



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4552

Introduced 2/5/2020, by Rep. Tony McCombie

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
720 ILCS 5/18-1	from Ch. 38, par. 18-1
720 ILCS 5/19-1	from Ch. 38, par. 19-1
720 ILCS 570/401	from Ch. 56 1/2, par. 1401

Amends the Criminal Code of 2012. Enhances the penalties from assault and battery to aggravated assault and aggravated battery if the victim is a pharmacist, student pharmacist, or pharmacy technician performing his or her duties as a pharmacist, student pharmacist, or pharmacy technician. Enhances from a Class 2 felony to a Class 1 felony a robbery or burglary committed in a pharmacy. Amends the Illinois Controlled Substances Act. Provides that any person who violates the provisions concerning the illegal delivery of a controlled substance in an amount not otherwise specified in the statute classified in Schedule II, III, IV, or V that was illegally and directly obtained from a pharmacy, either through robbery or burglary, which substance is not included as a Class 2 felony by the statute, is guilty of a Class 2 felony. Provides that the fine for a violation shall not be more than \$200,000. Effective January 1, 2020.

LRB101 09468 SLF 54566 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Sections 12-2, 12-3.05, 18-1, and 19-1 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

8 (a) Offense based on location of conduct. A person commits
9 aggravated assault when he or she commits an assault against an
10 individual who is on or about a public way, public property, a
11 public place of accommodation or amusement, or a sports venue.

12 (b) Offense based on status of victim. A person commits
13 aggravated assault when, in committing an assault, he or she
14 knows the individual assaulted to be any of the following:

15 (1) A person with a physical disability or a person 60
16 years of age or older and the assault is without legal
17 justification.

18 (2) A teacher or school employee upon school grounds or
19 grounds adjacent to a school or in any part of a building
20 used for school purposes.

21 (3) A park district employee upon park grounds or
22 grounds adjacent to a park or in any part of a building
23 used for park purposes.

1 (4) A community policing volunteer, private security
2 officer, or utility worker:

3 (i) performing his or her official duties;

4 (ii) assaulted to prevent performance of his or her
5 official duties; or

6 (iii) assaulted in retaliation for performing his
7 or her official duties.

8 (4.1) A peace officer, fireman, emergency management
9 worker, or emergency medical services personnel:

10 (i) performing his or her official duties;

11 (ii) assaulted to prevent performance of his or her
12 official duties; or

13 (iii) assaulted in retaliation for performing his
14 or her official duties.

15 (5) A correctional officer or probation officer:

16 (i) performing his or her official duties;

17 (ii) assaulted to prevent performance of his or her
18 official duties; or

19 (iii) assaulted in retaliation for performing his
20 or her official duties.

21 (6) A correctional institution employee, a county
22 juvenile detention center employee who provides direct and
23 continuous supervision of residents of a juvenile
24 detention center, including a county juvenile detention
25 center employee who supervises recreational activity for
26 residents of a juvenile detention center, or a Department

1 of Human Services employee, Department of Human Services
2 officer, or employee of a subcontractor of the Department
3 of Human Services supervising or controlling sexually
4 dangerous persons or sexually violent persons:

5 (i) performing his or her official duties;

6 (ii) assaulted to prevent performance of his or her
7 official duties; or

8 (iii) assaulted in retaliation for performing his
9 or her official duties.

10 (7) An employee of the State of Illinois, a municipal
11 corporation therein, or a political subdivision thereof,
12 performing his or her official duties.

13 (8) A transit employee performing his or her official
14 duties, or a transit passenger.

15 (9) A sports official or coach actively participating
16 in any level of athletic competition within a sports venue,
17 on an indoor playing field or outdoor playing field, or
18 within the immediate vicinity of such a facility or field.

19 (10) A person authorized to serve process under Section
20 2-202 of the Code of Civil Procedure or a special process
21 server appointed by the circuit court, while that
22 individual is in the performance of his or her duties as a
23 process server.

24 (11) A pharmacist, student pharmacist, or pharmacy
25 technician performing his or her duties as a pharmacist,
26 student pharmacist, or pharmacy technician.

1 (c) Offense based on use of firearm, device, or motor
2 vehicle. A person commits aggravated assault when, in
3 committing an assault, he or she does any of the following:

4 (1) Uses a deadly weapon, an air rifle as defined in
5 Section 24.8-0.1 of this Act, or any device manufactured
6 and designed to be substantially similar in appearance to a
7 firearm, other than by discharging a firearm.

