of controlled substance trafficking. This penalty~~  
5 ~~shall be in addition to any other penalties imposed by law.~~

6           (Source: P.A. 94-556, eff. 9-11-05.)

7           (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

8           Sec. 402. Except as otherwise authorized by this Act, it is  
9 unlawful for any person knowingly to possess a controlled or  
10 counterfeit substance or controlled substance analog. A  
11 violation of this Act with respect to each of the controlled  
12 substances listed herein constitutes a single and separate  
13 violation of this Act. For purposes of this Section,  
14 "controlled substance analog" or "analog" means a substance,  
15 other than a controlled substance, that has a chemical  
16 structure substantially similar to that of a controlled  
17 substance in Schedule I or II, or that was specifically  
18 designed to produce an effect substantially similar to that of  
19 a controlled substance in Schedule I or II. Examples of  
20 chemical classes in which controlled substance analogs are  
21 found include, but are not limited to, the following:  
22 phenethylamines, N-substituted piperidines, morphinans,  
23 ecgonines, quinazolinones, substituted indoles, and  
24 arylcycloalkylamines. For purposes of this Act, a controlled  
25 substance analog shall be treated in the same manner as the



1 controlled substance to which it is substantially similar.

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

9 (1) (A) a Class 3 felony ~~not less than 4 years and not~~  
10 ~~more than 15 years~~ with respect to 15 grams or more but  
11 less than 100 grams of a substance containing heroin;

12 (B) a Class 2 felony ~~not less than 6 years and not~~  
13 ~~more than 30 years~~ with respect to 100 grams or more  
14 but less than 400 grams of a substance containing  
15 heroin;

16 (C) a Class 1 felony ~~not less than 8 years and not~~  
17 ~~more than 40 years~~ with respect to 400 grams or more  
18 ~~but less than 900 grams~~ of any substance containing  
19 heroin;

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

23 (2) (A) a Class 3 felony ~~not less than 4 years and not~~  
24 ~~more than 15 years~~ with respect to 15 grams or more but  
25 less than 100 grams of any substance containing  
26 cocaine;

1           (B) a Class 2 felony ~~not less than 6 years and not~~  
2 ~~more than 30 years~~ with respect to 100 grams or more  
3 but less than 400 grams of any substance containing  
4 cocaine;

5           (C) a Class 1 felony ~~not less than 8 years and not~~  
6 ~~more than 40 years~~ with respect to 400 grams or more  
7 ~~but less than 900 grams~~ of any substance containing  
8 cocaine;

9           (D) (blank) ~~not less than 10 years and not more~~  
10 ~~than 50 years with respect to 900 grams or more of any~~  
11 ~~substance containing cocaine;~~

12         (3) (A) a Class 3 felony ~~not less than 4 years and not~~  
13 ~~more than 15 years~~ with respect to 15 grams or more but  
14 less than 100 grams of any substance containing  
15 morphine;

16           (B) a Class 2 felony ~~not less than 6 years and not~~  
17 ~~more than 30 years~~ with respect to 100 grams or more  
18 but less than 400 grams of any substance containing  
19 morphine;

20           (C) a Class 1 felony ~~not less than 6 years and not~~  
21 ~~more than 40 years~~ with respect to 400 grams or more  
22 ~~but less than 900 grams~~ of any substance containing  
23 morphine;

24           (D) (blank) ~~not less than 10 years and not more~~  
25 ~~than 50 years with respect to 900 grams or more of any~~  
26 ~~substance containing morphine;~~

1           (4) a Class 2 felony with respect to 200 grams or more  
2 of any substance containing peyote;

3           (5) a Class 2 felony with respect to 200 grams or more  
4 of any substance containing a derivative of barbituric acid  
5 or any of the salts of a derivative of barbituric acid;

6           (6) a Class 2 felony with respect to 200 grams or more  
7 of any substance containing amphetamine or any salt of an  
8 optical isomer of amphetamine;

9           (6.5) (blank);

10          (7) (A) a Class 3 felony ~~not less than 4 years and not~~  
11 ~~more than 15 years~~ with respect to: (i) 15 grams or  
12 more but less than 100 grams of any substance  
13 containing lysergic acid diethylamide (LSD), or an  
14 analog thereof, or (ii) 15 or more objects or 15 or  
15 more segregated parts of an object or objects but less  
16 than 200 objects or 200 segregated parts of an object  
17 or objects containing in them or having upon them any  
18 amount of any substance containing lysergic acid  
19 diethylamide (LSD), or an analog thereof;

20          (B) a Class 2 felony ~~not less than 6 years and not~~  
21 ~~more than 30 years~~ with respect to: (i) 100 grams or  
22 more but less than 400 grams of any substance  
23 containing lysergic acid diethylamide (LSD), or an  
24 analog thereof, or (ii) 200 or more objects or 200 or  
25 more segregated parts of an object or objects but less  
26 than 600 objects or less than 600 segregated parts of

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

4 (C) a Class 1 felony ~~not less than 8 years and not~~  
5 ~~more than 40 years~~ with respect to: (i) 400 grams or  
6 more ~~but less than 900 grams~~ of any substance  
7 containing lysergic acid diethylamide (LSD), or an  
8 analog thereof, or (ii) 600 or more objects or 600 or  
9 more segregated parts of an object or objects ~~but less~~  
10 ~~than 1500 objects or 1500 segregated parts of an object~~  
11 ~~or objects~~ containing in them or having upon them any  
12 amount of any substance containing lysergic acid  
13 diethylamide (LSD), or an analog thereof;

14 (D) (blank) ~~not less than 10 years and not more~~  
15 ~~than 50 years with respect to: (i) 900 grams or more of~~  
16 ~~any substance containing lysergic acid diethylamide~~  
17 ~~(LSD), or an analog thereof, or (ii) 1500 or more~~  
18 ~~objects or 1500 or more segregated parts of an object~~  
19 ~~or objects containing in them or having upon them any~~  
20 ~~amount of a substance containing lysergic acid~~  
21 ~~diethylamide (LSD), or an analog thereof;~~

22 (7.5) (A) a Class 3 felony ~~not less than 4 years and~~  
23 ~~not more than 15 years~~ with respect to: (i) 15 grams or  
24 more but less than 100 grams of any substance listed in  
25 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),  
26 (20), (20.1), (21), (25), or (26) of subsection (d) of

1 Section 204, or an analog or derivative thereof, or  
2 (ii) 15 or more pills, tablets, caplets, capsules, or  
3 objects but less than 200 pills, tablets, caplets,  
4 capsules, or objects containing in them or having upon  
5 them any amount of any substance listed in paragraph  
6 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
7 (20.1), (21), (25), or (26) of subsection (d) of  
8 Section 204, or an analog or derivative thereof;

9 (B) a Class 2 felony ~~not less than 6 years and not~~  
10 ~~more than 30 years~~ with respect to: (i) 100 grams or  
11 more but less than 400 grams of any substance listed in  
12 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),  
13 (20), (20.1), (21), (25), or (26) of subsection (d) of  
14 Section 204, or an analog or derivative thereof, or  
15 (ii) 200 or more pills, tablets, caplets, capsules, or  
16 objects but less than 600 pills, tablets, caplets,  
17 capsules, or objects containing in them or having upon  
18 them any amount of any substance listed in paragraph  
19 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
20 (20.1), (21), (25), or (26) of subsection (d) of  
21 Section 204, or an analog or derivative thereof;

22 (C) a Class 1 felony ~~not less than 8 years and not~~  
23 ~~more than 40 years~~ with respect to: (i) 400 grams or  
24 more ~~but less than 900 grams~~ of any substance listed in  
25 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),  
26 (20), (20.1), (21), (25), or (26) of subsection (d) of

1 Section 204, or an analog or derivative thereof, or  
2 (ii) 600 or more pills, tablets, caplets, capsules, or  
3 objects ~~but less than 1,500 pills, tablets, caplets,~~  
4 ~~capsules, or objects~~ containing in them or having upon  
5 them any amount of any substance listed in paragraph  
6 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
7 (20.1), (21), (25), or (26) of subsection (d) of  
8 Section 204, or an analog or derivative thereof;

9 (D) (blank) ~~not less than 10 years and not more~~  
10 ~~than 50 years with respect to: (i) 900 grams or more of~~  
11 ~~any substance listed in paragraph (1), (2), (2.1),~~  
12 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~  
13 ~~(26) of subsection (d) of Section 204, or an analog or~~  
14 ~~derivative thereof, or (ii) 1,500 or more pills,~~  
15 ~~tablets, caplets, capsules, or objects containing in~~  
16 ~~them or having upon them any amount of a substance~~  
17 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~  
18 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~  
19 ~~subsection (d) of Section 204, or an analog or~~  
20 ~~derivative thereof;~~

21 (8) a Class 2 felony with respect to 30 grams or more  
22 of any substance containing pentazocine or any of the  
23 salts, isomers and salts of isomers of pentazocine, or an  
24 analog thereof;

25 (9) a Class 2 felony with respect to 30 grams or more  
26 of any substance containing methaqualone or any of the

1 salts, isomers and salts of isomers of methaqualone;

2 (10) a Class 2 felony with respect to 30 grams or more  
3 of any substance containing phencyclidine or any of the  
4 salts, isomers and salts of isomers of phencyclidine (PCP);

5 (10.5) a Class 2 felony with respect to 30 grams or  
6 more of any substance containing ketamine or any of the  
7 salts, isomers and salts of isomers of ketamine;

8 (11) a Class 2 felony with respect to 200 grams or more  
9 of any substance containing any substance classified as a  
10 narcotic drug in Schedules I or II, or an analog thereof,  
11 which is not otherwise included in this subsection.

12 (b) Any person sentenced with respect to violations of  
13 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)  
14 involving 100 grams or more of the controlled substance named  
15 therein, may in addition to the penalties provided therein, be  
16 fined an amount not to exceed \$200,000 or the full street value  
17 of the controlled or counterfeit substances, whichever is  
18 greater. The term "street value" shall have the meaning  
19 ascribed in Section 110-5 of the Code of Criminal Procedure of  
20 1963. Any person sentenced with respect to any other provision  
21 of subsection (a), may in addition to the penalties provided  
22 therein, be fined an amount not to exceed \$200,000.

23 (c) Any person who violates this Section with regard to an  
24 amount of a controlled substance other than methamphetamine or  
25 counterfeit substance not set forth in subsection (a) or (d) is  
26 guilty of a Class A misdemeanor. Any person who violates this

1 Section with regard to one gram or more and less than the  
2 minimum amount of a controlled substance specified in  
3 paragraphs (1) through (11) of subsection (a) or one gram or  
4 more of a controlled substance other than methamphetamine or  
5 counterfeit substance not set forth in subsection (a) or (d) is  
6 guilty of a Class 4 felony. The fine for a violation punishable  
7 under this subsection (c) shall not be more than \$25,000.

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

13 (Source: P.A. 99-371, eff. 1-1-16.)

14 (720 ILCS 570/404) (from Ch. 56 1/2, par. 1404)

15 Sec. 404. (a) For the purposes of this Section:

16 (1) "Advertise" means the attempt, by publication,  
17 dissemination, solicitation or circulation, to induce  
18 directly or indirectly any person to acquire, or enter into  
19 an obligation to acquire, any substance within the scope of  
20 this Section.

21 (2) "Distribute" has the meaning ascribed to it in  
22 subsection (s) of Section 102 of this Act but as relates to  
23 look-alike substances.

24 (3) "Manufacture" means the producing, preparing,  
25 compounding, processing, encapsulating, packaging,



1           repackaging, labeling or relabeling of a look-alike  
2           substance.

3           (b) It is unlawful for any person knowingly to manufacture,  
4           distribute, advertise, or possess with intent to manufacture or  
5           distribute a look-alike substance. Any person who violates this  
6           subsection (b) shall be guilty of a Class 4 ~~3~~ felony, the fine  
7           for which shall not exceed \$150,000.

8           (c) (Blank) ~~It is unlawful for any person knowingly to~~  
9           ~~possess a look-alike substance. Any person who violates this~~  
10           ~~subsection (c) is guilty of a petty offense. Any person~~  
11           ~~convicted of a subsequent offense under this subsection (c)~~  
12           ~~shall be guilty of a Class C misdemeanor.~~

13           (d) In any prosecution brought under this Section, it is  
14           not a defense to a violation of this Section that the defendant  
15           believed the look-alike substance actually to be a controlled  
16           substance.

17           (e) Nothing in this Section applies to:

18           (1)     The manufacture, processing, packaging,  
19           distribution or sale of noncontrolled substances to  
20           licensed medical practitioners for use as placebos in  
21           professional practice or research.

22           (2)     Persons acting in the course and legitimate scope  
23           of their employment as law enforcement officers.

24           (3)     The retention of production samples of  
25           noncontrolled substances produced prior to the effective  
26           date of this amendatory Act of 1982, where such samples are

1 required by federal law.

2 (f) Nothing in this Section or in this Act applies to the  
3 lawful manufacture, processing, packaging, advertising or  
4 distribution of a drug or drugs by any person registered  
5 pursuant to Section 510 of the Federal Food, Drug, and Cosmetic  
6 Act (21 U.S.C. 360).

7 (Source: P.A. 83-1362.)

8 (720 ILCS 570/405.2)

9 Sec. 405.2. Streetgang criminal drug conspiracy.

10 (a) Any person who engages in a streetgang criminal drug  
11 conspiracy, as defined in this Section, is guilty of an offense  
12 that is one class higher than the underlying offense under  
13 subsection (a) or (c) of Section 401 of this Act or under the  
14 Methamphetamine Control and Community Protection Act except  
15 Section 60 of that Act. If the sentence for the underlying  
16 offense is a term of imprisonment of not less than 6 years and  
17 not more than 30 years, the penalty for streetgang criminal  
18 drug conspiracy is a Class 1 felony for which the person may be  
19 sentenced to a term of imprisonment of not less 9 years and not  
20 more than 40 years. a Class X felony for which the offender  
21 shall be sentenced to a term of imprisonment as follows:

22 (1) (blank) not less than 15 years and not more than 60  
23 years for a violation of subsection (a) of Section 401;

24 (2) (blank) not less than 10 years and not more than 30  
25 years for a violation of subsection (c) of Section 401.

1 For the purposes of this Section, a person engages in a  
2 streetgang criminal drug conspiracy when:

3 (i) he or she violates any of the provisions of  
4 subsection (a) or (c) of Section 401 of this Act or any  
5 provision of the Methamphetamine Control and Community  
6 Protection Act except Section 60 of that Act; and

7 (ii) such violation is part of a conspiracy undertaken  
8 or carried out with 2 or more other persons; and

9 (iii) such conspiracy is in furtherance of the  
10 activities of an organized gang as defined in the Illinois  
11 Streetgang Terrorism Omnibus Prevention Act; and

12 (iv) he or she occupies a position of organizer, a  
13 supervising person, or any other position of management  
14 with those persons identified in clause (ii) of this  
15 subsection (a).

