



Rep. Elgie R. Sims, Jr.

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10000HB3355ham001

LRB100 08485 RLC 23790 a

1 AMENDMENT TO HOUSE BILL 3355

2 AMENDMENT NO. _____. Amend House Bill 3355 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 16-1 and 16-25 as follows:

6 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

7 Sec. 16-1. Theft.

8 (a) A person commits theft when he or she knowingly:

9 (1) Obtains or exerts unauthorized control over
10 property of the owner; or

11 (2) Obtains by deception control over property of the
12 owner; or

13 (3) Obtains by threat control over property of the
14 owner; or

15 (4) Obtains control over stolen property knowing the
16 property to have been stolen or under such circumstances as

1 would reasonably induce him or her to believe that the
2 property was stolen; or

3 (5) Obtains or exerts control over property in the
4 custody of any law enforcement agency which any law
5 enforcement officer or any individual acting in behalf of a
6 law enforcement agency explicitly represents to the person
7 as being stolen or represents to the person such
8 circumstances as would reasonably induce the person to
9 believe that the property was stolen, and

10 (A) Intends to deprive the owner permanently of the
11 use or benefit of the property; or

12 (B) Knowingly uses, conceals or abandons the
13 property in such manner as to deprive the owner
14 permanently of such use or benefit; or

15 (C) Uses, conceals, or abandons the property
16 knowing such use, concealment or abandonment probably
17 will deprive the owner permanently of such use or
18 benefit.

19 (b) Sentence.

20 (1) Theft of property not from the person and not
21 exceeding \$2,000 ~~\$500~~ in value is a Class A misdemeanor.

22 (1.1) Theft of property not from the person and not
23 exceeding \$2,000 ~~\$500~~ in value is a Class 4 felony if the
24 theft was committed in a school or place of worship or if
25 the theft was of governmental property.

26 (2) A person who has been convicted of theft of

1 property not from the person and not exceeding \$2,000 ~~\$500~~
2 in value who has been previously convicted of felony ~~any~~
3 ~~type~~ of theft, ~~robbery, armed robbery, burglary,~~
4 ~~residential burglary, possession of burglary tools, home~~
5 ~~invasion, forgery, a violation of Section 4 103, 4 103.1,~~
6 ~~4 103.2, or 4 103.3 of the Illinois Vehicle Code relating~~
7 ~~to the possession of a stolen or converted motor vehicle,~~
8 ~~or a violation of Section 17 36 of the Criminal Code of~~
9 ~~1961 or the Criminal Code of 2012, or Section 8 of the~~
10 ~~Illinois Credit Card and Debit Card Act~~ is guilty of a
11 Class 4 felony.

12 (3) (Blank).

13 (4) Theft of property from the person not exceeding
14 \$500 in value, or theft of property exceeding \$2,000 ~~\$500~~
15 and not exceeding \$10,000 in value, is a Class 3 felony.

16 (4.1) Theft of property from the person not exceeding
17 \$500 in value, or theft of property exceeding \$2,000 ~~\$500~~
18 and not exceeding \$10,000 in value, is a Class 2 felony if
19 the theft was committed in a school or place of worship or
20 if the theft was of governmental property.

21 (5) Theft of property exceeding \$10,000 and not
22 exceeding \$100,000 in value is a Class 2 felony.

23 (5.1) Theft of property exceeding \$10,000 and not
24 exceeding \$100,000 in value is a Class 1 felony if the
25 theft was committed in a school or place of worship or if
26 the theft was of governmental property.

1 (6) Theft of property exceeding \$100,000 and not
2 exceeding \$500,000 in value is a Class 1 felony.

3 (6.1) Theft of property exceeding \$100,000 in value is
4 a Class X felony if the theft was committed in a school or
5 place of worship or if the theft was of governmental
6 property.

7 (6.2) Theft of property exceeding \$500,000 and not
8 exceeding \$1,000,000 in value is a Class 1
9 non-probationable felony.

10 (6.3) Theft of property exceeding \$1,000,000 in value
11 is a Class X felony.

12 (7) Theft by deception, as described by paragraph (2)
13 of subsection (a) of this Section, in which the offender
14 obtained money or property valued at \$5,000 or more from a
15 victim 60 years of age or older is a Class 2 felony.

16 (8) Theft by deception, as described by paragraph (2)
17 of subsection (a) of this Section, in which the offender
18 falsely poses as a landlord or agent or employee of the
19 landlord and obtains a rent payment or a security deposit
20 from a tenant is a Class 3 felony if the rent payment or
21 security deposit obtained does not exceed \$500.

22 (9) Theft by deception, as described by paragraph (2)
23 of subsection (a) of this Section, in which the offender
24 falsely poses as a landlord or agent or employee of the
25 landlord and obtains a rent payment or a security deposit
26 from a tenant is a Class 2 felony if the rent payment or

1 security deposit obtained exceeds \$500 and does not exceed
2 \$10,000.

3 (10) Theft by deception, as described by paragraph (2)
4 of subsection (a) of this Section, in which the offender
5 falsely poses as a landlord or agent or employee of the
6 landlord and obtains a rent payment or a security deposit
7 from a tenant is a Class 1 felony if the rent payment or
8 security deposit obtained exceeds \$10,000 and does not
9 exceed \$100,000.

10 (11) Theft by deception, as described by paragraph (2)
11 of subsection (a) of this Section, in which the offender
12 falsely poses as a landlord or agent or employee of the
13 landlord and obtains a rent payment or a security deposit
14 from a tenant is a Class X felony if the rent payment or
15 security deposit obtained exceeds \$100,000.

16 (c) When a charge of theft of property exceeding a
17 specified value is brought, the value of the property involved
18 is an element of the offense to be resolved by the trier of
19 fact as either exceeding or not exceeding the specified value.

20 (d) Theft by lessee; permissive inference. The trier of
21 fact may infer evidence that a person intends to deprive the
22 owner permanently of the use or benefit of the property (1) if
23 a lessee of the personal property of another fails to return it
24 to the owner within 10 days after written demand from the owner
25 for its return or (2) if a lessee of the personal property of
26 another fails to return it to the owner within 24 hours after

1 written demand from the owner for its return and the lessee had
2 presented identification to the owner that contained a
3 materially fictitious name, address, or telephone number. A
4 notice in writing, given after the expiration of the leasing
5 agreement, addressed and mailed, by registered mail, to the
6 lessee at the address given by him and shown on the leasing
7 agreement shall constitute proper demand.

8 (e) Permissive inference; evidence of intent that a person
9 obtains by deception control over property. The trier of fact
10 may infer that a person "knowingly obtains by deception control
11 over property of the owner" when he or she fails to return,
12 within 45 days after written demand from the owner, the
13 downpayment and any additional payments accepted under a
14 promise, oral or in writing, to perform services for the owner
15 for consideration of \$3,000 or more, and the promisor knowingly
16 without good cause failed to substantially perform pursuant to
17 the agreement after taking a down payment of 10% or more of the
18 agreed upon consideration. This provision shall not apply where
19 the owner initiated the suspension of performance under the
20 agreement, or where the promisor responds to the notice within
21 the 45-day notice period. A notice in writing, addressed and
22 mailed, by registered mail, to the promisor at the last known
23 address of the promisor, shall constitute proper demand.

24 (f) Offender's interest in the property.

25 (1) It is no defense to a charge of theft of property
26 that the offender has an interest therein, when the owner

1 also has an interest to which the offender is not entitled.

2 (2) Where the property involved is that of the
3 offender's spouse, no prosecution for theft may be
4 maintained unless the parties were not living together as
5 man and wife and were living in separate abodes at the time
6 of the alleged theft.

7 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
8 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.
9 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,
10 eff. 1-25-13.)

11 (720 ILCS 5/16-25)

12 Sec. 16-25. Retail theft.

13 (a) A person commits retail theft when he or she knowingly:

14 (1) Takes possession of, carries away, transfers or
15 causes to be carried away or transferred any merchandise
16 displayed, held, stored or offered for sale in a retail
17 mercantile establishment with the intention of retaining
18 such merchandise or with the intention of depriving the
19 merchant permanently of the possession, use or benefit of
20 such merchandise without paying the full retail value of
21 such merchandise; or

22 (2) Alters, transfers, or removes any label, price tag,
23 marking, indicia of value or any other markings which aid
24 in determining value affixed to any merchandise displayed,
25 held, stored or offered for sale in a retail mercantile

1 establishment and attempts to purchase such merchandise at
2 less than the full retail value with the intention of
3 depriving the merchant of the full retail value of such
4 merchandise; or

5 (3) Transfers any merchandise displayed, held, stored
6 or offered for sale in a retail mercantile establishment
7 from the container in or on which such merchandise is
8 displayed to any other container with the intention of
9 depriving the merchant of the full retail value of such
10 merchandise; or

11 (4) Under-rings with the intention of depriving the
12 merchant of the full retail value of the merchandise; or

13 (5) Removes a shopping cart from the premises of a
14 retail mercantile establishment without the consent of the
15 merchant given at the time of such removal with the
16 intention of depriving the merchant permanently of the
17 possession, use or benefit of such cart; or

18 (6) Represents to a merchant that he, she, or another
19 is the lawful owner of property, knowing that such
20 representation is false, and conveys or attempts to convey
21 that property to a merchant who is the owner of the
22 property in exchange for money, merchandise credit or other
23 property of the merchant; or

24 (7) Uses or possesses any theft detection shielding
25 device or theft detection device remover with the intention
26 of using such device to deprive the merchant permanently of

1 the possession, use or benefit of any merchandise
2 displayed, held, stored or offered for sale in a retail
3 mercantile establishment without paying the full retail
4 value of such merchandise; or

5 (8) Obtains or exerts unauthorized control over
6 property of the owner and thereby intends to deprive the
7 owner permanently of the use or benefit of the property
8 when a lessee of the personal property of another fails to
9 return it to the owner, or if the lessee fails to pay the
10 full retail value of such property to the lessor in
11 satisfaction of any contractual provision requiring such,
12 within 10 days after written demand from the owner for its
13 return. A notice in writing, given after the expiration of
14 the leasing agreement, by registered mail, to the lessee at
15 the address given by the lessee and shown on the leasing
16 agreement shall constitute proper demand.

17 (b) Theft by emergency exit. A person commits theft by
18 emergency exit when he or she commits a retail theft as defined
19 in subdivisions (a)(1) through (a)(8) of this Section and to
20 facilitate the theft he or she leaves the retail mercantile
21 establishment by use of a designated emergency exit.

22 (c) Permissive inference. If any person:

23 (1) conceals upon his or her person or among his or her
24 belongings unpurchased merchandise displayed, held, stored
25 or offered for sale in a retail mercantile establishment;
26 and

1 (2) removes that merchandise beyond the last known
2 station for receiving payments for that merchandise in that
3 retail mercantile establishment,
4 then the trier of fact may infer that the person possessed,
5 carried away or transferred such merchandise with the intention
6 of retaining it or with the intention of depriving the merchant
7 permanently of the possession, use or benefit of such
8 merchandise without paying the full retail value of such
9 merchandise.

10 To "conceal" merchandise means that, although there may be
11 some notice of its presence, that merchandise is not visible
12 through ordinary observation.

13 (d) Venue. Multiple thefts committed by the same person as
14 part of a continuing course of conduct in different
15 jurisdictions that have been aggregated in one jurisdiction may
16 be prosecuted in any jurisdiction in which one or more of the
17 thefts occurred.

18 (e) For the purposes of this Section, "theft detection
19 shielding device" means any laminated or coated bag or device
20 designed and intended to shield merchandise from detection by
21 an electronic or magnetic theft alarm sensor.

22 (f) Sentence.

23 (1) A violation of any of subdivisions (a)(1) through
24 (a)(6) and (a)(8) of this Section, the full retail value of
25 which does not exceed \$2,000 ~~\$300~~ for property other than
26 motor fuel or \$150 for motor fuel, is a Class A

1 misdemeanor. A violation of subdivision (a)(7) of this
2 Section is a Class A misdemeanor for a first offense and a
3 Class 4 felony for a second or subsequent offense. Theft by
4 emergency exit of property, the full retail value of which
5 does not exceed \$2,000 ~~\$300~~, is a Class 4 felony.

6 (2) A person who has been convicted of retail theft of
7 property under any of subdivisions (a)(1) through (a)(6)
8 and (a)(8) of this Section, the full retail value of which
9 does not exceed \$2,000 ~~\$300~~ for property other than motor
10 fuel or \$150 for motor fuel, and who has been previously
11 convicted of any type of theft, robbery, armed robbery,
12 burglary, residential burglary, possession of burglary
13 tools, home invasion, unlawful use of a credit card, or
14 forgery is guilty of a Class 4 felony. A person who has
15 been convicted of theft by emergency exit of property, the
16 full retail value of which does not exceed \$2,000 ~~\$300~~, and
17 who has been previously convicted of felony ~~any type of~~
18 ~~theft, robbery, armed robbery, burglary, residential~~
19 ~~burglary, possession of burglary tools, home invasion,~~
20 ~~unlawful use of a credit card, or forgery~~ is guilty of a
21 Class 3 felony.

22 (3) Any retail theft of property under any of
23 subdivisions (a)(1) through (a)(6) and (a)(8) of this
24 Section, the full retail value of which exceeds \$2,000 ~~\$300~~
25 for property other than motor fuel or \$150 for motor fuel
26 in a single transaction, or in separate transactions

1 committed by the same person as part of a continuing course
2 of conduct from one or more mercantile establishments over
3 a period of one year, is a Class 3 felony. Theft by
4 emergency exit of property, the full retail value of which
5 exceeds \$2,000 ~~\$300~~ in a single transaction, or in separate
6 transactions committed by the same person as part of a
7 continuing course of conduct from one or more mercantile
8 establishments over a period of one year, is a Class 2
9 felony. When a charge of retail theft of property or theft
10 by emergency exit of property, the full value of which
11 exceeds \$2,000 ~~\$300~~, is brought, the value of the property
12 involved is an element of the offense to be resolved by the
13 trier of fact as either exceeding or not exceeding \$2,000
14 ~~\$300~~.

15 (Source: P.A. 97-597, eff. 1-1-12.)

16 Section 10. The Cannabis Control Act is amended by changing
17 Sections 4, 5, 5.1, 5.2, 7, 8, and 10 as follows:

18 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

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

21 (a) not more than 30 ~~10~~ grams of any substance
22 containing cannabis is guilty of a civil law violation
23 punishable by a ~~minimum~~ fine not to exceed \$125 ~~of \$100 and~~
24 ~~a maximum fine of \$200~~. The proceeds of the fine shall be

1 payable to the clerk of the circuit court. Within 30 days
2 after the deposit of the fine, the clerk shall distribute
3 the proceeds of the fine as follows:

4 (1) \$10 of the fine to the circuit clerk and \$10 of
5 the fine to the law enforcement agency that issued the
6 citation; the proceeds of each \$10 fine distributed to
7 the circuit clerk and each \$10 fine distributed to the
8 law enforcement agency that issued the citation for the
9 violation shall be used to defer the cost of automatic
10 expungements under paragraph (2.5) of subsection (a)
11 of Section 5.2 of the Criminal Identification Act;

12 (2) \$15 to the county to fund drug addiction
13 services;

14 (3) \$10 to the Office of the State's Attorneys
15 Appellate Prosecutor for use in training programs;

16 (4) \$10 to the State's Attorney; and

17 (5) any remainder of the fine to the law
18 enforcement agency that issued the citation for the
19 violation.

20 With respect to funds designated for the Department of
21 State Police, the moneys shall be remitted by the circuit
22 court clerk to the Department of State Police within one
23 month after receipt for deposit into the State Police
24 Operations Assistance Fund. With respect to funds
25 designated for the Department of Natural Resources, the
26 Department of Natural Resources shall deposit the moneys

1 into the Conservation Police Operations Assistance Fund;

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

5 (c) more than 30 grams but not more than 500 ~~100~~ grams
6 of any substance containing cannabis is guilty of a Class A
7 misdemeanor; ~~provided, that if any offense under this~~
8 ~~subsection (c) is a subsequent offense, the offender shall~~
9 ~~be guilty of a Class 4 felony;~~

10 (d) (blank); ~~more than 100 grams but not more than 500~~
11 ~~grams of any substance containing cannabis is guilty of a~~
12 ~~Class 4 felony; provided that if any offense under this~~
13 ~~subsection (d) is a subsequent offense, the offender shall~~
14 ~~be guilty of a Class 3 felony;~~

15 (e) more than 500 grams but not more than 2,000 grams
16 of any substance containing cannabis is guilty of a Class 4
17 3 felony;

18 (f) more than 2,000 grams but not more than 5,000 grams
19 of any substance containing cannabis is guilty of a Class 3
20 2 felony;

21 (g) more than 5,000 grams of any substance containing
22 cannabis is guilty of a Class 2 ± felony.

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

24 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

25 Sec. 5. It is unlawful for any person knowingly to

1 manufacture, deliver, or possess with intent to deliver, or
2 manufacture, cannabis. Any person who violates this section
3 with respect to:

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

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

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

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

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

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

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

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

25 (720 ILCS 550/5.1) (from Ch. 56 1/2, par. 705.1)

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

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

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

16 (2) was not involved in the organization or planning of
17 the enterprise to manufacture or deliver the cannabis
18 transported.

19 (b) Except as otherwise provided in subsection (a-5) of
20 this Section, a A person convicted of cannabis trafficking is
21 guilty of a Class 1 felony shall be sentenced to a term of
22 imprisonment not less than twice the minimum term and fined an
23 amount as authorized by subsection (f) or (g) of Section 5 of
24 this Act, based upon the amount of cannabis brought or caused
25 to be brought into this State, and not more than twice the
26 maximum term of imprisonment and fined twice the amount as

1 ~~authorized by subsection (f) or (g) of Section 5 of this Act,~~
2 ~~based upon the amount of cannabis brought or caused to be~~
3 ~~brought into this State.~~

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

5 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

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

7 (a.01) Any person who violates subsection (f) of Section 5
8 in any school, on the real property comprising any school, or
9 any conveyance owned, leased or contracted by a school to
10 transport students to or from school or a school-related
11 activity, or on any public way within 500 feet of the real
12 property comprising any school, or any conveyance owned, leased
13 or contracted by a school to transport students to or from
14 school or a school-related activity, is guilty of a Class 1
15 felony;

16 (a) Any person who violates subsection (e) 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 2 ~~1~~ felony, the fine for which shall not
25 exceed \$200,000;

1 (b) Any person who violates subsection (d) of Section 5 in
2 any school, on the real property comprising any school, or any
3 conveyance owned, leased or contracted by a school to transport
4 students to or from school or a school-related ~~school-related~~
5 activity, or on any public way within 500 ~~1,000~~ feet of the
6 real property comprising any school, or any conveyance owned,
7 leased or contracted by a school to transport students to or
8 from school or a school-related ~~school-related~~ activity, is
9 guilty of a Class 3 ~~2~~ felony, the fine for which shall not
10 exceed \$100,000;

11 (c) Any person who violates subsection (c) of Section 5
12 with respect to more than 15 grams of any substance containing
13 cannabis in any school, on the real property comprising any
14 school, or any conveyance owned, leased or contracted by a
15 school to transport students to or from school or a
16 school-related ~~school-related~~ activity, or on any public way
17 within 500 ~~1,000~~ feet of the real property comprising any
18 school, or any conveyance owned, leased or contracted by a
19 school to transport students to or from school or a
20 school-related ~~school-related~~ activity, is guilty of a Class 4
21 ~~3~~ felony, the fine for which shall not exceed \$50,000;

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

1 ~~real property comprising any school, or any conveyance owned,~~
2 ~~leased or contracted by a school to transport students to or~~
3 ~~from school or a school related activity, is guilty of a Class~~
4 ~~4 felony, the fine for which shall not exceed \$25,000;~~

5 (e) (Blank) ~~Any person who violates subsection (a) of~~
6 ~~Section 5 in any school, on 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 school~~
9 ~~related activity, on any public way within 1,000 feet of the~~
10 ~~real property comprising any school, or any conveyance owned,~~
11 ~~leased or contracted by a school to transport students to or~~
12 ~~from school or a school related activity, is guilty of a Class~~
13 ~~A misdemeanor.~~

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

15 (720 ILCS 550/7) (from Ch. 56 1/2, par. 707)

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

19 (a) Any person who is at least 18 years of age who violates
20 subsection (f) of Section 5 of this Act by delivering cannabis
21 to a person under 18 years of age who is at least 3 years his
22 junior may, at the discretion of the court, be sentenced to a
23 maximum term of imprisonment that is equal to the maximum term
24 of imprisonment for the underlying offense plus the minimum
25 term of imprisonment for the underlying offense.

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

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

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

7 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

8 Sec. 8. It is unlawful for any person knowingly to produce
9 the cannabis sativa plant or to possess such plants unless
10 production or possession has been authorized pursuant to the
11 provisions of Section 11 or 15.2 of the Act. Any person who
12 violates this Section with respect to production or possession
13 of:

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

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

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

20 (d) More than 50, but not more than 200 plants, is guilty
21 of a Class 3 ~~2~~ felony for which a fine not to exceed \$100,000
22 may be imposed and for which liability for the cost of
23 conducting the investigation and eradicating such plants may be
24 assessed. Compensation for expenses incurred in the
25 enforcement of this provision shall be transmitted to and

1 deposited in the treasurer's office at the level of government
2 represented by the Illinois law enforcement agency whose
3 officers or employees conducted the investigation or caused the
4 arrest or arrests leading to the prosecution, to be
5 subsequently made available to that law enforcement agency as
6 expendable receipts for use in the enforcement of laws
7 regulating controlled substances and cannabis. If such seizure
8 was made by a combination of law enforcement personnel
9 representing different levels of government, the court levying
10 the assessment shall determine the allocation of such
11 assessment. The proceeds of assessment awarded to the State
12 treasury shall be deposited in a special fund known as the Drug
13 Traffic Prevention Fund.