8 (2) Discharges a firearm, other than from a motor
9 vehicle.

10 (3) Discharges a firearm from a motor vehicle.

11 (4) Wears a hood, robe, or mask to conceal his or her
12 identity.

13 (5) Knowingly and without lawful justification shines
14 or flashes a laser gun sight or other laser device attached
15 to a firearm, or used in concert with a firearm, so that
16 the laser beam strikes near or in the immediate vicinity of
17 any person.

18 (6) Uses a firearm, other than by discharging the
19 firearm, against a peace officer, community policing
20 volunteer, fireman, private security officer, emergency
21 management worker, emergency medical services personnel,
22 employee of a police department, employee of a sheriff's
23 department, or traffic control municipal employee:

24 (i) performing his or her official duties;

25 (ii) assaulted to prevent performance of his or her
26 official duties; or

1 (iii) assaulted in retaliation for performing his
2 or her official duties.

3 (7) Without justification operates a motor vehicle in a
4 manner which places a person, other than a person listed in
5 subdivision (b)(4), in reasonable apprehension of being
6 struck by the moving motor vehicle.

7 (8) Without justification operates a motor vehicle in a
8 manner which places a person listed in subdivision (b)(4),
9 in reasonable apprehension of being struck by the moving
10 motor vehicle.

11 (9) Knowingly video or audio records the offense with
12 the intent to disseminate the recording.

13 (d) Sentence. Aggravated assault as defined in subdivision
14 (a), (b)(1), (b)(2), (b)(3), (b)(4), (b)(7), (b)(8), (b)(9),
15 (b)(11), (c)(1), (c)(4), or (c)(9) is a Class A misdemeanor,
16 except that aggravated assault as defined in subdivision (b)(4)
17 and (b)(7) is a Class 4 felony if a Category I, Category II, or
18 Category III weapon is used in the commission of the assault.
19 Aggravated assault as defined in subdivision (b)(4.1), (b)(5),
20 (b)(6), (b)(10), (c)(2), (c)(5), (c)(6), or (c)(7) is a Class 4
21 felony. Aggravated assault as defined in subdivision (c)(3) or
22 (c)(8) is a Class 3 felony.

23 (e) For the purposes of this Section, "Category I weapon",
24 "Category II weapon, and "Category III weapon" have the
25 meanings ascribed to those terms in Section 33A-1 of this Code.
26 (Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143,

1 eff. 7-27-15; 99-256, eff. 1-1-16; 99-642, eff. 7-28-16;
2 99-816, eff. 8-15-16.)

3 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

4 Sec. 12-3.05. Aggravated battery.

5 (a) Offense based on injury. A person commits aggravated
6 battery when, in committing a battery, other than by the
7 discharge of a firearm, he or she knowingly does any of the
8 following:

9 (1) Causes great bodily harm or permanent disability or
10 disfigurement.

11 (2) Causes severe and permanent disability, great
12 bodily harm, or disfigurement by means of a caustic or
13 flammable substance, a poisonous gas, a deadly biological
14 or chemical contaminant or agent, a radioactive substance,
15 or a bomb or explosive compound.

16 (3) Causes great bodily harm or permanent disability or
17 disfigurement to an individual whom the person knows to be
18 a peace officer, community policing volunteer, fireman,
19 private security officer, correctional institution
20 employee, or Department of Human Services employee
21 supervising or controlling sexually dangerous persons or
22 sexually violent persons:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

1 (iii) battered in retaliation for performing his
2 or her official duties.

3 (4) Causes great bodily harm or permanent disability or
4 disfigurement to an individual 60 years of age or older.

5 (5) Strangles another individual.

6 (b) Offense based on injury to a child or person with an
7 intellectual disability. A person who is at least 18 years of
8 age commits aggravated battery when, in committing a battery,
9 he or she knowingly and without legal justification by any
10 means:

11 (1) causes great bodily harm or permanent disability or
12 disfigurement to any child under the age of 13 years, or to
13 any person with a severe or profound intellectual
14 disability; or

15 (2) causes bodily harm or disability or disfigurement
16 to any child under the age of 13 years or to any person
17 with a severe or profound intellectual disability.

18 (c) Offense based on location of conduct. A person commits
19 aggravated battery when, in committing a battery, other than by
20 the discharge of a firearm, he or she is or the person battered
21 is on or about a public way, public property, a public place of
22 accommodation or amusement, a sports venue, or a domestic
23 violence shelter.

