



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2186

Introduced 2/26/2021, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Counties Code. Provides that in a county exceeding a population of 3,000,000, if the court determines that the appointment of a special prosecutor is required because the State's Attorney is sick, absent, or unable to fulfill his or her duties or has a conflict of interest, the court shall request the Office of the State's Attorneys Appellate Prosecutor to serve as the special prosecutor where the cause or proceeding is an officer-involved death. Amends the Criminal Code of 2012. Increases the threshold amount of theft not from the person and retail theft that enhances the offense from a misdemeanor to a felony to \$2,000. Amends the Cannabis Control Act, the Illinois Controlled Substances Act, the Drug Paraphernalia Control Act, the Methamphetamine Control and Community Protection Act, and the Unified Code of Corrections. Lowers penalties for the manufacture, delivery, possession with intent to manufacture or deliver, and trafficking and possession of cannabis, controlled substances, and methamphetamine. Amends the Unified Code of Corrections. Makes changes in eligibility for the Offender Initiative Program and the Second Chance Probation Program. Increases the maximum amount of sentence credit that a prisoner may receive for various offenses from 4.5 to 8.5 (from 7.5 to 10.5 for gunrunning, drug-induced homicide, or aggravated methamphetamine-related child endangerment) days of sentence credit for each month of his or her sentence of imprisonment. Reduces the mandatory supervised release term for Class X, 1, and 2 felonies other than certain sex offenses to 18 months. Makes other changes.

LRB102 12161 KMF 17498 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 3. The Counties Code is amended by changing
5 Section 3-9008 as follows:

6 (55 ILCS 5/3-9008) (from Ch. 34, par. 3-9008)

7 Sec. 3-9008. Appointment of attorney to perform duties.

8 (a) (Blank).

9 (a-5) The court on its own motion, or an interested person
10 in a cause or proceeding, civil or criminal, may file a
11 petition alleging that the State's Attorney is sick, absent,
12 or unable to fulfill his or her duties. The court shall
13 consider the petition, any documents filed in response, and if
14 necessary, grant a hearing to determine whether the State's
15 Attorney is sick, absent, or otherwise unable to fulfill his
16 or her duties. If the court finds that the State's Attorney is
17 sick, absent, or otherwise unable to fulfill his or her
18 duties, the court may appoint some competent attorney to
19 prosecute or defend the cause or proceeding.

20 (a-10) The court on its own motion, or an interested
21 person in a cause or proceeding, civil or criminal, may file a
22 petition alleging that the State's Attorney has an actual
23 conflict of interest in the cause or proceeding. The court

1 shall consider the petition, any documents filed in response,
2 and if necessary, grant a hearing to determine whether the
3 State's Attorney has an actual conflict of interest in the
4 cause or proceeding. If the court finds that the petitioner
5 has proven by sufficient facts and evidence that the State's
6 Attorney has an actual conflict of interest in a specific
7 case, the court may appoint some competent attorney to
8 prosecute or defend the cause or proceeding.

9 (a-15) Notwithstanding subsections (a-5) and (a-10) of
10 this Section, the State's Attorney may file a petition to
11 recuse himself or herself from a cause or proceeding for any
12 other reason he or she deems appropriate and the court shall
13 appoint a special prosecutor as provided in this Section.

14 (a-17) In a county exceeding a population of 3,000,000, if
15 the court determines that the appointment of a special
16 prosecutor is required under subsection (a-10) or (a-15), the
17 court shall request the Office of the State's Attorneys
18 Appellate Prosecutor to serve as the special prosecutor where
19 the cause or proceeding is an officer-involved death, as that
20 term is defined in Section 1-5 of the Police and Community
21 Relations Improvement Act. If the Office of the State's
22 Attorneys Appellate Prosecutor accepts the request, the Office
23 of the State's Attorneys Appellate Prosecutor shall be
24 appointed by the court and shall have the same power and
25 authority in relation to the cause or proceeding as the
26 State's Attorney would have had if present and attending to

1 the cause or proceedings.

2 (a-20) Except as provided in subsection (a-17), prior
3 ~~Prior~~ to appointing a private attorney under this Section, the
4 court shall contact public agencies, including, but not
5 limited to, the Office of Attorney General, Office of the
6 State's Attorneys Appellate Prosecutor, or local State's
7 Attorney's Offices throughout the State, to determine a public
8 prosecutor's availability to serve as a special prosecutor at
9 no cost to the county and shall appoint a public agency if they
10 are able and willing to accept the appointment. An attorney so
11 appointed shall have the same power and authority in relation
12 to the cause or proceeding as the State's Attorney would have
13 if present and attending to the cause or proceedings.

14 (b) In case of a vacancy of more than one year occurring in
15 any county in the office of State's attorney, by death,
16 resignation or otherwise, and it becomes necessary for the
17 transaction of the public business, that some competent
18 attorney act as State's attorney in and for such county during
19 the period between the time of the occurrence of such vacancy
20 and the election and qualification of a State's attorney, as
21 provided by law, the vacancy shall be filled upon the written
22 request of a majority of the circuit judges of the circuit in
23 which is located the county where such vacancy exists, by
24 appointment as provided in The Election Code of some competent
25 attorney to perform and discharge all the duties of a State's
26 attorney in the said county, such appointment and all

1 authority thereunder to cease upon the election and
2 qualification of a State's attorney, as provided by law. Any
3 attorney appointed for any reason under this Section shall
4 possess all the powers and discharge all the duties of a
5 regularly elected State's attorney under the laws of the State
6 to the extent necessary to fulfill the purpose of such
7 appointment, and shall be paid by the county he serves not to
8 exceed in any one period of 12 months, for the reasonable
9 amount of time actually expended in carrying out the purpose
10 of such appointment, the same compensation as provided by law
11 for the State's attorney of the county, apportioned, in the
12 case of lesser amounts of compensation, as to the time of
13 service reasonably and actually expended. The county shall
14 participate in all agreements on the rate of compensation of a
15 special prosecutor.