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

1 representing different levels of government, the court levying
2 the assessment shall determine the allocation of such
3 assessment. The proceeds of assessment awarded to the State
4 treasury shall be deposited in a special fund known as the Drug
5 Traffic Prevention Fund.

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

7 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

8 Sec. 10. (a) Whenever any person who has not previously
9 been convicted of, ~~or placed on probation or court supervision~~
10 ~~for,~~ any felony offense under this Act or any law of the United
11 States or of any State relating to cannabis, or controlled
12 substances as defined in the Illinois Controlled Substances
13 Act, pleads guilty to or is found guilty of violating Sections
14 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court
15 may, without entering a judgment and with the consent of such
16 person, sentence him to probation.

17 (b) When a person is placed on probation, the court shall
18 enter an order specifying a period of probation of 24 months,
19 and shall defer further proceedings in the case until the
20 conclusion of the period or until the filing of a petition
21 alleging violation of a term or condition of probation.

22 (c) The conditions of probation shall be that the person:
23 (1) not violate any criminal statute of any jurisdiction; (2)
24 refrain from possession of a firearm or other dangerous weapon;
25 (3) submit to periodic drug testing at a time and in a manner

1 as ordered by the court, but no less than 3 times during the
2 period of the probation, with the cost of the testing to be
3 paid by the probationer; and (4) perform no less than 30 hours
4 of community service, provided community service is available
5 in the jurisdiction and is funded and approved by the county
6 board.

7 (d) The court may, in addition to other conditions, require
8 that the person:

9 (1) make a report to and appear in person before or
10 participate with the court or such courts, person, or
11 social service agency as directed by the court in the order
12 of probation;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical or psychiatric treatment; or
17 treatment for drug addiction or alcoholism;

18 (5) attend or reside in a facility established for the
19 instruction or residence of defendants on probation;

20 (6) support his dependents;

21 (7) refrain from possessing a firearm or other
22 dangerous weapon;

23 (7-5) refrain from having in his or her body the
24 presence of any illicit drug prohibited by the Cannabis
25 Control Act, the Illinois Controlled Substances Act, or the
26 Methamphetamine Control and Community Protection Act,

1 unless prescribed by a physician, and submit samples of his
2 or her blood or urine or both for tests to determine the
3 presence of any illicit drug;

4 (8) and in addition, if a minor:

5 (i) reside with his parents or in a foster home;

6 (ii) attend school;

7 (iii) attend a non-residential program for youth;

8 (iv) contribute to his own support at home or in a
9 foster home.

10 (e) Upon violation of a term or condition of probation, the
11 court may enter a judgment on its original finding of guilt and
12 proceed as otherwise provided.

13 (f) Upon fulfillment of the terms and conditions of
14 probation, the court shall discharge such person and dismiss
15 the proceedings against him.

16 (g) A disposition of probation is considered to be a
17 conviction for the purposes of imposing the conditions of
18 probation and for appeal, however, discharge and dismissal
19 under this Section is not a conviction for purposes of
20 disqualification or disabilities imposed by law upon
21 conviction of a crime (including the additional penalty imposed
22 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
23 of this Act).

24 (h) (Blank). ~~Discharge and dismissal under this Section,~~
25 ~~Section 410 of the Illinois Controlled Substances Act, Section~~
26 ~~70 of the Methamphetamine Control and Community Protection Act,~~

1 ~~Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,~~
2 ~~or subsection (c) of Section 11-14 of the Criminal Code of 1961~~
3 ~~or the Criminal Code of 2012 may occur only once with respect~~
4 ~~to any person.~~

5 (i) If a person is convicted of an offense under this Act,
6 the Illinois Controlled Substances Act, or the Methamphetamine
7 Control and Community Protection Act within 5 years subsequent
8 to a discharge and dismissal under this Section, the discharge
9 and dismissal under this Section shall be admissible in the
10 sentencing proceeding for that conviction as a factor in
11 aggravation.

12 (j) Notwithstanding subsection (a), before a person is
13 sentenced to probation under this Section, the court may refer
14 the person to the drug court established in that judicial
15 circuit pursuant to Section 15 of the Drug Court Treatment Act.
16 The drug court team shall evaluate the person's likelihood of
17 successfully completing a sentence of probation under this
18 Section and shall report the results of its evaluation to the
19 court. If the drug court team finds that the person suffers
20 from a substance abuse problem that makes him or her
21 substantially unlikely to successfully complete a sentence of
22 probation under this Section, then the drug court shall set
23 forth its findings in the form of a written order, and the
24 person shall not be sentenced to probation under this Section,
25 but shall ~~may~~ be considered for the drug court program.

26 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

1 (720 ILCS 550/9 rep.)

2 Section 15. The Cannabis Control Act is amended by
3 repealing Section 9.

4 Section 20. The Illinois Controlled Substances Act is
5 amended by changing Sections 401, 401.1, 402, 404, 405.2, 407,
6 407.1, 407.2, and 410 as follows:

7 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

8 Sec. 401. Manufacture or delivery, or possession with
9 intent to manufacture or deliver, a controlled substance, a
10 counterfeit substance, or controlled substance analog. Except
11 as authorized by this Act, it is unlawful for any person
12 knowingly to manufacture or deliver, or possess with intent to
13 manufacture or deliver, a controlled substance other than
14 methamphetamine and other than bath salts as defined in the
15 Bath Salts Prohibition Act sold or offered for sale in a retail
16 mercantile establishment as defined in Section 16-0.1 of the
17 Criminal Code of 2012, a counterfeit substance, or a controlled
18 substance analog. A violation of this Act with respect to each
19 of the controlled substances listed herein constitutes a single
20 and separate violation of this Act. For purposes of this
21 Section, "controlled substance analog" or "analog" means a
22 substance, other than a controlled substance, that has a
23 chemical structure substantially similar to that of a

1 controlled substance in Schedule I or II, or that was
2 specifically designed to produce an effect substantially
3 similar to that of a controlled substance in Schedule I or II.
4 Examples of chemical classes in which controlled substance
5 analogs are found include, but are not limited to, the
6 following: phenethylamines, N-substituted piperidines,
7 morphinans, ecgonines, quinazolinones, substituted indoles,
8 and arylcycloalkylamines. For purposes of this Act, a
9 controlled substance analog shall be treated in the same manner
10 as the controlled substance to which it is substantially
11 similar.

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

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

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

1 (C) (blank); ~~not less than 12 years and not more~~
2 ~~than 50 years with respect to 400 grams or more but~~
3 ~~less than 900 grams of a substance containing heroin,~~
4 ~~or an analog thereof;~~

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

10 (1.5) (A) a Class 2 felony ~~not less than 6 years and~~
11 ~~not more than 30 years~~ with respect to 15 grams or more
12 but less than 100 grams of a substance containing
13 fentanyl, or an analog thereof;

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

18 (C) (blank); ~~not less than 12 years and not more~~
19 ~~than 50 years with respect to 400 grams or more but~~
20 ~~less than 900 grams of a substance containing fentanyl,~~
21 ~~or an analog thereof;~~

22 (D) a Class 1 felony for which the person, if
23 sentenced to a term of imprisonment, shall be sentenced
24 to not less than 6 15 years and not more than 30 60
25 years with respect to 900 grams or more of a substance
26 containing fentanyl, or an analog thereof;

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

5 (B) a Class 1 felony ~~not less than 9 years and not~~
6 ~~more than 40 years~~ with respect to 100 grams or more
7 but less than 900 ~~400~~ grams of a substance containing
8 cocaine, or an analog thereof;

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

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

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

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

26 (C) (blank); ~~not less than 12 years and not more~~

1 ~~than 50 years with respect to 400 grams or more but~~
2 ~~less than 900 grams of a substance containing morphine,~~
3 ~~or an analog thereof;~~

4 (D) 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 15 years and not more than 30 60
7 years with respect to 900 grams or more of a substance
8 containing morphine, or an analog thereof;

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

11 (5) a Class 1 felony with respect to 200 grams or more
12 of any substance containing a derivative of barbituric acid
13 or any of the salts of a derivative of barbituric acid, or
14 an analog thereof;

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

18 (6.5) (blank);

19 (6.6) (blank);

20 (7) (A) a Class 2 felony ~~not less than 6 years and not~~
21 ~~more than 30 years~~ with respect to: (i) 15 grams or
22 more but less than 100 grams of a substance containing
23 lysergic acid diethylamide (LSD), or an analog
24 thereof, or (ii) 15 or more objects or 15 or more
25 segregated parts of an object or objects but less than
26 200 objects or 200 segregated parts of an object or

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

4 (B) a Class 1 felony ~~not less than 9 years and not~~
5 ~~more than 40 years~~ with respect to: (i) 100 grams or
6 more but less than 900 ~~400~~ grams of a substance
7 containing lysergic acid diethylamide (LSD), or an
8 analog thereof, or (ii) 200 or more objects or 200 or
9 more segregated parts of an object or objects but less
10 than 1500 ~~600~~ objects or less than 1500 ~~600~~ segregated
11 parts of an object or objects containing in them or
12 having upon them any amount of any substance containing
13 lysergic acid diethylamide (LSD), or an analog
14 thereof;

15 (C) (blank); ~~not less than 12 years and not more~~
16 ~~than 50 years with respect to: (i) 400 grams or more~~
17 ~~but less than 900 grams of a substance containing~~
18 ~~lysergic acid diethylamide (LSD), or an analog~~
19 ~~thereof, or (ii) 600 or more objects or 600 or more~~
20 ~~segregated parts of an object or objects but less than~~
21 ~~1500 objects or 1500 segregated parts of an object or~~
22 ~~objects containing in them or having upon them any~~
23 ~~amount of any substance containing lysergic acid~~
24 ~~diethylamide (LSD), 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: (i) 900 grams or more of any
3 substance containing lysergic acid diethylamide (LSD),
4 or an analog thereof, or (ii) 1500 or more objects or
5 1500 or more segregated parts of an object or objects
6 containing in them or having upon them any amount of a
7 substance containing lysergic acid diethylamide (LSD),
8 or an analog thereof;

9 (7.5) (A) a Class 2 felony ~~not less than 6 years and~~
10 ~~not more than 30 years~~ with respect to: (i) 15 grams or
11 more but less than 100 grams of a 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) 15 or more pills, tablets, caplets, capsules, or
16 objects but less than 200 pills, tablets, caplets,
17 capsules, or objects containing in them or having upon
18 them any amounts 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 (B) a Class 1 felony ~~not less than 9 years and not~~
23 ~~more than 40 years~~ with respect to: (i) 100 grams or
24 more but less than 400 grams of a 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) 200 or more pills, tablets, caplets, capsules, or
3 objects but less than 600 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 (C) a Class 1 felony for which the person, if
10 sentenced to a term of imprisonment, shall be sentenced
11 to not less than 6 12 years and not more than 30 50
12 years with respect to: (i) 400 grams or more but less
13 than 900 grams of a substance listed in paragraph (1),
14 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
15 (21), (25), or (26) of subsection (d) of Section 204,
16 or an analog or derivative thereof, or (ii) 600 or more
17 pills, tablets, caplets, capsules, or objects but less
18 than 1,500 pills, tablets, caplets, capsules, or
19 objects containing in them or having upon them any
20 amount of any substance listed in paragraph (1), (2),
21 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),
22 (25), or (26) of subsection (d) of Section 204, or an
23 analog or derivative thereof;

24 (D) (blank); not less than 15 years and not more
25 than 60 years with respect to: (i) 900 grams or more of
26 any substance listed in paragraph (1), (2), (2.1),

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

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

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

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

22 (10.5) a Class 1 felony with respect to 30 grams or
23 more of any substance containing ketamine or any of the
24 salts, isomers and salts of isomers of ketamine, or an
25 analog thereof;

26 (10.6) a Class 1 felony with respect to 100 grams or

1 more of any substance containing hydrocodone, or any of the
2 salts, isomers and salts of isomers of hydrocodone, or an
3 analog thereof;

4 (10.7) a Class 1 felony with respect to 100 grams or
5 more of any substance containing dihydrocodeinone, or any
6 of the salts, isomers and salts of isomers of
7 dihydrocodeinone, or an analog thereof;

8 (10.8) a Class 1 felony with respect to 100 grams or
9 more of any substance containing dihydrocodeine, or any of
10 the salts, isomers and salts of isomers of dihydrocodeine,
11 or an analog thereof;

12 (10.9) a Class 1 felony with respect to 100 grams or
13 more of any substance containing oxycodone, or any of the
14 salts, isomers and salts of isomers of oxycodone, or an
15 analog thereof;

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

20 (b) Any person sentenced with respect to violations of
21 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
22 involving 100 grams or more of the controlled substance named
23 therein, may in addition to the penalties provided therein, be
24 fined an amount not more than \$500,000 or the full street value
25 of the controlled or counterfeit substance or controlled
26 substance analog, whichever is greater. The term "street value"

1 shall have the meaning ascribed in Section 110-5 of the Code of
2 Criminal Procedure of 1963. Any person sentenced with respect
3 to any other provision of subsection (a), may in addition to
4 the penalties provided therein, be fined an amount not to
5 exceed \$500,000.

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

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

25 (1) a Class 3 felony with respect to 1 gram or more but
26 less than 15 grams of any substance containing heroin, or

1 an analog thereof;

2 (1.5) a Class 3 felony with respect to 1 gram or more
3 but less than 15 grams of any substance containing
4 fentanyl, or an analog thereof;

5 (2) a Class 3 felony with respect to 1 gram or more but
6 less than 15 grams of any substance containing cocaine, or
7 an analog thereof;

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

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

14 (4.5) a Class 3 felony with respect to 10 grams or more
15 but less than 50 grams of any substance containing peyote,
16 or an analog thereof;

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

21 (5.5) a Class 3 felony with respect to 10 grams or more
22 but less than 50 grams of any substance containing a
23 derivative of barbituric acid or any of the salts of a
24 derivative of barbituric acid, or an analog thereof;

25 (6) a Class 2 felony with respect to 50 grams or more
26 but less than 200 grams of any substance containing

1 amphetamine or any salt of an optical isomer of
2 amphetamine, or an analog thereof;

3 (6.1) a Class 3 felony with respect to 10 grams or more
4 but less than 50 grams of any substance containing
5 amphetamine or any salt of an optical isomer of
6 amphetamine, or an analog thereof;

7 (6.5) (blank);

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

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

1 thereof;

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

6 (8.5) a Class 3 felony with respect to 5 grams or more
7 but less than 10 grams of pentazocine, or an analog
8 thereof;

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

13 (9.5) a Class 3 felony with respect to 5 grams or more
14 but less than 10 grams of any substance containing
15 methaqualone or any of the salts, isomers and salts of
16 isomers of methaqualone, or an analog thereof;

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

21 (10.1) a Class 3 felony with respect to 5 grams or more
22 but less than 10 grams of any substance containing
23 phencyclidine or any of the salts, isomers and salts of
24 isomers of phencyclidine (PCP), or an analog thereof;

25 (10.5) a Class 2 felony with respect to 10 grams or
26 more but less than 30 grams of any substance containing

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

3 (10.5-1) a Class 3 felony with respect to 5 grams or
4 more but less than 10 grams of any substance containing
5 ketamine or any of the salts, isomers and salts of isomers
6 of ketamine, or an analog thereof;

7 (10.6) a Class 2 felony with respect to 50 grams or
8 more but less than 100 grams of any substance containing
9 hydrocodone, or any of the salts, isomers and salts of
10 isomers of hydrocodone, or an analog thereof;

11 (10.6-1) a Class 3 felony with respect to 10 grams or
12 more but less than 50 grams of any substance containing
13 hydrocodone, or any of the salts, isomers and salts of
14 isomers of hydrocodone, or an analog thereof;

15 (10.7) a Class 2 felony with respect to 50 grams or
16 more but less than 100 grams of any substance containing
17 dihydrocodeinone, or any of the salts, isomers and salts of
18 isomers of dihydrocodeinone, or an analog thereof;

19 (10.7-1) a Class 3 felony with respect to 10 grams or
20 more but less than 50 grams of any substance containing
21 dihydrocodeinone, or any of the salts, isomers and salts of
22 isomers of dihydrocodeinone, or an analog thereof;

23 (10.8) a Class 2 felony with respect to 50 grams or
24 more but less than 100 grams of any substance containing
25 dihydrocodeine, or any of the salts, isomers and salts of
26 isomers of dihydrocodeine, or an analog thereof;

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

5 (10.9) a Class 2 felony with respect to 50 grams or
6 more but less than 100 grams of any substance containing
7 oxycodone, or any of the salts, isomers and salts of
8 isomers of oxycodone, or an analog thereof;

9 (10.9-1) a Class 3 felony with respect to 10 grams or
10 more but less than 50 grams of any substance containing
11 oxycodone, or any of the salts, isomers and salts of
12 isomers of oxycodone, or an analog thereof;

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

18 (11.1) a Class 3 felony with respect to 10 grams or
19 more but less than 50 grams grams of any substance
20 containing a substance classified in Schedules I or II, or
21 an analog thereof, which is not otherwise included in this
22 subsection (c);

23 (c-5) (Blank).

24 (d) Any person who violates this Section with regard to any
25 other amount of a controlled or counterfeit substance
26 ~~containing dihydrocodeinone or dihydrocodeine or~~ classified in

1 Schedules I or II, or an analog thereof, which is not otherwise
2 included in subsection (a), (b), or (c), ~~which is (i) a~~
3 ~~narcotic drug, (ii) lysergic acid diethylamide (LSD) or an~~
4 ~~analog thereof, (iii) any substance containing amphetamine or~~
5 ~~fentanyl or any salt or optical isomer of amphetamine or~~
6 ~~fentanyl, or an analog thereof, or (iv) any substance~~
7 ~~containing N-Benzylpiperazine (BZP) or any salt or optical~~
8 ~~isomer of N-Benzylpiperazine (BZP), or an analog thereof, is~~
9 guilty of a Class ~~4~~ 2 felony. ~~The fine for violation of this~~
10 ~~subsection (d) shall not be more than \$200,000.~~

11 (d-5) (Blank).

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

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

25 (f-1) Any person who violates this Section with regard to
26 any other amount of a controlled or counterfeit substance

1 classified in Schedule III which is not otherwise included in
2 subsection (a), (b), or (c), is guilty of a Class 4 felony.

3 (g) Any person who violates this Section with regard to 10
4 grams or more ~~any other amount~~ of a controlled or counterfeit
5 substance classified in Schedule IV is guilty of a Class 3
6 felony. ~~The fine for violation of this subsection (g) shall not~~
7 ~~be more than \$100,000.~~

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

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

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

22 (i) This Section does not apply to the manufacture,
23 possession or distribution of a substance in conformance with
24 the provisions of an approved new drug application or an
25 exemption for investigational use within the meaning of Section
26 505 of the Federal Food, Drug and Cosmetic Act.

1 (j) (Blank).

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

3 (720 ILCS 570/401.1) (from Ch. 56 1/2, par. 1401.1)

4 Sec. 401.1. Controlled Substance Trafficking.

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

21 (b) Except as otherwise provided in subsection (b-5) of
22 this Section, a A person convicted of controlled substance
23 trafficking shall be sentenced for the class of an offense that
24 is one class higher than the amount authorized by Section 401
25 of this Act for the manufacture or delivery, or possession with

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

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

24 (1) received little or no compensation from the illegal
25 transport of the substance into this State and had minimal
26 knowledge of the scope and structure of the enterprise to

1 manufacture or deliver the illegal substance transported;

2 or

3 (2) was not involved in the organization or planning of
4 the enterprise to manufacture or deliver the illegal
5 substance transported.

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

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

12 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

13 Sec. 402. Except as otherwise authorized by this Act, it is
14 unlawful for any person knowingly to possess a controlled or
15 counterfeit substance or controlled substance analog. A
16 violation of this Act with respect to each of the controlled
17 substances listed herein constitutes a single and separate
18 violation of this Act. For purposes of this Section,
19 "controlled substance analog" or "analog" means a substance,
20 other than a controlled substance, that has a chemical
21 structure substantially similar to that of a controlled
22 substance in Schedule I or II, or that was specifically
23 designed to produce an effect substantially similar to that of
24 a controlled substance in Schedule I or II. Examples of
25 chemical classes in which controlled substance analogs are

1 found include, but are not limited to, the following:
2 phenethylamines, N-substituted piperidines, morphinans,
3 ecgonines, quinazolinones, substituted indoles, and
4 arylcycloalkylamines. For purposes of this Act, a controlled
5 substance analog shall be treated in the same manner as the
6 controlled substance to which it is substantially similar.