24 (d) Offense based on status of victim. A person commits
25 aggravated battery when, in committing a battery, other than by
26 discharge of a firearm, he or she knows the individual battered

1 to be any of the following:

2 (1) A person 60 years of age or older.

3 (2) A person who is pregnant or has a physical
4 disability.

5 (3) A teacher or school employee upon school grounds or
6 grounds adjacent to a school or in any part of a building
7 used for school purposes.

8 (4) A peace officer, community policing volunteer,
9 fireman, private security officer, correctional
10 institution employee, or Department of Human Services
11 employee supervising or controlling sexually dangerous
12 persons or sexually violent persons:

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her
15 official duties; or

16 (iii) battered in retaliation for performing his
17 or her official duties.

18 (5) A judge, emergency management worker, emergency
19 medical services personnel, or utility worker:

20 (i) performing his or her official duties;

21 (ii) battered to prevent performance of his or her
22 official duties; or

23 (iii) battered in retaliation for performing his
24 or her official duties.

25 (6) An officer or employee of the State of Illinois, a
26 unit of local government, or a school district, while

1 performing his or her official duties.

2 (7) A transit employee performing his or her official
3 duties, or a transit passenger.

4 (8) A taxi driver on duty.

5 (9) A merchant who detains the person for an alleged
6 commission of retail theft under Section 16-26 of this Code
7 and the person without legal justification by any means
8 causes bodily harm to the merchant.

9 (10) A person authorized to serve process under Section
10 2-202 of the Code of Civil Procedure or a special process
11 server appointed by the circuit court while that individual
12 is in the performance of his or her duties as a process
13 server.

14 (11) A nurse while in the performance of his or her
15 duties as a nurse.

16 (12) A pharmacist, student pharmacist, or pharmacy
17 technician performing his or her duties as a pharmacist,
18 student pharmacist, or pharmacy technician.

19 (e) Offense based on use of a firearm. A person commits
20 aggravated battery when, in committing a battery, he or she
21 knowingly does any of the following:

22 (1) Discharges a firearm, other than a machine gun or a
23 firearm equipped with a silencer, and causes any injury to
24 another person.

25 (2) Discharges a firearm, other than a machine gun or a
26 firearm equipped with a silencer, and causes any injury to

1 a person he or she knows to be a peace officer, community
2 policing volunteer, person summoned by a police officer,
3 fireman, private security officer, correctional
4 institution employee, or emergency management worker:

5 (i) performing his or her official duties;

6 (ii) battered to prevent performance of his or her
7 official duties; or

8 (iii) battered in retaliation for performing his
9 or her official duties.

10 (3) Discharges a firearm, other than a machine gun or a
11 firearm equipped with a silencer, and causes any injury to
12 a person he or she knows to be emergency medical services
13 personnel:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

19 (4) Discharges a firearm and causes any injury to a
20 person he or she knows to be a teacher, a student in a
21 school, or a school employee, and the teacher, student, or
22 employee is upon school grounds or grounds adjacent to a
23 school or in any part of a building used for school
24 purposes.

25 (5) Discharges a machine gun or a firearm equipped with
26 a silencer, and causes any injury to another person.

1 (6) Discharges a machine gun or a firearm equipped with
2 a silencer, and causes any injury to a person he or she
3 knows to be a peace officer, community policing volunteer,
4 person summoned by a police officer, fireman, private
5 security officer, correctional institution employee or
6 emergency management worker:

7 (i) performing his or her official duties;

8 (ii) battered to prevent performance of his or her
9 official duties; or

10 (iii) battered in retaliation for performing his
11 or her official duties.

12 (7) Discharges a machine gun or a firearm equipped with
13 a silencer, and causes any injury to a person he or she
14 knows to be emergency medical services personnel:

15 (i) performing his or her official duties;

16 (ii) battered to prevent performance of his or her
17 official duties; or

18 (iii) battered in retaliation for performing his
19 or her official duties.

20 (8) Discharges a machine gun or a firearm equipped with
21 a silencer, and causes any injury to a person he or she
22 knows to be a teacher, or a student in a school, or a
23 school employee, and the teacher, student, or employee is
24 upon school grounds or grounds adjacent to a school or in
25 any part of a building used for school purposes.

26 (f) Offense based on use of a weapon or device. A person

1 commits aggravated battery when, in committing a battery, he or
2 she does any of the following:

3 (1) Uses a deadly weapon other than by discharge of a
4 firearm, or uses an air rifle as defined in Section
5 24.8-0.1 of this Code.