16 The fine for a violation of this Section shall not be more  
17 than \$500,000, and the offender shall be subject to the  
18 forfeitures prescribed in subsection (b).

19 (b) Subject to the provisions of Section 8 of the Drug  
20 Asset Forfeiture Procedure Act, any person who is convicted  
21 under this Section of engaging in a streetgang criminal drug  
22 conspiracy shall forfeit to the State of Illinois:

23 (1) the receipts obtained by him or her in such  
24 conspiracy; and

25 (2) any of his or her interests in, claims against,  
26 receipts from, or property or rights of any kind affording

1 a source of influence over, such conspiracy.

2 (c) The circuit court may enter such injunctions,  
3 restraining orders, directions or prohibitions, or may take  
4 such other actions, including the acceptance of satisfactory  
5 performance bonds, in connection with any property, claim,  
6 receipt, right or other interest subject to forfeiture under  
7 this Section, as it deems proper.

8 (Source: P.A. 94-556, eff. 9-11-05.)

9 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

10 Sec. 407. (a) (1) (A) Any person 18 years of age or over who  
11 violates any subsection of Section 401 or subsection (b) of  
12 Section 404 by delivering a controlled, counterfeit or  
13 look-alike substance to a person under 18 years of age may, at  
14 the discretion of the court, be sentenced to a maximum term of  
15 imprisonment that is equal to the maximum term of imprisonment  
16 for the underlying offense plus the minimum term of  
17 imprisonment for the underlying offense ~~may be sentenced to~~  
18 ~~imprisonment for a term up to twice the maximum term and fined~~  
19 ~~an amount up to twice that amount otherwise authorized by the~~  
20 ~~pertinent subsection of Section 401 and Subsection (b) of~~  
21 ~~Section 404.~~

22 (B) (Blank).

23 (2) (Blank). ~~Except as provided in paragraph (3) of this~~  
24 ~~subsection, any person who violates:~~

25 ~~(A) subsection (c) 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 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~  
4 ~~of a Class 1 felony, the fine for which shall not exceed~~  
5 ~~\$250,000;~~

6 ~~(B) subsection (d) of Section 401 by delivering or~~  
7 ~~possessing with intent to deliver a controlled,~~  
8 ~~counterfeit, or look alike substance in or on, or within~~  
9 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~  
10 ~~of a Class 2 felony, the fine for which shall not exceed~~  
11 ~~\$200,000;~~

12 ~~(C) subsection (e) of Section 401 or subsection (b) of~~  
13 ~~Section 404 by delivering or possessing with intent to~~  
14 ~~deliver a controlled, counterfeit, or look alike substance~~  
15 ~~in or on, or within 1,000 feet of, a truck stop or safety~~  
16 ~~rest area, is guilty of a Class 3 felony, the fine for~~  
17 ~~which shall not exceed \$150,000;~~

18 ~~(D) subsection (f) of Section 401 by delivering or~~  
19 ~~possessing with intent to deliver a controlled,~~  
20 ~~counterfeit, or look alike substance in or on, or within~~  
21 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~  
22 ~~of a Class 3 felony, the fine for which shall not exceed~~  
23 ~~\$125,000;~~

24 ~~(E) subsection (g) of Section 401 by delivering or~~  
25 ~~possessing with intent to deliver a controlled,~~  
26 ~~counterfeit, or look alike substance in or on, or within~~

1 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~  
2 ~~of a Class 3 felony, the fine for which shall not exceed~~  
3 ~~\$100,000;~~

4 ~~(F) subsection (h) 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 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~  
8 ~~of a Class 3 felony, the fine for which shall not exceed~~  
9 ~~\$75,000;~~

10 (3) (Blank). ~~Any person who violates paragraph (2) of this~~  
11 ~~subsection (a) by delivering or possessing with intent to~~  
12 ~~deliver a controlled, counterfeit, or look alike substance in~~  
13 ~~or on, or within 1,000 feet of a truck stop or a safety rest~~  
14 ~~area, following a prior conviction or convictions of paragraph~~  
15 ~~(2) of this subsection (a) may be sentenced to a term of~~  
16 ~~imprisonment up to 2 times the maximum term and fined an amount~~  
17 ~~up to 2 times the amount otherwise authorized by Section 401.~~

18 (4) (Blank). ~~For the purposes of this subsection (a):~~

19 ~~(A) "Safety rest area" means a roadside facility~~  
20 ~~removed from the roadway with parking and facilities~~  
21 ~~designed for motorists' rest, comfort, and information~~  
22 ~~needs; and~~

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

1           (b) Any person who violates any subsection of Section 401  
2 or subsection (b) of Section 404 in 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  
5 public park, on the real property comprising any school, or  
6 within 500 feet of the real property comprising any school,  
7 while persons under 18 years of age are present, during school  
8 hours, or at times when persons under 18 years of age are  
9 reasonably expected to be present, shall be sentenced to a  
10 class of offense that is one class higher than the sentence  
11 otherwise authorized by the pertinent subsection of Section 401  
12 or subsection (b) of Section 404. If the sentence otherwise  
13 authorized by the pertinent subsection of Section 401 or  
14 subsection (b) of Section 404 is a Class 1 felony for which the  
15 person may be sentenced to a term of imprisonment of not less  
16 than 4 years and not more than 15 years, the penalty for an  
17 offense under this Section is a Class 1 felony for which the  
18 person may be sentenced to a term of imprisonment of not less  
19 than 6 years and not more than 30 years. If the sentence  
20 otherwise authorized by the pertinent subsection of Section 401  
21 or subsection (b) of Section 404 is a Class 1 felony for which  
22 the person may be sentenced to a term of imprisonment of not  
23 less than 6 years and not more than 30 years, the penalty for  
24 an offense under this Section is a Class 1 felony for which the  
25 person may be sentenced to a term of imprisonment of not less  
26 than 9 years and not more than 40 years.+

1           ~~(1) subsection (c) of Section 401 in any school, or any~~  
2           ~~conveyance owned, leased or contracted by a school to~~  
3           ~~transport students to or from school or a school related~~  
4           ~~activity, or residential property owned, operated or~~  
5           ~~managed by a public housing agency or leased by a public~~  
6           ~~housing agency as part of a scattered site or mixed income~~  
7           ~~development, or public park, on the real property~~  
8           ~~comprising any school or residential property owned,~~  
9           ~~operated or managed by a public housing agency or leased by~~  
10           ~~a public housing agency as part of a scattered site or~~  
11           ~~mixed income development, or public park or within 1,000~~  
12           ~~feet of the real property comprising any school or~~  
13           ~~residential property owned, operated or managed by a public~~  
14           ~~housing agency or leased by a public housing agency as part~~  
15           ~~of a scattered site or mixed income development, or public~~  
16           ~~park, on the real property comprising any church,~~  
17           ~~synagogue, or other building, structure, or place used~~  
18           ~~primarily for religious worship, or within 1,000 feet of~~  
19           ~~the real property comprising any church, synagogue, or~~  
20           ~~other building, structure, or place used primarily for~~  
21           ~~religious worship, on 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, or within 1,000 feet of~~



1 ~~the real property comprising any of the following places,~~  
2 ~~buildings, or structures used primarily for housing or~~  
3 ~~providing space for activities for senior citizens:~~  
4 ~~nursing homes, assisted living centers, senior citizen~~  
5 ~~housing complexes, or senior centers oriented toward~~  
6 ~~daytime activities is guilty of a Class X felony, the fine~~  
7 ~~for which shall not exceed \$500,000;~~

8 ~~(2) subsection (d) of Section 401 in any school, or any~~  
9 ~~conveyance owned, leased or contracted by a school to~~  
10 ~~transport students to or from school or a school related~~  
11 ~~activity, or residential property owned, operated or~~  
12 ~~managed by a public housing agency or leased by a public~~  
13 ~~housing agency as part of a scattered site or mixed income~~  
14 ~~development, or public park, on the real property~~  
15 ~~comprising any school or residential property owned,~~  
16 ~~operated or managed by a public housing agency or leased by~~  
17 ~~a public housing agency as part of a scattered site or~~  
18 ~~mixed income development, or public park or within 1,000~~  
19 ~~feet of the real property comprising any school or~~  
20 ~~residential property owned, operated or managed by a public~~  
21 ~~housing agency or leased by a public housing agency as part~~  
22 ~~of a scattered site or mixed income development, or public~~  
23 ~~park, on the real property comprising any church,~~  
24 ~~synagogue, or other building, structure, or place used~~  
25 ~~primarily for religious worship, or within 1,000 feet of~~  
26 ~~the real property comprising any church, synagogue, or~~

1 ~~other building, structure, or place used primarily for~~  
2 ~~religious worship, on the real property comprising any of~~  
3 ~~the following places, buildings, or structures used~~  
4 ~~primarily for housing or providing space for activities for~~  
5 ~~senior citizens: nursing homes, assisted living centers,~~  
6 ~~senior citizen housing complexes, or senior centers~~  
7 ~~oriented toward daytime activities, or within 1,000 feet of~~  
8 ~~the real property comprising any of the following places,~~  
9 ~~buildings, or structures used primarily for housing or~~  
10 ~~providing space for activities for senior citizens:~~  
11 ~~nursing homes, assisted living centers, senior citizen~~  
12 ~~housing complexes, or senior centers oriented toward~~  
13 ~~daytime activities is guilty of a Class 1 felony, the fine~~  
14 ~~for which shall not exceed \$250,000;~~

15 ~~(3) subsection (c) of Section 401 or Subsection (b) of~~  
16 ~~Section 404 in any school, or any conveyance owned, leased~~  
17 ~~or contracted by a school to transport students to or from~~  
18 ~~school or a school related activity, or residential~~  
19 ~~property owned, operated or managed by a public housing~~  
20 ~~agency or leased by a public housing agency as part of a~~  
21 ~~scattered site or mixed income development, or public~~  
22 ~~park, on the real property comprising any school or~~  
23 ~~residential property owned, operated or managed by a public~~  
24 ~~housing agency or leased by a public housing agency as part~~  
25 ~~of a scattered site or mixed income development, or public~~  
26 ~~park or within 1,000 feet of the real property comprising~~

1 ~~any school or residential property owned, operated or~~  
2 ~~managed by a public housing agency or leased by a public~~  
3 ~~housing agency as part of a scattered site or mixed income~~  
4 ~~development, or public park, on the real property~~  
5 ~~comprising any church, synagogue, or other building,~~  
6 ~~structure, or place used primarily for religious worship,~~  
7 ~~or within 1,000 feet of the real property comprising any~~  
8 ~~church, synagogue, or other building, structure, or place~~  
9 ~~used primarily for religious worship, on the real property~~  
10 ~~comprising any of the following places, buildings, or~~  
11 ~~structures used primarily for housing or providing space~~  
12 ~~for activities for senior citizens: nursing homes,~~  
13 ~~assisted living centers, senior citizen housing complexes,~~  
14 ~~or senior centers oriented toward daytime activities, or~~  
15 ~~within 1,000 feet 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 is guilty of a Class 2~~  
21 ~~felony, the fine for which shall not exceed \$200,000;~~

22 ~~(4) subsection (f) of Section 401 in any school, or any~~  
23 ~~conveyance owned, leased or contracted by a school to~~  
24 ~~transport students to or from school or a school related~~  
25 ~~activity, or residential property owned, operated or~~  
26 ~~managed by a public housing agency or leased by a public~~

1 ~~housing agency as part of a scattered site or mixed income~~  
2 ~~development, or public park, on the real property~~  
3 ~~comprising any school or residential property owned,~~  
4 ~~operated or managed by a public housing agency or leased by~~  
5 ~~a public housing agency as part of a scattered site or~~  
6 ~~mixed income development, or public park or within 1,000~~  
7 ~~feet of the real property comprising any school or~~  
8 ~~residential property owned, operated or managed by a public~~  
9 ~~housing agency or leased by a public housing agency as part~~  
10 ~~of a scattered site or mixed income development, or public~~  
11 ~~park, on the real property comprising any church,~~  
12 ~~synagogue, or other building, structure, or place used~~  
13 ~~primarily for religious worship, or within 1,000 feet of~~  
14 ~~the real property comprising any church, synagogue, or~~  
15 ~~other building, structure, or place used primarily for~~  
16 ~~religious worship, on the real property comprising any of~~  
17 ~~the following places, buildings, or structures used~~  
18 ~~primarily for housing or providing space for activities for~~  
19 ~~senior citizens: nursing homes, assisted living centers,~~  
20 ~~senior citizen housing complexes, or senior centers~~  
21 ~~oriented toward daytime activities, or within 1,000 feet of~~  
22 ~~the real property comprising any of the following places,~~  
23 ~~buildings, or structures used primarily for housing or~~  
24 ~~providing space for activities for senior citizens:~~  
25 ~~nursing homes, assisted living centers, senior citizen~~  
26 ~~housing complexes, or senior centers oriented toward~~

1 ~~daytime activities is guilty of a Class 2 felony, the fine~~  
2 ~~for which shall not exceed \$150,000;~~

3 ~~(5) subsection (g) of Section 401 in any school, or any~~  
4 ~~conveyance owned, leased or contracted by a school to~~  
5 ~~transport students to or from school or a school related~~  
6 ~~activity, or residential property owned, operated or~~  
7 ~~managed by a public housing agency or leased by a public~~  
8 ~~housing agency as part of a scattered site or mixed income~~  
9 ~~development, or public park, on the real property~~  
10 ~~comprising any school or residential property owned,~~  
11 ~~operated or managed by a public housing agency or leased by~~  
12 ~~a public housing agency as part of a scattered site or~~  
13 ~~mixed income development, or public park or within 1,000~~  
14 ~~feet of the real property comprising any school or~~  
15 ~~residential property owned, operated or managed by a public~~  
16 ~~housing agency or leased by a public housing agency as part~~  
17 ~~of a scattered site or mixed income development, or public~~  
18 ~~park, on the real property comprising any church,~~  
19 ~~synagogue, or other building, structure, or place used~~  
20 ~~primarily for religious worship, or within 1,000 feet of~~  
21 ~~the real property comprising any church, synagogue, or~~  
22 ~~other building, structure, or place used primarily for~~  
23 ~~religious worship, on the real property comprising any of~~  
24 ~~the following places, 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, or within 1,000 feet of~~  
3 ~~the real property comprising any of the following places,~~  
4 ~~buildings, or structures used primarily for housing or~~  
5 ~~providing space for activities for senior citizens:~~  
6 ~~nursing homes, assisted living centers, senior citizen~~  
7 ~~housing complexes, or senior centers oriented toward~~  
8 ~~daytime activities is guilty of a Class 2 felony, the fine~~  
9 ~~for which shall not exceed \$125,000;~~