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

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

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

21 (C) a Class 1 felony ~~not less than 8 years and not~~
22 ~~more than 40 years~~ with respect to 400 grams or more
23 ~~but less than 900 grams~~ of any substance containing
24 heroin;

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

1 ~~substance containing heroin;~~

2 (1.5) (A) a Class 3 felony with respect to 15 grams or
3 more but less than 100 grams of a substance containing
4 fentanyl;

5 (B) a Class 2 felony with respect to 100 grams or
6 more but less than 400 grams of a substance containing
7 fentanyl;

8 (C) a Class 1 felony with respect to 400 grams or
9 more of a substance containing fentanyl;

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

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

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

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

25 (3) (A) a Class 3 felony ~~not less than 4 years and not~~
26 ~~more than 15 years~~ with respect to 15 grams or more but

1 less than 100 grams of any substance containing
2 morphine;

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

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

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

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

16 (4.5) a Class 4 felony with respect to 15 grams or more
17 but less than 200 grams of a substance containing peyote;

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

21 (5.5) a Class 4 felony with respect to 15 grams or more
22 but less than 200 grams of a substance containing a
23 derivative of barbituric acid or any of the salts of a
24 derivative of barbituric acid;

25 (6) a Class 2 felony with respect to 200 grams or more
26 of any substance containing amphetamine or any salt of an

1 optical isomer of amphetamine;

2 (6.1) a Class 4 felony with respect to 15 grams or more
3 but less than 200 grams of a substance containing
4 amphetamine or any salt of an optical isomer of
5 amphetamine;

6 (6.5) (blank);

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

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

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

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

19 (7.5) (A) a Class 3 felony ~~not less than 4 years and~~
20 ~~not more than 15 years~~ with respect to: (i) 15 grams or
21 more but less than 100 grams of any substance listed in
22 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
23 (20), (20.1), (21), (25), or (26) of subsection (d) of
24 Section 204, or an analog or derivative thereof, or
25 (ii) 15 or more pills, tablets, caplets, capsules, or
26 objects but less than 200 pills, tablets, caplets,

1 capsules, or objects containing in them or having upon
2 them any amount of any substance listed in paragraph
3 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
4 (20.1), (21), (25), or (26) of subsection (d) of
5 Section 204, or an analog or derivative thereof;

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

19 (C) a Class 1 felony ~~not less than 8 years and not~~
20 ~~more than 40 years~~ with respect to: (i) 400 grams or
21 more ~~but less than 900 grams~~ of any substance listed in
22 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
23 (20), (20.1), (21), (25), or (26) of subsection (d) of
24 Section 204, or an analog or derivative thereof, or
25 (ii) 600 or more pills, tablets, caplets, capsules, or
26 objects ~~but less than 1,500 pills, tablets, caplets,~~

1 ~~capsules, or objects~~ containing in them or having upon
2 them any amount of any substance listed in paragraph
3 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
4 (20.1), (21), (25), or (26) of subsection (d) of
5 Section 204, or an analog or derivative thereof;

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

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

22 (8.5) a Class 4 felony with respect to 15 grams or more
23 but less than 30 grams of a substance containing
24 pentazocine or any of the salts, isomers and salts of
25 isomers of pentazocine, or an analog thereof;

26 (9) a Class 2 felony with respect to 30 grams or more

1 of any substance containing methaqualone or any of the
2 salts, isomers and salts of isomers of methaqualone;

3 (9.5) a Class 4 felony with respect to 15 grams or more
4 but less than 30 grams of a substance containing
5 methaqualone or any of the salts, isomers and salts of
6 isomers of methaqualone;

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

10 (10.1) a Class 4 felony with respect to 15 grams or
11 more but less than 30 grams of a substance containing
12 phencyclidine or any of the salts, isomers and salts of
13 isomers of phencyclidine (PCP);

14 (10.5) a Class 2 felony with respect to 30 grams or
15 more of any substance containing ketamine or any of the
16 salts, isomers and salts of isomers of ketamine;

17 (10.6) a Class 4 felony with respect to 15 grams or
18 more but less than 30 grams of any substance containing
19 ketamine or any of the salts, isomers and salts of isomers
20 of ketamine;

21 (11) a Class 2 felony with respect to 200 grams or more
22 of any substance containing any substance classified as a
23 narcotic drug in Schedules I or II, or an analog thereof,
24 which is not otherwise included in this subsection; ▸

25 (12) a Class 3 felony with respect to 15 grams or more
26 but less than 200 grams of any substance containing any

1 substance classified as a narcotic drug in Schedules I or
2 II, or an analog thereof, which is not otherwise included
3 in this subsection.

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

15 (c) Any person who violates this Section with regard to an
16 amount of a controlled substance other than methamphetamine or
17 counterfeit substance not set forth in subsection (a) or (d) is
18 guilty of a Class A misdemeanor ~~4-felony~~. The fine for a
19 violation punishable under this subsection (c) shall not be
20 more than \$2,500 ~~\$25,000~~.

21 (d) Any person who violates this Section with regard to any
22 amount of anabolic steroid is guilty of a Class C misdemeanor
23 for the first offense and a Class B misdemeanor for a
24 subsequent offense committed within 2 years of a prior
25 conviction.

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

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

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

3 (1) "Advertise" means the attempt, by publication,
4 dissemination, solicitation or circulation, to induce
5 directly or indirectly any person to acquire, or enter into
6 an obligation to acquire, any substance within the scope of
7 this Section.

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

11 (3) "Manufacture" means the producing, preparing,
12 compounding, processing, encapsulating, packaging,
13 repackaging, labeling or relabeling of a look-alike
14 substance.

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

20 (c) ~~(Blank) It is unlawful for any person knowingly to~~
21 ~~possess a look-alike substance. Any person who violates this~~
22 ~~subsection (c) is guilty of a petty offense. Any person~~
23 ~~convicted of a subsequent offense under this subsection (c)~~
24 ~~shall be guilty of a Class C misdemeanor.~~

25 (d) In any prosecution brought under this Section, it is

1 not a defense to a violation of this Section that the defendant
2 believed the look-alike substance actually to be a controlled
3 substance.

4 (e) Nothing in this Section applies to:

5 (1) The manufacture, processing, packaging,
6 distribution or sale of noncontrolled substances to
7 licensed medical practitioners for use as placebos in
8 professional practice or research.

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

11 (3) The retention of production samples of
12 noncontrolled substances produced prior to the effective
13 date of this amendatory Act of 1982, where such samples are
14 required by federal law.

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

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

21 (720 ILCS 570/405.2)

22 Sec. 405.2. Streetgang criminal drug conspiracy.

23 (a) Any person who engages in a streetgang criminal drug
24 conspiracy, as defined in this Section, is guilty of an offense
25 that is one class higher than the underlying offense under

1 subsection (a) or (c) of Section 401 of this Act or under the
2 Methamphetamine Control and Community Protection Act except
3 Section 60 of that Act. If the sentence for the underlying
4 offense is a term of imprisonment of not less than 6 years and
5 not more than 30 years, the penalty for streetgang criminal
6 drug conspiracy is a Class 1 felony for which the person may be
7 sentenced to a term of imprisonment of not less 9 years and not
8 more than 40 years. a Class X felony for which the offender
9 shall be sentenced to a term of imprisonment as follows:

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

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

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

16 (i) he or she violates any of the provisions of
17 subsection (a) or (c) of Section 401 of this Act or any
18 provision of the Methamphetamine Control and Community
19 Protection Act except Section 60 of that Act; and

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

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

25 (iv) he or she occupies a position of organizer, a
26 supervising person, or any other position of management

1 with those persons identified in clause (ii) of this
2 subsection (a).

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

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

10 (1) the receipts obtained by him or her in such
11 conspiracy; and

12 (2) any of his or her interests in, claims against,
13 receipts from, or property or rights of any kind affording
14 a source of influence over, such conspiracy.

15 (c) The circuit court may enter such injunctions,
16 restraining orders, directions or prohibitions, or may take
17 such other actions, including the acceptance of satisfactory
18 performance bonds, in connection with any property, claim,
19 receipt, right or other interest subject to forfeiture under
20 this Section, as it deems proper.

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

22 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

23 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
24 violates any subsection of Section 401 or subsection (b) of
25 Section 404 by delivering a controlled, counterfeit or

1 look-alike substance to a person under 18 years of age may, at
2 the discretion of the court, be sentenced to a maximum term of
3 imprisonment that is equal to the maximum term of imprisonment
4 for the underlying offense plus the minimum term of
5 imprisonment for the underlying offense ~~may be sentenced to~~
6 ~~imprisonment for a term up to twice the maximum term and fined~~
7 ~~an amount up to twice that amount otherwise authorized by the~~
8 ~~pertinent subsection of Section 401 and Subsection (b) of~~
9 ~~Section 404.~~

10 (B) (Blank).

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

13 ~~(A) subsection (c) of Section 401 by delivering or~~
14 ~~possessing with intent to deliver a controlled,~~
15 ~~counterfeit, or look alike substance in or on, or within~~
16 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
17 ~~of a Class 1 felony, the fine for which shall not exceed~~
18 ~~\$250,000;~~

19 ~~(B) subsection (d) of Section 401 by delivering or~~
20 ~~possessing with intent to deliver a controlled,~~
21 ~~counterfeit, or look alike substance in or on, or within~~
22 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
23 ~~of a Class 2 felony, the fine for which shall not exceed~~
24 ~~\$200,000;~~

25 ~~(C) subsection (e) of Section 401 or subsection (b) of~~
26 ~~Section 404 by delivering or possessing with intent to~~

1 ~~deliver a controlled, counterfeit, or look alike substance~~
2 ~~in or on, or within 1,000 feet of, a truck stop or safety~~
3 ~~rest area, is guilty of a Class 3 felony, the fine for~~
4 ~~which shall not exceed \$150,000;~~

5 ~~(D) subsection (f) of Section 401 by delivering or~~
6 ~~possessing with intent to deliver a controlled,~~
7 ~~counterfeit, or look alike substance in or on, or within~~
8 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
9 ~~of a Class 3 felony, the fine for which shall not exceed~~
10 ~~\$125,000;~~

11 ~~(E) subsection (g) of Section 401 by delivering or~~
12 ~~possessing with intent to deliver a controlled,~~
13 ~~counterfeit, or look alike substance in or on, or within~~
14 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
15 ~~of a Class 3 felony, the fine for which shall not exceed~~
16 ~~\$100,000;~~

17 ~~(F) subsection (h) of Section 401 by delivering or~~
18 ~~possessing with intent to deliver a controlled,~~
19 ~~counterfeit, or look alike substance in or on, or within~~
20 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
21 ~~of a Class 3 felony, the fine for which shall not exceed~~
22 ~~\$75,000;~~

23 (3) (Blank). ~~Any person who violates paragraph (2) of this~~
24 ~~subsection (a) by delivering or possessing with intent to~~
25 ~~deliver a controlled, counterfeit, or look alike substance in~~
26 ~~or on, or within 1,000 feet of a truck stop or a safety rest~~

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

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

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

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

14 (b) Any person who violates any subsection of Section 401
15 or subsection (b) of Section 404 in any school, or any
16 conveyance owned, leased or contracted by a school to transport
17 students to or from school or a school-related activity, or
18 public park, on the real property comprising any school, or
19 within 500 feet of the real property comprising any school,
20 while persons under 18 years of age are present, during school
21 hours, or at times when persons under 18 years of age are
22 reasonably expected to be present, shall be sentenced to a
23 class of offense that is one class higher than the sentence
24 otherwise authorized by the pertinent subsection of Section 401
25 or subsection (b) of Section 404. If the sentence otherwise
26 authorized by the pertinent subsection of Section 401 or

1 subsection (b) of Section 404 is a Class 1 felony for which the
2 person may be sentenced to a term of imprisonment of not less
3 than 4 years and not more than 15 years, the penalty for an
4 offense under this Section is a Class 1 felony for which the
5 person may be sentenced to a term of imprisonment of not less
6 than 6 years and not more than 30 years. If the sentence
7 otherwise authorized by the pertinent subsection of Section 401
8 or subsection (b) of Section 404 is a Class 1 felony for which
9 the person may be sentenced to a term of imprisonment of not
10 less than 6 years and not more than 30 years, the penalty for
11 an offense under this Section is a Class 1 felony for which the
12 person may be sentenced to a term of imprisonment of not less
13 than 9 years and not more than 40 years.†

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

1 ~~housing agency or leased by a public housing agency as part~~
2 ~~of a scattered site or mixed income development, or public~~
3 ~~park, on the real property comprising any church,~~
4 ~~synagogue, or other building, structure, or place used~~
5 ~~primarily for religious worship, or within 1,000 feet of~~
6 ~~the real property comprising any church, synagogue, or~~
7 ~~other building, structure, or place used primarily for~~
8 ~~religious worship, on the real property comprising any of~~
9 ~~the following places, buildings, or structures used~~
10 ~~primarily for housing or providing space for activities for~~
11 ~~senior citizens: nursing homes, assisted living centers,~~
12 ~~senior citizen housing complexes, or senior centers~~
13 ~~oriented toward daytime activities, or within 1,000 feet of~~
14 ~~the real property comprising any of the following places,~~
15 ~~buildings, or structures used primarily for housing or~~
16 ~~providing space for activities for senior citizens:~~
17 ~~nursing homes, assisted living centers, senior citizen~~
18 ~~housing complexes, or senior centers oriented toward~~
19 ~~daytime activities is guilty of a Class X felony, the fine~~
20 ~~for which shall not exceed \$500,000;~~

21 ~~(2) subsection (d) of Section 401 in any school, or any~~
22 ~~conveyance owned, leased or contracted by a school to~~
23 ~~transport students to or from school or a school related~~
24 ~~activity, or residential property owned, operated or~~
25 ~~managed by a public housing agency or leased by a public~~
26 ~~housing agency as part of a scattered site or mixed income~~

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

1 ~~for which shall not exceed \$250,000;~~

2 ~~(3) subsection (c) of Section 401 or Subsection (b) of~~
3 ~~Section 404 in any school, or any conveyance owned, leased~~
4 ~~or contracted by a school to transport students to or from~~
5 ~~school or a school related activity, or residential~~
6 ~~property owned, operated or managed by a public housing~~
7 ~~agency or leased by a public housing agency as part of a~~
8 ~~scattered site or mixed income development, or public~~
9 ~~park, on the real property comprising any school or~~
10 ~~residential property owned, operated or managed by a public~~
11 ~~housing agency or leased by a public housing agency as part~~
12 ~~of a scattered site or mixed income development, or public~~
13 ~~park or within 1,000 feet of the real property comprising~~
14 ~~any school or residential property owned, operated or~~
15 ~~managed by a public housing agency or leased by a public~~
16 ~~housing agency as part of a scattered site or mixed income~~
17 ~~development, or public park, on the real property~~
18 ~~comprising any church, synagogue, or other building,~~
19 ~~structure, or place used primarily for religious worship,~~
20 ~~or within 1,000 feet of the real property comprising any~~
21 ~~church, synagogue, or other building, structure, or place~~
22 ~~used primarily for religious worship, on the real property~~
23 ~~comprising any of the following places, buildings, or~~
24 ~~structures used primarily for housing or providing space~~
25 ~~for activities for senior citizens: nursing homes,~~
26 ~~assisted living centers, senior citizen housing complexes,~~

1 ~~or senior centers oriented toward daytime activities, or~~
2 ~~within 1,000 feet of 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 is guilty of a Class 2~~
8 ~~felony, the fine for which shall not exceed \$200,000;~~

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

1 ~~the real property comprising any church, synagogue, or~~
2 ~~other building, structure, or place used primarily for~~
3 ~~religious worship, on the real property comprising any of~~
4 ~~the following places, buildings, or structures used~~
5 ~~primarily for housing or providing space for activities for~~
6 ~~senior citizens: nursing homes, assisted living centers,~~
7 ~~senior citizen housing complexes, or senior centers~~
8 ~~oriented toward daytime activities, or within 1,000 feet of~~
9 ~~the real property comprising any of the following places,~~
10 ~~buildings, or structures used primarily for housing or~~
11 ~~providing space for activities for senior citizens:~~
12 ~~nursing homes, assisted living centers, senior citizen~~
13 ~~housing complexes, or senior centers oriented toward~~
14 ~~daytime activities is guilty of a Class 2 felony, the fine~~
15 ~~for which shall not exceed \$150,000;~~

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

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

23 ~~(6) subsection (h) of Section 401 in any school, or any~~
24 ~~conveyance owned, leased or contracted by a school to~~
25 ~~transport students to or from school or a school related~~
26 ~~activity, or residential property owned, operated or~~

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

1 ~~housing complexes, or senior centers oriented toward~~
2 ~~daytime activities is guilty of a Class 2 felony, the fine~~
3 ~~for which shall not exceed \$100,000.~~

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

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

10 (720 ILCS 570/407.1) (from Ch. 56 1/2, par. 1407.1)

11 Sec. 407.1. Any person 18 years of age or over who violates
12 any subsection of Section 401 or ~~, Section 404 or Section 405~~
13 by using, engaging or employing a person under 18 years of age
14 to deliver a controlled, counterfeit or look-alike substance
15 may, at the discretion of the court, be sentenced to a maximum
16 term of imprisonment that is equal to the maximum term of
17 imprisonment for the underlying offense plus the minimum term
18 of imprisonment for the underlying offense ~~for a term up to~~
19 ~~three times the maximum amount authorized by the pertinent~~
20 ~~subsection of Section 401, Section 404 or Section 405.~~

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

22 (720 ILCS 570/407.2) (from Ch. 56 1/2, par. 1407.2)

23 Sec. 407.2. Delivery of a controlled substance to a
24 pregnant woman.

1 (a) Any person who violates any subsection ~~(a)~~ of Section
2 401 of this Act by delivering a controlled substance to a woman
3 he knows to be pregnant may, at the discretion of the court, be
4 sentenced to a maximum term of imprisonment that is equal to
5 the maximum term of imprisonment for the underlying offense
6 plus the minimum term of imprisonment for the underlying
7 offense ~~a term twice the maximum amount authorized by Section~~
8 ~~401 of this Act.~~

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

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

15 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

16 Sec. 410. (a) Whenever any person who has not previously
17 been convicted of, ~~or placed on probation or court supervision~~
18 ~~for~~ any felony offense under this Act or any law of the United
19 States or of any State relating to cannabis or controlled
20 substances, pleads guilty to or is found guilty of possession
21 of a controlled or counterfeit substance under subsection (c)
22 of Section 402 or of unauthorized possession of prescription
23 form under Section 406.2, the court, without entering a
24 judgment and with the consent of such person, may sentence him
25 or her to probation.

1 (b) When a person is placed on probation, the court shall
2 enter an order specifying a period of probation of 24 months
3 and shall defer further proceedings in the case until the
4 conclusion of the period or until the filing of a petition
5 alleging violation of a term or condition of probation.

6 (c) The conditions of probation shall be that the person:
7 (1) not violate any criminal statute of any jurisdiction; (2)
8 refrain from possessing a firearm or other dangerous weapon;
9 (3) submit to periodic drug testing at a time and in a manner
10 as ordered by the court, but no less than 3 times during the
11 period of the probation, with the cost of the testing to be
12 paid by the probationer; and (4) perform no less than 30 hours
13 of community service, provided community service is available
14 in the jurisdiction and is funded and approved by the county
15 board.

16 (d) The court may, in addition to other conditions, require
17 that the person:

18 (1) make a report to and appear in person before or
19 participate with the court or such courts, person, or
20 social service agency as directed by the court in the order
21 of probation;

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational
24 training;

25 (4) undergo medical or psychiatric treatment; or
26 treatment or rehabilitation approved by the Illinois

1 Department of Human Services;

2 (5) attend or reside in a facility established for the
3 instruction or residence of defendants on probation;

4 (6) support his or her dependents;

5 (6-5) refrain from having in his or her body the
6 presence of any illicit drug prohibited by the Cannabis
7 Control Act, the Illinois Controlled Substances Act, or the
8 Methamphetamine Control and Community Protection Act,
9 unless prescribed by a physician, and submit samples of his
10 or her blood or urine or both for tests to determine the
11 presence of any illicit drug;

12 (7) and in addition, if a minor:

13 (i) reside with his or her parents or in a foster
14 home;

15 (ii) attend school;

16 (iii) attend a non-residential program for youth;

17 (iv) contribute to his or her own support at home
18 or in a foster home.

19 (e) Upon violation of a term or condition of probation, the
20 court may enter a judgment on its original finding of guilt and
21 proceed as otherwise provided.

22 (f) Upon fulfillment of the terms and conditions of
23 probation, the court shall discharge the person and dismiss the
24 proceedings against him or her.

25 (g) A disposition of probation is considered to be a
26 conviction for the purposes of imposing the conditions of

1 probation and for appeal, however, discharge and dismissal
2 under this Section is not a conviction for purposes of this Act
3 or for purposes of disqualifications or disabilities imposed by
4 law upon conviction of a crime.

5 (h) (Blank). ~~There may be only one discharge and dismissal~~
6 ~~under this Section, Section 10 of the Cannabis Control Act,~~
7 ~~Section 70 of the Methamphetamine Control and Community~~
8 ~~Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code~~
9 ~~of Corrections, or subsection (c) of Section 11-14 of the~~
10 ~~Criminal Code of 1961 or the Criminal Code of 2012 with respect~~
11 ~~to any person.~~

12 (i) If a person is convicted of an offense under this Act,
13 the Cannabis Control Act, or the Methamphetamine Control and
14 Community Protection Act within 5 years subsequent to a
15 discharge and dismissal under this Section, the discharge and
16 dismissal under this Section shall be admissible in the
17 sentencing proceeding for that conviction as evidence in
18 aggravation.

19 (j) Notwithstanding subsection (a), before a person is
20 sentenced to probation under this Section, the court may refer
21 the person to the drug court established in that judicial
22 circuit pursuant to Section 15 of the Drug Court Treatment Act.
23 The drug court team shall evaluate the person's likelihood of
24 successfully completing a sentence of probation under this
25 Section and shall report the results of its evaluation to the
26 court. If the drug court team finds that the person suffers

1 from a substance abuse problem that makes him or her
2 substantially unlikely to successfully complete a sentence of
3 probation under this Section, then the drug court shall set
4 forth its findings in the form of a written order, and the
5 person shall not be sentenced to probation under this Section,
6 but shall ~~may~~ be considered for the drug court program.

7 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

8 (720 ILCS 570/405 rep.)

9 (720 ILCS 570/405.1 rep.)

10 (720 ILCS 570/408 rep.)