6 (2) Wears a hood, robe, or mask to conceal his or her
7 identity.

8 (3) Knowingly and without lawful justification shines
9 or flashes a laser gunsight or other laser device attached
10 to a firearm, or used in concert with a firearm, so that
11 the laser beam strikes upon or against the person of
12 another.

13 (4) Knowingly video or audio records the offense with
14 the intent to disseminate the recording.

15 (g) Offense based on certain conduct. A person commits
16 aggravated battery when, other than by discharge of a firearm,
17 he or she does any of the following:

18 (1) Violates Section 401 of the Illinois Controlled
19 Substances Act by unlawfully delivering a controlled
20 substance to another and any user experiences great bodily
21 harm or permanent disability as a result of the injection,
22 inhalation, or ingestion of any amount of the controlled
23 substance.

24 (2) Knowingly administers to an individual or causes
25 him or her to take, without his or her consent or by threat
26 or deception, and for other than medical purposes, any

1 intoxicating, poisonous, stupefying, narcotic, anesthetic,
2 or controlled substance, or gives to another person any
3 food containing any substance or object intended to cause
4 physical injury if eaten.

5 (3) Knowingly causes or attempts to cause a
6 correctional institution employee or Department of Human
7 Services employee to come into contact with blood, seminal
8 fluid, urine, or feces by throwing, tossing, or expelling
9 the fluid or material, and the person is an inmate of a
10 penal institution or is a sexually dangerous person or
11 sexually violent person in the custody of the Department of
12 Human Services.

13 (h) Sentence. Unless otherwise provided, aggravated
14 battery is a Class 3 felony.

15 Aggravated battery as defined in subdivision (a)(4),
16 (d)(4), or (g)(3) is a Class 2 felony.

17 Aggravated battery as defined in subdivision (a)(3) or
18 (g)(1) is a Class 1 felony.

19 Aggravated battery as defined in subdivision (a)(1) is a
20 Class 1 felony when the aggravated battery was intentional and
21 involved the infliction of torture, as defined in paragraph
22 (14) of subsection (b) of Section 9-1 of this Code, as the
23 infliction of or subjection to extreme physical pain, motivated
24 by an intent to increase or prolong the pain, suffering, or
25 agony of the victim.

26 Aggravated battery under subdivision (a)(5) is a Class 1

1 felony if:

2 (A) the person used or attempted to use a dangerous
3 instrument while committing the offense; or

4 (B) the person caused great bodily harm or permanent
5 disability or disfigurement to the other person while
6 committing the offense; or

7 (C) the person has been previously convicted of a
8 violation of subdivision (a)(5) under the laws of this
9 State or laws similar to subdivision (a)(5) of any other
10 state.

11 Aggravated battery as defined in subdivision (e)(1) is a
12 Class X felony.

13 Aggravated battery as defined in subdivision (a)(2) is a
14 Class X felony for which a person shall be sentenced to a term
15 of imprisonment of a minimum of 6 years and a maximum of 45
16 years.

17 Aggravated battery as defined in subdivision (e)(5) is a
18 Class X felony for which a person shall be sentenced to a term
19 of imprisonment of a minimum of 12 years and a maximum of 45
20 years.

21 Aggravated battery as defined in subdivision (e)(2),
22 (e)(3), or (e)(4) is a Class X felony for which a person shall
23 be sentenced to a term of imprisonment of a minimum of 15 years
24 and a maximum of 60 years.

25 Aggravated battery as defined in subdivision (e)(6),
26 (e)(7), or (e)(8) is a Class X felony for which a person shall

1 be sentenced to a term of imprisonment of a minimum of 20 years
2 and a maximum of 60 years.

3 Aggravated battery as defined in subdivision (b)(1) is a
4 Class X felony, except that:

5 (1) if the person committed the offense while armed
6 with a firearm, 15 years shall be added to the term of
7 imprisonment imposed by the court;

8 (2) if, during the commission of the offense, the
9 person personally discharged a firearm, 20 years shall be
10 added to the term of imprisonment imposed by the court;

11 (3) if, during the commission of the offense, the
12 person personally discharged a firearm that proximately
13 caused great bodily harm, permanent disability, permanent
14 disfigurement, or death to another person, 25 years or up
15 to a term of natural life shall be added to the term of
16 imprisonment imposed by the court.