10 ~~(6) subsection (h) of Section 401 in any school, or any~~  
11 ~~conveyance owned, leased or contracted by a school to~~  
12 ~~transport students to or from school or a school related~~  
13 ~~activity, or residential property owned, operated or~~  
14 ~~managed by a public housing agency or leased by a public~~  
15 ~~housing agency as part of a scattered site or mixed income~~  
16 ~~development, or public park, on the real property~~  
17 ~~comprising any school or residential property owned,~~  
18 ~~operated or managed by a public housing agency or leased by~~  
19 ~~a public housing agency as part of a scattered site or~~  
20 ~~mixed income development, or public park or within 1,000~~  
21 ~~feet of the real property comprising any school or~~  
22 ~~residential property owned, operated or managed by a public~~  
23 ~~housing agency or leased by a public housing agency as part~~  
24 ~~of a scattered site or mixed income development, or public~~  
25 ~~park, on the real property comprising any church,~~  
26 ~~synagogue, or other building, structure, or place used~~

1 ~~primarily for religious worship, or within 1,000 feet of~~  
2 ~~the real property comprising any church, synagogue, or~~  
3 ~~other building, structure, or place used primarily for~~  
4 ~~religious worship, on the real property comprising any of~~  
5 ~~the following places, buildings, or structures used~~  
6 ~~primarily for housing or providing space for activities for~~  
7 ~~senior citizens: nursing homes, assisted living centers,~~  
8 ~~senior citizen housing complexes, or senior centers~~  
9 ~~oriented toward daytime activities, or within 1,000 feet of~~  
10 ~~the real property comprising any of the following places,~~  
11 ~~buildings, or structures used primarily for housing or~~  
12 ~~providing space for activities for senior citizens:~~  
13 ~~nursing homes, assisted living centers, senior citizen~~  
14 ~~housing complexes, or senior centers oriented toward~~  
15 ~~daytime activities is guilty of a Class 2 felony, the fine~~  
16 ~~for which shall not exceed \$100,000.~~

17 (c) (Blank) ~~Regarding penalties prescribed in subsection~~  
18 ~~(b) for violations committed in a school or on or within 1,000~~  
19 ~~feet of school property, the time of day, time of year and~~  
20 ~~whether classes were currently in session at the time of the~~  
21 ~~offense is irrelevant.~~

22 (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)

23 (720 ILCS 570/407.1) (from Ch. 56 1/2, par. 1407.1)

24 Sec. 407.1. Any person 18 years of age or over who violates  
25 any subsection of Section 401 or ~~Section 404 or Section 405~~

1 by using, engaging or employing a person under 18 years of age  
2 to deliver a controlled, counterfeit or look-alike substance  
3 may, at the discretion of the court, be sentenced to a maximum  
4 term of imprisonment that is equal to the maximum term of  
5 imprisonment for the underlying offense plus the minimum term  
6 of imprisonment for the underlying offense ~~for a term up to~~  
7 ~~three times the maximum amount authorized by the pertinent~~  
8 ~~subsection of Section 401, Section 404 or Section 405.~~

9 (Source: P.A. 91-297, eff. 1-1-00.)

10 (720 ILCS 570/407.2) (from Ch. 56 1/2, par. 1407.2)

11 Sec. 407.2. Delivery of a controlled substance to a  
12 pregnant woman.

13 (a) Any person who violates any subsection ~~(a)~~ of Section  
14 401 of this Act by delivering a controlled substance to a woman  
15 he knows to be pregnant may, at the discretion of the court, be  
16 sentenced to a maximum term of imprisonment that is equal to  
17 the maximum term of imprisonment for the underlying offense  
18 plus the minimum term of imprisonment for the underlying  
19 offense ~~a term twice the maximum amount authorized by Section~~  
20 ~~401 of this Act.~~

21 (b) (Blank). ~~Any person who delivers an amount of a~~  
22 ~~controlled substance set forth in subsections (c) and (d) of~~  
23 ~~Section 401 of this Act to a woman he knows to be pregnant~~  
24 ~~commits a Class 1 felony. The fine for a violation of this~~  
25 ~~subsection (b) shall not be more than \$250,000.~~



1 (Source: P.A. 86-1459; 87-754.)

2 (720 ILCS 570/405 rep.)

3 (720 ILCS 570/405.1 rep.)

4 (720 ILCS 570/408 rep.)

5 Section 20. The Illinois Controlled Substances Act is  
6 amended by repealing Sections 405, 405.1, and 408.

7 Section 21. The Drug Paraphernalia Control Act is amended  
8 by changing Section 3.5 as follows:

9 (720 ILCS 600/3.5)

10 Sec. 3.5. Possession of drug paraphernalia.

11 (a) A person who knowingly possesses an item of drug  
12 paraphernalia with the intent to use it in ingesting, inhaling,  
13 or otherwise introducing cannabis or a controlled substance  
14 into the human body, or in preparing cannabis or a controlled  
15 substance for that use, is guilty of a Class A misdemeanor for  
16 which the court shall impose a minimum fine of \$750 in addition  
17 to any other penalty prescribed for a Class A misdemeanor. This  
18 subsection (a) does not apply to a person who is legally  
19 authorized to possess hypodermic syringes or needles under the  
20 Hypodermic Syringes and Needles Act.

21 (b) In determining intent under subsection (a), the trier  
22 of fact may take into consideration the proximity of the  
23 cannabis or controlled substances to drug paraphernalia or the

1 presence of cannabis or a controlled substance on the drug  
2 paraphernalia.

3 (c) If a person violates subsection (a) of Section 4 of the  
4 Cannabis Control Act, the penalty for possession of any drug  
5 paraphernalia seized during the violation for that offense  
6 shall be a civil law violation punishable by a ~~minimum~~ fine not  
7 to exceed \$125 ~~of \$100 and a maximum fine of \$200~~. The proceeds  
8 of the fine shall be payable to the clerk of the circuit court.  
9 Within 30 days after the deposit of the fine, the clerk shall  
10 distribute the proceeds of the fine as follows:

11 (1) \$10 of the fine to the circuit clerk and \$10 of the  
12 fine to the law enforcement agency that issued the  
13 citation; the proceeds of each \$10 fine distributed to the  
14 circuit clerk and each \$10 fine distributed to the law  
15 enforcement agency that issued the citation for the  
16 violation shall be used to defer the cost of automatic  
17 expungements under paragraph (2.5) of subsection (a) of  
18 Section 5.2 of the Criminal Identification Act;

19 (2) \$15 to the county to fund drug addiction services;

20 (3) \$10 to the Office of the State's Attorneys  
21 Appellate Prosecutor for use in training programs;

22 (4) \$10 to the State's Attorney; and

23 (5) any remainder of the fine to the law enforcement  
24 agency that issued the citation for the violation.

25 With respect to funds designated for the Department of  
26 State Police, the moneys shall be remitted by the circuit court

1 clerk to the Department of State Police within one month after  
2 receipt for deposit into the State Police Operations Assistance  
3 Fund. With respect to funds designated for the Department of  
4 Natural Resources, the Department of Natural Resources shall  
5 deposit the moneys into the Conservation Police Operations  
6 Assistance Fund.

7 (Source: P.A. 99-697, eff. 7-29-16.)

8 Section 25. The Methamphetamine Control and Community  
9 Protection Act is amended by changing Sections 15, 20, 25, 30,  
10 35, 40, 45, 50, 55, 56, and 60 and by adding Sections 55.1,  
11 55.2, 55.3, 55.4, and 55.5 as follows:

12 (720 ILCS 646/15)

13 Sec. 15. Participation in methamphetamine manufacturing.

14 (a) Participation in methamphetamine manufacturing.

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

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

21 (A) A person who participates in the manufacture of  
22 less than 15 grams of methamphetamine or a substance  
23 containing methamphetamine is guilty of a Class 2 ~~4~~  
24 felony.

1 (B) A person who participates in the manufacture of  
2 15 or more grams but less than 100 grams of  
3 methamphetamine or a substance containing  
4 methamphetamine is guilty of a Class 1 \* felony,  
5 ~~subject to a term of imprisonment of not less than 6~~  
6 ~~years and not more than 30 years,~~ and subject to a fine  
7 not to exceed \$100,000 or the street value of the  
8 methamphetamine manufactured, whichever is greater.

9 (C) A person who participates in the manufacture of  
10 100 or more grams but less than 400 grams of  
11 methamphetamine or a substance containing  
12 methamphetamine is guilty of a Class 1 \* felony, for  
13 which the person may be sentenced ~~subject~~ to a term of  
14 imprisonment of not less than 6 ~~9~~ years and not more  
15 than 30 ~~40~~ years, and subject to a fine not to exceed  
16 \$200,000 or the street value of the methamphetamine  
17 manufactured, whichever is greater.

18 (D) A person who participates in the manufacture of  
19 400 or more grams but less than 900 grams of  
20 methamphetamine or a substance containing  
21 methamphetamine is guilty of a Class 1 \* felony, for  
22 which the person may be sentenced ~~subject~~ to a term of  
23 imprisonment of not less than 6 ~~12~~ years and not more  
24 than 30 ~~50~~ years, and subject to a fine not to exceed  
25 \$300,000 or the street value of the methamphetamine  
26 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 1 ~~\*~~  
4 felony, for which the person may be sentenced ~~subject~~  
5 to a term of imprisonment of not less than 6 ~~15~~ years  
6 and not more than 30 ~~60~~ years, and subject to a fine  
7 not to exceed \$400,000 or the street value of the  
8 methamphetamine, whichever is greater.

9 (b) Aggravated participation in methamphetamine  
10 manufacturing.

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

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

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

24 (C) the person does so in a structure or vehicle  
25 where a woman the person knows to be pregnant  
26 (including but not limited to the person herself)

1 resides, is present, or is endangered by the  
2 methamphetamine manufacture;

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

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

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

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

20 (H) the methamphetamine manufacturing occurs  
21 within 1,000 feet of a place of worship or parsonage,  
22 or within 1,000 feet of the real property comprising  
23 any school.

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

26 (A) A person who participates in the manufacture of

1 less than 15 grams of methamphetamine or a substance  
2 containing methamphetamine is guilty of a Class 1 ~~✖~~  
3 felony, ~~subject to a term of imprisonment of not less~~  
4 ~~than 6 years and not more than 30 years~~, and subject to  
5 a fine not to exceed \$100,000 or the street value of  
6 the methamphetamine, whichever is greater.

7 (B) A person who participates in the manufacture of  
8 15 or more grams but less than 100 grams of  
9 methamphetamine or a substance containing  
10 methamphetamine is guilty of a Class 1 ~~✖~~ felony, for  
11 which the person may be sentenced ~~subject~~ to a term of  
12 imprisonment of not less than 6 ~~9~~ years and not more  
13 than 30 ~~40~~ years, and subject to a fine not to exceed  
14 \$200,000 or the street value of the methamphetamine,  
15 whichever is greater.

16 (C) A person who participates in the manufacture of  
17 100 or more grams but less than 400 grams of  
18 methamphetamine or a substance containing  
19 methamphetamine is guilty of a Class 1 ~~✖~~ felony, for  
20 which the person may be sentenced ~~subject~~ to a term of  
21 imprisonment of not less than 6 ~~12~~ years and not more  
22 than 30 ~~50~~ years, and subject to a fine not to exceed  
23 \$300,000 or the street value of the methamphetamine,  
24 whichever is greater.

25 (D) A person who participates in the manufacture of  
26 400 grams or more of methamphetamine or a substance

1 containing methamphetamine is guilty of a Class 1 \*  
2 felony, for which the person may be sentenced ~~subject~~  
3 to a term of imprisonment of not less than 6 ~~15~~ years  
4 and not more than 30 ~~60~~ years, and subject to a fine  
5 not to exceed \$400,000 or the street value of the  
6 methamphetamine, whichever is greater.

7 (Source: P.A. 98-980, eff. 1-1-15.)

8 (720 ILCS 646/20)

9 Sec. 20. Methamphetamine precursor.

10 (a) Methamphetamine precursor or substance containing any  
11 methamphetamine precursor ~~in standard dosage form~~.

12 (1) It is unlawful to knowingly possess, procure,  
13 transport, store, or deliver any methamphetamine precursor  
14 or substance containing any methamphetamine precursor ~~in~~  
15 ~~standard dosage form~~ with the intent that it be used to  
16 manufacture methamphetamine or a substance containing  
17 methamphetamine.

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

20 (A) A person who possesses, procures, transports,  
21 stores, or delivers less than 15 grams of  
22 methamphetamine precursor or substance containing any  
23 methamphetamine precursor is guilty of a Class 4 ~~2~~  
24 felony.

25 (B) A person who possesses, procures, transports,



1 stores, or delivers 15 or more grams but less than 30  
2 grams of methamphetamine precursor or substance  
3 containing any methamphetamine precursor is guilty of  
4 a Class 3 ~~±~~ felony.

5 (C) A person who possesses, procures, transports,  
6 stores, or delivers 30 or more grams but less than 150  
7 grams of methamphetamine precursor or substance  
8 containing any methamphetamine precursor is guilty of  
9 a Class 2 \* felony, ~~subject to a term of imprisonment~~  
10 ~~of not less than 6 years and not more than 30 years,~~  
11 and subject to a fine not to exceed \$100,000.

12 (D) A person who possesses, procures, transports,  
13 stores, or delivers 150 or more grams but less than 500  
14 grams of methamphetamine precursor or substance  
15 containing any methamphetamine precursor is guilty of  
16 a Class 1 \* felony, ~~subject to a term of imprisonment~~  
17 ~~of not less than 8 years and not more than 40 years,~~  
18 and subject to a fine not to exceed \$200,000.

19 (E) A person who possesses, procures, transports,  
20 stores, or delivers 500 or more grams of  
21 methamphetamine precursor or substance containing any  
22 methamphetamine precursor is guilty of a Class 1 \*  
23 felony, for which the person may be sentenced ~~subject~~  
24 to a term of imprisonment of not less than 6 ~~10~~ years  
25 and not more than 30 ~~50~~ years, and subject to a fine  
26 not to exceed \$300,000.