11 Section 25. The Illinois Controlled Substances Act is
12 amended by repealing Sections 405, 405.1, and 408.

13 Section 30. The Drug Paraphernalia Control Act is amended
14 by changing Section 3.5 as follows:

15 (720 ILCS 600/3.5)

16 Sec. 3.5. Possession of drug paraphernalia.

17 (a) A person who knowingly possesses an item of drug
18 paraphernalia with the intent to use it in ingesting, inhaling,
19 or otherwise introducing cannabis or a controlled substance
20 into the human body, or in preparing cannabis or a controlled
21 substance for that use, is guilty of a Class A misdemeanor for
22 which the court shall impose a minimum fine of \$750 in addition
23 to any other penalty prescribed for a Class A misdemeanor. This

1 subsection (a) does not apply to a person who is legally
2 authorized to possess hypodermic syringes or needles under the
3 Hypodermic Syringes and Needles Act.

4 (b) In determining intent under subsection (a), the trier
5 of fact may take into consideration the proximity of the
6 cannabis or controlled substances to drug paraphernalia or the
7 presence of cannabis or a controlled substance on the drug
8 paraphernalia.

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

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

25 (2) \$15 to the county to fund drug addiction services;

26 (3) \$10 to the Office of the State's Attorneys

1 Appellate Prosecutor for use in training programs;

2 (4) \$10 to the State's Attorney; and

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

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

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

14 Section 35. The Methamphetamine Control and Community
15 Protection Act is amended by changing Sections 15, 20, 25, 30,
16 35, 40, 45, 50, 55, 56, 60, and 70 and by adding Sections 55.1,
17 55.2, 55.3, 55.4, and 55.5 as follows:

18 (720 ILCS 646/15)

19 Sec. 15. Participation in methamphetamine manufacturing.

20 (a) Participation in methamphetamine manufacturing.

21 (1) It is unlawful to knowingly participate in the
22 manufacture of methamphetamine with the intent that
23 methamphetamine or a substance containing methamphetamine
24 be produced.

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

3 (A) A person who participates in the manufacture of
4 less than 15 grams of methamphetamine or a substance
5 containing methamphetamine is guilty of a Class 2 ~~4~~
6 felony.

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 ~~2~~ felony,
11 ~~subject to a term of imprisonment of not less than 6~~
12 ~~years and not more than 30 years,~~ and subject to a fine
13 not to exceed \$100,000 or the street value of the
14 methamphetamine manufactured, whichever is greater.

15 (C) A person who participates in the manufacture of
16 100 or more grams but less than 400 grams of
17 methamphetamine or a substance containing
18 methamphetamine is guilty of a Class 1 ~~2~~ felony, for
19 which the person may be sentenced ~~subject~~ to a term of
20 imprisonment of not less than 6 ~~9~~ years and not more
21 than 30 ~~40~~ years, and subject to a fine not to exceed
22 \$200,000 or the street value of the methamphetamine
23 manufactured, whichever is greater.

24 (D) A person who participates in the manufacture of
25 400 or more grams but less than 900 grams of
26 methamphetamine or a substance containing

1 methamphetamine is guilty of a Class 1 ~~*~~ felony, for
2 which the person may be sentenced ~~subject~~ to a term of
3 imprisonment of not less than 6 ~~12~~ years and not more
4 than 30 ~~50~~ years, and subject to a fine not to exceed
5 \$300,000 or the street value of the methamphetamine
6 manufactured, whichever is greater.

7 (E) A person who participates in the manufacture of
8 900 grams or more of methamphetamine or a substance
9 containing methamphetamine is guilty of a Class 1 ~~*~~
10 felony, for which the person may be sentenced ~~subject~~
11 to a term of imprisonment of not less than 6 ~~15~~ years
12 and not more than 30 ~~60~~ years, and subject to a fine
13 not to exceed \$400,000 or the street value of the
14 methamphetamine, whichever is greater.

15 (b) Aggravated participation in methamphetamine
16 manufacturing.

17 (1) It is unlawful to engage in aggravated
18 participation in the manufacture of methamphetamine. A
19 person engages in aggravated participation in the
20 manufacture of methamphetamine when the person violates
21 paragraph (1) of subsection (a) and:

22 (A) the person knowingly does so in a multi-unit
23 dwelling;

24 (B) the person knowingly does so in a structure or
25 vehicle where a child under the age of 18, a person
26 with a disability, or a person 60 years of age or older

1 who is incapable of adequately providing for his or her
2 own health and personal care resides, is present, or is
3 endangered by the manufacture of methamphetamine;

4 (C) the person does so in a structure or vehicle
5 where a woman the person knows to be pregnant
6 (including but not limited to the person herself)
7 resides, is present, or is endangered by the
8 methamphetamine manufacture;

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

13 (E) the methamphetamine manufacturing in which the
14 person participates is a contributing cause of the
15 death, serious bodily injury, disability, or
16 disfigurement of another person, including but not
17 limited to an emergency service provider;

18 (F) the methamphetamine manufacturing in which the
19 person participates is a contributing cause of a fire
20 or explosion that damages property belonging to
21 another person;

22 (G) the person knowingly organizes, directs, or
23 finances the methamphetamine manufacturing or
24 activities carried out in support of the
25 methamphetamine manufacturing; or

26 (H) the methamphetamine manufacturing occurs

1 within 1,000 feet of a place of worship or parsonage,
2 or within 1,000 feet of the real property comprising
3 any school.

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

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

13 (B) A person who participates in the manufacture of
14 15 or more grams but less than 100 grams of
15 methamphetamine or a substance containing
16 methamphetamine is guilty of a Class 1 * felony, for
17 which the person may be sentenced ~~subject~~ to a term of
18 imprisonment of not less than 6 ~~9~~ years and not more
19 than 30 ~~40~~ years, and subject to a fine not to exceed
20 \$200,000 or the street value of the methamphetamine,
21 whichever is greater.

22 (C) A person who participates in the manufacture of
23 100 or more grams but less than 400 grams of
24 methamphetamine or a substance containing
25 methamphetamine is guilty of a Class 1 * felony, for
26 which the person may be sentenced ~~subject~~ to a term of

1 imprisonment of not less than 6 ~~12~~ years and not more
2 than 30 ~~50~~ years, and subject to a fine not to exceed
3 \$300,000 or the street value of the methamphetamine,
4 whichever is greater.

5 (D) A person who participates in the manufacture of
6 400 grams or more of methamphetamine or a substance
7 containing methamphetamine is guilty of a Class 1 *
8 felony, for which the person may be sentenced ~~subject~~
9 to a term of imprisonment of not less than 6 ~~15~~ years
10 and not more than 30 ~~60~~ years, and subject to a fine
11 not to exceed \$400,000 or the street value of the
12 methamphetamine, whichever is greater.

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

14 (720 ILCS 646/20)

15 Sec. 20. Methamphetamine precursor.

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

18 (1) It is unlawful to knowingly possess, procure,
19 transport, store, or deliver any methamphetamine precursor
20 or substance containing any methamphetamine precursor ~~in~~
21 ~~standard dosage form~~ with the intent that it be used to
22 manufacture methamphetamine or a substance containing
23 methamphetamine.

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

1 (A) A person who possesses, procures, transports,
2 stores, or delivers less than 15 grams of
3 methamphetamine precursor or substance containing any
4 methamphetamine precursor is guilty of a Class 4 ~~2~~
5 felony.

6 (B) A person who possesses, procures, transports,
7 stores, or delivers 15 or more grams but less than 30
8 grams of methamphetamine precursor or substance
9 containing any methamphetamine precursor is guilty of
10 a Class 3 ~~4~~ felony.

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

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

25 (E) A person who possesses, procures, transports,
26 stores, or delivers 500 or more grams of

1 methamphetamine precursor or substance containing any
2 methamphetamine precursor is guilty of a Class 1 *
3 felony, for which the person may be sentenced ~~subject~~
4 to a term of imprisonment of not less than 6 ~~10~~ years
5 and not more than 30 ~~50~~ years, and subject to a fine
6 not to exceed \$300,000.

7 (b) (Blank). ~~Methamphetamine precursor or substance~~
8 ~~containing any methamphetamine precursor in any form other than~~
9 ~~a standard dosage form.~~

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

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

18 ~~(A) A person who violates paragraph (1) of this~~
19 ~~subsection (b) with the intent that less than 10 grams~~
20 ~~of methamphetamine or a substance containing~~
21 ~~methamphetamine be manufactured is guilty of a Class 2~~
22 ~~felony.~~

23 ~~(B) A person who violates paragraph (1) of this~~
24 ~~subsection (b) with the intent that 10 or more grams~~
25 ~~but less than 20 grams of methamphetamine or a~~
26 ~~substance containing methamphetamine be manufactured~~

1 ~~is guilty of a Class 1 felony.~~

2 ~~(C) A person who violates paragraph (1) of this~~
3 ~~subsection (b) with the intent that 20 or more grams~~
4 ~~but less than 100 grams of methamphetamine or a~~
5 ~~substance containing methamphetamine be manufactured~~
6 ~~is guilty of a Class X felony, subject to a term of~~
7 ~~imprisonment of not less than 6 years and not more than~~
8 ~~30 years, and subject to a fine not to exceed \$100,000.~~

9 ~~(D) A person who violates paragraph (1) of this~~
10 ~~subsection (b) with the intent that 100 or more grams~~
11 ~~but less than 350 grams of methamphetamine or a~~
12 ~~substance containing methamphetamine be manufactured~~
13 ~~is guilty of a Class X felony, subject to a term of~~
14 ~~imprisonment of not less than 8 years and not more than~~
15 ~~40 years, and subject to a fine not to exceed \$200,000.~~

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

23 (c) Rule of evidence. The presence of any methamphetamine
24 precursor in a sealed, factory imprinted container, including,
25 but not limited to, a bottle, box, package, or blister pack, at
26 the time of seizure by law enforcement, is prima facie evidence

1 that the methamphetamine precursor located within the
2 container is in fact the material so described and in the
3 amount listed on the container. The factory imprinted container
4 is admissible for a violation of this Act for purposes of
5 proving the contents of the container.

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

7 (720 ILCS 646/25)

8 Sec. 25. Anhydrous ammonia.

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

12 (1) It is unlawful to knowingly engage in the
13 possession, procurement, transportation, storage, or
14 delivery of anhydrous ammonia or to attempt to engage in
15 any of these activities or to assist another in engaging in
16 any of these activities with the intent that the anhydrous
17 ammonia be used to manufacture methamphetamine.

18 (2) A person who violates paragraph (1) of this
19 subsection (a) is guilty of a Class 2 ~~4~~ felony.

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

23 (1) It is unlawful to knowingly engage in the
24 aggravated possession, procurement, transportation,
25 storage, or delivery of anhydrous ammonia with the intent

1 that it be used to manufacture methamphetamine. A person
2 commits this offense when the person engages in the
3 possession, procurement, transportation, storage, or
4 delivery of anhydrous ammonia or attempts to engage in any
5 of these activities or assists another in engaging in any
6 of these activities with the intent that the anhydrous
7 ammonia be used to manufacture methamphetamine and:

8 (A) the person knowingly does so in a multi-unit
9 dwelling;

10 (B) the person knowingly does so in a structure or
11 vehicle where a child under the age of 18, or a person
12 with a disability, or a person who is 60 years of age
13 or older who is incapable of adequately providing for
14 his or her own health and personal care resides, is
15 present, or is endangered by the anhydrous ammonia;

16 (C) the person's possession, procurement,
17 transportation, storage, or delivery of anhydrous
18 ammonia is a contributing cause of the death, serious
19 bodily injury, disability, or disfigurement of another
20 person; or

21 (D) the person's possession, procurement,
22 transportation, storage, or delivery of anhydrous
23 ammonia is a contributing cause of a fire or explosion
24 that damages property belonging to another person.

25 (2) A person who violates paragraph (1) of this
26 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 (c) Possession, procurement, transportation, storage, or
5 delivery of anhydrous ammonia in an unauthorized container.

6 (1) It is unlawful to knowingly possess, procure,
7 transport, store, or deliver anhydrous ammonia in an
8 unauthorized container.

9 (1.5) (Blank) ~~It is unlawful to attempt to possess,~~
10 ~~procure, transport, store, or deliver anhydrous ammonia in~~
11 ~~an unauthorized container.~~

12 (2) A person who violates paragraph (1) of this
13 subsection (c) is guilty of a Class 4 ~~3~~ felony. ~~A person~~
14 ~~who violates paragraph (1.5) of this subsection (c) is~~
15 ~~guilty of a Class 4 felony.~~

16 (3) Affirmative defense. It is an affirmative defense
17 that the person charged possessed, procured, transported,
18 stored, or delivered anhydrous ammonia in a manner that
19 substantially complied with the rules governing anhydrous
20 ammonia equipment found in 8 Illinois Administrative Code
21 Section 215, in 92 Illinois Administrative Code Sections
22 171 through 180, or in any provision of the Code of Federal
23 Regulations incorporated by reference into these Sections
24 of the Illinois Administrative Code.

25 (d) Tampering with anhydrous ammonia equipment.

26 (1) It is unlawful to knowingly tamper with anhydrous

1 ammonia equipment. A person tampers with anhydrous ammonia
2 equipment when, without authorization from the lawful
3 owner, the person:

4 (A) removes or attempts to remove anhydrous
5 ammonia from the anhydrous ammonia equipment used by
6 the lawful owner;

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

9 (C) vents or attempts to vent anhydrous ammonia
10 into the environment.

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

13 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06;
14 95-690, eff. 1-1-08.)

15 (720 ILCS 646/30)

16 Sec. 30. Methamphetamine manufacturing material.

17 (a) It is unlawful to knowingly engage in the possession,
18 procurement, transportation, storage, or delivery of any
19 methamphetamine manufacturing material, other than a
20 methamphetamine precursor, substance containing a
21 methamphetamine precursor, or anhydrous ammonia, with the
22 intent that it be used to manufacture methamphetamine.

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

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

1 (720 ILCS 646/35)

2 Sec. 35. Use of property.

3 (a) It is unlawful for a person knowingly to use or allow
4 the use of a vehicle, a structure, real property, or personal
5 property within the person's control to help bring about a
6 violation of this Act.

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

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

10 (720 ILCS 646/40)

11 Sec. 40. Protection of methamphetamine manufacturing.

12 (a) It is unlawful to engage in the protection of
13 methamphetamine manufacturing. A person engages in the
14 protection of methamphetamine manufacturing when:

15 (1) the person knows that others have been
16 participating, are participating, or will be participating
17 in the manufacture of methamphetamine; and

18 (2) with the intent to help prevent detection of or
19 interference with the methamphetamine manufacturing, the
20 person serves as a lookout for or guard of the
21 methamphetamine manufacturing.

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

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

1 (720 ILCS 646/45)

2 Sec. 45. Methamphetamine manufacturing waste.

3 (a) It is unlawful to knowingly burn, place in a trash
4 receptacle, or dispose of methamphetamine manufacturing waste,
5 knowing that the waste was used in the manufacturing of
6 methamphetamine.

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

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

10 (720 ILCS 646/50)

11 Sec. 50. Methamphetamine-related child endangerment.

12 (a) Methamphetamine-related child endangerment.

13 (1) It is unlawful to engage in
14 methamphetamine-related child endangerment. A person
15 engages in methamphetamine-related child endangerment when
16 the person knowingly endangers the life and health of a
17 child by exposing or allowing exposure of the child to a
18 methamphetamine manufacturing environment.

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

21 (b) Aggravated methamphetamine-related child endangerment.

22 (1) It is unlawful to engage in aggravated
23 methamphetamine-related child endangerment. A person
24 engages in aggravated methamphetamine-related child

1 endangerment when the person violates paragraph (1) of this
2 subsection (a) of this Section and the child experiences
3 death, great bodily harm, disability, or disfigurement as a
4 result of the methamphetamine-related child endangerment.

5 (2) A person who violates paragraph (1) of this
6 subsection (b) is guilty of a Class 1 * felony, ~~subject to~~
7 ~~a term of imprisonment of not less than 6 years and not~~
8 ~~more than 30 years,~~ and subject to a fine not to exceed
9 \$100,000.

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

11 (720 ILCS 646/55)

12 Sec. 55. Methamphetamine delivery.

13 (a) Delivery or possession with intent to deliver
14 methamphetamine or a substance containing methamphetamine.

15 (1) It is unlawful knowingly to engage in the delivery
16 or possession with intent to deliver methamphetamine or a
17 substance containing 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 delivers or possesses with intent
21 to deliver less than one gram ~~5 grams~~ of
22 methamphetamine or a substance containing
23 methamphetamine is guilty of a Class 4 ~~2~~ felony.

24 (B) A person who delivers or possesses with intent
25 to deliver one ~~5~~ or more grams but less than 15 grams

1 of methamphetamine or a substance containing
2 methamphetamine is guilty of a Class 3 ~~4~~ felony.

3 (C) A person who delivers or possesses with intent
4 to deliver 15 or more grams but less than 100 grams of
5 methamphetamine or a substance containing
6 methamphetamine is guilty of a Class 2 * felony,
7 ~~subject to a term of imprisonment of not less than 6~~
8 ~~years and not more than 30 years,~~ and subject to a fine
9 not to exceed \$100,000 or the street value of the
10 methamphetamine, whichever is greater.

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

19 (E) A person who delivers or possesses with intent
20 to deliver 400 or more grams but less than 900 grams of
21 methamphetamine or a substance containing
22 methamphetamine is guilty of a Class 1 * felony,
23 ~~subject to a term of imprisonment of not less than 12~~
24 ~~years and not more than 50 years,~~ and subject to a fine
25 not to exceed \$300,000 or the street value of the
26 methamphetamine, whichever is greater.

1 (F) A person who delivers or possesses with intent
2 to deliver 900 or more grams of methamphetamine or a
3 substance containing methamphetamine is guilty of a
4 Class 1 ~~2~~ felony, for which the person may be sentenced
5 ~~subject~~ to a term of imprisonment of not less than 6 ~~15~~
6 years and not more than 30 ~~60~~ years, and subject to a
7 fine not to exceed \$400,000 or the street value of the
8 methamphetamine, whichever is greater.

9 (b) (Blank). ~~Aggravated delivery or possession with intent~~
10 ~~to deliver methamphetamine or a substance containing~~
11 ~~methamphetamine.~~

12 ~~(1) It is unlawful to engage in the aggravated delivery~~
13 ~~or possession with intent to deliver methamphetamine or a~~
14 ~~substance containing methamphetamine. A person engages in~~
15 ~~the aggravated delivery or possession with intent to~~
16 ~~deliver methamphetamine or a substance containing~~
17 ~~methamphetamine when the person violates paragraph (1) of~~
18 ~~subsection (a) of this Section and:~~

19 ~~(A) the person is at least 18 years of age and~~
20 ~~knowingly delivers or possesses with intent to deliver~~
21 ~~the methamphetamine or substance containing~~
22 ~~methamphetamine to a person under 18 years of age;~~

23 ~~(B) the person is at least 18 years of age and~~
24 ~~knowingly uses, engages, employs, or causes another~~
25 ~~person to use, engage, or employ a person under 18~~
26 ~~years of age to deliver the methamphetamine or~~

1 ~~substance containing methamphetamine;~~

2 ~~(C) the person knowingly delivers or possesses~~
3 ~~with intent to deliver the methamphetamine or~~
4 ~~substance containing methamphetamine in any structure~~
5 ~~or vehicle protected by one or more firearms, explosive~~
6 ~~devices, booby traps, alarm systems, surveillance~~
7 ~~systems, guard dogs, or dangerous animals;~~

8 ~~(D) the person knowingly delivers or possesses~~
9 ~~with intent to deliver the methamphetamine or~~
10 ~~substance containing methamphetamine in any school, on~~
11 ~~any real property comprising any school, or in any~~
12 ~~conveyance owned, leased, or contracted by a school to~~
13 ~~transport students to or from school or a~~
14 ~~school related activity;~~

15 ~~(E) the person delivers or causes another person to~~
16 ~~deliver the methamphetamine or substance containing~~
17 ~~methamphetamine to a woman that the person knows to be~~
18 ~~pregnant; or~~

19 ~~(F) (blank).~~

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

22 ~~(A) A person who delivers or possesses with intent~~
23 ~~to deliver less than 5 grams of methamphetamine or a~~
24 ~~substance containing methamphetamine is guilty of a~~
25 ~~Class 1 felony.~~

26 ~~(B) A person who delivers or possesses with intent~~

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

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

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

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

24 (720 ILCS 646/55.1 new)

25 Sec. 55.1. Methamphetamine delivery by a person at least 18

1 years of age to a person under 18 years of age. Any person who
2 is at least 18 years of age who violates any subsection of
3 Section 55 by delivering methamphetamine or substance
4 containing methamphetamine to a person under 18 years of age
5 may, at the discretion of the court, be sentenced to a maximum
6 term of imprisonment that is equal to the maximum term of
7 imprisonment for the underlying offense plus the minimum term
8 of imprisonment for the underlying offense.

9 (720 ILCS 646/55.2 new)

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

20 (720 ILCS 646/55.3 new)

21 Sec. 55.3. Delivery of methamphetamine or possession with
22 intent to deliver methamphetamine-protected structure or
23 vehicle. Any person who violates any subsection of Section 55
24 by knowingly delivering or possessing with intent to deliver

1 methamphetamine or substance containing methamphetamine in any
2 structure or vehicle protected by one or more explosive
3 devices, booby traps, or dangerous animals may, at the
4 discretion of the court, be sentenced to a maximum term of
5 imprisonment that is equal to the maximum term of imprisonment
6 for the underlying offense plus the minimum term of
7 imprisonment for the underlying offense.

8 (720 ILCS 646/55.4 new)

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

1 authorized by the pertinent subsection of Section 55 is a Class
2 1 felony for which the person may be sentenced to a term of
3 imprisonment of not less than 6 years and not more than 30
4 years, the penalty for an offense under this Section is a Class
5 1 felony for which the person may be sentenced to a term of
6 imprisonment of not less than 9 years and not more than 40
7 years.