17 (i) Definitions. For the purposes of this Section:

18 "Building or other structure used to provide shelter" has
19 the meaning ascribed to "shelter" in Section 1 of the Domestic
20 Violence Shelters Act.

21 "Domestic violence" has the meaning ascribed to it in
22 Section 103 of the Illinois Domestic Violence Act of 1986.

23 "Domestic violence shelter" means any building or other
24 structure used to provide shelter or other services to victims
25 or to the dependent children of victims of domestic violence
26 pursuant to the Illinois Domestic Violence Act of 1986 or the

1 Domestic Violence Shelters Act, or any place within 500 feet of
2 such a building or other structure in the case of a person who
3 is going to or from such a building or other structure.

4 "Firearm" has the meaning provided under Section 1.1 of the
5 Firearm Owners Identification Card Act, and does not include an
6 air rifle as defined by Section 24.8-0.1 of this Code.

7 "Machine gun" has the meaning ascribed to it in Section
8 24-1 of this Code.

9 "Merchant" has the meaning ascribed to it in Section 16-0.1
10 of this Code.

11 "Strangle" means intentionally impeding the normal
12 breathing or circulation of the blood of an individual by
13 applying pressure on the throat or neck of that individual or
14 by blocking the nose or mouth of that individual.

15 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,
16 eff. 7-16-14; 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)

17 (720 ILCS 5/18-1) (from Ch. 38, par. 18-1)

18 Sec. 18-1. Robbery; aggravated robbery.

19 (a) Robbery. A person commits robbery when he or she
20 knowingly takes property, except a motor vehicle covered by
21 Section 18-3 or 18-4, from the person or presence of another by
22 the use of force or by threatening the imminent use of force.

23 (b) Aggravated robbery.

24 (1) A person commits aggravated robbery when he or she
25 violates subsection (a) while indicating verbally or by his

1 or her actions to the victim that he or she is presently
2 armed with a firearm or other dangerous weapon, including a
3 knife, club, ax, or bludgeon. This offense shall be
4 applicable even though it is later determined that he or
5 she had no firearm or other dangerous weapon, including a
6 knife, club, ax, or bludgeon, in his or her possession when
7 he or she committed the robbery.

8 (2) A person commits aggravated robbery when he or she
9 knowingly takes property from the person or presence of
10 another by delivering (by injection, inhalation,
11 ingestion, transfer of possession, or any other means) to
12 the victim without his or her consent, or by threat or
13 deception, and for other than medical purposes, any
14 controlled substance.

15 (c) Sentence.

16 Robbery is a Class 2 felony, unless the victim is 60 years
17 of age or over or is a person with a physical disability, or
18 the robbery is committed in a school, day care center, day care
19 home, group day care home, ~~or~~ part day child care facility,
20 pharmacy, or place of worship, in which case robbery is a Class
21 1 felony. Aggravated robbery is a Class 1 felony.

22 (d) Regarding penalties prescribed in subsection (c) for
23 violations committed in a day care center, day care home, group
24 day care home, or part day child care facility, the time of
25 day, time of year, and whether children under 18 years of age
26 were present in the day care center, day care home, group day

1 care home, or part day child care facility are irrelevant.

2 (Source: P.A. 99-143, eff. 7-27-15.)

3 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

4 Sec. 19-1. Burglary.

5 (a) A person commits burglary when without authority he or
6 she knowingly enters or without authority remains within a
7 building, housetrailer, watercraft, aircraft, motor vehicle,
8 railroad car, or any part thereof, with intent to commit
9 therein a felony or theft. This offense shall not include the
10 offenses set out in Section 4-102 of the Illinois Vehicle Code.

11 (b) Sentence.

12 Burglary committed in, and without causing damage to, a
13 watercraft, aircraft, motor vehicle, railroad car, or any part
14 thereof is a Class 3 felony. Burglary committed in a building,
15 housetrailer, or any part thereof or while causing damage to a
16 watercraft, aircraft, motor vehicle, railroad car, or any part
17 thereof is a Class 2 felony. A burglary committed in a school,
18 day care center, day care home, group day care home, ~~or~~ part
19 day child care facility, pharmacy, or place of worship is a
20 Class 1 felony, except that this provision does not apply to a
21 day care center, day care home, group day care home, or part
22 day child care facility operated in a private residence used as
23 a dwelling.