1           (b) (Blank). ~~Methamphetamine precursor or substance~~  
2 ~~containing any methamphetamine precursor in any form other than~~  
3 ~~a standard dosage form.~~

4           ~~(1) It is unlawful to knowingly possess, procure,~~  
5 ~~transport, store, or deliver any methamphetamine precursor~~  
6 ~~or substance containing any methamphetamine precursor in~~  
7 ~~any form other than a standard dosage form with the intent~~  
8 ~~that it be used to manufacture methamphetamine or a~~  
9 ~~substance containing methamphetamine.~~

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

12           ~~(A) A person who violates paragraph (1) of this~~  
13 ~~subsection (b) with the intent that less than 10 grams~~  
14 ~~of methamphetamine or a substance containing~~  
15 ~~methamphetamine be manufactured is guilty of a Class 2~~  
16 ~~felony.~~

17           ~~(B) A person who violates paragraph (1) of this~~  
18 ~~subsection (b) with the intent that 10 or more grams~~  
19 ~~but less than 20 grams of methamphetamine or a~~  
20 ~~substance containing methamphetamine be manufactured~~  
21 ~~is guilty of a Class 1 felony.~~

22           ~~(C) A person who violates paragraph (1) of this~~  
23 ~~subsection (b) with the intent that 20 or more grams~~  
24 ~~but less than 100 grams of methamphetamine or a~~  
25 ~~substance containing methamphetamine be manufactured~~  
26 ~~is guilty of a Class X felony, subject to a term of~~

1 ~~imprisonment of not less than 6 years and not more than~~  
2 ~~30 years, and subject to a fine not to exceed \$100,000.~~

3 ~~(D) A person who violates paragraph (1) of this~~  
4 ~~subsection (b) with the intent that 100 or more grams~~  
5 ~~but less than 350 grams of methamphetamine or a~~  
6 ~~substance containing methamphetamine be manufactured~~  
7 ~~is guilty of a Class X felony, subject to a term of~~  
8 ~~imprisonment of not less than 8 years and not more than~~  
9 ~~40 years, and subject to a fine not to exceed \$200,000.~~

10 ~~(E) A person who violates paragraph (1) of this~~  
11 ~~subsection (b) with the intent that 350 or more grams~~  
12 ~~of methamphetamine or a substance containing~~  
13 ~~methamphetamine be manufactured is guilty of a Class X~~  
14 ~~felony, subject to a term of imprisonment of not less~~  
15 ~~than 10 years and not more than 50 years, and subject~~  
16 ~~to a fine not to exceed \$300,000.~~

17 (c) Rule of evidence. The presence of any methamphetamine  
18 precursor in a sealed, factory imprinted container, including,  
19 but not limited to, a bottle, box, package, or blister pack, at  
20 the time of seizure by law enforcement, is prima facie evidence  
21 that the methamphetamine precursor located within the  
22 container is in fact the material so described and in the  
23 amount listed on the container. The factory imprinted container  
24 is admissible for a violation of this Act for purposes of  
25 proving the contents of the container.

26 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

1 (720 ILCS 646/25)

2 Sec. 25. Anhydrous ammonia.

3 (a) Possession, procurement, transportation, storage, or  
4 delivery of anhydrous ammonia with the intent that it be used  
5 to manufacture methamphetamine.

6 (1) It is unlawful to knowingly engage in the  
7 possession, procurement, transportation, storage, or  
8 delivery of anhydrous ammonia or to attempt to engage in  
9 any of these activities or to assist another in engaging in  
10 any of these activities with the intent that the anhydrous  
11 ammonia be used to manufacture methamphetamine.

12 (2) A person who violates paragraph (1) of this  
13 subsection (a) is guilty of a Class 2 ~~1~~ felony.

14 (b) Aggravated possession, procurement, transportation,  
15 storage, or delivery of anhydrous ammonia with the intent that  
16 it be used to manufacture methamphetamine.

17 (1) It is unlawful to knowingly engage in the  
18 aggravated possession, procurement, transportation,  
19 storage, or delivery of anhydrous ammonia with the intent  
20 that it be used to manufacture methamphetamine. A person  
21 commits this offense when the person engages in the  
22 possession, procurement, transportation, storage, or  
23 delivery of anhydrous ammonia or attempts to engage in any  
24 of these activities or assists another in engaging in any  
25 of these activities with the intent that the anhydrous

1 ammonia be used to manufacture methamphetamine and:

2 (A) the person knowingly does so in a multi-unit  
3 dwelling;

4 (B) the person knowingly does so in a structure or  
5 vehicle where a child under the age of 18, or a person  
6 with a disability, or a person who is 60 years of age  
7 or older who is incapable of adequately providing for  
8 his or her own health and personal care resides, is  
9 present, or is endangered by the anhydrous ammonia;

10 (C) the person's possession, procurement,  
11 transportation, storage, or delivery of anhydrous  
12 ammonia is a contributing cause of the death, serious  
13 bodily injury, disability, or disfigurement of another  
14 person; or

15 (D) the person's possession, procurement,  
16 transportation, storage, or delivery of anhydrous  
17 ammonia is a contributing cause of a fire or explosion  
18 that damages property belonging to another person.

19 (2) A person who violates paragraph (1) of this  
20 subsection (b) is guilty of a Class 1 \* felony, ~~subject to~~  
21 ~~a term of imprisonment of not less than 6 years and not~~  
22 ~~more than 30 years,~~ and subject to a fine not to exceed  
23 \$100,000.

24 (c) Possession, procurement, transportation, storage, or  
25 delivery of anhydrous ammonia in an unauthorized container.

26 (1) It is unlawful to knowingly possess, procure,

1 transport, store, or deliver anhydrous ammonia in an  
2 unauthorized container.

3 (1.5) (Blank) ~~It is unlawful to attempt to possess,~~  
4 ~~procure, transport, store, or deliver anhydrous ammonia in~~  
5 ~~an unauthorized container.~~

6 (2) A person who violates paragraph (1) of this  
7 subsection (c) is guilty of a Class 4 ~~3~~ felony. ~~A person~~  
8 ~~who violates paragraph (1.5) of this subsection (c) is~~  
9 ~~guilty of a Class 4 felony.~~

10 (3) Affirmative defense. It is an affirmative defense  
11 that the person charged possessed, procured, transported,  
12 stored, or delivered anhydrous ammonia in a manner that  
13 substantially complied with the rules governing anhydrous  
14 ammonia equipment found in 8 Illinois Administrative Code  
15 Section 215, in 92 Illinois Administrative Code Sections  
16 171 through 180, or in any provision of the Code of Federal  
17 Regulations incorporated by reference into these Sections  
18 of the Illinois Administrative Code.

19 (d) Tampering with anhydrous ammonia equipment.

20 (1) It is unlawful to knowingly tamper with anhydrous  
21 ammonia equipment. A person tampers with anhydrous ammonia  
22 equipment when, without authorization from the lawful  
23 owner, the person:

24 (A) removes or attempts to remove anhydrous  
25 ammonia from the anhydrous ammonia equipment used by  
26 the lawful owner;

1 (B) damages or attempts to damage the anhydrous  
2 ammonia equipment used by the lawful owner; or

3 (C) vents or attempts to vent anhydrous ammonia  
4 into the environment.

5 (2) A person who violates paragraph (1) of this  
6 subsection (d) is guilty of a Class 3 felony.

7 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06;  
8 95-690, eff. 1-1-08.)

9 (720 ILCS 646/30)

10 Sec. 30. Methamphetamine manufacturing material.

11 (a) It is unlawful to knowingly engage in the possession,  
12 procurement, transportation, storage, or delivery of any  
13 methamphetamine manufacturing material, other than a  
14 methamphetamine precursor, substance containing a  
15 methamphetamine precursor, or anhydrous ammonia, with the  
16 intent that it be used to manufacture methamphetamine.

17 (b) A person who violates subsection (a) of this Section is  
18 guilty of a Class 3 ~~2~~ felony.

19 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

20 (720 ILCS 646/35)

21 Sec. 35. Use of property.

22 (a) It is unlawful for a person knowingly to use or allow  
23 the use of a vehicle, a structure, real property, or personal  
24 property within the person's control to help bring about a

1 violation of this Act.

2 (b) A person who violates subsection (a) of this Section is  
3 guilty of a Class 3 ~~2~~ felony.

4 (Source: P.A. 94-556, eff. 9-11-05.)

5 (720 ILCS 646/40)

6 Sec. 40. Protection of methamphetamine manufacturing.

7 (a) It is unlawful to engage in the protection of  
8 methamphetamine manufacturing. A person engages in the  
9 protection of methamphetamine manufacturing when:

10 (1) the person knows that others have been  
11 participating, are participating, or will be participating  
12 in the manufacture of methamphetamine; and

13 (2) with the intent to help prevent detection of or  
14 interference with the methamphetamine manufacturing, the  
15 person serves as a lookout for or guard of the  
16 methamphetamine manufacturing.

17 (b) A person who violates subsection (a) of this Section is  
18 guilty of a Class 3 ~~2~~ felony.

19 (Source: P.A. 94-556, eff. 9-11-05.)

20 (720 ILCS 646/45)

21 Sec. 45. Methamphetamine manufacturing waste.

22 (a) It is unlawful to knowingly burn, place in a trash  
23 receptacle, or dispose of methamphetamine manufacturing waste,  
24 knowing that the waste was used in the manufacturing of



1 methamphetamine.

2 (b) A person who violates subsection (a) of this Section is  
3 guilty of a Class 3 ~~2~~ felony.

4 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

5 (720 ILCS 646/50)

6 Sec. 50. Methamphetamine-related child endangerment.

7 (a) Methamphetamine-related child endangerment.

8 (1) It is unlawful to engage in  
9 methamphetamine-related child endangerment. A person  
10 engages in methamphetamine-related child endangerment when  
11 the person knowingly endangers the life and health of a  
12 child by exposing or allowing exposure of the child to a  
13 methamphetamine manufacturing environment.

14 (2) A person who violates paragraph (1) of this  
15 subsection (a) is guilty of a Class 2 felony.

16 (b) Aggravated methamphetamine-related child endangerment.

17 (1) It is unlawful to engage in aggravated  
18 methamphetamine-related child endangerment. A person  
19 engages in aggravated methamphetamine-related child  
20 endangerment when the person violates paragraph (1) of this  
21 subsection (a) of this Section and the child experiences  
22 death, great bodily harm, disability, or disfigurement as a  
23 result of the methamphetamine-related child endangerment.

24 (2) A person who violates paragraph (1) of this  
25 subsection (b) is guilty of a Class 1 \* felony, ~~subject to~~

1 ~~a term of imprisonment of not less than 6 years and not~~  
2 ~~more than 30 years,~~ and subject to a fine not to exceed  
3 \$100,000.

4 (Source: P.A. 94-556, eff. 9-11-05.)

5 (720 ILCS 646/55)

6 Sec. 55. Methamphetamine delivery.

7 (a) Delivery or possession with intent to deliver  
8 methamphetamine or a substance containing methamphetamine.

9 (1) It is unlawful knowingly to engage in the delivery  
10 or possession with intent to deliver methamphetamine or a  
11 substance containing methamphetamine.

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

14 (A) A person who delivers or possesses with intent  
15 to deliver less than one gram ~~5 grams~~ of  
16 methamphetamine or a substance containing  
17 methamphetamine is guilty of a Class 4 ~~2~~ felony.

18 (B) A person who delivers or possesses with intent  
19 to deliver one ~~5~~ or more grams but less than 15 grams  
20 of methamphetamine or a substance containing  
21 methamphetamine is guilty of a Class 3 ~~1~~ felony.

22 (C) A person who delivers or possesses with intent  
23 to deliver 15 or more grams but less than 100 grams of  
24 methamphetamine or a substance containing  
25 methamphetamine is guilty of a Class 2 ~~\*~~ felony,

1 ~~subject to a term of imprisonment of not less than 6~~  
2 ~~years and not more than 30 years,~~ and subject to a fine  
3 not to exceed \$100,000 or the street value of the  
4 methamphetamine, whichever is greater.

5 (D) A person who delivers or possesses with intent  
6 to deliver 100 or more grams but less than 400 grams of  
7 methamphetamine or a substance containing  
8 methamphetamine is guilty of a Class 1 ~~✕~~ felony,  
9 ~~subject to a term of imprisonment of not less than 9~~  
10 ~~years and not more than 40 years,~~ and subject to a fine  
11 not to exceed \$200,000 or the street value of the  
12 methamphetamine, whichever is greater.

13 (E) A person who delivers or possesses with intent  
14 to deliver 400 or more grams but less than 900 grams of  
15 methamphetamine or a substance containing  
16 methamphetamine is guilty of a Class 1 ~~✕~~ felony,  
17 ~~subject to a term of imprisonment of not less than 12~~  
18 ~~years and not more than 50 years,~~ and subject to a fine  
19 not to exceed \$300,000 or the street value of the  
20 methamphetamine, whichever is greater.

21 (F) A person who delivers or possesses with intent  
22 to deliver 900 or more grams of methamphetamine or a  
23 substance containing methamphetamine is guilty of a  
24 Class 1 ~~✕~~ felony, for which the person may be sentenced  
25 ~~subject~~ to a term of imprisonment of not less than 6 ~~15~~  
26 years and not more than 30 ~~60~~ years, and subject to a

1 fine not to exceed \$400,000 or the street value of the  
2 methamphetamine, whichever is greater.

3 (b) (Blank). ~~Aggravated delivery or possession with intent~~  
4 ~~to deliver methamphetamine or a substance containing~~  
5 ~~methamphetamine.~~

6 ~~(1) It is unlawful to engage in the aggravated delivery~~  
7 ~~or possession with intent to deliver methamphetamine or a~~  
8 ~~substance containing methamphetamine. A person engages in~~  
9 ~~the aggravated delivery or possession with intent to~~  
10 ~~deliver methamphetamine or a substance containing~~  
11 ~~methamphetamine when the person violates paragraph (1) of~~  
12 ~~subsection (a) of this Section and:~~

13 ~~(A) the person is at least 18 years of age and~~  
14 ~~knowingly delivers or possesses with intent to deliver~~  
15 ~~the methamphetamine or substance containing~~  
16 ~~methamphetamine to a person under 18 years of age;~~

17 ~~(B) the person is at least 18 years of age and~~  
18 ~~knowingly uses, engages, employs, or causes another~~  
19 ~~person to use, engage, or employ a person under 18~~  
20 ~~years of age to deliver the methamphetamine or~~  
21 ~~substance containing methamphetamine;~~

22 ~~(C) the person knowingly delivers or possesses~~  
23 ~~with intent to deliver the methamphetamine or~~  
24 ~~substance containing methamphetamine in any structure~~  
25 ~~or vehicle protected by one or more firearms, explosive~~  
26 ~~devices, booby traps, alarm systems, surveillance~~

1 ~~systems, guard dogs, or dangerous animals;~~

2 ~~(D) the person knowingly delivers or possesses~~  
3 ~~with intent to deliver the methamphetamine or~~  
4 ~~substance containing methamphetamine in any school, on~~  
5 ~~any real property comprising any school, or in any~~  
6 ~~conveyance owned, leased, or contracted by a school to~~  
7 ~~transport students to or from school or a~~  
8 ~~school related activity;~~

9 ~~(E) the person delivers or causes another person to~~  
10 ~~deliver the methamphetamine or substance containing~~  
11 ~~methamphetamine to a woman that the person knows to be~~  
12 ~~pregnant; or~~

13 ~~(F) (blank).~~

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

16 ~~(A) A person who delivers or possesses with intent~~  
17 ~~to deliver less than 5 grams of methamphetamine or a~~  
18 ~~substance containing methamphetamine is guilty of a~~  
19 ~~Class 1 felony.~~

20 ~~(B) A person who delivers or possesses with intent~~  
21 ~~to deliver 5 or more grams but less than 15 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 6 years and~~  
25 ~~not more than 30 years, and subject to a fine not to~~  
26 ~~exceed \$100,000 or the street value of the~~

1 ~~methamphetamine, whichever is greater.~~

2 ~~(C) A person who delivers or possesses with intent~~  
3 ~~to deliver 15 or more grams but less than 100 grams of~~  
4 ~~methamphetamine or a substance containing~~  
5 ~~methamphetamine is guilty of a Class X felony, subject~~  
6 ~~to a term of imprisonment of not less than 8 years and~~  
7 ~~not more than 40 years, and subject to a fine not to~~  
8 ~~exceed \$200,000 or the street value of the~~  
9 ~~methamphetamine, whichever is greater.~~

10 ~~(D) A person who delivers or possesses with intent~~  
11 ~~to deliver 100 or more grams of methamphetamine or a~~  
12 ~~substance containing methamphetamine is guilty of a~~  
13 ~~Class X felony, subject to a term of imprisonment of~~  
14 ~~not less than 10 years and not more than 50 years, and~~  
15 ~~subject to a fine not to exceed \$300,000 or the street~~  
16 ~~value of the methamphetamine, whichever is greater.~~

17 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

18 (720 ILCS 646/55.1 new)

19 Sec. 55.1. Methamphetamine delivery by a person at least 18  
20 years of age to a person under 18 years of age. Any person who  
21 is at least 18 years of age who violates any subsection of  
22 Section 55 by delivering methamphetamine or substance  
23 containing methamphetamine to a person under 18 years of age  
24 may, at the discretion of the court, be sentenced to a maximum  
25 term of imprisonment that is equal to the maximum term of

1 imprisonment for the underlying offense plus the minimum term  
2 of imprisonment for the underlying offense.