8 (720 ILCS 646/55.5 new)

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

17 (720 ILCS 646/56)

18 Sec. 56. Methamphetamine trafficking.

19 (a) Except for purposes as authorized by this Act, any
20 person who knowingly brings, or causes to be brought, into this
21 State 400 grams or more of methamphetamine or 500 grams or more
22 of , ~~anhydrous ammonia, or~~ a methamphetamine precursor or any
23 amount of anhydrous ammonia for the purpose of manufacture or
24 delivery of methamphetamine or with the intent to manufacture

1 or deliver methamphetamine is guilty of methamphetamine
2 trafficking.

3 (a-5) A person convicted of methamphetamine trafficking
4 shall be sentenced as authorized by Section 55 of this Act,
5 based upon the amount of the methamphetamine brought or caused
6 to be brought into this State, if the person at sentencing
7 proves by a preponderance of the evidence that he or she:

8 (1) received little or no compensation from the illegal
9 transport of the methamphetamine into this State and had
10 minimal knowledge of the scope and structure of the
11 enterprise to manufacture or deliver the methamphetamine
12 transported; or

13 (2) was not involved in the organization or planning of
14 the enterprise to manufacture or deliver the
15 methamphetamine transported.

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

1 Class 1 felony for which the person may be sentenced to a term
2 of imprisonment of not less 9 years and not more than 40 years.

3 (c) (Blank) ~~A person convicted of methamphetamine~~
4 ~~trafficking based upon a methamphetamine precursor shall be~~
5 ~~sentenced to a term of imprisonment of not less than twice the~~
6 ~~minimum term and not more than twice the maximum term of~~
7 ~~imprisonment based upon the amount of methamphetamine~~
8 ~~precursor provided in subsection (a) or (b) of Section 20 of~~
9 ~~this Act brought or caused to be brought into this State.~~

10 (d) A person convicted of methamphetamine trafficking
11 based upon anhydrous ammonia under paragraph (1) of subsection
12 (a) of Section 25 of this Act is guilty of a Class 1 felony
13 ~~shall be sentenced to a term of imprisonment of not less than~~
14 ~~twice the minimum term and not more than twice the maximum term~~
15 ~~of imprisonment provided in paragraph (1) of subsection (a) of~~
16 ~~Section 25 of this Act.~~

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

18 (720 ILCS 646/60)

19 Sec. 60. Methamphetamine possession.

20 (a) It is unlawful knowingly to possess methamphetamine or
21 a substance containing methamphetamine.

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

24 (1) A person who possesses less than 15 ~~5~~ grams of
25 methamphetamine or a substance containing methamphetamine

1 is guilty of a Class A misdemeanor ~~3 felony~~.

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

5 (3) A person who possesses 15 or more grams but less
6 than 100 grams of methamphetamine or a substance containing
7 methamphetamine is guilty of a Class 3 ± felony.

8 (4) A person who possesses 100 or more grams but less
9 than 400 grams of methamphetamine or a substance containing
10 methamphetamine is guilty of a Class 2 * felony, ~~subject to~~
11 ~~a term of imprisonment of not less than 6 years and not~~
12 ~~more than 30 years,~~ and subject to a fine not to exceed
13 \$100,000.

14 (5) A person who possesses 400 or more grams but less
15 than 900 grams of methamphetamine or a substance containing
16 methamphetamine is guilty of a Class 1 * felony, ~~subject to~~
17 ~~a term of imprisonment of not less than 8 years and not~~
18 ~~more than 40 years,~~ and subject to a fine not to exceed
19 \$200,000.

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

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

1 (720 ILCS 646/70)

2 Sec. 70. Probation.

3 (a) Whenever any person who has not previously been
4 convicted of, ~~or placed on probation or court supervision for~~
5 any felony offense under this Act, the Illinois Controlled
6 Substances Act, the Cannabis Control Act, or any law of the
7 United States or of any state relating to cannabis or
8 controlled substances, pleads guilty to or is found guilty of
9 possession of less than 15 grams of methamphetamine under
10 paragraph (1) or (2) of subsection (b) of Section 60 of this
11 Act, the court, without entering a judgment and with the
12 consent of the person, may sentence him or her to probation.

13 (b) When a person is placed on probation, the court shall
14 enter an order specifying a period of probation of 24 months
15 and shall defer further proceedings in the case until the
16 conclusion of the period or until the filing of a petition
17 alleging violation of a term or condition of probation.

18 (c) The conditions of probation shall be that the person:

19 (1) not violate any criminal statute of any
20 jurisdiction;

21 (2) refrain from possessing a firearm or other
22 dangerous weapon;

23 (3) submit to periodic drug testing at a time and in a
24 manner as ordered by the court, but no less than 3 times
25 during the period of the probation, with the cost of the
26 testing to be paid by the probationer; and

1 (4) perform no less than 30 hours of community service,
2 if community service is available in the jurisdiction and
3 is funded and approved by the county board.

4 (d) The court may, in addition to other conditions, require
5 that the person take one or more of the following actions:

6 (1) make a report to and appear in person before or
7 participate with the court or such courts, person, or
8 social service agency as directed by the court in the order
9 of probation;

10 (2) pay a fine and costs;

11 (3) work or pursue a course of study or vocational
12 training;

13 (4) undergo medical or psychiatric treatment; or
14 treatment or rehabilitation approved by the Illinois
15 Department of Human Services;

16 (5) attend or reside in a facility established for the
17 instruction or residence of defendants on probation;

18 (6) support his or her dependents;

19 (7) refrain from having in his or her body the presence
20 of any illicit drug prohibited by this Act, the Cannabis
21 Control Act, or the Illinois Controlled Substances Act,
22 unless prescribed by a physician, and submit samples of his
23 or her blood or urine or both for tests to determine the
24 presence of any illicit drug; or

25 (8) if a minor:

26 (i) reside with his or her parents or in a foster

1 home;
2 (ii) attend school;
3 (iii) attend a non-residential program for youth;
4 or
5 (iv) contribute to his or her own support at home
6 or in a foster home.

7 (e) Upon violation of a term or condition of probation, the
8 court may enter a judgment on its original finding of guilt and
9 proceed as otherwise provided.

10 (f) Upon fulfillment of the terms and conditions of
11 probation, the court shall discharge the person and dismiss the
12 proceedings against the person.

13 (g) A disposition of probation is considered to be a
14 conviction for the purposes of imposing the conditions of
15 probation and for appeal, however, discharge and dismissal
16 under this Section is not a conviction for purposes of this Act
17 or for purposes of disqualifications or disabilities imposed by
18 law upon conviction of a crime.

19 (h) (Blank). ~~There may be only one discharge and dismissal~~
20 ~~under this Section, Section 410 of the Illinois Controlled~~
21 ~~Substances Act, Section 10 of the Cannabis Control Act, Section~~
22 ~~5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or~~
23 ~~subsection (c) of Section 11-14 of the Criminal Code of 1961 or~~
24 ~~the Criminal Code of 2012 with respect to any person.~~

25 (i) If a person is convicted of an offense under this Act,
26 the Cannabis Control Act, or the Illinois Controlled Substances

1 Act within 5 years subsequent to a discharge and dismissal
2 under this Section, the discharge and dismissal under this
3 Section are admissible in the sentencing proceeding for that
4 conviction as evidence in aggravation.

5 (j) Notwithstanding subsection (a), before a person is
6 sentenced to probation under this Section, the court may refer
7 the person to the drug court established in that judicial
8 circuit pursuant to Section 15 of the Drug Court Treatment Act.
9 The drug court team shall evaluate the person's likelihood of
10 successfully completing a sentence of probation under this
11 Section and shall report the results of its evaluation to the
12 court. If the drug court team finds that the person suffers
13 from a substance abuse problem that makes him or her
14 substantially unlikely to successfully complete a sentence of
15 probation under this Section, then the drug court shall set
16 forth its findings in the form of a written order, and the
17 person shall not be sentenced to probation under this Section,
18 but shall ~~may~~ be considered for the drug court program.

19 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

20 (720 ILCS 646/65 rep.)

21 (720 ILCS 646/100 rep.)

22 Section 40. The Methamphetamine Control and Community
23 Protection Act is amended by repealing Sections 65 and 100.

24 Section 45. The Unified Code of Corrections is amended by

1 changing Section 3-3-8, 3-6-3, 5-4-1, 5-4.5-95, 5-5-3,
2 5-6-3.3, 5-6-3.4, 5-8-1, 5-8-2, and 5-8-6 as follows:

3 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

4 Sec. 3-3-8. Length of parole and mandatory supervised
5 release; discharge.

6 (a) The length of parole for a person sentenced under the
7 law in effect prior to the effective date of this amendatory
8 Act of 1977 and the length of mandatory supervised release for
9 those sentenced under the law in effect on and after such
10 effective date shall be as set out in Section 5-8-1 unless
11 sooner terminated under paragraph (b) of this Section.

12 (b) The Prisoner Review Board may enter an order releasing
13 and discharging one from parole or mandatory supervised
14 release, and his or her commitment to the Department, when it
15 determines that he or she is likely to remain at liberty
16 without committing another offense.

17 (b-1) Provided that the subject is in compliance with the
18 terms and conditions of his or her parole or mandatory
19 supervised release, the Prisoner Review Board may reduce the
20 period of a parolee or releasee's parole or mandatory
21 supervised release by 90 days upon the parolee or releasee
22 receiving a high school diploma or upon passage of high school
23 equivalency testing during the period of his or her parole or
24 mandatory supervised release. This reduction in the period of a
25 subject's term of parole or mandatory supervised release shall

1 be available only to subjects who have not previously earned a
2 high school diploma or who have not previously passed high
3 school equivalency testing.

4 (b-2) The Prisoner Review Board shall release a low-risk
5 and need subject person from mandatory supervised release as
6 determined by an appropriate evidence-based risk and need
7 assessment.

8 (c) The order of discharge shall become effective upon
9 entry of the order of the Board. The Board shall notify the
10 clerk of the committing court of the order. Upon receipt of
11 such copy, the clerk shall make an entry on the record judgment
12 that the sentence or commitment has been satisfied pursuant to
13 the order.

14 (d) Rights of the person discharged under this Section
15 shall be restored under Section 5-5-5.

16 (Source: P.A. 98-558, eff. 1-1-14; 98-718, eff. 1-1-15; 99-268,
17 eff. 1-1-16; 99-628, eff. 1-1-17.)

18 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

19 (Text of Section after amendment by P.A. 99-938)

20 Sec. 3-6-3. Rules and regulations for sentence credit.

21 (a) (1) The Department of Corrections shall prescribe rules
22 and regulations for awarding and revoking sentence credit for
23 persons committed to the Department which shall be subject to
24 review by the Prisoner Review Board.

25 (1.5) As otherwise provided by law, sentence credit may be

1 awarded for the following:

2 (A) successful completion of programming while in
3 custody of the Department or while in custody prior to
4 sentencing;

5 (B) compliance with the rules and regulations of the
6 Department; or

7 (C) service to the institution, service to a community,
8 or service to the State.

9 (2) The rules and regulations on sentence credit shall
10 provide, with respect to offenses listed in clause (i), (ii),
11 or (iii) of this paragraph (2) committed on or after June 19,
12 1998 or with respect to the offense listed in clause (iv) of
13 this paragraph (2) committed on or after June 23, 2005 (the
14 effective date of Public Act 94-71) or with respect to offense
15 listed in clause (vi) committed on or after June 1, 2008 (the
16 effective date of Public Act 95-625) or with respect to the
17 offense of being an armed habitual criminal committed on or
18 after August 2, 2005 (the effective date of Public Act 94-398)
19 or with respect to the offenses listed in clause (v) of this
20 paragraph (2) committed on or after August 13, 2007 (the
21 effective date of Public Act 95-134) or with respect to the
22 offense of aggravated domestic battery committed on or after
23 July 23, 2010 (the effective date of Public Act 96-1224) or
24 with respect to the offense of attempt to commit terrorism
25 committed on or after January 1, 2013 (the effective date of
26 Public Act 97-990), the following:

1 (i) that a prisoner who is serving a term of
2 imprisonment for ~~first degree murder or for~~ the offense of
3 terrorism shall receive no sentence credit and shall serve
4 the entire sentence imposed by the court;

5 (i-5) that a prisoner who is serving a term of
6 imprisonment for first degree murder shall receive no more
7 than 7.5 days of sentence credit for each month of his or
8 her sentence of imprisonment;

9 (ii) that a prisoner serving a sentence for attempt to
10 commit terrorism, attempt to commit first degree murder,
11 solicitation of murder, solicitation of murder for hire,
12 intentional homicide of an unborn child, predatory
13 criminal sexual assault of a child, aggravated criminal
14 sexual assault, criminal sexual assault, aggravated
15 kidnapping, aggravated battery with a firearm as described
16 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
17 (e) (4) of Section 12-3.05, heinous battery as described in
18 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
19 being an armed habitual criminal, aggravated battery of a
20 senior citizen as described in Section 12-4.6 or
21 subdivision (a) (4) of Section 12-3.05, or aggravated
22 battery of a child as described in Section 12-4.3 or
23 subdivision (b) (1) of Section 12-3.05 shall receive no more
24 than 8.5 ~~4.5~~ days of sentence credit for each month of his
25 or her sentence of imprisonment;

26 (iii) that a prisoner serving a sentence for home

1 invasion, armed robbery, aggravated vehicular hijacking,
2 aggravated discharge of a firearm, or armed violence with a
3 category I weapon or category II weapon, when the court has
4 made and entered a finding, pursuant to subsection (c-1) of
5 Section 5-4-1 of this Code, that the conduct leading to
6 conviction for the enumerated offense resulted in great
7 bodily harm to a victim, shall receive no more than 8.5 ~~4.5~~
8 days of sentence credit for each month of his or her
9 sentence of imprisonment;

10 (iv) that a prisoner serving a sentence for aggravated
11 discharge of a firearm, whether or not the conduct leading
12 to conviction for the offense resulted in great bodily harm
13 to the victim, shall receive no more than 8.5 ~~4.5~~ days of
14 sentence credit for each month of his or her sentence of
15 imprisonment;

16 (v) that a person serving a sentence for gunrunning,
17 ~~narcotics racketeering, controlled substance trafficking,~~
18 ~~methamphetamine trafficking,~~ drug-induced homicide, or
19 aggravated methamphetamine-related child endangerment,
20 ~~money laundering pursuant to clause (c) (4) or (5) of~~
21 ~~Section 29B-1 of the Criminal Code of 1961 or the Criminal~~
22 ~~Code of 2012, or a Class X felony conviction for delivery~~
23 ~~of a controlled substance, possession of a controlled~~
24 ~~substance with intent to manufacture or deliver,~~
25 ~~calculated criminal drug conspiracy, criminal drug~~
26 ~~conspiracy, street gang criminal drug conspiracy,~~

1 ~~participation in methamphetamine manufacturing, aggravated~~
2 ~~participation in methamphetamine manufacturing, delivery~~
3 ~~of methamphetamine, possession with intent to deliver~~
4 ~~methamphetamine, aggravated delivery of methamphetamine,~~
5 ~~aggravated possession with intent to deliver~~
6 ~~methamphetamine, methamphetamine conspiracy when the~~
7 ~~substance containing the controlled substance or~~
8 ~~methamphetamine is 100 grams or more~~ shall receive no more
9 than 10.5 ~~7.5~~ days sentence credit for each month of his or
10 her sentence of imprisonment;

11 (vi) that a prisoner serving a sentence for a second or
12 subsequent offense of luring a minor shall receive no more
13 than 8.5 ~~4.5~~ days of sentence credit for each month of his
14 or her sentence of imprisonment; and

15 (vii) that a prisoner serving a sentence for aggravated
16 domestic battery shall receive no more than 8.5 ~~4.5~~ days of
17 sentence credit for each month of his or her sentence of
18 imprisonment.

19 (2.1) For all offenses, other than those enumerated in
20 subdivision (a)(2)(i), (i-5), (ii), or (iii) committed on or
21 after June 19, 1998 or subdivision (a)(2)(iv) committed on or
22 after June 23, 2005 (the effective date of Public Act 94-71) or
23 subdivision (a)(2)(v) committed on or after August 13, 2007
24 (the effective date of Public Act 95-134) or subdivision
25 (a)(2)(vi) committed on or after June 1, 2008 (the effective
26 date of Public Act 95-625) or subdivision (a)(2)(vii) committed

1 on or after July 23, 2010 (the effective date of Public Act
2 96-1224), and other than the offense of aggravated driving
3 under the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination thereof
5 as defined in subparagraph (F) of paragraph (1) of subsection
6 (d) of Section 11-501 of the Illinois Vehicle Code, and other
7 than the offense of aggravated driving under the influence of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof as defined in
10 subparagraph (C) of paragraph (1) of subsection (d) of Section
11 11-501 of the Illinois Vehicle Code committed on or after
12 January 1, 2011 (the effective date of Public Act 96-1230), the
13 rules and regulations shall provide that a prisoner who is
14 serving a term of imprisonment shall receive one day of
15 sentence credit for each day of his or her sentence of
16 imprisonment or recommitment under Section 3-3-9. Each day of
17 sentence credit shall reduce by one day the prisoner's period
18 of imprisonment or recommitment under Section 3-3-9.

19 (2.2) A prisoner serving a term of natural life
20 imprisonment or a prisoner who has been sentenced to death
21 shall receive no sentence credit.

22 (2.3) The rules and regulations on sentence credit shall
23 provide that a prisoner who is serving a sentence for
24 aggravated driving under the influence of alcohol, other drug
25 or drugs, or intoxicating compound or compounds, or any
26 combination thereof as defined in subparagraph (F) of paragraph

1 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
2 Code, shall receive no more than 8.5 ~~4.5~~ days of sentence
3 credit for each month of his or her sentence of imprisonment.

4 (2.4) The rules and regulations on sentence credit shall
5 provide with respect to the offenses of aggravated battery with
6 a machine gun or a firearm equipped with any device or
7 attachment designed or used for silencing the report of a
8 firearm or aggravated discharge of a machine gun or a firearm
9 equipped with any device or attachment designed or used for
10 silencing the report of a firearm, committed on or after July
11 15, 1999 (the effective date of Public Act 91-121), that a
12 prisoner serving a sentence for any of these offenses shall
13 receive no more than 8.5 ~~4.5~~ days of sentence credit for each
14 month of his or her sentence of imprisonment.

15 (2.5) The rules and regulations on sentence credit shall
16 provide that a prisoner who is serving a sentence for
17 aggravated arson committed on or after July 27, 2001 (the
18 effective date of Public Act 92-176) shall receive no more than
19 8.5 ~~4.5~~ days of sentence credit for each month of his or her
20 sentence of imprisonment.

21 (2.6) The rules and regulations on sentence credit shall
22 provide that a prisoner who is serving a sentence for
23 aggravated driving under the influence of alcohol, other drug
24 or drugs, or intoxicating compound or compounds or any
25 combination thereof as defined in subparagraph (C) of paragraph
26 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle

1 Code committed on or after January 1, 2011 (the effective date
2 of Public Act 96-1230) shall receive no more than 8.5 ~~4.5~~ days
3 of sentence credit for each month of his or her sentence of
4 imprisonment.

5 (3) The rules and regulations shall also provide that the
6 Director may award up to 180 days of earned sentence credit for
7 good conduct in specific instances as the Director deems
8 proper. The good conduct may include, but is not limited to,
9 compliance with the rules and regulations of the Department,
10 service to the Department, service to a community, or service
11 to the State.

12 Eligible inmates for an award of earned sentence credit
13 under this paragraph (3) may be selected to receive the credit
14 at the Director's or his or her designee's sole discretion.
15 Eligibility for the additional earned sentence credit under
16 this paragraph (3) shall be based on, but is not limited to,
17 the results of any available risk/needs assessment or other
18 relevant assessments or evaluations administered by the
19 Department using a validated instrument, the circumstances of
20 the crime, any history of conviction for a forcible felony
21 enumerated in Section 2-8 of the Criminal Code of 2012, the
22 inmate's behavior and disciplinary history while incarcerated,
23 and the inmate's commitment to rehabilitation, including
24 participation in programming offered by the Department.

25 The Director shall not award sentence credit under this
26 paragraph (3) to an inmate unless the inmate has served a

1 minimum of 60 days of the sentence; except nothing in this
2 paragraph shall be construed to permit the Director to extend
3 an inmate's sentence beyond that which was imposed by the
4 court. Prior to awarding credit under this paragraph (3), the
5 Director shall make a written determination that the inmate:

6 (A) is eligible for the earned sentence credit;

7 (B) has served a minimum of 60 days, or as close to 60
8 days as the sentence will allow;

9 (B-1) has received a risk/needs assessment or other
10 relevant evaluation or assessment administered by the
11 Department using a validated instrument; and

12 (C) has met the eligibility criteria established under
13 paragraph (4) of this subsection (a) and by rule for earned
14 sentence credit.

15 The Director shall determine the form and content of the
16 written determination required in this subsection.

17 (3.5) The Department shall provide annual written reports
18 to the Governor and the General Assembly on the award of earned
19 sentence credit no later than February 1 of each year. The
20 Department must publish both reports on its website within 48
21 hours of transmitting the reports to the Governor and the
22 General Assembly. The reports must include:

23 (A) the number of inmates awarded earned sentence
24 credit;

25 (B) the average amount of earned sentence credit
26 awarded;

1 (C) the holding offenses of inmates awarded earned
2 sentence credit; and

3 (D) the number of earned sentence credit revocations.