24 (c) Regarding penalties prescribed in subsection (b) for
25 violations committed in a day care center, day care home, group

1 day care home, or part day child care facility, the time of
2 day, time of year, and whether children under 18 years of age
3 were present in the day care center, day care home, group day
4 care home, or part day child care facility are irrelevant.
5 (Source: P.A. 100-3, eff. 1-1-18.)

6 Section 10. The Illinois Controlled Substances Act is
7 amended by changing Section 401 as follows:

8 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

9 Sec. 401. Manufacture or delivery, or possession with
10 intent to manufacture or deliver, a controlled substance, a
11 counterfeit substance, or controlled substance analog. Except
12 as authorized by this Act, it is unlawful for any person
13 knowingly to manufacture or deliver, or possess with intent to
14 manufacture or deliver, a controlled substance other than
15 methamphetamine and other than bath salts as defined in the
16 Bath Salts Prohibition Act sold or offered for sale in a retail
17 mercantile establishment as defined in Section 16-0.1 of the
18 Criminal Code of 2012, a counterfeit substance, or a controlled
19 substance analog. A violation of this Act with respect to each
20 of the controlled substances listed herein constitutes a single
21 and separate violation of this Act. For purposes of this
22 Section, "controlled substance analog" or "analog" means a
23 substance, other than a controlled substance, which is not
24 approved by the United States Food and Drug Administration or,

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

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

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

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

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

4 (D) not less than 15 years and not more than 60 years
5 with respect to 900 grams or more of any substance
6 containing heroin, or an analog thereof;

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

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

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

17 (D) not less than 15 years and not more than 60 years
18 with respect to 900 grams or more of a substance containing
19 fentanyl, or an analog thereof;

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

23 (B) not less than 9 years and not more than 40 years
24 with respect to 100 grams or more but less than 400 grams
25 of a substance containing cocaine, or an analog thereof;

26 (C) not less than 12 years and not more than 50 years

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

3 (D) not less than 15 years and not more than 60 years
4 with respect to 900 grams or more of any substance
5 containing cocaine, or an analog thereof;

6 (3) (A) not less than 6 years and not more than 30 years
7 with respect to 15 grams or more but less than 100 grams of
8 a substance containing morphine, or an analog thereof;

9 (B) not less than 9 years and not more than 40 years
10 with respect to 100 grams or more but less than 400 grams
11 of a substance containing morphine, or an analog thereof;

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

15 (D) not less than 15 years and not more than 60 years
16 with respect to 900 grams or more of a substance containing
17 morphine, or an analog thereof;

18 (4) 200 grams or more of any substance containing
19 peyote, or an analog thereof;

20 (5) 200 grams or more of any substance containing a
21 derivative of barbituric acid or any of the salts of a
22 derivative of barbituric acid, or an analog thereof;

23 (6) 200 grams or more of any substance containing
24 amphetamine or any salt of an optical isomer of
25 amphetamine, or an analog thereof;

26 (6.5) (blank);

1 (6.6) (blank);

2 (7) (A) not less than 6 years and not more than 30 years
3 with respect to: (i) 15 grams or more but less than 100
4 grams of a substance containing lysergic acid diethylamide
5 (LSD), or an analog thereof, or (ii) 15 or more objects or
6 15 or more segregated parts of an object or objects but
7 less than 200 objects or 200 segregated parts of an object
8 or objects containing in them or having upon them any
9 amounts of any substance containing lysergic acid
10 diethylamide (LSD), or an analog thereof;

11 (B) not less than 9 years and not more than 40 years
12 with respect to: (i) 100 grams or more but less than 400
13 grams of a substance containing lysergic acid diethylamide
14 (LSD), or an analog thereof, or (ii) 200 or more objects or
15 200 or more segregated parts of an object or objects but
16 less than 600 objects or less than 600 segregated parts of
17 an object or objects containing in them or having upon them
18 any amount of any substance containing lysergic acid
19 diethylamide (LSD), or an analog thereof;

20 (C) not less than 12 years and not more than 50 years
21 with respect to: (i) 400 grams or more but less than 900
22 grams of a substance containing lysergic acid diethylamide
23 (LSD), or an analog thereof, or (ii) 600 or more objects or
24 600 or more segregated parts of an object or objects but
25 less than 1500 objects or 1500 segregated parts of an
26 object or objects containing in them or having upon them

1 any amount of any substance containing lysergic acid
2 diethylamide (LSD), or an analog thereof;