3 (720 ILCS 646/55.2 new)

4 Sec. 55.2. Employing person under 18 years of age to  
5 deliver methamphetamine. Any person who is at least 18 years of  
6 age who violates any subsection of Section 55 by using,  
7 engaging, or employing, or causing another person to use,  
8 engage, or employ a person under 18 years of age to deliver  
9 methamphetamine or substance containing methamphetamine may,  
10 at the discretion of the court, be sentenced to a maximum term  
11 of imprisonment that is equal to the maximum term of  
12 imprisonment for the underlying offense plus the minimum term  
13 of imprisonment for the underlying offense.

14 (720 ILCS 646/55.3 new)

15 Sec. 55.3. Delivery of methamphetamine or possession with  
16 intent to deliver methamphetamine-protected structure or  
17 vehicle. Any person who violates any subsection of Section 55  
18 by knowingly delivering or possessing with intent to deliver  
19 methamphetamine or substance containing methamphetamine in any  
20 structure or vehicle protected by one or more explosive  
21 devices, booby traps, or dangerous animals may, at the  
22 discretion of the court, be sentenced to a maximum term of  
23 imprisonment that is equal to the maximum term of imprisonment  
24 for the underlying offense plus the minimum term of

1 imprisonment for the underlying offense.

2 (720 ILCS 646/55.4 new)

3 Sec. 55.4. Methamphetamine delivery or possession with  
4 intent to deliver methamphetamine on school grounds. Any person  
5 who violates any subsection of Section 55 by delivering or  
6 possessing with intent to deliver methamphetamine or substance  
7 containing methamphetamine in any school, on any real property  
8 comprising any school, or in any conveyance owned, leased, or  
9 contracted by a school to transport students to or from school  
10 or a school-related activity shall be sentenced to a class of  
11 offense that is one class higher than the sentence otherwise  
12 authorized by the pertinent subsection of Section 55. If the  
13 sentence otherwise authorized by the pertinent subsection of  
14 Section 55 is a Class 1 felony for which the person may be  
15 sentenced to a term of imprisonment of not less than 4 years  
16 and not more than 15 years, the penalty for an offense under  
17 this Section is a Class 1 felony for which the person may be  
18 sentenced to a term of imprisonment of not less than 6 years  
19 and not more than 30 years. If the sentence otherwise  
20 authorized by the pertinent subsection of Section 55 is a Class  
21 1 felony for which the person may be sentenced to a term of  
22 imprisonment of not less than 6 years and not more than 30  
23 years, the penalty for an offense under this Section is a Class  
24 1 felony for which the person may be sentenced to a term of  
25 imprisonment of not less than 9 years and not more than 40



1 years.

2 (720 ILCS 646/55.5 new)

3 Sec. 55.5. Methamphetamine delivery to pregnant woman. Any  
4 person who violates any subsection of Section 55 by delivering  
5 or causing to be delivered methamphetamine or substance  
6 containing methamphetamine to a woman that the person knows to  
7 be pregnant may, at the discretion of the court, be sentenced  
8 to a maximum term of imprisonment that is equal to the maximum  
9 term of imprisonment for the underlying offense plus the  
10 minimum term of imprisonment for the underlying offense.

11 (720 ILCS 646/56)

12 Sec. 56. Methamphetamine trafficking.

13 (a) Except for purposes as authorized by this Act, any  
14 person who knowingly brings, or causes to be brought, into this  
15 State 400 grams or more of methamphetamine or 500 grams or more  
16 of , anhydrous ammonia, or a methamphetamine precursor or any  
17 amount of anhydrous ammonia for the purpose of manufacture or  
18 delivery of methamphetamine or with the intent to manufacture  
19 or deliver methamphetamine is guilty of methamphetamine  
20 trafficking.

21 (a-5) A person convicted of methamphetamine trafficking  
22 shall be sentenced as authorized by Section 55 of this Act,  
23 based upon the amount of the methamphetamine brought or caused  
24 to be brought into this State, if the person at sentencing

1 proves by a preponderance of the evidence that he or she:

2 (1) received little or no compensation from the illegal  
3 transport of the methamphetamine into this State and had  
4 minimal knowledge of the scope and structure of the  
5 enterprise to manufacture or deliver the methamphetamine  
6 transported; or

7 (2) was not involved in the organization or planning of  
8 the enterprise to manufacture or deliver the  
9 methamphetamine transported.

10 (b) Except as otherwise provided in subsection (a-5), a ~~A~~  
11 ~~person convicted of methamphetamine trafficking shall be~~  
12 ~~sentenced to a term of imprisonment of not less than twice the~~  
13 ~~minimum term and not more than twice the maximum term of~~  
14 ~~imprisonment~~ based upon the amount of methamphetamine brought  
15 or caused to be brought into this State, as provided in  
16 ~~subsection (a) of Section 55 of this Act~~ that is one class  
17 higher than the underlying offense. If the underlying offense  
18 is a Class 1 felony for which the offender may be sentenced to  
19 a term of imprisonment of not less than 6 years and not more  
20 than 30 years, the penalty for methamphetamine trafficking is a  
21 Class 1 felony for which the person may be sentenced to a term  
22 of imprisonment of not less 9 years and not more than 40 years.

23 (c) (Blank) ~~A person convicted of methamphetamine~~  
24 ~~trafficking based upon a methamphetamine precursor shall be~~  
25 ~~sentenced to a term of imprisonment of not less than twice the~~  
26 ~~minimum term and not more than twice the maximum term of~~

1 ~~imprisonment based upon the amount of methamphetamine~~  
2 ~~precursor provided in subsection (a) or (b) of Section 20 of~~  
3 ~~this Act brought or caused to be brought into this State.~~

4 (d) A person convicted of methamphetamine trafficking  
5 based upon anhydrous ammonia under paragraph (1) of subsection  
6 (a) of Section 25 of this Act is guilty of a Class 1 felony  
7 ~~shall be sentenced to a term of imprisonment of not less than~~  
8 ~~twice the minimum term and not more than twice the maximum term~~  
9 ~~of imprisonment provided in paragraph (1) of subsection (a) of~~  
10 ~~Section 25 of this Act.~~

11 (Source: P.A. 94-830, eff. 6-5-06.)

12 (720 ILCS 646/60)

13 Sec. 60. Methamphetamine possession.

14 (a) It is unlawful knowingly to possess methamphetamine or  
15 a substance containing methamphetamine.

16 (b) A person who violates subsection (a) is subject to the  
17 following penalties:

18 (1) A person who possesses less than 15 ~~5~~ grams of  
19 methamphetamine or a substance containing methamphetamine  
20 is guilty of a Class A misdemeanor ~~3 felony~~.

21 (2) (Blank). ~~A person who possesses 5 or more grams but~~  
22 ~~less than 15 grams of methamphetamine or a substance~~  
23 ~~containing methamphetamine is guilty of a Class 2 felony.~~

24 (3) A person who possesses 15 or more grams but less  
25 than 100 grams of methamphetamine or a substance containing

1 methamphetamine is guilty of a Class 3 ~~+~~ felony.

2 (4) A person who possesses 100 or more grams but less  
3 than 400 grams of methamphetamine or a substance containing  
4 methamphetamine is guilty of a Class 2 \* felony, ~~subject to~~  
5 ~~a term of imprisonment of not less than 6 years and not~~  
6 ~~more than 30 years,~~ and subject to a fine not to exceed  
7 \$100,000.

8 (5) A person who possesses 400 or more grams but less  
9 than 900 grams of methamphetamine or a substance containing  
10 methamphetamine is guilty of a Class 1 \* felony, ~~subject to~~  
11 ~~a term of imprisonment of not less than 8 years and not~~  
12 ~~more than 40 years,~~ and subject to a fine not to exceed  
13 \$200,000.

14 (6) A person who possesses 900 or more grams of  
15 methamphetamine or a substance containing methamphetamine  
16 is guilty of a Class 1 \* felony, ~~subject to a term of~~  
17 ~~imprisonment of not less than 10 years and not more than 50~~  
18 ~~years,~~ and subject to a fine not to exceed \$300,000.

19 (Source: P.A. 94-556, eff. 9-11-05.)

20 (720 ILCS 646/65 rep.)

21 (720 ILCS 646/100 rep.)

22 Section 30. The Methamphetamine Control and Community  
23 Protection Act is amended by repealing Sections 65 and 100.

24 Section 35. The Unified Code of Corrections is amended by

1 changing Sections 5-4-1, 5-4.5-95, 5-5-3 and 5-8-2 as follows:

2 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

3 Sec. 5-4-1. Sentencing Hearing.

4 (a) Except when the death penalty is sought under hearing  
5 procedures otherwise specified, after a determination of  
6 guilt, a hearing shall be held to impose the sentence. However,  
7 prior to the imposition of sentence on an individual being  
8 sentenced for an offense based upon a charge for a violation of  
9 Section 11-501 of the Illinois Vehicle Code or a similar  
10 provision of a local ordinance, the individual must undergo a  
11 professional evaluation to determine if an alcohol or other  
12 drug abuse problem exists and the extent of such a problem.  
13 Programs conducting these evaluations shall be licensed by the  
14 Department of Human Services. However, if the individual is not  
15 a resident of Illinois, the court may, in its discretion,  
16 accept an evaluation from a program in the state of such  
17 individual's residence. The court may in its sentencing order  
18 approve an eligible defendant for placement in a Department of  
19 Corrections impact incarceration program as provided in  
20 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing  
21 order recommend a defendant for placement in a Department of  
22 Corrections substance abuse treatment program as provided in  
23 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
24 upon the defendant being accepted in a program by the  
25 Department of Corrections. At the hearing the court shall:

1           (1) consider the evidence, if any, received upon the  
2 trial;

3           (2) consider any presentence reports;

4           (3) consider the financial impact of incarceration  
5 based on the financial impact statement filed with the  
6 clerk of the court by the Department of Corrections;

7           (4) consider evidence and information offered by the  
8 parties in aggravation and mitigation;

9           (4.5) consider substance abuse treatment, eligibility  
10 screening, and an assessment, if any, of the defendant by  
11 an agent designated by the State of Illinois to provide  
12 assessment services for the Illinois courts;

13           (5) hear arguments as to sentencing alternatives;

14           (6) afford the defendant the opportunity to make a  
15 statement in his own behalf;

16           (7) afford the victim of a violent crime or a violation  
17 of Section 11-501 of the Illinois Vehicle Code, or a  
18 similar provision of a local ordinance, or a qualified  
19 individual affected by: (i) a violation of Section ~~405,~~  
20 ~~405.1,~~ 405.2~~7~~ or 407 of the Illinois Controlled Substances  
21 Act or a violation of Section 55 ~~or Section 65~~ of the  
22 Methamphetamine Control and Community Protection Act, or  
23 (ii) a Class 4 felony violation of Section 11-14, 11-14.3  
24 except as described in subdivisions (a)(2)(A) and  
25 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012,

1 committed by the defendant the opportunity to make a  
2 statement concerning the impact on the victim and to offer  
3 evidence in aggravation or mitigation; provided that the  
4 statement and evidence offered in aggravation or  
5 mitigation must first be prepared in writing in conjunction  
6 with the State's Attorney before it may be presented orally  
7 at the hearing. Any sworn testimony offered by the victim  
8 is subject to the defendant's right to cross-examine. All  
9 statements and evidence offered under this paragraph (7)  
10 shall become part of the record of the court. For the  
11 purpose of this paragraph (7), "qualified individual"  
12 means any person who (i) lived or worked within the  
13 territorial jurisdiction where the offense took place when  
14 the offense took place; and (ii) is familiar with various  
15 public places within the territorial jurisdiction where  
16 the offense took place when the offense took place. For the  
17 purposes of this paragraph (7), "qualified individual"  
18 includes any peace officer, or any member of any duly  
19 organized State, county, or municipal peace unit assigned  
20 to the territorial jurisdiction where the offense took  
21 place when the offense took place;

22 (8) in cases of reckless homicide afford the victim's  
23 spouse, guardians, parents or other immediate family  
24 members an opportunity to make oral statements;

25 (9) in cases involving a felony sex offense as defined  
26 under the Sex Offender Management Board Act, consider the

1 results of the sex offender evaluation conducted pursuant  
2 to Section 5-3-2 of this Act; and

3 (10) make a finding of whether a motor vehicle was used  
4 in the commission of the offense for which the defendant is  
5 being sentenced.

6 (b) All sentences shall be imposed by the judge based upon  
7 his independent assessment of the elements specified above and  
8 any agreement as to sentence reached by the parties. The judge  
9 who presided at the trial or the judge who accepted the plea of  
10 guilty shall impose the sentence unless he is no longer sitting  
11 as a judge in that court. Where the judge does not impose  
12 sentence at the same time on all defendants who are convicted  
13 as a result of being involved in the same offense, the  
14 defendant or the State's Attorney may advise the sentencing  
15 court of the disposition of any other defendants who have been  
16 sentenced.

17 (b-1) In imposing a sentence of imprisonment or periodic  
18 imprisonment for a Class 3 or Class 4 felony for which a  
19 sentence of probation or conditional discharge is an available  
20 sentence, if the defendant has no prior sentence of probation  
21 or conditional discharge and no prior conviction for a violent  
22 crime, the defendant shall not be sentenced to imprisonment  
23 before review and consideration of a presentence report and  
24 determination and explanation of why the particular evidence,  
25 information, factor in aggravation, factual finding, or other  
26 reasons support a sentencing determination that one or more of



1 the factors under subsection (a) of Section 5-6-1 of this Code  
2 apply and that probation or conditional discharge is not an  
3 appropriate sentence.