4 (4) The rules and regulations shall also provide that the
5 sentence credit accumulated and retained under paragraph (2.1)
6 of subsection (a) of this Section by any inmate during specific
7 periods of time in which such inmate is engaged full-time in
8 substance abuse programs, correctional industry assignments,
9 educational programs, behavior modification programs, life
10 skills courses, or re-entry planning provided by the Department
11 under this paragraph (4) and satisfactorily completes the
12 assigned program as determined by the standards of the
13 Department, shall be multiplied by a factor of 1.25 for program
14 participation before August 11, 1993 and 1.50 for program
15 participation on or after that date. The rules and regulations
16 shall also provide that sentence credit, subject to the same
17 offense limits and multiplier provided in this paragraph, may
18 be provided to an inmate who was held in pre-trial detention
19 prior to his or her current commitment to the Department of
20 Corrections and successfully completed a full-time, 60-day or
21 longer substance abuse program, educational program, behavior
22 modification program, life skills course, or re-entry planning
23 provided by the county department of corrections or county
24 jail. Calculation of this county program credit shall be done
25 at sentencing as provided in Section 5-4.5-100 of this Code and
26 shall be included in the sentencing order. However, no inmate

1 shall be eligible for the additional sentence credit under this
2 paragraph (4) or (4.1) of this subsection (a) while assigned to
3 a boot camp or electronic detention, or if convicted of an
4 offense enumerated in subdivision (a)(2)(i), (i-5), (ii), or
5 (iii) of this Section that is committed on or after June 19,
6 1998 or subdivision (a)(2)(iv) of this Section that is
7 committed on or after June 23, 2005 (the effective date of
8 Public Act 94-71) or subdivision (a)(2)(v) of this Section that
9 is committed on or after August 13, 2007 (the effective date of
10 Public Act 95-134) or subdivision (a)(2)(vi) when the offense
11 is committed on or after June 1, 2008 (the effective date of
12 Public Act 95-625) or subdivision (a)(2)(vii) when the offense
13 is committed on or after July 23, 2010 (the effective date of
14 Public Act 96-1224), or if convicted of aggravated driving
15 under the influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds or any combination thereof
17 as defined in subparagraph (F) of paragraph (1) of subsection
18 (d) of Section 11-501 of the Illinois Vehicle Code, or if
19 convicted of aggravated driving under the influence of alcohol,
20 other drug or drugs, or intoxicating compound or compounds or
21 any combination thereof as defined in subparagraph (C) of
22 paragraph (1) of subsection (d) of Section 11-501 of the
23 Illinois Vehicle Code committed on or after January 1, 2011
24 (the effective date of Public Act 96-1230), or if convicted of
25 an offense enumerated in paragraph (a)(2.4) of this Section
26 that is committed on or after July 15, 1999 (the effective date

1 of Public Act 91-121), or first degree murder, a Class X
2 felony, criminal sexual assault, felony criminal sexual abuse,
3 aggravated criminal sexual abuse, aggravated battery with a
4 firearm as described in Section 12-4.2 or subdivision (e) (1),
5 (e) (2), (e) (3), or (e) (4) of Section 12-3.05, or any
6 predecessor or successor offenses with the same or
7 substantially the same elements, or any inchoate offenses
8 relating to the foregoing offenses.

9 Educational, vocational, substance abuse, behavior
10 modification programs, life skills courses, re-entry planning,
11 and correctional industry programs under which sentence credit
12 may be increased under this paragraph (4) and paragraph (4.1)
13 of this subsection (a) shall be evaluated by the Department on
14 the basis of documented standards. The Department shall report
15 the results of these evaluations to the Governor and the
16 General Assembly by September 30th of each year. The reports
17 shall include data relating to the recidivism rate among
18 program participants.

19 Availability of these programs shall be subject to the
20 limits of fiscal resources appropriated by the General Assembly
21 for these purposes. Eligible inmates who are denied immediate
22 admission shall be placed on a waiting list under criteria
23 established by the Department. The inability of any inmate to
24 become engaged in any such programs by reason of insufficient
25 program resources or for any other reason established under the
26 rules and regulations of the Department shall not be deemed a

1 cause of action under which the Department or any employee or
2 agent of the Department shall be liable for damages to the
3 inmate.

4 (4.1) The rules and regulations shall also provide that an
5 additional 90 days of sentence credit shall be awarded to any
6 prisoner who passes high school equivalency testing while the
7 prisoner is committed to the Department of Corrections. The
8 sentence credit awarded under this paragraph (4.1) shall be in
9 addition to, and shall not affect, the award of sentence credit
10 under any other paragraph of this Section, but shall also be
11 pursuant to the guidelines and restrictions set forth in
12 paragraph (4) of subsection (a) of this Section. The sentence
13 credit provided for in this paragraph shall be available only
14 to those prisoners who have not previously earned a high school
15 diploma or a high school equivalency certificate. If, after an
16 award of the high school equivalency testing sentence credit
17 has been made, the Department determines that the prisoner was
18 not eligible, then the award shall be revoked. The Department
19 may also award 90 days of sentence credit to any committed
20 person who passed high school equivalency testing while he or
21 she was held in pre-trial detention prior to the current
22 commitment to the Department of Corrections.

23 (4.5) The rules and regulations on sentence credit shall
24 also provide that when the court's sentencing order recommends
25 a prisoner for substance abuse treatment and the crime was
26 committed on or after September 1, 2003 (the effective date of

1 Public Act 93-354), the prisoner shall receive no sentence
2 credit awarded under clause (3) of this subsection (a) unless
3 he or she participates in and completes a substance abuse
4 treatment program. The Director may waive the requirement to
5 participate in or complete a substance abuse treatment program
6 in specific instances if the prisoner is not a good candidate
7 for a substance abuse treatment program for medical,
8 programming, or operational reasons. Availability of substance
9 abuse treatment shall be subject to the limits of fiscal
10 resources appropriated by the General Assembly for these
11 purposes. If treatment is not available and the requirement to
12 participate and complete the treatment has not been waived by
13 the Director, the prisoner shall be placed on a waiting list
14 under criteria established by the Department. The Director may
15 allow a prisoner placed on a waiting list to participate in and
16 complete a substance abuse education class or attend substance
17 abuse self-help meetings in lieu of a substance abuse treatment
18 program. A prisoner on a waiting list who is not placed in a
19 substance abuse program prior to release may be eligible for a
20 waiver and receive sentence credit under clause (3) of this
21 subsection (a) at the discretion of the Director.

22 (4.6) The rules and regulations on sentence credit shall
23 also provide that a prisoner who has been convicted of a sex
24 offense as defined in Section 2 of the Sex Offender
25 Registration Act shall receive no sentence credit unless he or
26 she either has successfully completed or is participating in

1 sex offender treatment as defined by the Sex Offender
2 Management Board. However, prisoners who are waiting to receive
3 treatment, but who are unable to do so due solely to the lack
4 of resources on the part of the Department, may, at the
5 Director's sole discretion, be awarded sentence credit at a
6 rate as the Director shall determine.

7 (5) Whenever the Department is to release any inmate
8 earlier than it otherwise would because of a grant of earned
9 sentence credit under paragraph (3) of subsection (a) of this
10 Section given at any time during the term, the Department shall
11 give reasonable notice of the impending release not less than
12 14 days prior to the date of the release to the State's
13 Attorney of the county where the prosecution of the inmate took
14 place, and if applicable, the State's Attorney of the county
15 into which the inmate will be released. The Department must
16 also make identification information and a recent photo of the
17 inmate being released accessible on the Internet by means of a
18 hyperlink labeled "Community Notification of Inmate Early
19 Release" on the Department's World Wide Web homepage. The
20 identification information shall include the inmate's: name,
21 any known alias, date of birth, physical characteristics,
22 commitment offense and county where conviction was imposed. The
23 identification information shall be placed on the website
24 within 3 days of the inmate's release and the information may
25 not be removed until either: completion of the first year of
26 mandatory supervised release or return of the inmate to custody

1 of the Department.

2 (b) Whenever a person is or has been committed under
3 several convictions, with separate sentences, the sentences
4 shall be construed under Section 5-8-4 in granting and
5 forfeiting of sentence credit.

6 (c) The Department shall prescribe rules and regulations
7 for revoking sentence credit, including revoking sentence
8 credit awarded under paragraph (3) of subsection (a) of this
9 Section. The Department shall prescribe rules and regulations
10 for suspending or reducing the rate of accumulation of sentence
11 credit for specific rule violations, during imprisonment.
12 These rules and regulations shall provide that no inmate may be
13 penalized more than one year of sentence credit for any one
14 infraction.

15 When the Department seeks to revoke, suspend or reduce the
16 rate of accumulation of any sentence credits for an alleged
17 infraction of its rules, it shall bring charges therefor
18 against the prisoner sought to be so deprived of sentence
19 credits before the Prisoner Review Board as provided in
20 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
21 amount of credit at issue exceeds 30 days or when during any 12
22 month period, the cumulative amount of credit revoked exceeds
23 30 days except where the infraction is committed or discovered
24 within 60 days of scheduled release. In those cases, the
25 Department of Corrections may revoke up to 30 days of sentence
26 credit. The Board may subsequently approve the revocation of

1 additional sentence credit, if the Department seeks to revoke
2 sentence credit in excess of 30 days. However, the Board shall
3 not be empowered to review the Department's decision with
4 respect to the loss of 30 days of sentence credit within any
5 calendar year for any prisoner or to increase any penalty
6 beyond the length requested by the Department.

7 The Director of the Department of Corrections, in
8 appropriate cases, may restore up to 30 days of sentence
9 credits which have been revoked, suspended or reduced. Any
10 restoration of sentence credits in excess of 30 days shall be
11 subject to review by the Prisoner Review Board. However, the
12 Board may not restore sentence credit in excess of the amount
13 requested by the Director.

14 Nothing contained in this Section shall prohibit the
15 Prisoner Review Board from ordering, pursuant to Section
16 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
17 sentence imposed by the court that was not served due to the
18 accumulation of sentence credit.

19 (d) If a lawsuit is filed by a prisoner in an Illinois or
20 federal court against the State, the Department of Corrections,
21 or the Prisoner Review Board, or against any of their officers
22 or employees, and the court makes a specific finding that a
23 pleading, motion, or other paper filed by the prisoner is
24 frivolous, the Department of Corrections shall conduct a
25 hearing to revoke up to 180 days of sentence credit by bringing
26 charges against the prisoner sought to be deprived of the

1 sentence credits before the Prisoner Review Board as provided
2 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the
3 prisoner has not accumulated 180 days of sentence credit at the
4 time of the finding, then the Prisoner Review Board may revoke
5 all sentence credit accumulated by the prisoner.

6 For purposes of this subsection (d):

7 (1) "Frivolous" means that a pleading, motion, or other
8 filing which purports to be a legal document filed by a
9 prisoner in his or her lawsuit meets any or all of the
10 following criteria:

11 (A) it lacks an arguable basis either in law or in
12 fact;

13 (B) it is being presented for any improper purpose,
14 such as to harass or to cause unnecessary delay or
15 needless increase in the cost of litigation;

16 (C) the claims, defenses, and other legal
17 contentions therein are not warranted by existing law
18 or by a nonfrivolous argument for the extension,
19 modification, or reversal of existing law or the
20 establishment of new law;

21 (D) the allegations and other factual contentions
22 do not have evidentiary support or, if specifically so
23 identified, are not likely to have evidentiary support
24 after a reasonable opportunity for further
25 investigation or discovery; or

26 (E) the denials of factual contentions are not

1 warranted on the evidence, or if specifically so
2 identified, are not reasonably based on a lack of
3 information or belief.

4 (2) "Lawsuit" means a motion pursuant to Section 116-3
5 of the Code of Criminal Procedure of 1963, a habeas corpus
6 action under Article X of the Code of Civil Procedure or
7 under federal law (28 U.S.C. 2254), a petition for claim
8 under the Court of Claims Act, an action under the federal
9 Civil Rights Act (42 U.S.C. 1983), or a second or
10 subsequent petition for post-conviction relief under
11 Article 122 of the Code of Criminal Procedure of 1963
12 whether filed with or without leave of court or a second or
13 subsequent petition for relief from judgment under Section
14 2-1401 of the Code of Civil Procedure.

15 (e) Nothing in Public Act 90-592 or 90-593 affects the
16 validity of Public Act 89-404.

17 (f) Whenever the Department is to release any inmate who
18 has been convicted of a violation of an order of protection
19 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, earlier than it otherwise would
21 because of a grant of sentence credit, the Department, as a
22 condition of release, shall require that the person, upon
23 release, be placed under electronic surveillance as provided in
24 Section 5-8A-7 of this Code.

25 (g) The changes made to this Section by this amendatory Act
26 of the 100th General Assembly apply to prisoners sentenced

1 before the effective date of this amendatory Act of the 100th
2 General Assembly for their serving sentences of imprisonment on
3 or after the effective date of this amendatory Act of the 100th
4 General Assembly and to prisoners sentenced on or after the
5 effective date of this amendatory Act of the 100th General
6 Assembly. Nothing in this amendatory Act of the 100th General
7 Assembly shall be construed to permit the award of any
8 additional sentence credit provided in this amendatory Act of
9 the 100th General Assembly for any service of imprisonment
10 before the effective date of this amendatory Act of the 100th
11 General Assembly.

12 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,
13 eff. 1-1-16; 99-642, eff. 7-28-16; 99-938, eff. 1-1-18.)

14 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

15 (Text of Section after amendment by P.A. 99-938)

16 Sec. 5-4-1. Sentencing hearing.

17 (a) Except when the death penalty is sought under hearing
18 procedures otherwise specified, after a determination of
19 guilt, a hearing shall be held to impose the sentence. However,
20 prior to the imposition of sentence on an individual being
21 sentenced for an offense based upon a charge for a violation of
22 Section 11-501 of the Illinois Vehicle Code or a similar
23 provision of a local ordinance, the individual must undergo a
24 professional evaluation to determine if an alcohol or other
25 drug abuse problem exists and the extent of such a problem.

1 Programs conducting these evaluations shall be licensed by the
2 Department of Human Services. However, if the individual is not
3 a resident of Illinois, the court may, in its discretion,
4 accept an evaluation from a program in the state of such
5 individual's residence. The court may in its sentencing order
6 approve an eligible defendant for placement in a Department of
7 Corrections impact incarceration program as provided in
8 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
9 order recommend a defendant for placement in a Department of
10 Corrections substance abuse treatment program as provided in
11 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
12 upon the defendant being accepted in a program by the
13 Department of Corrections. At the hearing the court shall:

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

16 (2) consider any presentence reports;

17 (3) consider the financial impact of incarceration
18 based on the financial impact statement filed with the
19 clerk of the court by the Department of Corrections;

20 (4) consider evidence and information offered by the
21 parties in aggravation and mitigation;

22 (4.5) consider substance abuse treatment, eligibility
23 screening, and an assessment, if any, of the defendant by
24 an agent designated by the State of Illinois to provide
25 assessment services for the Illinois courts;

26 (5) hear arguments as to sentencing alternatives;

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

3 (7) afford the victim of a violent crime or a violation
4 of Section 11-501 of the Illinois Vehicle Code, or a
5 similar provision of a local ordinance, or a qualified
6 individual affected by: (i) a violation of Section ~~405,~~
7 ~~405.1,~~ 405.2 ~~7~~ or 407 of the Illinois Controlled Substances
8 Act or a violation of Section 55 ~~or Section 65~~ of the
9 Methamphetamine Control and Community Protection Act, or
10 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
11 except as described in subdivisions (a)(2)(A) and
12 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
13 Criminal Code of 1961 or the Criminal Code of 2012,
14 committed by the defendant the opportunity to make a
15 statement concerning the impact on the victim and to offer
16 evidence in aggravation or mitigation; provided that the
17 statement and evidence offered in aggravation or
18 mitigation must first be prepared in writing in conjunction
19 with the State's Attorney before it may be presented orally
20 at the hearing. Any sworn testimony offered by the victim
21 is subject to the defendant's right to cross-examine. All
22 statements and evidence offered under this paragraph (7)
23 shall become part of the record of the court. For the
24 purpose of this paragraph (7), "qualified individual"
25 means any person who (i) lived or worked within the
26 territorial jurisdiction where the offense took place when

1 the offense took place; and (ii) is familiar with various
2 public places within the territorial jurisdiction where
3 the offense took place when the offense took place. For the
4 purposes of this paragraph (7), "qualified individual"
5 includes any peace officer, or any member of any duly
6 organized State, county, or municipal peace unit assigned
7 to the territorial jurisdiction where the offense took
8 place when the offense took place;

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

12 (9) in cases involving a felony sex offense as defined
13 under the Sex Offender Management Board Act, consider the
14 results of the sex offender evaluation conducted pursuant
15 to Section 5-3-2 of this Act; and

16 (10) make a finding of whether a motor vehicle was used
17 in the commission of the offense for which the defendant is
18 being sentenced.

19 (b) All sentences shall be imposed by the judge based upon
20 his independent assessment of the elements specified above and
21 any agreement as to sentence reached by the parties. The judge
22 who presided at the trial or the judge who accepted the plea of
23 guilty shall impose the sentence unless he is no longer sitting
24 as a judge in that court. Where the judge does not impose
25 sentence at the same time on all defendants who are convicted
26 as a result of being involved in the same offense, the

1 defendant or the State's Attorney may advise the sentencing
2 court of the disposition of any other defendants who have been
3 sentenced.

4 (b-1) In imposing a sentence of imprisonment or periodic
5 imprisonment for a Class 3 or Class 4 felony for which a
6 sentence of probation or conditional discharge is an available
7 sentence, if the defendant has no prior sentence of probation
8 or conditional discharge and no prior conviction for a violent
9 crime, the defendant shall not be sentenced to imprisonment
10 before review and consideration of a presentence report and
11 determination and explanation of why the particular evidence,
12 information, factor in aggravation, factual finding, or other
13 reasons support a sentencing determination that one or more of
14 the factors under subsection (a) of Section 5-6-1 of this Code
15 apply and that probation or conditional discharge is not an
16 appropriate sentence.

17 (c) In imposing a sentence for a violent crime or for an
18 offense of operating or being in physical control of a vehicle
19 while under the influence of alcohol, any other drug or any
20 combination thereof, or a similar provision of a local
21 ordinance, when such offense resulted in the personal injury to
22 someone other than the defendant, the trial judge shall specify
23 on the record the particular evidence, information, factors in
24 mitigation and aggravation or other reasons that led to his
25 sentencing determination. The full verbatim record of the
26 sentencing hearing shall be filed with the clerk of the court

1 and shall be a public record.

2 (c-1) In imposing a sentence for the offense of aggravated
3 kidnapping for ransom, home invasion, armed robbery,
4 aggravated vehicular hijacking, aggravated discharge of a
5 firearm, or armed violence with a category I weapon or category
6 II weapon, the trial judge shall make a finding as to whether
7 the conduct leading to conviction for the offense resulted in
8 great bodily harm to a victim, and shall enter that finding and
9 the basis for that finding in the record.

10 (c-2) If the defendant is sentenced to prison, other than
11 when a sentence of natural life imprisonment or a sentence of
12 death is imposed, at the time the sentence is imposed the judge
13 shall state on the record in open court the approximate period
14 of time the defendant will serve in custody according to the
15 then current statutory rules and regulations for sentence
16 credit found in Section 3-6-3 and other related provisions of
17 this Code. This statement is intended solely to inform the
18 public, has no legal effect on the defendant's actual release,
19 and may not be relied on by the defendant on appeal.

20 The judge's statement, to be given after pronouncing the
21 sentence, other than when the sentence is imposed for one of
22 the offenses enumerated in paragraph (a) (4) of Section 3-6-3,
23 shall include the following:

24 "The purpose of this statement is to inform the public of
25 the actual period of time this defendant is likely to spend in
26 prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois as
2 applied to this sentence by the Illinois Department of
3 Corrections and the Illinois Prisoner Review Board. In this
4 case, assuming the defendant receives all of his or her
5 sentence credit, the period of estimated actual custody is ...
6 years and ... months, less up to 180 days additional earned
7 sentence credit. If the defendant, because of his or her own
8 misconduct or failure to comply with the institutional
9 regulations, does not receive those credits, the actual time
10 served in prison will be longer. The defendant may also receive
11 an additional one-half day sentence credit for each day of
12 participation in vocational, industry, substance abuse, and
13 educational programs as provided for by Illinois statute."

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

1 after July 27, 2001 (the effective date of Public Act 92-176),
2 and when the sentence is imposed for aggravated driving under
3 the influence of alcohol, other drug or drugs, or intoxicating
4 compound or compounds, or any combination thereof as defined in
5 subparagraph (C) of paragraph (1) of subsection (d) of Section
6 11-501 of the Illinois Vehicle Code committed on or after
7 January 1, 2011 (the effective date of Public Act 96-1230), the
8 judge's statement, to be given after pronouncing the sentence,
9 shall include the following:

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

25 When a sentence of imprisonment is imposed for first degree
26 murder and the offense was committed on or after June 19, 1998,

1 the judge's statement, to be given after pronouncing the
2 sentence, shall include the following:

3 "The purpose of this statement is to inform the public of
4 the actual period of time this defendant is likely to spend in
5 prison as a result of this sentence. The actual period of
6 prison time served is determined by the statutes of Illinois as
7 applied to this sentence by the Illinois Department of
8 Corrections and the Illinois Prisoner Review Board. In this
9 case, the defendant is not entitled to sentence credit.
10 Therefore, this defendant will serve 100% of his or her
11 sentence."

12 When the sentencing order recommends placement in a
13 substance abuse program for any offense that results in
14 incarceration in a Department of Corrections facility and the
15 crime was committed on or after September 1, 2003 (the
16 effective date of Public Act 93-354), the judge's statement, in
17 addition to any other judge's statement required under this
18 Section, to be given after pronouncing the sentence, shall
19 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, the defendant shall receive no earned sentence credit

1 under clause (3) of subsection (a) of Section 3-6-3 until he or
2 she participates in and completes a substance abuse treatment
3 program or receives a waiver from the Director of Corrections
4 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

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

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

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

26 For the purposes of this subsection (c-4), "qualified

1 psychiatrist" means a reputable physician licensed in Illinois
2 to practice medicine in all its branches, who has specialized
3 in the diagnosis and treatment of mental and nervous disorders
4 for a period of not less than 5 years.