3 (D) not less than 15 years and not more than 60 years
4 with respect to: (i) 900 grams or more of any substance
5 containing lysergic acid diethylamide (LSD), or an analog
6 thereof, or (ii) 1500 or more objects or 1500 or more
7 segregated parts of an object or objects containing in them
8 or having upon them any amount of a substance containing
9 lysergic acid diethylamide (LSD), or an analog thereof;

10 (7.5) (A) not less than 6 years and not more than 30 years
11 with respect to: (i) 15 grams or more but less than 100
12 grams of a substance listed in paragraph (1), (2), (2.1),
13 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26)
14 of subsection (d) of Section 204, or an analog or
15 derivative thereof, or (ii) 15 or more pills, tablets,
16 caplets, capsules, or objects but less than 200 pills,
17 tablets, caplets, capsules, or objects containing in them
18 or having upon them any amounts of any substance listed in
19 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
20 (20.1), (21), (25), or (26) of subsection (d) of Section
21 204, or an analog or derivative thereof;

22 (B) not less than 9 years and not more than 40 years
23 with respect to: (i) 100 grams or more but less than 400
24 grams of a substance listed in paragraph (1), (2), (2.1),
25 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26)
26 of subsection (d) of Section 204, or an analog or

1 derivative thereof, or (ii) 200 or more pills, tablets,
2 caplets, capsules, or objects but less than 600 pills,
3 tablets, caplets, capsules, or objects containing in them
4 or having upon them any amount of any substance listed in
5 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
6 (20.1), (21), (25), or (26) of subsection (d) of Section
7 204, or an analog or derivative thereof;

8 (C) not less than 12 years and not more than 50 years
9 with respect to: (i) 400 grams or more but less than 900
10 grams of a substance listed in paragraph (1), (2), (2.1),
11 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26)
12 of subsection (d) of Section 204, or an analog or
13 derivative thereof, or (ii) 600 or more pills, tablets,
14 caplets, capsules, or objects but less than 1,500 pills,
15 tablets, caplets, capsules, or objects containing in them
16 or having upon them any amount of any substance listed in
17 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
18 (20.1), (21), (25), or (26) of subsection (d) of Section
19 204, or an analog or derivative thereof;

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

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

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

8 (9) 30 grams or more of any substance containing
9 methaqualone or any of the salts, isomers and salts of
10 isomers of methaqualone, or an analog thereof;

11 (10) 30 grams or more of any substance containing
12 phencyclidine or any of the salts, isomers and salts of
13 isomers of phencyclidine (PCP), or an analog thereof;

14 (10.5) 30 grams or more of any substance containing
15 ketamine or any of the salts, isomers and salts of isomers
16 of ketamine, or an analog thereof;

17 (10.6) 100 grams or more of any substance containing
18 hydrocodone, or any of the salts, isomers and salts of
19 isomers of hydrocodone, or an analog thereof;

20 (10.7) (blank);

21 (10.8) 100 grams or more of any substance containing
22 dihydrocodeine, or any of the salts, isomers and salts of
23 isomers of dihydrocodeine, or an analog thereof;

24 (10.9) 100 grams or more of any substance containing
25 oxycodone, or any of the salts, isomers and salts of
26 isomers of oxycodone, or an analog thereof;

1 (11) 200 grams or more of any substance containing any
2 other controlled substance classified in Schedules I or II,
3 or an analog thereof, which is not otherwise included in
4 this subsection.

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

17 (b-1) Excluding violations of this Act when the controlled
18 substance is fentanyl, any person sentenced to a term of
19 imprisonment with respect to violations of Section 401, 401.1,
20 405, 405.1, 405.2, or 407, when the substance containing the
21 controlled substance contains any amount of fentanyl, 3 years
22 shall be added to the term of imprisonment imposed by the
23 court, and the maximum sentence for the offense shall be
24 increased by 3 years.

25 (c) Any person who violates this Section with regard to the
26 following amounts of controlled or counterfeit substances or

1 controlled substance analogs, notwithstanding any of the
2 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
3 to the contrary, is guilty of a Class 1 felony. The fine for
4 violation of this subsection (c) shall not be more than
5 \$250,000:

6 (1) 1 gram or more but less than 15 grams of any
7 substance containing heroin, or an analog thereof;

8 (1.5) 1 gram or more but less than 15 grams of any
9 substance containing fentanyl, or an analog thereof;

10 (2) 1 gram or more but less than 15 grams of any
11 substance containing cocaine, or an analog thereof;

12 (3) 10 grams or more but less than 15 grams of any
13 substance containing morphine, or an analog thereof;