4 (c) In imposing a sentence for a violent crime or for an  
5 offense of operating or being in physical control of a vehicle  
6 while under the influence of alcohol, any other drug or any  
7 combination thereof, or a similar provision of a local  
8 ordinance, when such offense resulted in the personal injury to  
9 someone other than the defendant, the trial judge shall specify  
10 on the record the particular evidence, information, factors in  
11 mitigation and aggravation or other reasons that led to his  
12 sentencing determination. The full verbatim record of the  
13 sentencing hearing shall be filed with the clerk of the court  
14 and shall be a public record.

15 (c-1) In imposing a sentence for the offense of aggravated  
16 kidnapping for ransom, home invasion, armed robbery,  
17 aggravated vehicular hijacking, aggravated discharge of a  
18 firearm, or armed violence with a category I weapon or category  
19 II weapon, the trial judge shall make a finding as to whether  
20 the conduct leading to conviction for the offense resulted in  
21 great bodily harm to a victim, and shall enter that finding and  
22 the basis for that finding in the record.

23 (c-2) If the defendant is sentenced to prison, other than  
24 when a sentence of natural life imprisonment or a sentence of  
25 death is imposed, at the time the sentence is imposed the judge  
26 shall state on the record in open court the approximate period

1 of time the defendant will serve in custody according to the  
2 then current statutory rules and regulations for sentence  
3 credit found in Section 3-6-3 and other related provisions of  
4 this Code. This statement is intended solely to inform the  
5 public, has no legal effect on the defendant's actual release,  
6 and may not be relied on by the defendant on appeal.

7 The judge's statement, to be given after pronouncing the  
8 sentence, other than when the sentence is imposed for one of  
9 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,  
10 shall include the following:

11 "The purpose of this statement is to inform the public of  
12 the actual period of time this defendant is likely to spend in  
13 prison as a result of this sentence. The actual period of  
14 prison time served is determined by the statutes of Illinois as  
15 applied to this sentence by the Illinois Department of  
16 Corrections and the Illinois Prisoner Review Board. In this  
17 case, assuming the defendant receives all of his or her  
18 sentence credit, the period of estimated actual custody is ...  
19 years and ... months, less up to 180 days additional sentence  
20 credit for good conduct. If the defendant, because of his or  
21 her own misconduct or failure to comply with the institutional  
22 regulations, does not receive those credits, the actual time  
23 served in prison will be longer. The defendant may also receive  
24 an additional one-half day sentence credit for each day of  
25 participation in vocational, industry, substance abuse, and  
26 educational programs as provided for by Illinois statute."

1           When the sentence is imposed for one of the offenses  
2 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
3 when the sentence is imposed for one of the offenses enumerated  
4 in paragraph (a)(2) of Section 3-6-3 committed on or after June  
5 19, 1998, and other than when the sentence is imposed for  
6 reckless homicide as defined in subsection (e) of Section 9-3  
7 of the Criminal Code of 1961 or the Criminal Code of 2012 if  
8 the offense was committed on or after January 1, 1999, and  
9 other than when the sentence is imposed for aggravated arson if  
10 the offense was committed on or after July 27, 2001 (the  
11 effective date of Public Act 92-176), and other than when the  
12 sentence is imposed for aggravated driving under the influence  
13 of alcohol, other drug or drugs, or intoxicating compound or  
14 compounds, or any combination thereof as defined in  
15 subparagraph (C) of paragraph (1) of subsection (d) of Section  
16 11-501 of the Illinois Vehicle Code committed on or after  
17 January 1, 2011 (the effective date of Public Act 96-1230), the  
18 judge's statement, to be given after pronouncing the sentence,  
19 shall include the following:

20           "The purpose of this statement is to inform the public of  
21 the actual period of time this defendant is likely to spend in  
22 prison as a result of this sentence. The actual period of  
23 prison time served is determined by the statutes of Illinois as  
24 applied to this sentence by the Illinois Department of  
25 Corrections and the Illinois Prisoner Review Board. In this  
26 case, assuming the defendant receives all of his or her

1 sentence credit, the period of estimated actual custody is ...  
2 years and ... months, less up to 90 days additional sentence  
3 credit for good conduct. If the defendant, because of his or  
4 her own misconduct or failure to comply with the institutional  
5 regulations, does not receive those credits, the actual time  
6 served in prison will be longer. The defendant may also receive  
7 an additional one-half day sentence credit for each day of  
8 participation in vocational, industry, substance abuse, and  
9 educational programs as provided for by Illinois statute."

10 When the sentence is imposed for one of the offenses  
11 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
12 first degree murder, and the offense was committed on or after  
13 June 19, 1998, and when the sentence is imposed for reckless  
14 homicide as defined in subsection (e) of Section 9-3 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012 if the  
16 offense was committed on or after January 1, 1999, and when the  
17 sentence is imposed for aggravated driving under the influence  
18 of alcohol, other drug or drugs, or intoxicating compound or  
19 compounds, or any combination thereof as defined in  
20 subparagraph (F) of paragraph (1) of subsection (d) of Section  
21 11-501 of the Illinois Vehicle Code, and when the sentence is  
22 imposed for aggravated arson if the offense was committed on or  
23 after July 27, 2001 (the effective date of Public Act 92-176),  
24 and when the sentence is imposed for aggravated driving under  
25 the influence of alcohol, other drug or drugs, or intoxicating  
26 compound or compounds, or any combination thereof as defined in

1 subparagraph (C) of paragraph (1) of subsection (d) of Section  
2 11-501 of the Illinois Vehicle Code committed on or after  
3 January 1, 2011 (the effective date of Public Act 96-1230), the  
4 judge's statement, to be given after pronouncing the sentence,  
5 shall include the following:

6 "The purpose of this statement is to inform the public of  
7 the actual period of time this defendant is likely to spend in  
8 prison as a result of this sentence. The actual period of  
9 prison time served is determined by the statutes of Illinois as  
10 applied to this sentence by the Illinois Department of  
11 Corrections and the Illinois Prisoner Review Board. In this  
12 case, the defendant is entitled to no more than 4 1/2 days of  
13 sentence credit for each month of his or her sentence of  
14 imprisonment. Therefore, this defendant will serve at least 85%  
15 of his or her sentence. Assuming the defendant receives 4 1/2  
16 days credit for each month of his or her sentence, the period  
17 of estimated actual custody is ... years and ... months. If the  
18 defendant, because of his or her own misconduct or failure to  
19 comply with the institutional regulations receives lesser  
20 credit, the actual time served in prison will be longer."

21 When a sentence of imprisonment is imposed for first degree  
22 murder and the offense was committed on or after June 19, 1998,  
23 the judge's statement, to be given after pronouncing the  
24 sentence, shall include the following:

25 "The purpose of this statement is to inform the public of  
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of  
2 prison time served is determined by the statutes of Illinois as  
3 applied to this sentence by the Illinois Department of  
4 Corrections and the Illinois Prisoner Review Board. In this  
5 case, the defendant is not entitled to sentence credit.  
6 Therefore, this defendant will serve 100% of his or her  
7 sentence."

8 When the sentencing order recommends placement in a  
9 substance abuse program for any offense that results in  
10 incarceration in a Department of Corrections facility and the  
11 crime was committed on or after September 1, 2003 (the  
12 effective date of Public Act 93-354), the judge's statement, in  
13 addition to any other judge's statement required under this  
14 Section, to be given after pronouncing the sentence, shall  
15 include the following:

16 "The purpose of this statement is to inform the public of  
17 the actual period of time this defendant is likely to spend in  
18 prison as a result of this sentence. The actual period of  
19 prison time served is determined by the statutes of Illinois as  
20 applied to this sentence by the Illinois Department of  
21 Corrections and the Illinois Prisoner Review Board. In this  
22 case, the defendant shall receive no sentence credit for good  
23 conduct under clause (3) of subsection (a) of Section 3-6-3  
24 until he or she participates in and completes a substance abuse  
25 treatment program or receives a waiver from the Director of  
26 Corrections pursuant to clause (4.5) of subsection (a) of

1 Section 3-6-3."

2 (c-4) Before the sentencing hearing and as part of the  
3 presentence investigation under Section 5-3-1, the court shall  
4 inquire of the defendant whether the defendant is currently  
5 serving in or is a veteran of the Armed Forces of the United  
6 States. If the defendant is currently serving in the Armed  
7 Forces of the United States or is a veteran of the Armed Forces  
8 of the United States and has been diagnosed as having a mental  
9 illness by a qualified psychiatrist or clinical psychologist or  
10 physician, the court may:

11 (1) order that the officer preparing the presentence  
12 report consult with the United States Department of  
13 Veterans Affairs, Illinois Department of Veterans'  
14 Affairs, or another agency or person with suitable  
15 knowledge or experience for the purpose of providing the  
16 court with information regarding treatment options  
17 available to the defendant, including federal, State, and  
18 local programming; and

19 (2) consider the treatment recommendations of any  
20 diagnosing or treating mental health professionals  
21 together with the treatment options available to the  
22 defendant in imposing sentence.

23 For the purposes of this subsection (c-4), "qualified  
24 psychiatrist" means a reputable physician licensed in Illinois  
25 to practice medicine in all its branches, who has specialized  
26 in the diagnosis and treatment of mental and nervous disorders

1 for a period of not less than 5 years.

2 (c-6) In imposing a sentence, the trial judge shall  
3 specify, on the record, the particular evidence and other  
4 reasons which led to his or her determination that a motor  
5 vehicle was used in the commission of the offense.

6 (d) When the defendant is committed to the Department of  
7 Corrections, the State's Attorney shall and counsel for the  
8 defendant may file a statement with the clerk of the court to  
9 be transmitted to the department, agency or institution to  
10 which the defendant is committed to furnish such department,  
11 agency or institution with the facts and circumstances of the  
12 offense for which the person was committed together with all  
13 other factual information accessible to them in regard to the  
14 person prior to his commitment relative to his habits,  
15 associates, disposition and reputation and any other facts and  
16 circumstances which may aid such department, agency or  
17 institution during its custody of such person. The clerk shall  
18 within 10 days after receiving any such statements transmit a  
19 copy to such department, agency or institution and a copy to  
20 the other party, provided, however, that this shall not be  
21 cause for delay in conveying the person to the department,  
22 agency or institution to which he has been committed.

23 (e) The clerk of the court shall transmit to the  
24 department, agency or institution, if any, to which the  
25 defendant is committed, the following:

26 (1) the sentence imposed;



1           (2) any statement by the court of the basis for  
2 imposing the sentence;

3           (3) any presentence reports;

4           (3.5) any sex offender evaluations;

5           (3.6) any substance abuse treatment eligibility  
6 screening and assessment of the defendant by an agent  
7 designated by the State of Illinois to provide assessment  
8 services for the Illinois courts;

9           (4) the number of days, if any, which the defendant has  
10 been in custody and for which he is entitled to credit  
11 against the sentence, which information shall be provided  
12 to the clerk by the sheriff;

13           (4.1) any finding of great bodily harm made by the  
14 court with respect to an offense enumerated in subsection  
15 (c-1);

16           (5) all statements filed under subsection (d) of this  
17 Section;

18           (6) any medical or mental health records or summaries  
19 of the defendant;

20           (7) the municipality where the arrest of the offender  
21 or the commission of the offense has occurred, where such  
22 municipality has a population of more than 25,000 persons;

23           (8) all statements made and evidence offered under  
24 paragraph (7) of subsection (a) of this Section; and

25           (9) all additional matters which the court directs the  
26 clerk to transmit.

1 (f) In cases in which the court finds that a motor vehicle  
2 was used in the commission of the offense for which the  
3 defendant is being sentenced, the clerk of the court shall,  
4 within 5 days thereafter, forward a report of such conviction  
5 to the Secretary of State.

6 (Source: P.A. 99-861, eff. 1-1-17.)

7 (730 ILCS 5/5-4.5-95)

8 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

9 (a) HABITUAL CRIMINALS.

10 (1) Every person who has been twice convicted in any  
11 state or federal court of an offense that contains the same  
12 elements as an offense now (the date of the offense  
13 committed after the 2 prior convictions) classified in  
14 Illinois as a Class X felony, criminal sexual assault,  
15 aggravated kidnapping, or first degree murder, and who is  
16 thereafter convicted of a Class X felony, criminal sexual  
17 assault, or first degree murder, committed after the 2  
18 prior convictions, shall be adjudged an habitual criminal.

19 (2) The 2 prior convictions need not have been for the  
20 same offense.

21 (3) Any convictions that result from or are connected  
22 with the same transaction, or result from offenses  
23 committed at the same time, shall be counted for the  
24 purposes of this Section as one conviction.

25 (4) This Section does not apply unless each of the

1 following requirements are satisfied:

2 (A) The third offense was committed after July 3,  
3 1980.

4 (B) The third offense was committed within 20 years  
5 of the date that judgment was entered on the first  
6 conviction; provided, however, that time spent in  
7 custody shall not be counted.

8 (C) The third offense was committed after  
9 conviction on the second offense.

10 (D) The second offense was committed after  
11 conviction on the first offense.

12 (5) Anyone who, having attained the age of 18 at the  
13 time of the third offense, is adjudged an habitual criminal  
14 shall be sentenced to a term of natural life imprisonment.

15 (6) A prior conviction shall not be alleged in the  
16 indictment, and no evidence or other disclosure of that  
17 conviction shall be presented to the court or the jury  
18 during the trial of an offense set forth in this Section  
19 unless otherwise permitted by the issues properly raised in  
20 that trial. After a plea or verdict or finding of guilty  
21 and before sentence is imposed, the prosecutor may file  
22 with the court a verified written statement signed by the  
23 State's Attorney concerning any former conviction of an  
24 offense set forth in this Section rendered against the  
25 defendant. The court shall then cause the defendant to be  
26 brought before it; shall inform the defendant of the

1           allegations of the statement so filed, and of his or her  
2           right to a hearing before the court on the issue of that  
3           former conviction and of his or her right to counsel at  
4           that hearing; and unless the defendant admits such  
5           conviction, shall hear and determine the issue, and shall  
6           make a written finding thereon. If a sentence has  
7           previously been imposed, the court may vacate that sentence  
8           and impose a new sentence in accordance with this Section.

9           (7) A duly authenticated copy of the record of any  
10          alleged former conviction of an offense set forth in this  
11          Section shall be prima facie evidence of that former  
12          conviction; and a duly authenticated copy of the record of  
13          the defendant's final release or discharge from probation  
14          granted, or from sentence and parole supervision (if any)  
15          imposed pursuant to that former conviction, shall be prima  
16          facie evidence of that release or discharge.

17          (8) Any claim that a previous conviction offered by the  
18          prosecution is not a former conviction of an offense set  
19          forth in this Section because of the existence of any  
20          exceptions described in this Section, is waived unless duly  
21          raised at the hearing on that conviction, or unless the  
22          prosecution's proof shows the existence of the exceptions  
23          described in this Section.

24          (9) If the person so convicted shows to the  
25          satisfaction of the court before whom that conviction was  
26          had that he or she was released from imprisonment, upon

1           either of the sentences upon a pardon granted for the  
2           reason that he or she was innocent, that conviction and  
3           sentence shall not be considered under this Section.