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

9 (c-7) In imposing a sentence for a Class 3 or 4 felony,
10 other than a violent crime as defined in Section 3 of the
11 Rights of Crime Victims and Witnesses Act, the court shall
12 determine and indicate in the sentencing order whether the
13 defendant has 4 or more or fewer than 4 months remaining on his
14 or her sentence accounting for time served.

15 (d) When the defendant is committed to the Department of
16 Corrections, the State's Attorney shall and counsel for the
17 defendant may file a statement with the clerk of the court to
18 be transmitted to the department, agency or institution to
19 which the defendant is committed to furnish such department,
20 agency or institution with the facts and circumstances of the
21 offense for which the person was committed together with all
22 other factual information accessible to them in regard to the
23 person prior to his commitment relative to his habits,
24 associates, disposition and reputation and any other facts and
25 circumstances which may aid such department, agency or
26 institution during its custody of such person. The clerk shall

1 within 10 days after receiving any such statements transmit a
2 copy to such department, agency or institution and a copy to
3 the other party, provided, however, that this shall not be
4 cause for delay in conveying the person to the department,
5 agency or institution to which he has been committed.

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

9 (1) the sentence imposed;

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

12 (3) any presentence reports;

13 (3.5) any sex offender evaluations;

14 (3.6) any substance abuse treatment eligibility
15 screening and assessment of the defendant by an agent
16 designated by the State of Illinois to provide assessment
17 services for the Illinois courts;

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

22 (4.1) any finding of great bodily harm made by the
23 court with respect to an offense enumerated in subsection
24 (c-1);

25 (5) all statements filed under subsection (d) of this
26 Section;

1 (6) any medical or mental health records or summaries
2 of the defendant;

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

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

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

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

15 (Source: P.A. 99-861, eff. 1-1-17; 99-938, eff. 1-1-18.)

16 (730 ILCS 5/5-4.5-95)

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

18 (a) HABITUAL CRIMINALS.

19 (1) Every person who has been twice convicted in any
20 state or federal court of an offense that contains the same
21 elements as an offense now (the date of the offense
22 committed after the 2 prior convictions) classified in
23 Illinois as a Class X felony, criminal sexual assault,
24 aggravated kidnapping, or first degree murder, and who is
25 thereafter convicted of a Class X felony, criminal sexual

1 assault, or first degree murder, committed after the 2
2 prior convictions, shall be adjudged an habitual criminal.

3 (2) The 2 prior convictions need not have been for the
4 same offense.

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

9 (4) This Section does not apply unless each of the
10 following requirements are satisfied:

11 (A) The third offense was committed after July 3,
12 1980.

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

17 (C) The third offense was committed after
18 conviction on the second offense.

19 (D) The second offense was committed after
20 conviction on the first offense.

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

24 (6) A prior conviction shall not be alleged in the
25 indictment, and no evidence or other disclosure of that
26 conviction shall be presented to the court or the jury

1 during the trial of an offense set forth in this Section
2 unless otherwise permitted by the issues properly raised in
3 that trial. After a plea or verdict or finding of guilty
4 and before sentence is imposed, the prosecutor may file
5 with the court a verified written statement signed by the
6 State's Attorney concerning any former conviction of an
7 offense set forth in this Section rendered against the
8 defendant. The court shall then cause the defendant to be
9 brought before it; shall inform the defendant of the
10 allegations of the statement so filed, and of his or her
11 right to a hearing before the court on the issue of that
12 former conviction and of his or her right to counsel at
13 that hearing; and unless the defendant admits such
14 conviction, shall hear and determine the issue, and shall
15 make a written finding thereon. If a sentence has
16 previously been imposed, the court may vacate that sentence
17 and impose a new sentence in accordance with this Section.

18 (7) A duly authenticated copy of the record of any
19 alleged former conviction of an offense set forth in this
20 Section shall be prima facie evidence of that former
21 conviction; and a duly authenticated copy of the record of
22 the defendant's final release or discharge from probation
23 granted, or from sentence and parole supervision (if any)
24 imposed pursuant to that former conviction, shall be prima
25 facie evidence of that release or discharge.

26 (8) Any claim that a previous conviction offered by the

1 prosecution is not a former conviction of an offense set
2 forth in this Section because of the existence of any
3 exceptions described in this Section, is waived unless duly
4 raised at the hearing on that conviction, or unless the
5 prosecution's proof shows the existence of the exceptions
6 described in this Section.

7 (9) If the person so convicted shows to the
8 satisfaction of the court before whom that conviction was
9 had that he or she was released from imprisonment, upon
10 either of the sentences upon a pardon granted for the
11 reason that he or she was innocent, that conviction and
12 sentence shall not be considered under this Section.

13 (10) This subsection (a) does not apply to a violation
14 of the Cannabis Control Act, the Illinois Controlled
15 Substances Act, or the Methamphetamine Control and
16 Community Protection Act.

17 (b) When a defendant, over the age of 21 years, is
18 convicted of a Class 1 or Class 2 felony that is a forcible
19 felony as defined in Section 2-8 of the Criminal Code of 2012,
20 after having twice been convicted in any state or federal court
21 of an offense that contains the same elements as an offense now
22 (the date the Class 1 or Class 2 forcible felony was committed)
23 classified in Illinois as a Class 2 or greater Class felony
24 that is a forcible felony as defined in Section 2-8 of the
25 Criminal Code of 2012 and those charges are separately brought
26 and tried and arise out of different series of acts, that

1 defendant shall be sentenced as a Class X offender. This
2 subsection does not apply unless:

3 (1) the first felony was committed after February 1,
4 1978 (the effective date of Public Act 80-1099);

5 (2) the second felony was committed after conviction on
6 the first; and

7 (3) the third felony was committed after conviction on
8 the second.

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

12 A person sentenced as a Class X offender under this
13 subsection (b) is not eligible to apply for treatment as a
14 condition of probation as provided by Section 40-10 of the
15 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS
16 301/40-10).

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

18 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

19 (Text of Section after amendment by P.A. 99-938)

20 Sec. 5-5-3. Disposition.

21 (a) (Blank).

22 (b) (Blank).

23 (c) (1) (Blank).

24 (2) A period of probation, a term of periodic imprisonment
25 or conditional discharge shall not be imposed for the following

1 offenses. The court shall sentence the offender to not less
2 than the minimum term of imprisonment set forth in this Code
3 for the following offenses, and may order a fine or restitution
4 or both in conjunction with such term of imprisonment:

5 (A) First degree murder where the death penalty is not
6 imposed.

7 (B) Attempted first degree murder.

8 (C) A Class X felony.

9 (D) (Blank). ~~A violation of Section 401.1 or 407 of the~~
10 ~~Illinois Controlled Substances Act, or a violation of~~
11 ~~subdivision (c)(1.5) of Section 401 of that Act which~~
12 ~~relates to more than 5 grams of a substance containing~~
13 ~~fentanyl or an analog thereof.~~

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

18 (E) (Blank).

19 (F) A Class 1 or greater felony if the offender had
20 been convicted of a Class 1 or greater felony, including
21 any state or federal conviction for an offense that
22 contained, at the time it was committed, the same elements
23 as an offense now (the date of the offense committed after
24 the prior Class 1 or greater felony) classified as a Class
25 1 or greater felony, within 10 years of the date on which
26 the offender committed the offense for which he or she is

1 being sentenced, except as otherwise provided in Section
2 40-10 of the Alcoholism and Other Drug Abuse and Dependency
3 Act. This subparagraph (F) does not apply to a violation of
4 the Cannabis Control Act, the Illinois Controlled
5 Substances Act, or the Methamphetamine Control and
6 Community Protection Act.

7 (F-3) A Class 2 or greater felony sex offense or felony
8 firearm offense if the offender had been convicted of a
9 Class 2 or greater felony, including any state or federal
10 conviction for an offense that contained, at the time it
11 was committed, the same elements as an offense now (the
12 date of the offense committed after the prior Class 2 or
13 greater felony) classified as a Class 2 or greater felony,
14 within 10 years of the date on which the offender committed
15 the offense for which he or she is being sentenced, except
16 as otherwise provided in Section 40-10 of the Alcoholism
17 and Other Drug Abuse and Dependency Act.

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

21 (G) (Blank). ~~Residential burglary, except as otherwise~~
22 ~~provided in Section 40-10 of the Alcoholism and Other Drug~~
23 ~~Abuse and Dependency Act.~~

24 (H) Criminal sexual assault.

25 (I) Aggravated battery of a senior citizen as described
26 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05

1 of the Criminal Code of 1961 or the Criminal Code of 2012.

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

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

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

14 (K) Vehicular hijacking.

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

19 (M) A second or subsequent conviction for the offense
20 of institutional vandalism if the damage to the property
21 exceeds \$300.

22 (N) A Class 3 felony violation of paragraph (1) of
23 subsection (a) of Section 2 of the Firearm Owners
24 Identification Card Act.

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

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

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

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

9 (S) (Blank).

10 (T) (Blank).

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

18 (V) A violation of paragraph (4) of subsection (c) of
19 Section 11-20.1B or paragraph (4) of subsection (c) of
20 Section 11-20.3 of the Criminal Code of 1961, or paragraph
21 (6) of subsection (a) of Section 11-20.1 of the Criminal
22 Code of 2012 when the victim is under 13 years of age and
23 the defendant has previously been convicted under the laws
24 of this State or any other state of the offense of child
25 pornography, aggravated child pornography, aggravated
26 criminal sexual abuse, aggravated criminal sexual assault,

1 predatory criminal sexual assault of a child, or any of the
2 offenses formerly known as rape, deviate sexual assault,
3 indecent liberties with a child, or aggravated indecent
4 liberties with a child where the victim was under the age
5 of 18 years or an offense that is substantially equivalent
6 to those offenses.

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

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

11 (Y) A conviction for unlawful possession of a firearm
12 by a street gang member when the firearm was loaded or
13 contained firearm ammunition.

14 (Z) A Class 1 felony committed while he or she was
15 serving a term of probation or conditional discharge for a
16 felony.

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

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

21 (CC) Knowingly selling, offering for sale, holding for
22 sale, or using 2,000 or more counterfeit items or
23 counterfeit items having a retail value in the aggregate of
24 \$500,000 or more.

25 (DD) A conviction for aggravated assault under
26 paragraph (6) of subsection (c) of Section 12-2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 if the
2 firearm is aimed toward the person against whom the firearm
3 is being used.

4 (EE) A conviction for a violation of paragraph (2) of
5 subsection (a) of Section 24-3B of the Criminal Code of
6 2012.

7 (3) (Blank).

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

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
14 this subsection (c), a minimum of 100 hours of community
15 service shall be imposed for a second violation of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300
18 hours of community service, as determined by the court, shall
19 be imposed for a second violation of subsection (c) of Section
20 6-303 of the Illinois Vehicle Code.

21 (4.4) Except as provided in paragraphs (4.5), (4.6), and
22 (4.9) of this subsection (c), a minimum term of imprisonment of
23 30 days or 300 hours of community service, as determined by the
24 court, shall be imposed for a third or subsequent violation of
25 Section 6-303 of the Illinois Vehicle Code.

26 (4.5) A minimum term of imprisonment of 30 days shall be

1 imposed for a third violation of subsection (c) of Section
2 6-303 of the Illinois Vehicle Code.

3 (4.6) Except as provided in paragraph (4.10) of this
4 subsection (c), a minimum term of imprisonment of 180 days
5 shall be imposed for a fourth or subsequent violation of
6 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

7 (4.7) A minimum term of imprisonment of not less than 30
8 consecutive days, or 300 hours of community service, shall be
9 imposed for a violation of subsection (a-5) of Section 6-303 of
10 the Illinois Vehicle Code, as provided in subsection (b-5) of
11 that Section.

12 (4.8) A mandatory prison sentence shall be imposed for a
13 second violation of subsection (a-5) of Section 6-303 of the
14 Illinois Vehicle Code, as provided in subsection (c-5) of that
15 Section. The person's driving privileges shall be revoked for a
16 period of not less than 5 years from the date of his or her
17 release from prison.

18 (4.9) A mandatory prison sentence of not less than 4 and
19 not more than 15 years shall be imposed for a third violation
20 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
21 Code, as provided in subsection (d-2.5) of that Section. The
22 person's driving privileges shall be revoked for the remainder
23 of his or her life.

24 (4.10) A mandatory prison sentence for a Class 1 felony
25 shall be imposed, and the person shall be eligible for an
26 extended term sentence, for a fourth or subsequent violation of

1 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
2 as provided in subsection (d-3.5) of that Section. The person's
3 driving privileges shall be revoked for the remainder of his or
4 her life.

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

7 (A) a period of conditional discharge;

8 (B) a fine;

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

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

18 (5.2) In addition to any other penalties imposed, and
19 except as provided in paragraph (5.3), a person convicted of
20 violating subsection (c) of Section 11-907 of the Illinois
21 Vehicle Code shall have his or her driver's license, permit, or
22 privileges suspended for at least 180 days but not more than 2
23 years, if the violation resulted in injury to another person.

24 (5.3) In addition to any other penalties imposed, a person
25 convicted of violating subsection (c) of Section 11-907 of the
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 2 years, if the violation
2 resulted in the death of another person.

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

8 (5.5) In addition to any other penalties imposed, a person
9 convicted of violating Section 3-707 of the Illinois Vehicle
10 Code during a period in which his or her driver's license,
11 permit, or privileges were suspended for a previous violation
12 of that Section shall have his or her driver's license, permit,
13 or privileges suspended for an additional 6 months after the
14 expiration of the original 3-month suspension and until he or
15 she has paid a reinstatement fee of \$100.

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

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

22 (10) (Blank).

23 (11) The court shall impose a minimum fine of \$1,000 for a
24 first offense and \$2,000 for a second or subsequent offense
25 upon a person convicted of or placed on supervision for battery
26 when the individual harmed was a sports official or coach at

1 any level of competition and the act causing harm to the sports
2 official or coach occurred within an athletic facility or
3 within the immediate vicinity of the athletic facility at which
4 the sports official or coach was an active participant of the
5 athletic contest held at the athletic facility. For the
6 purposes of this paragraph (11), "sports official" means a
7 person at an athletic contest who enforces the rules of the
8 contest, such as an umpire or referee; "athletic facility"
9 means an indoor or outdoor playing field or recreational area
10 where sports activities are conducted; and "coach" means a
11 person recognized as a coach by the sanctioning authority that
12 conducted the sporting event.

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

18 (13) A person convicted of or placed on court supervision
19 for an assault or aggravated assault when the victim and the
20 offender are family or household members as defined in Section
21 103 of the Illinois Domestic Violence Act of 1986 or convicted
22 of domestic battery or aggravated domestic battery may be
23 required to attend a Partner Abuse Intervention Program under
24 protocols set forth by the Illinois Department of Human
25 Services under such terms and conditions imposed by the court.
26 The costs of such classes shall be paid by the offender.

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

19 (e) In cases where prosecution for aggravated criminal
20 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
21 Code of 1961 or the Criminal Code of 2012 results in conviction
22 of a defendant who was a family member of the victim at the
23 time of the commission of the offense, the court shall consider
24 the safety and welfare of the victim and may impose a sentence
25 of probation only where:

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

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

4 (B) the defendant is willing to participate in a
5 court approved plan including but not limited to the
6 defendant's:

7 (i) removal from the household;

8 (ii) restricted contact with the victim;

9 (iii) continued financial support of the
10 family;

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

12 and

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

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

22 Probation may be revoked or modified pursuant to Section
23 5-6-4; except where the court determines at the hearing that
24 the defendant violated a condition of his or her probation
25 restricting contact with the victim or other family members or
26 commits another offense with the victim or other family

1 members, the court shall revoke the defendant's probation and
2 impose a term of imprisonment.

3 For the purposes of this Section, "family member" and
4 "victim" shall have the meanings ascribed to them in Section
5 11-0.1 of the Criminal Code of 2012.

6 (f) (Blank).

7 (g) Whenever a defendant is convicted of an offense under
8 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
9 11-14.3, 11-14.4 except for an offense that involves keeping a
10 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
11 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
12 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, the defendant shall undergo medical
14 testing to determine whether the defendant has any sexually
15 transmissible disease, including a test for infection with
16 human immunodeficiency virus (HIV) or any other identified
17 causative agent of acquired immunodeficiency syndrome (AIDS).
18 Any such medical test shall be performed only by appropriately
19 licensed medical practitioners and may include an analysis of
20 any bodily fluids as well as an examination of the defendant's
21 person. Except as otherwise provided by law, the results of
22 such test shall be kept strictly confidential by all medical
23 personnel involved in the testing and must be personally
24 delivered in a sealed envelope to the judge of the court in
25 which the conviction was entered for the judge's inspection in
26 camera. Acting in accordance with the best interests of the

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

22 (g-5) When an inmate is tested for an airborne communicable
23 disease, as determined by the Illinois Department of Public
24 Health including but not limited to tuberculosis, the results
25 of the test shall be personally delivered by the warden or his
26 or her designee in a sealed envelope to the judge of the court

1 in which the inmate must appear for the judge's inspection in
2 camera if requested by the judge. Acting in accordance with the
3 best interests of those in the courtroom, the judge shall have
4 the discretion to determine what if any precautions need to be
5 taken to prevent transmission of the disease in the courtroom.

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

1 obtain the results of any HIV test administered under this
2 Section, and the court shall grant the disclosure if the
3 State's Attorney shows it is relevant in order to prosecute a
4 charge of criminal transmission of HIV under Section 12-5.01 or
5 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
6 2012 against the defendant. The court shall order that the cost
7 of any such test shall be paid by the county and may be taxed as
8 costs against the convicted defendant.

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

16 (j) In cases when prosecution for any violation of Section
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
18 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
19 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
20 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
21 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
22 Code of 2012, any violation of the Illinois Controlled
23 Substances Act, any violation of the Cannabis Control Act, or
24 any violation of the Methamphetamine Control and Community
25 Protection Act results in conviction, a disposition of court
26 supervision, or an order of probation granted under Section 10

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

17 (j-5) A defendant at least 17 years of age who is convicted
18 of a felony and who has not been previously convicted of a
19 misdemeanor or felony and who is sentenced to a term of
20 imprisonment in the Illinois Department of Corrections shall as
21 a condition of his or her sentence be required by the court to
22 attend educational courses designed to prepare the defendant
23 for a high school diploma and to work toward a high school
24 diploma or to work toward passing high school equivalency
25 testing or to work toward completing a vocational training
26 program offered by the Department of Corrections. If a

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

23 (k) (Blank).

24 (l) (A) Except as provided in paragraph (C) of subsection
25 (l), whenever a defendant, who is an alien as defined by the
26 Immigration and Nationality Act, is convicted of any felony or

1 misdemeanor offense, the court after sentencing the defendant
2 may, upon motion of the State's Attorney, hold sentence in
3 abeyance and remand the defendant to the custody of the
4 Attorney General of the United States or his or her designated
5 agent to be deported when:

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

9 (2) the deportation of the defendant would not
10 deprecate the seriousness of the defendant's conduct and
11 would not be inconsistent with the ends of justice.

12 Otherwise, the defendant shall be sentenced as provided in
13 this Chapter V.

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

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

26 (2) the deportation of the defendant would not

1 deprecate the seriousness of the defendant's conduct and
2 would not be inconsistent with the ends of justice.

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

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

16 (m) A person convicted of criminal defacement of property
17 under Section 21-1.3 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, in which the property damage exceeds
19 \$300 and the property damaged is a school building, shall be
20 ordered to perform community service that may include cleanup,
21 removal, or painting over the defacement.

22 (n) The court may sentence a person convicted of a
23 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
24 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
25 of 1961 or the Criminal Code of 2012 (i) to an impact
26 incarceration program if the person is otherwise eligible for

1 that program under Section 5-8-1.1, (ii) to community service,
2 or (iii) if the person is an addict or alcoholic, as defined in
3 the Alcoholism and Other Drug Abuse and Dependency Act, to a
4 substance or alcohol abuse program licensed under that Act.

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

10 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
11 99-143, eff. 7-27-15; 99-885, eff. 8-23-16; 99-938, eff.
12 1-1-18.)

13 (730 ILCS 5/5-6-3.3)

14 Sec. 5-6-3.3. Offender Initiative Program.

15 (a) Statement of purpose. The General Assembly seeks to
16 continue other successful programs that promote public safety,
17 conserve valuable resources, and reduce recidivism by
18 defendants who can lead productive lives by creating the
19 Offender Initiative Program.

20 (a-1) Whenever any person who has not previously been
21 convicted of, ~~or placed on probation or conditional discharge~~
22 ~~for~~, any felony offense under the laws of this State, the laws
23 of any other state, or the laws of the United States, is
24 arrested for and charged with a probationable felony offense of
25 theft, retail theft, forgery, possession of a stolen motor

1 vehicle, burglary, possession of burglary tools, deceptive
2 practices, disorderly conduct, criminal damage or trespass to
3 property under Article 21 of the Criminal Code of 2012,
4 criminal trespass to a residence, obstructing justice, an
5 offense involving fraudulent identification, possession of
6 cannabis, possession of a controlled substance, or possession
7 of methamphetamine, the court, with the consent of the
8 defendant and the State's Attorney, may continue this matter to
9 allow a defendant to participate and complete the Offender
10 Initiative Program.