14 (4) 50 grams or more but less than 200 grams of any
15 substance containing peyote, or an analog thereof;

16 (5) 50 grams or more but less than 200 grams of any
17 substance containing a derivative of barbituric acid or any
18 of the salts of a derivative of barbituric acid, or an
19 analog thereof;

20 (6) 50 grams or more but less than 200 grams of any
21 substance containing amphetamine or any salt of an optical
22 isomer of amphetamine, or an analog thereof;

23 (6.5) (blank);

24 (7) (i) 5 grams or more but less than 15 grams of any
25 substance containing lysergic acid diethylamide (LSD), or
26 an analog thereof, or (ii) more than 10 objects or more

1 than 10 segregated parts of an object or objects but less
2 than 15 objects or less than 15 segregated parts of an
3 object containing in them or having upon them any amount of
4 any substance containing lysergic acid diethylamide (LSD),
5 or an analog thereof;

6 (7.5) (i) 5 grams or more but less than 15 grams of any
7 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
8 (14.1), (19), (20), (20.1), (21), (25), or (26) of
9 subsection (d) of Section 204, or an analog or derivative
10 thereof, or (ii) more than 10 pills, tablets, caplets,
11 capsules, or objects but less than 15 pills, tablets,
12 caplets, capsules, or objects containing in them or having
13 upon them any amount of any substance listed in paragraph
14 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
15 (21), (25), or (26) of subsection (d) of Section 204, or an
16 analog or derivative thereof;

17 (8) 10 grams or more but less than 30 grams of any
18 substance containing pentazocine or any of the salts,
19 isomers and salts of isomers of pentazocine, or an analog
20 thereof;

21 (9) 10 grams or more but less than 30 grams of any
22 substance containing methaqualone or any of the salts,
23 isomers and salts of isomers of methaqualone, or an analog
24 thereof;

25 (10) 10 grams or more but less than 30 grams of any
26 substance containing phencyclidine or any of the salts,

1 isomers and salts of isomers of phencyclidine (PCP), or an
2 analog thereof;

3 (10.5) 10 grams or more but less than 30 grams of any
4 substance containing ketamine or any of the salts, isomers
5 and salts of isomers of ketamine, or an analog thereof;

6 (10.6) 50 grams or more but less than 100 grams of any
7 substance containing hydrocodone, or any of the salts,
8 isomers and salts of isomers of hydrocodone, or an analog
9 thereof;

10 (10.7) (blank);

11 (10.8) 50 grams or more but less than 100 grams of any
12 substance containing dihydrocodeine, or any of the salts,
13 isomers and salts of isomers of dihydrocodeine, or an
14 analog thereof;

15 (10.9) 50 grams or more but less than 100 grams of any
16 substance containing oxycodone, or any of the salts,
17 isomers and salts of isomers of oxycodone, or an analog
18 thereof;

19 (11) 50 grams or more but less than 200 grams of any
20 substance containing a substance classified in Schedules I
21 or II, or an analog thereof, which is not otherwise
22 included in this subsection.

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 dihydrocodeine or classified in Schedules I or II,

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

10 (d-5) (Blank).

11 (d-7) Any person who violates this Section with regard to
12 any other amount of a controlled substance classified in
13 Schedule II, III, IV, or V that was illegally and directly
14 obtained from a pharmacy, either through robbery, as defined in
15 Section 18-1 of the Criminal Code of 2012, or burglary, as
16 defined in Section 19-1 of the Criminal Code of 2012, which
17 substance is not included under subsection (d) of this Section,
18 is guilty of a Class 2 felony. The fine for violation of this
19 subsection (d-7) shall not be more than \$200,000.

20 (e) Any person who violates this Section with regard to any
21 other amount of a controlled substance other than
22 methamphetamine or counterfeit substance classified in
23 Schedule I or II, or an analog thereof, which substance is not
24 included under subsection (d) of this Section, is guilty of a
25 Class 3 felony. The fine for violation of this subsection (e)
26 shall not be more than \$150,000.

1 (f) Any person who violates this Section with regard to any
2 other amount of a controlled or counterfeit substance
3 classified in Schedule III is guilty of a Class 3 felony. The
4 fine for violation of this subsection (f) shall not be more
5 than \$125,000.

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

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

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

21 (j) (Blank).

22 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17;
23 100-368, eff. 1-1-18.)

24 Section 99. Effective date. This Act takes effect January
25 1, 2020.