4           (10) This subsection (a) does not apply to a violation  
5           of the Cannabis Control Act, the Illinois Controlled  
6           Substances Act, or the Methamphetamine Control and  
7           Community Protection Act.

8           (b) When a defendant, over the age of 21 years, is  
9           convicted of a Class 1 or Class 2 felony, after having twice  
10          been convicted in any state or federal court of an offense that  
11          contains the same elements as an offense now (the date the  
12          Class 1 or Class 2 felony was committed) classified in Illinois  
13          as a Class 2 or greater Class felony and those charges are  
14          separately brought and tried and arise out of different series  
15          of acts, that defendant shall be sentenced as a Class X  
16          offender. This subsection does not apply unless:

17                 (1) the first felony was committed after February 1,  
18                 1978 (the effective date of Public Act 80-1099);

19                 (2) the second felony was committed after conviction on  
20                 the first; and

21                 (3) the third felony was committed after conviction on  
22                 the second.

23           This subsection (b) does not apply to a violation of the  
24           Cannabis Control Act, the Illinois Controlled Substances Act,  
25           or the Methamphetamine Control and Community Protection Act.

26           A person sentenced as a Class X offender under this

1 subsection (b) is not eligible to apply for treatment as a  
2 condition of probation as provided by Section 40-10 of the  
3 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS  
4 301/40-10).

5 (Source: P.A. 99-69, eff. 1-1-16.)

6 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

7 Sec. 5-5-3. Disposition.

8 (a) (Blank).

9 (b) (Blank).

10 (c) (1) (Blank).

11 (2) A period of probation, a term of periodic imprisonment  
12 or conditional discharge shall not be imposed for the following  
13 offenses. The court shall sentence the offender to not less  
14 than the minimum term of imprisonment set forth in this Code  
15 for the following offenses, and may order a fine or restitution  
16 or both in conjunction with such term of imprisonment:

17 (A) First degree murder where the death penalty is not  
18 imposed.

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

21 (D) (Blank). ~~A violation of Section 401.1 or 407 of the~~  
22 ~~Illinois Controlled Substances Act, or a violation of~~  
23 ~~subdivision (c) (1.5) or (c) (2) of Section 401 of that Act~~  
24 ~~which relates to more than 5 grams of a substance~~  
25 ~~containing cocaine, fentanyl, or an analog thereof.~~

1           (D-5) (Blank). ~~A violation of subdivision (c) (1) of~~  
2 ~~Section 401 of the Illinois Controlled Substances Act which~~  
3 ~~relates to 3 or more grams of a substance containing heroin~~  
4 ~~or an analog thereof.~~

5           (E) (Blank). ~~A violation of Section 5.1 or 9 of the~~  
6 ~~Cannabis Control Act.~~

7           (F) A Class 2 or greater felony if the offender had  
8 been convicted of a Class 2 or greater felony, including  
9 any state or federal conviction for an offense that  
10 contained, at the time it was committed, the same elements  
11 as an offense now (the date of the offense committed after  
12 the prior Class 2 or greater felony) classified as a Class  
13 2 or greater felony, within 10 years of the date on which  
14 the offender committed the offense for which he or she is  
15 being sentenced, except as otherwise provided in Section  
16 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
17 Act. This subparagraph (F) does not apply to a violation of  
18 the Cannabis Control Act, the Illinois Controlled  
19 Substances Act, or the Methamphetamine Control and  
20 Community Protection Act.

21           (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of  
22 the Criminal Code of 1961 or the Criminal Code of 2012 for  
23 which imprisonment is prescribed in those Sections.

24           (G) Residential burglary, except as otherwise provided  
25 in Section 40-10 of the Alcoholism and Other Drug Abuse and  
26 Dependency Act.

1 (H) Criminal sexual assault.

2 (I) Aggravated battery of a senior citizen as described  
3 in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05  
4 of the Criminal Code of 1961 or the Criminal Code of 2012.

5 (J) A forcible felony if the offense was related to the  
6 activities of an organized gang.

7 Before July 1, 1994, for the purposes of this  
8 paragraph, "organized gang" means an association of 5 or  
9 more persons, with an established hierarchy, that  
10 encourages members of the association to perpetrate crimes  
11 or provides support to the members of the association who  
12 do commit crimes.

13 Beginning July 1, 1994, for the purposes of this  
14 paragraph, "organized gang" has the meaning ascribed to it  
15 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
16 Prevention Act.

17 (K) Vehicular hijacking.

18 (L) A second or subsequent conviction for the offense  
19 of hate crime when the underlying offense upon which the  
20 hate crime is based is felony aggravated assault or felony  
21 mob action.

22 (M) A second or subsequent conviction for the offense  
23 of institutional vandalism if the damage to the property  
24 exceeds \$300.

25 (N) A Class 3 felony violation of paragraph (1) of  
26 subsection (a) of Section 2 of the Firearm Owners



1 Identification Card Act.

2 (O) A violation of Section 12-6.1 or 12-6.5 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012.

4 (P) A violation of paragraph (1), (2), (3), (4), (5),  
5 or (7) of subsection (a) of Section 11-20.1 of the Criminal  
6 Code of 1961 or the Criminal Code of 2012.

7 (Q) A violation of subsection (b) or (b-5) of Section  
8 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
9 Code of 1961 or the Criminal Code of 2012.

10 (R) A violation of Section 24-3A of the Criminal Code  
11 of 1961 or the Criminal Code of 2012.

12 (S) (Blank).

13 (T) (Blank). ~~A second or subsequent violation of the~~  
14 ~~Methamphetamine Control and Community Protection Act.~~

15 (U) A second or subsequent violation of Section 6-303  
16 of the Illinois Vehicle Code committed while his or her  
17 driver's license, permit, or privilege was revoked because  
18 of a violation of Section 9-3 of the Criminal Code of 1961  
19 or the Criminal Code of 2012, relating to the offense of  
20 reckless homicide, or a similar provision of a law of  
21 another state.

22 (V) A violation of paragraph (4) of subsection (c) of  
23 Section 11-20.1B or paragraph (4) of subsection (c) of  
24 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
25 (6) of subsection (a) of Section 11-20.1 of the Criminal  
26 Code of 2012 when the victim is under 13 years of age and

1 the defendant has previously been convicted under the laws  
2 of this State or any other state of the offense of child  
3 pornography, aggravated child pornography, aggravated  
4 criminal sexual abuse, aggravated criminal sexual assault,  
5 predatory criminal sexual assault of a child, or any of the  
6 offenses formerly known as rape, deviate sexual assault,  
7 indecent liberties with a child, or aggravated indecent  
8 liberties with a child where the victim was under the age  
9 of 18 years or an offense that is substantially equivalent  
10 to those offenses.

11 (W) A violation of Section 24-3.5 of the Criminal Code  
12 of 1961 or the Criminal Code of 2012.

13 (X) A violation of subsection (a) of Section 31-1a of  
14 the Criminal Code of 1961 or the Criminal Code of 2012.

15 (Y) A conviction for unlawful possession of a firearm  
16 by a street gang member when the firearm was loaded or  
17 contained firearm ammunition.

18 (Z) A Class 1 felony committed while he or she was  
19 serving a term of probation or conditional discharge for a  
20 felony.

21 (AA) Theft of property exceeding \$500,000 and not  
22 exceeding \$1,000,000 in value.

23 (BB) Laundering of criminally derived property of a  
24 value exceeding \$500,000.

25 (CC) Knowingly selling, offering for sale, holding for  
26 sale, or using 2,000 or more counterfeit items or

1 counterfeit items having a retail value in the aggregate of  
2 \$500,000 or more.

3 (DD) A conviction for aggravated assault under  
4 paragraph (6) of subsection (c) of Section 12-2 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012 if the  
6 firearm is aimed toward the person against whom the firearm  
7 is being used.

8 (EE) A conviction for a violation of paragraph (2) of  
9 subsection (a) of Section 24-3B of the Criminal Code of  
10 2012.

11 (3) (Blank).

12 (4) A minimum term of imprisonment of not less than 10  
13 consecutive days or 30 days of community service shall be  
14 imposed for a violation of paragraph (c) of Section 6-303 of  
15 the Illinois Vehicle Code.

16 (4.1) (Blank).

17 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
18 this subsection (c), a minimum of 100 hours of community  
19 service shall be imposed for a second violation of Section  
20 6-303 of the Illinois Vehicle Code.

21 (4.3) A minimum term of imprisonment of 30 days or 300  
22 hours of community service, as determined by the court, shall  
23 be imposed for a second violation of subsection (c) of Section  
24 6-303 of the Illinois Vehicle Code.

25 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
26 (4.9) of this subsection (c), a minimum term of imprisonment of

1 30 days or 300 hours of community service, as determined by the  
2 court, shall be imposed for a third or subsequent violation of  
3 Section 6-303 of the Illinois Vehicle Code.

4 (4.5) A minimum term of imprisonment of 30 days shall be  
5 imposed for a third violation of subsection (c) of Section  
6 6-303 of the Illinois Vehicle Code.

7 (4.6) Except as provided in paragraph (4.10) of this  
8 subsection (c), a minimum term of imprisonment of 180 days  
9 shall be imposed for a fourth or subsequent violation of  
10 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

11 (4.7) A minimum term of imprisonment of not less than 30  
12 consecutive days, or 300 hours of community service, shall be  
13 imposed for a violation of subsection (a-5) of Section 6-303 of  
14 the Illinois Vehicle Code, as provided in subsection (b-5) of  
15 that Section.

16 (4.8) A mandatory prison sentence shall be imposed for a  
17 second violation of subsection (a-5) of Section 6-303 of the  
18 Illinois Vehicle Code, as provided in subsection (c-5) of that  
19 Section. The person's driving privileges shall be revoked for a  
20 period of not less than 5 years from the date of his or her  
21 release from prison.

22 (4.9) A mandatory prison sentence of not less than 4 and  
23 not more than 15 years shall be imposed for a third violation  
24 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
25 Code, as provided in subsection (d-2.5) of that Section. The  
26 person's driving privileges shall be revoked for the remainder

1 of his or her life.

2 (4.10) A mandatory prison sentence for a Class 1 felony  
3 shall be imposed, and the person shall be eligible for an  
4 extended term sentence, for a fourth or subsequent violation of  
5 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
6 as provided in subsection (d-3.5) of that Section. The person's  
7 driving privileges shall be revoked for the remainder of his or  
8 her life.

9 (5) The court may sentence a corporation or unincorporated  
10 association convicted of any offense to:

11 (A) a period of conditional discharge;

12 (B) a fine;

13 (C) make restitution to the victim under Section 5-5-6  
14 of this Code.

15 (5.1) In addition to any other penalties imposed, and  
16 except as provided in paragraph (5.2) or (5.3), a person  
17 convicted of violating subsection (c) of Section 11-907 of the  
18 Illinois Vehicle Code shall have his or her driver's license,  
19 permit, or privileges suspended for at least 90 days but not  
20 more than one year, if the violation resulted in damage to the  
21 property of another person.

22 (5.2) In addition to any other penalties imposed, and  
23 except as provided in paragraph (5.3), a person convicted of  
24 violating subsection (c) of Section 11-907 of the Illinois  
25 Vehicle Code shall have his or her driver's license, permit, or  
26 privileges suspended for at least 180 days but not more than 2

1 years, if the violation resulted in injury to another person.

2 (5.3) In addition to any other penalties imposed, a person  
3 convicted of violating subsection (c) of Section 11-907 of the  
4 Illinois Vehicle Code shall have his or her driver's license,  
5 permit, or privileges suspended for 2 years, if the violation  
6 resulted in the death of another person.

7 (5.4) In addition to any other penalties imposed, a person  
8 convicted of violating Section 3-707 of the Illinois Vehicle  
9 Code shall have his or her driver's license, permit, or  
10 privileges suspended for 3 months and until he or she has paid  
11 a reinstatement fee of \$100.

12 (5.5) In addition to any other penalties imposed, a person  
13 convicted of violating Section 3-707 of the Illinois Vehicle  
14 Code during a period in which his or her driver's license,  
15 permit, or privileges were suspended for a previous violation  
16 of that Section shall have his or her driver's license, permit,  
17 or privileges suspended for an additional 6 months after the  
18 expiration of the original 3-month suspension and until he or  
19 she has paid a reinstatement fee of \$100.

20 (6) (Blank).

21 (7) (Blank).

22 (8) (Blank).

23 (9) A defendant convicted of a second or subsequent offense  
24 of ritualized abuse of a child may be sentenced to a term of  
25 natural life imprisonment.

26 (10) (Blank).

1           (11) The court shall impose a minimum fine of \$1,000 for a  
2 first offense and \$2,000 for a second or subsequent offense  
3 upon a person convicted of or placed on supervision for battery  
4 when the individual harmed was a sports official or coach at  
5 any level of competition and the act causing harm to the sports  
6 official or coach occurred within an athletic facility or  
7 within the immediate vicinity of the athletic facility at which  
8 the sports official or coach was an active participant of the  
9 athletic contest held at the athletic facility. For the  
10 purposes of this paragraph (11), "sports official" means a  
11 person at an athletic contest who enforces the rules of the  
12 contest, such as an umpire or referee; "athletic facility"  
13 means an indoor or outdoor playing field or recreational area  
14 where sports activities are conducted; and "coach" means a  
15 person recognized as a coach by the sanctioning authority that  
16 conducted the sporting event.

17           (12) A person may not receive a disposition of court  
18 supervision for a violation of Section 5-16 of the Boat  
19 Registration and Safety Act if that person has previously  
20 received a disposition of court supervision for a violation of  
21 that Section.

22           (13) A person convicted of or placed on court supervision  
23 for an assault or aggravated assault when the victim and the  
24 offender are family or household members as defined in Section  
25 103 of the Illinois Domestic Violence Act of 1986 or convicted  
26 of domestic battery or aggravated domestic battery may be

1 required to attend a Partner Abuse Intervention Program under  
2 protocols set forth by the Illinois Department of Human  
3 Services under such terms and conditions imposed by the court.  
4 The costs of such classes shall be paid by the offender.

5 (d) In any case in which a sentence originally imposed is  
6 vacated, the case shall be remanded to the trial court. The  
7 trial court shall hold a hearing under Section 5-4-1 of the  
8 Unified Code of Corrections which may include evidence of the  
9 defendant's life, moral character and occupation during the  
10 time since the original sentence was passed. The trial court  
11 shall then impose sentence upon the defendant. The trial court  
12 may impose any sentence which could have been imposed at the  
13 original trial subject to Section 5-5-4 of the Unified Code of  
14 Corrections. If a sentence is vacated on appeal or on  
15 collateral attack due to the failure of the trier of fact at  
16 trial to determine beyond a reasonable doubt the existence of a  
17 fact (other than a prior conviction) necessary to increase the  
18 punishment for the offense beyond the statutory maximum  
19 otherwise applicable, either the defendant may be re-sentenced  
20 to a term within the range otherwise provided or, if the State  
21 files notice of its intention to again seek the extended  
22 sentence, the defendant shall be afforded a new trial.