11 (a-2) Exemptions. A defendant shall not be eligible for
12 this Program if the offense he or she has been arrested for and
13 charged with is a violent offense. For purposes of this
14 Program, a "violent offense" is any offense where bodily harm
15 was inflicted or where force was used against any person or
16 threatened against any person, any offense involving sexual
17 conduct, sexual penetration, or sexual exploitation, any
18 offense of domestic violence, domestic battery, violation of an
19 order of protection, stalking, hate crime, ~~driving under the~~
20 ~~influence of drugs or alcohol,~~ and any offense involving the
21 possession of a firearm or dangerous weapon. A defendant shall
22 not be eligible for this Program if he or she has previously
23 been adjudicated a delinquent minor for the commission of a
24 violent offense as defined in this subsection.

25 (b) When a defendant is placed in the Program, after both
26 the defendant and State's Attorney waive preliminary hearing

1 pursuant to Section 109-3 of the Code of Criminal Procedure of
2 1963, the court shall enter an order specifying that the
3 proceedings shall be suspended while the defendant is
4 participating in a Program of not less 12 months.

5 (c) The conditions of the Program shall be that the
6 defendant:

7 (1) not violate any criminal statute of this State or
8 any other jurisdiction;

9 (2) refrain from possessing a firearm or other
10 dangerous weapon;

11 (3) make full restitution to the victim or property
12 owner pursuant to Section 5-5-6 of this Code;

13 (4) obtain employment or perform not less than 30 hours
14 of community service, provided community service is
15 available in the county and is funded and approved by the
16 county board; and

17 (5) attend educational courses designed to prepare the
18 defendant for obtaining a high school diploma or to work
19 toward passing high school equivalency testing or to work
20 toward completing a vocational training program.

21 (d) The court may, in addition to other conditions, require
22 that the defendant:

23 (1) undergo medical or psychiatric treatment, or
24 treatment or rehabilitation approved by the Illinois
25 Department of Human Services;

26 (2) refrain from having in his or her body the presence

1 of any illicit drug prohibited by the Methamphetamine
2 Control and Community Protection Act, the Cannabis Control
3 Act or the Illinois Controlled Substances Act, unless
4 prescribed by a physician, and submit samples of his or her
5 blood or urine or both for tests to determine the presence
6 of any illicit drug;

7 (3) submit to periodic drug testing at a time, manner,
8 and frequency as ordered by the court;

9 (4) pay fines, fees and costs; and

10 (5) in addition, if a minor:

11 (i) reside with his or her parents or in a foster
12 home;

13 (ii) attend school;

14 (iii) attend a non-residential program for youth;

15 or

16 (iv) contribute to his or her own support at home
17 or in a foster home.

18 (e) When the State's Attorney makes a factually specific
19 offer of proof that the defendant has failed to successfully
20 complete the Program or has violated any of the conditions of
21 the Program, the court shall enter an order that the defendant
22 has not successfully completed the Program and continue the
23 case for arraignment pursuant to Section 113-1 of the Code of
24 Criminal Procedure of 1963 for further proceedings as if the
25 defendant had not participated in the Program.

26 (f) Upon fulfillment of the terms and conditions of the

1 Program, the State's Attorney shall dismiss the case or the
2 court shall discharge the person and dismiss the proceedings
3 against the person.

4 (g) (Blank). ~~There may be only one discharge and dismissal~~
5 ~~under this Section with respect to any person.~~

6 (h) Notwithstanding subsection (a-1), if the court finds
7 that the defendant suffers from a substance abuse problem, then
8 before the person participates in the Program under this
9 Section, the court may refer the person to the drug court
10 established in that judicial circuit pursuant to Section 15 of
11 the Drug Court Treatment Act. The drug court team shall
12 evaluate the person's likelihood of successfully fulfilling
13 the terms and conditions of the Program under this Section and
14 shall report the results of its evaluation to the court. If the
15 drug court team finds that the person suffers from a substance
16 abuse problem that makes him or her substantially unlikely to
17 successfully fulfill the terms and conditions of the Program,
18 then the drug court shall set forth its findings in the form of
19 a written order, and the person shall be ineligible to
20 participate in the Program under this Section, but may be
21 considered for the drug court program.

22 (Source: P.A. 98-718, eff. 1-1-15; 99-480, eff. 9-9-15.)

23 (730 ILCS 5/5-6-3.4)

24 Sec. 5-6-3.4. Second Chance Probation.

25 (a) Whenever any person who has not previously been

1 convicted of, ~~or placed on probation or conditional discharge~~
2 ~~for~~, any felony offense under the laws of this State, the laws
3 of any other state, or the laws of the United States, ~~including~~
4 ~~probation under Section 410 of the Illinois Controlled~~
5 ~~Substances Act, Section 70 of the Methamphetamine Control and~~
6 ~~Community Protection Act, Section 10 of the Cannabis Control~~
7 ~~Act, subsection (c) of Section 11-14 of the Criminal Code of~~
8 ~~2012, Treatment Alternatives for Criminal Justice Clients~~
9 ~~(TASC) under Article 40 of the Alcoholism and Other Drug Abuse~~
10 ~~and Dependency Act, or prior successful completion of the~~
11 ~~Offender Initiative Program under Section 5-6-3.3 of this Code,~~
12 and pleads guilty to, or is found guilty of, ~~a probationable~~
13 ~~felony offense of possession of 15 grams or less of a~~
14 ~~controlled substance that is punishable as a Class 4 felony;~~
15 ~~possession of 15 grams or less of methamphetamine ~~that is~~~~
16 ~~punishable as a Class 4 felony; or a probationable felony~~
17 ~~offense of theft, retail theft, forgery, deceptive practices,~~
18 ~~possession of a stolen motor vehicle, burglary, possession of~~
19 ~~burglary tools, disorderly conduct, criminal damage or~~
20 ~~trespass to property under Article 21 of the Criminal Code of~~
21 ~~2012, criminal trespass to a residence, an offense involving~~
22 ~~fraudulent identification, or obstructing justice; theft that~~
23 ~~is punishable as a Class 3 felony based on the value of the~~
24 ~~property or punishable as a Class 4 felony if the theft was~~
25 ~~committed in a school or place of worship or if the theft was~~
26 ~~of governmental property; retail theft that is punishable as a~~

1 ~~Class 3 felony based on the value of the property; criminal~~
2 ~~damage to property that is punishable as a Class 4 felony;~~
3 ~~criminal damage to government supported property that is~~
4 ~~punishable as a Class 4 felony; or possession of cannabis which~~
5 ~~is punishable as a Class 4 felony, the court, with the consent~~
6 of the defendant and the State's Attorney, may, without
7 entering a judgment, sentence the defendant to probation under
8 this Section.

9 (a-1) Exemptions. A defendant is not eligible for this
10 probation if the offense he or she pleads guilty to, or is
11 found guilty of, is a violent offense, or he or she has
12 previously been convicted of a violent offense. For purposes of
13 this probation, a "violent offense" is any offense where bodily
14 harm was inflicted or where force was used against any person
15 or threatened against any person, any offense involving sexual
16 conduct, sexual penetration, or sexual exploitation, any
17 offense of domestic violence, domestic battery, violation of an
18 order of protection, stalking, hate crime, ~~driving under the~~
19 ~~influence of drugs or alcohol,~~ and any offense involving the
20 possession of a firearm or dangerous weapon. A defendant shall
21 not be eligible for this probation if he or she has previously
22 been adjudicated a delinquent minor for the commission of a
23 violent offense as defined in this subsection.

24 (b) When a defendant is placed on probation, the court
25 shall enter an order specifying a period of probation of not
26 less than 24 months and shall defer further proceedings in the

1 case until the conclusion of the period or until the filing of
2 a petition alleging violation of a term or condition of
3 probation.

4 (c) The conditions of probation shall be that the
5 defendant:

6 (1) not violate any criminal statute of this State or
7 any other jurisdiction;

8 (2) refrain from possessing a firearm or other
9 dangerous weapon;

10 (3) make full restitution to the victim or property
11 owner under Section 5-5-6 of this Code;

12 (4) obtain or attempt to obtain employment;

13 (5) pay fines and costs;

14 (6) attend educational courses designed to prepare the
15 defendant for obtaining a high school diploma or to work
16 toward passing high school equivalency testing or to work
17 toward completing a vocational training program;

18 (7) submit to periodic drug testing at a time and in a
19 manner as ordered by the court, but no less than 3 times
20 during the period of probation, with the cost of the
21 testing to be paid by the defendant; and

22 (8) perform a minimum of 30 hours of community service.

23 (d) The court may, in addition to other conditions, require
24 that the defendant:

25 (1) make a report to and appear in person before or
26 participate with the court or such courts, person, or

1 social service agency as directed by the court in the order
2 of probation;

3 (2) undergo medical or psychiatric treatment, or
4 treatment or rehabilitation approved by the Illinois
5 Department of Human Services;

6 (3) attend or reside in a facility established for the
7 instruction or residence of defendants on probation;

8 (4) support his or her dependents; or

9 (5) refrain from having in his or her body the presence
10 of any illicit drug prohibited by the Methamphetamine
11 Control and Community Protection Act, the Cannabis Control
12 Act, or the Illinois Controlled Substances Act, unless
13 prescribed by a physician, and submit samples of his or her
14 blood or urine or both for tests to determine the presence
15 of any illicit drug.

16 (e) Upon violation of a term or condition of probation, the
17 court may enter a judgment on its original finding of guilt and
18 proceed as otherwise provided by law.

19 (f) Upon fulfillment of the terms and conditions of
20 probation, the court shall discharge the person and dismiss the
21 proceedings against the person.

22 (g) A disposition of probation is considered to be a
23 conviction for the purposes of imposing the conditions of
24 probation and for appeal; however, a discharge and dismissal
25 under this Section is not a conviction for purposes of this
26 Code or for purposes of disqualifications or disabilities

1 imposed by law upon conviction of a crime.

2 (h) (Blank). ~~There may be only one discharge and dismissal~~
3 ~~under this Section, Section 410 of the Illinois Controlled~~
4 ~~Substances Act, Section 70 of the Methamphetamine Control and~~
5 ~~Community Protection Act, Section 10 of the Cannabis Control~~
6 ~~Act, Treatment Alternatives for Criminal Justice Clients~~
7 ~~(TASC) under Article 40 of the Alcoholism and Other Drug Abuse~~
8 ~~and Dependency Act, the Offender Initiative Program under~~
9 ~~Section 5-6-3.3 of this Code, and subsection (c) of Section~~
10 ~~11-14 of the Criminal Code of 2012 with respect to any person.~~

11 (i) If a person is convicted of any offense which occurred
12 within 5 years subsequent to a discharge and dismissal under
13 this Section, the discharge and dismissal under this Section
14 shall be admissible in the sentencing proceeding for that
15 conviction as evidence in aggravation.

16 (j) Notwithstanding subsection (a), if the court finds that
17 the defendant suffers from a substance abuse problem, then
18 before the person is placed on probation under this Section,
19 the court may refer the person to the drug court established in
20 that judicial circuit pursuant to Section 15 of the Drug Court
21 Treatment Act. The drug court team shall evaluate the person's
22 likelihood of successfully fulfilling the terms and conditions
23 of probation under this Section and shall report the results of
24 its evaluation to the court. If the drug court team finds that
25 the person suffers from a substance abuse problem that makes
26 him or her substantially unlikely to successfully fulfill the

1 terms and conditions of probation under this Section, then the
2 drug court shall set forth its findings in the form of a
3 written order, and the person shall be ineligible to be placed
4 on probation under this Section, but shall ~~may~~ be considered
5 for the drug court program.

6 (Source: P.A. 98-164, eff. 1-1-14; 98-718, eff. 1-1-15; 99-480,
7 eff. 9-9-15.)

8 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

9 Sec. 5-8-1. Natural life imprisonment; enhancements for
10 use of a firearm; mandatory supervised release terms.

11 (a) Except as otherwise provided in the statute defining
12 the offense or in Article 4.5 of Chapter V, a sentence of
13 imprisonment for a felony shall be a determinate sentence set
14 by the court under this Section, according to the following
15 limitations:

16 (1) for first degree murder,

17 (a) (blank),

18 (b) if a trier of fact finds beyond a reasonable
19 doubt that the murder was accompanied by exceptionally
20 brutal or heinous behavior indicative of wanton
21 cruelty or, except as set forth in subsection (a) (1) (c)
22 of this Section, that any of the aggravating factors
23 listed in subsection (b) or (b-5) of Section 9-1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 are
25 present, the court may sentence the defendant, subject

1 to Section 5-4.5-105, to a term of natural life
2 imprisonment, or

3 (c) the court shall sentence the defendant to a
4 term of natural life imprisonment if the defendant, at
5 the time of the commission of the murder, had attained
6 the age of 18, and

7 (i) has previously been convicted of first
8 degree murder under any state or federal law, or

9 (ii) is found guilty of murdering more than one
10 victim, or

11 (iii) is found guilty of murdering a peace
12 officer, fireman, or emergency management worker
13 when the peace officer, fireman, or emergency
14 management worker was killed in the course of
15 performing his official duties, or to prevent the
16 peace officer or fireman from performing his
17 official duties, or in retaliation for the peace
18 officer, fireman, or emergency management worker
19 from performing his official duties, and the
20 defendant knew or should have known that the
21 murdered individual was a peace officer, fireman,
22 or emergency management worker, or

23 (iv) is found guilty of murdering an employee
24 of an institution or facility of the Department of
25 Corrections, or any similar local correctional
26 agency, when the employee was killed in the course

1 of performing his official duties, or to prevent
2 the employee from performing his official duties,
3 or in retaliation for the employee performing his
4 official duties, or

5 (v) is found guilty of murdering an emergency
6 medical technician - ambulance, emergency medical
7 technician - intermediate, emergency medical
8 technician - paramedic, ambulance driver or other
9 medical assistance or first aid person while
10 employed by a municipality or other governmental
11 unit when the person was killed in the course of
12 performing official duties or to prevent the
13 person from performing official duties or in
14 retaliation for performing official duties and the
15 defendant knew or should have known that the
16 murdered individual was an emergency medical
17 technician - ambulance, emergency medical
18 technician - intermediate, emergency medical
19 technician - paramedic, ambulance driver, or other
20 medical assistant or first aid personnel, or

21 (vi) (blank), or

22 (vii) is found guilty of first degree murder
23 and the murder was committed by reason of any
24 person's activity as a community policing
25 volunteer or to prevent any person from engaging in
26 activity as a community policing volunteer. For

1 the purpose of this Section, "community policing
2 volunteer" has the meaning ascribed to it in
3 Section 2-3.5 of the Criminal Code of 2012.

4 For purposes of clause (v), "emergency medical
5 technician - ambulance", "emergency medical technician
6 - intermediate", "emergency medical technician -
7 paramedic", have the meanings ascribed to them in the
8 Emergency Medical Services (EMS) Systems Act.

9 (d) (i) if the person committed the offense while
10 armed with a firearm, 15 years shall be added to
11 the term of imprisonment imposed by the court;

12 (ii) if, during the commission of the offense,
13 the person personally discharged a firearm, 20
14 years shall be added to the term of imprisonment
15 imposed by the court;

16 (iii) if, during the commission of the
17 offense, the person personally discharged a
18 firearm that proximately caused great bodily harm,
19 permanent disability, permanent disfigurement, or
20 death to another person, 25 years or up to a term
21 of natural life shall be added to the term of
22 imprisonment imposed by the court.

23 (2) (blank);

24 (2.5) for a person who has attained the age of 18 years
25 at the time of the commission of the offense and who is
26 convicted under the circumstances described in subdivision

1 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
2 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
3 or paragraph (2) of subsection (d) of Section 12-14,
4 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
5 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
6 Section 11-1.40 or paragraph (2) of subsection (b) of
7 Section 12-14.1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the sentence shall be a term of
9 natural life imprisonment.

10 (b) (Blank).

11 (c) (Blank).

12 (d) Subject to earlier termination under Section 3-3-8, the
13 parole or mandatory supervised release term shall be written as
14 part of the sentencing order and shall be as follows:

15 (1) for first degree murder ~~or a Class X felony except~~
16 ~~for the offenses of predatory criminal sexual assault of a~~
17 ~~child, aggravated criminal sexual assault, and criminal~~
18 ~~sexual assault if committed on or after the effective date~~
19 ~~of this amendatory Act of the 94th General Assembly and~~
20 ~~except for the offense of aggravated child pornography~~
21 ~~under Section 11-20.1B, 11-20.3, or 11-20.1 with~~
22 ~~sentencing under subsection (c-5) of Section 11-20.1 of the~~
23 ~~Criminal Code of 1961 or the Criminal Code of 2012, if~~
24 ~~committed on or after January 1, 2009, 3 years;~~

25 (1.5) for a Class X felony except for the offenses of
26 predatory criminal sexual assault of a child, aggravated

1 criminal sexual assault, and criminal sexual assault if
2 committed on or after December 13, 2005 (the effective date
3 of Public Act 94-715) and except for the offense of
4 aggravated child pornography under Section 11-20.1B.
5 11-20.3, or 11-20.1 with sentencing under subsection (c-5)
6 of Section 11-20.1 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, if committed on or after January 1,
8 2009, 18 months;

9 (2) for a Class 1 felony or a Class 2 felony except for
10 the offense of criminal sexual assault if committed on or
11 after December 13, 2005 (the effective date of Public Act
12 94-715) ~~this amendatory Act of the 94th General Assembly~~
13 and except for the offenses of manufacture and
14 dissemination of child pornography under clauses (a)(1)
15 and (a)(2) of Section 11-20.1 of the Criminal Code of 1961
16 or the Criminal Code of 2012, if committed on or after
17 January 1, 2009, 18 months ~~2 years~~;

18 (3) for a Class 3 felony or a Class 4 felony, 1 year;

19 (4) for defendants who commit the offense of predatory
20 criminal sexual assault of a child, aggravated criminal
21 sexual assault, or criminal sexual assault, on or after the
22 effective date of this amendatory Act of the 94th General
23 Assembly, or who commit the offense of aggravated child
24 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
25 with sentencing under subsection (c-5) of Section 11-20.1
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 manufacture of child pornography, or dissemination of
2 child pornography after January 1, 2009, the term of
3 mandatory supervised release shall range from a minimum of
4 3 years to a maximum of the natural life of the defendant;

5 (5) if the victim is under 18 years of age, for a
6 second or subsequent offense of aggravated criminal sexual
7 abuse or felony criminal sexual abuse, 4 years, at least
8 the first 2 years of which the defendant shall serve in an
9 electronic home detention program under Article 8A of
10 Chapter V of this Code;

11 (6) for a felony domestic battery, aggravated domestic
12 battery, stalking, aggravated stalking, and a felony
13 violation of an order of protection, 4 years.

14 (e) (Blank).

15 (f) (Blank).

16 (Source: P.A. 99-69, eff. 1-1-16; 99-875, eff. 1-1-17.)

17 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

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

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

1 conducted in compliance with subsection (c-5) of Section 111-3
2 of the Code of Criminal Procedure of 1963, the judge may
3 sentence an offender to an extended term as provided in Article
4 4.5 of Chapter V (730 ILCS 5/Ch. V, Art. 4.5).

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

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

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

16 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

17 Sec. 5-8-6. Place of confinement.

18 (a) Except as otherwise provided in this subsection (a),
19 offenders ~~Offenders~~ sentenced to a term of imprisonment for a
20 felony shall be committed to the penitentiary system of the
21 Department of Corrections. However, such sentence shall not
22 limit the powers of the Department of Children and Family
23 Services in relation to any child under the age of one year in
24 the sole custody of a person so sentenced, nor in relation to
25 any child delivered by a female so sentenced while she is so

1 confined as a consequence of such sentence. Except as otherwise
2 provided in this subsection (a), a A person sentenced for a
3 felony may be assigned by the Department of Corrections to any
4 of its institutions, facilities or programs. An offender
5 sentenced to a term of imprisonment for a Class 3 or 4 felony,
6 other than a violent crime as defined in Section 3 of the
7 Rights of Crime Victims and Witnesses Act, in which the
8 sentencing order indicates that the offender has less than 4
9 months remaining on his or her sentence accounting for time
10 served may not be confined in the penitentiary system of the
11 Department of Corrections but may be assigned to electronic
12 home detention under Article 8A of this Chapter V, an adult
13 transition center, or another facility or program within the
14 Department of Corrections.

15 (b) Offenders sentenced to a term of imprisonment for less
16 than one year shall be committed to the custody of the sheriff.
17 A person committed to the Department of Corrections, prior to
18 July 14, 1983, for less than one year may be assigned by the
19 Department to any of its institutions, facilities or programs.

20 (c) All offenders under 18 years of age when sentenced to
21 imprisonment shall be committed to the Department of Juvenile
22 Justice and the court in its order of commitment shall set a
23 definite term. The provisions of Section 3-3-3 shall be a part
24 of such commitment as fully as though written in the order of
25 commitment. The place of confinement for sentences imposed
26 before the effective date of this amendatory Act of the 99th

1 General Assembly are not affected or abated by this amendatory
2 Act of the 99th General Assembly.

3 (d) No defendant shall be committed to the Department of
4 Corrections for the recovery of a fine or costs.

5 (e) When a court sentences a defendant to a term of
6 imprisonment concurrent with a previous and unexpired sentence
7 of imprisonment imposed by any district court of the United
8 States, it may commit the offender to the custody of the
9 Attorney General of the United States. The Attorney General of
10 the United States, or the authorized representative of the
11 Attorney General of the United States, shall be furnished with
12 the warrant of commitment from the court imposing sentence,
13 which warrant of commitment shall provide that, when the
14 offender is released from federal confinement, whether by
15 parole or by termination of sentence, the offender shall be
16 transferred by the Sheriff of the committing county to the
17 Department of Corrections. The court shall cause the Department
18 to be notified of such sentence at the time of commitment and
19 to be provided with copies of all records regarding the
20 sentence.

21 (Source: P.A. 99-628, eff. 1-1-17.)".