23 (e) In cases where prosecution for aggravated criminal  
24 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012 results in conviction  
26 of a defendant who was a family member of the victim at the



1 time of the commission of the offense, the court shall consider  
2 the safety and welfare of the victim and may impose a sentence  
3 of probation only where:

4 (1) the court finds (A) or (B) or both are appropriate:

5 (A) the defendant is willing to undergo a court  
6 approved counseling program for a minimum duration of 2  
7 years; or

8 (B) the defendant is willing to participate in a  
9 court approved plan including but not limited to the  
10 defendant's:

11 (i) removal from the household;

12 (ii) restricted contact with the victim;

13 (iii) continued financial support of the  
14 family;

15 (iv) restitution for harm done to the victim;

16 and

17 (v) compliance with any other measures that  
18 the court may deem appropriate; and

19 (2) the court orders the defendant to pay for the  
20 victim's counseling services, to the extent that the court  
21 finds, after considering the defendant's income and  
22 assets, that the defendant is financially capable of paying  
23 for such services, if the victim was under 18 years of age  
24 at the time the offense was committed and requires  
25 counseling as a result of the offense.

26 Probation may be revoked or modified pursuant to Section

1 5-6-4; except where the court determines at the hearing that  
2 the defendant violated a condition of his or her probation  
3 restricting contact with the victim or other family members or  
4 commits another offense with the victim or other family  
5 members, the court shall revoke the defendant's probation and  
6 impose a term of imprisonment.

7 For the purposes of this Section, "family member" and  
8 "victim" shall have the meanings ascribed to them in Section  
9 11-0.1 of the Criminal Code of 2012.

10 (f) (Blank).

11 (g) Whenever a defendant is convicted of an offense under  
12 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
13 11-14.3, 11-14.4 except for an offense that involves keeping a  
14 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
15 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
16 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, the defendant shall undergo medical  
18 testing to determine whether the defendant has any sexually  
19 transmissible disease, including a test for infection with  
20 human immunodeficiency virus (HIV) or any other identified  
21 causative agent of acquired immunodeficiency syndrome (AIDS).  
22 Any such medical test shall be performed only by appropriately  
23 licensed medical practitioners and may include an analysis of  
24 any bodily fluids as well as an examination of the defendant's  
25 person. Except as otherwise provided by law, the results of  
26 such test shall be kept strictly confidential by all medical

1 personnel involved in the testing and must be personally  
2 delivered in a sealed envelope to the judge of the court in  
3 which the conviction was entered for the judge's inspection in  
4 camera. Acting in accordance with the best interests of the  
5 victim and the public, the judge shall have the discretion to  
6 determine to whom, if anyone, the results of the testing may be  
7 revealed. The court shall notify the defendant of the test  
8 results. The court shall also notify the victim if requested by  
9 the victim, and if the victim is under the age of 15 and if  
10 requested by the victim's parents or legal guardian, the court  
11 shall notify the victim's parents or legal guardian of the test  
12 results. The court shall provide information on the  
13 availability of HIV testing and counseling at Department of  
14 Public Health facilities to all parties to whom the results of  
15 the testing are revealed and shall direct the State's Attorney  
16 to provide the information to the victim when possible. A  
17 State's Attorney may petition the court to obtain the results  
18 of any HIV test administered under this Section, and the court  
19 shall grant the disclosure if the State's Attorney shows it is  
20 relevant in order to prosecute a charge of criminal  
21 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012 against the  
23 defendant. The court shall order that the cost of any such test  
24 shall be paid by the county and may be taxed as costs against  
25 the convicted defendant.

26 (g-5) When an inmate is tested for an airborne communicable

1 disease, as determined by the Illinois Department of Public  
2 Health including but not limited to tuberculosis, the results  
3 of the test shall be personally delivered by the warden or his  
4 or her designee in a sealed envelope to the judge of the court  
5 in which the inmate must appear for the judge's inspection in  
6 camera if requested by the judge. Acting in accordance with the  
7 best interests of those in the courtroom, the judge shall have  
8 the discretion to determine what if any precautions need to be  
9 taken to prevent transmission of the disease in the courtroom.

10 (h) Whenever a defendant is convicted of an offense under  
11 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
12 defendant shall undergo medical testing to determine whether  
13 the defendant has been exposed to human immunodeficiency virus  
14 (HIV) or any other identified causative agent of acquired  
15 immunodeficiency syndrome (AIDS). Except as otherwise provided  
16 by law, the results of such test shall be kept strictly  
17 confidential by all medical personnel involved in the testing  
18 and must be personally delivered in a sealed envelope to the  
19 judge of the court in which the conviction was entered for the  
20 judge's inspection in camera. Acting in accordance with the  
21 best interests of the public, the judge shall have the  
22 discretion to determine to whom, if anyone, the results of the  
23 testing may be revealed. The court shall notify the defendant  
24 of a positive test showing an infection with the human  
25 immunodeficiency virus (HIV). The court shall provide  
26 information on the availability of HIV testing and counseling

1 at Department of Public Health facilities to all parties to  
2 whom the results of the testing are revealed and shall direct  
3 the State's Attorney to provide the information to the victim  
4 when possible. A State's Attorney may petition the court to  
5 obtain the results of any HIV test administered under this  
6 Section, and the court shall grant the disclosure if the  
7 State's Attorney shows it is relevant in order to prosecute a  
8 charge of criminal transmission of HIV under Section 12-5.01 or  
9 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
10 2012 against the defendant. The court shall order that the cost  
11 of any such test shall be paid by the county and may be taxed as  
12 costs against the convicted defendant.

13 (i) All fines and penalties imposed under this Section for  
14 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
15 Vehicle Code, or a similar provision of a local ordinance, and  
16 any violation of the Child Passenger Protection Act, or a  
17 similar provision of a local ordinance, shall be collected and  
18 disbursed by the circuit clerk as provided under Section 27.5  
19 of the Clerks of Courts Act.

20 (j) In cases when prosecution for any violation of Section  
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
22 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
23 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
24 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
25 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
26 Code of 2012, any violation of the Illinois Controlled

1 Substances Act, any violation of the Cannabis Control Act, or  
2 any violation of the Methamphetamine Control and Community  
3 Protection Act results in conviction, a disposition of court  
4 supervision, or an order of probation granted under Section 10  
5 of the Cannabis Control Act, Section 410 of the Illinois  
6 Controlled Substances Act, or Section 70 of the Methamphetamine  
7 Control and Community Protection Act of a defendant, the court  
8 shall determine whether the defendant is employed by a facility  
9 or center as defined under the Child Care Act of 1969, a public  
10 or private elementary or secondary school, or otherwise works  
11 with children under 18 years of age on a daily basis. When a  
12 defendant is so employed, the court shall order the Clerk of  
13 the Court to send a copy of the judgment of conviction or order  
14 of supervision or probation to the defendant's employer by  
15 certified mail. If the employer of the defendant is a school,  
16 the Clerk of the Court shall direct the mailing of a copy of  
17 the judgment of conviction or order of supervision or probation  
18 to the appropriate regional superintendent of schools. The  
19 regional superintendent of schools shall notify the State Board  
20 of Education of any notification under this subsection.

21 (j-5) A defendant at least 17 years of age who is convicted  
22 of a felony and who has not been previously convicted of a  
23 misdemeanor or felony and who is sentenced to a term of  
24 imprisonment in the Illinois Department of Corrections shall as  
25 a condition of his or her sentence be required by the court to  
26 attend educational courses designed to prepare the defendant

1 for a high school diploma and to work toward a high school  
2 diploma or to work toward passing high school equivalency  
3 testing or to work toward completing a vocational training  
4 program offered by the Department of Corrections. If a  
5 defendant fails to complete the educational training required  
6 by his or her sentence during the term of incarceration, the  
7 Prisoner Review Board shall, as a condition of mandatory  
8 supervised release, require the defendant, at his or her own  
9 expense, to pursue a course of study toward a high school  
10 diploma or passage of high school equivalency testing. The  
11 Prisoner Review Board shall revoke the mandatory supervised  
12 release of a defendant who wilfully fails to comply with this  
13 subsection (j-5) upon his or her release from confinement in a  
14 penal institution while serving a mandatory supervised release  
15 term; however, the inability of the defendant after making a  
16 good faith effort to obtain financial aid or pay for the  
17 educational training shall not be deemed a wilful failure to  
18 comply. The Prisoner Review Board shall recommit the defendant  
19 whose mandatory supervised release term has been revoked under  
20 this subsection (j-5) as provided in Section 3-3-9. This  
21 subsection (j-5) does not apply to a defendant who has a high  
22 school diploma or has successfully passed high school  
23 equivalency testing. This subsection (j-5) does not apply to a  
24 defendant who is determined by the court to be a person with a  
25 developmental disability or otherwise mentally incapable of  
26 completing the educational or vocational program.

1 (k) (Blank).

2 (l) (A) Except as provided in paragraph (C) of subsection  
3 (1), whenever a defendant, who is an alien as defined by the  
4 Immigration and Nationality Act, is convicted of any felony or  
5 misdemeanor offense, the court after sentencing the defendant  
6 may, upon motion of the State's Attorney, hold sentence in  
7 abeyance and remand the defendant to the custody of the  
8 Attorney General of the United States or his or her designated  
9 agent to be deported when:

10 (1) a final order of deportation has been issued  
11 against the defendant pursuant to proceedings under the  
12 Immigration and Nationality Act, and

13 (2) the deportation of the defendant would not  
14 deprecate the seriousness of the defendant's conduct and  
15 would not be inconsistent with the ends of justice.

16 Otherwise, the defendant shall be sentenced as provided in  
17 this Chapter V.

18 (B) If the defendant has already been sentenced for a  
19 felony or misdemeanor offense, or has been placed on probation  
20 under Section 10 of the Cannabis Control Act, Section 410 of  
21 the Illinois Controlled Substances Act, or Section 70 of the  
22 Methamphetamine Control and Community Protection Act, the  
23 court may, upon motion of the State's Attorney to suspend the  
24 sentence imposed, commit the defendant to the custody of the  
25 Attorney General of the United States or his or her designated  
26 agent when:



1           (1) a final order of deportation has been issued  
2           against the defendant pursuant to proceedings under the  
3           Immigration and Nationality Act, and

4           (2) the deportation of the defendant would not  
5           deprecate the seriousness of the defendant's conduct and  
6           would not be inconsistent with the ends of justice.

7           (C) This subsection (1) does not apply to offenders who are  
8           subject to the provisions of paragraph (2) of subsection (a) of  
9           Section 3-6-3.

10          (D) Upon motion of the State's Attorney, if a defendant  
11          sentenced under this Section returns to the jurisdiction of the  
12          United States, the defendant shall be recommitted to the  
13          custody of the county from which he or she was sentenced.  
14          Thereafter, the defendant shall be brought before the  
15          sentencing court, which may impose any sentence that was  
16          available under Section 5-5-3 at the time of initial  
17          sentencing. In addition, the defendant shall not be eligible  
18          for additional sentence credit for good conduct as provided  
19          under Section 3-6-3.

20          (m) A person convicted of criminal defacement of property  
21          under Section 21-1.3 of the Criminal Code of 1961 or the  
22          Criminal Code of 2012, in which the property damage exceeds  
23          \$300 and the property damaged is a school building, shall be  
24          ordered to perform community service that may include cleanup,  
25          removal, or painting over the defacement.

26          (n) The court may sentence a person convicted of a

1 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
2 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
3 of 1961 or the Criminal Code of 2012 (i) to an impact  
4 incarceration program if the person is otherwise eligible for  
5 that program under Section 5-8-1.1, (ii) to community service,  
6 or (iii) if the person is an addict or alcoholic, as defined in  
7 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
8 substance or alcohol abuse program licensed under that Act.

9 (o) Whenever a person is convicted of a sex offense as  
10 defined in Section 2 of the Sex Offender Registration Act, the  
11 defendant's driver's license or permit shall be subject to  
12 renewal on an annual basis in accordance with the provisions of  
13 license renewal established by the Secretary of State.

14 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;  
15 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)

16 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

17 Sec. 5-8-2. Extended Term.

18 (a) A judge shall not sentence an offender to a term of  
19 imprisonment in excess of the maximum sentence authorized by  
20 Article 4.5 of Chapter V for an offense or offenses within the  
21 class of the most serious offense of which the offender was  
22 convicted unless the factors in aggravation set forth in  
23 Section 5-5-3.2 or clause (a)(1)(b) of Section 5-8-1 were found  
24 to be present. If the pre-trial and trial proceedings were  
25 conducted in compliance with subsection (c-5) of Section 111-3

1 of the Code of Criminal Procedure of 1963, the judge may  
2 sentence an offender to an extended term as provided in Article  
3 4.5 of Chapter V (730 ILCS 5/Ch. V, Art. 4.5).

4 (b) If the conviction was by plea, it shall appear on the  
5 record that the plea was entered with the defendant's knowledge  
6 that a sentence under this Section was a possibility. If it  
7 does not so appear on the record, the defendant shall not be  
8 subject to such a sentence unless he is first given an  
9 opportunity to withdraw his plea without prejudice.

10 (c) An extended term as provided in Article 4.5 of Chapter  
11 V of this Code shall not be imposed for a violation of the  
12 Cannabis Control Act, the Illinois Controlled Substances Act,  
13 or the Methamphetamine Control and Community Protection Act.

14 (Source: P.A. 95-1052, eff. 7-1-09; 96-1200, eff. 7-22-10.)

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## Statutes amended in order of appearance

3	720 ILCS 550/4	from Ch. 56 1/2, par. 704
4	720 ILCS 550/5	from Ch. 56 1/2, par. 705
5	720 ILCS 550/5.1	from Ch. 56 1/2, par. 705.1
6	720 ILCS 550/5.2	from Ch. 56 1/2, par. 705.2
7	720 ILCS 550/7	from Ch. 56 1/2, par. 707
8	720 ILCS 550/8	from Ch. 56 1/2, par. 708
9	720 ILCS 550/9 rep.	
10	720 ILCS 570/401	from Ch. 56 1/2, par. 1401
11	720 ILCS 570/401.1	from Ch. 56 1/2, par. 1401.1
12	720 ILCS 570/402	from Ch. 56 1/2, par. 1402
13	720 ILCS 570/404	from Ch. 56 1/2, par. 1404
14	720 ILCS 570/405.2	
15	720 ILCS 570/407	from Ch. 56 1/2, par. 1407
16	720 ILCS 570/407.1	from Ch. 56 1/2, par. 1407.1
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18	720 ILCS 570/405 rep.	
19	720 ILCS 570/405.1 rep.	
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10	720 ILCS 646/55.5 new	
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12	720 ILCS 646/60	
13	720 ILCS 646/65 rep.	
14	720 ILCS 646/100 rep.	
15	730 ILCS 5/5-4-1	from Ch. 38, par. 1005-4-1
16	730 ILCS 5/5-4.5-95	
17	730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
18	730 ILCS 5/5-8-2	from Ch. 38, par. 1005-8-2