16 (c) An order granting authority to a special prosecutor
17 must be construed strictly and narrowly by the court. The
18 power and authority of a special prosecutor shall not be
19 expanded without prior notice to the county. In the case of the
20 proposed expansion of a special prosecutor's power and
21 authority, a county may provide the court with information on
22 the financial impact of an expansion on the county. Prior to
23 the signing of an order requiring a county to pay for
24 attorney's fees or litigation expenses, the county shall be
25 provided with a detailed copy of the invoice describing the
26 fees, and the invoice shall include all activities performed

1 in relation to the case and the amount of time spent on each
2 activity.

3 (Source: P.A. 99-352, eff. 1-1-16.)

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
17 as would reasonably induce him or her to believe that the
18 property was stolen; or

19 (5) Obtains or exerts control over property in the
20 custody of any law enforcement agency which any law
21 enforcement officer or any individual acting in behalf of
22 a law enforcement agency explicitly represents to the
23 person as being stolen or represents to the person such
24 circumstances as would reasonably induce the person to

1 believe that the property was stolen, and

2 (A) Intends to deprive the owner permanently of
3 the use or benefit of the property; or

4 (B) Knowingly uses, conceals or abandons the
5 property in such manner as to deprive the owner
6 permanently of such use or benefit; or

7 (C) Uses, conceals, or abandons the property
8 knowing such use, concealment or abandonment probably
9 will deprive the owner permanently of such use or
10 benefit.

11 (b) Sentence.

12 (1) Theft of property not from the person and not
13 exceeding \$500 in value is a Class A misdemeanor.

14 (1.1) Theft of property not from the person and not
15 exceeding \$2,000 ~~\$500~~ in value is a Class 4 felony if the
16 theft was committed in a school or place of worship or if
17 the theft was of governmental property.

18 (2) A person who has been convicted of theft of
19 property not from the person and not exceeding \$2,000 ~~\$500~~
20 in value who has been previously convicted of felony ~~any~~
21 ~~type of theft, robbery, armed robbery, burglary,~~
22 ~~residential burglary, possession of burglary tools, home~~
23 ~~invasion, forgery, a violation of Section 4-103, 4-103.1,~~
24 ~~4-103.2, or 4-103.3 of the Illinois Vehicle Code relating~~
25 ~~to the possession of a stolen or converted motor vehicle,~~
26 ~~or a violation of Section 17-36 of the Criminal Code of~~

1 ~~1961 or the Criminal Code of 2012, or Section 8 of the~~
2 ~~Illinois Credit Card and Debit Card Act~~ is guilty of a
3 Class 4 felony.

4 (3) (Blank).

5 (4) Theft of property from the person not exceeding
6 \$500 in value, or theft of property exceeding \$2,000 ~~\$500~~
7 and not exceeding \$10,000 in value, is a Class 3 felony.

8 (4.1) Theft of property from the person not exceeding
9 \$500 in value, or theft of property exceeding \$2,000 ~~\$500~~
10 and not exceeding \$10,000 in value, is a Class 2 felony if
11 the theft was committed in a school or place of worship or
12 if the theft was of governmental property.

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

15 (5.1) Theft of property exceeding \$10,000 and not
16 exceeding \$100,000 in value is a Class 1 felony if the
17 theft was committed in a school or place of worship or if
18 the theft was of governmental property.

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

21 (6.1) Theft of property exceeding \$100,000 in value is
22 a Class X felony if the theft was committed in a school or
23 place of worship or if the theft was of governmental
24 property.

25 (6.2) Theft of property exceeding \$500,000 and not
26 exceeding \$1,000,000 in value is a Class 1

1 non-probationable felony.

2 (6.3) Theft of property exceeding \$1,000,000 in value
3 is a Class X felony.

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

9 (8) Theft by deception, as described by paragraph (2)
10 of subsection (a) of this Section, in which the offender
11 falsely poses as a landlord or agent or employee of the
12 landlord and obtains a rent payment or a security deposit
13 from a tenant is a Class 3 felony if the rent payment or
14 security deposit obtained does not exceed \$500.

15 (9) Theft by deception, as described by paragraph (2)
16 of subsection (a) of this Section, in which the offender
17 falsely poses as a landlord or agent or employee of the
18 landlord and obtains a rent payment or a security deposit
19 from a tenant is a Class 2 felony if the rent payment or
20 security deposit obtained exceeds \$500 and does not exceed
21 \$10,000.

22 (10) 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 1 felony if the rent payment or

1 security deposit obtained exceeds \$10,000 and does not
2 exceed \$100,000.

3 (11) 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 X felony if the rent payment or
8 security deposit obtained exceeds \$100,000.

9 (c) When a charge of theft of property exceeding a
10 specified value is brought, the value of the property involved
11 is an element of the offense to be resolved by the trier of
12 fact as either exceeding or not exceeding the specified value.

13 (d) Theft by lessee; permissive inference. The trier of
14 fact may infer evidence that a person intends to deprive the
15 owner permanently of the use or benefit of the property (1) if
16 a lessee of the personal property of another fails to return it
17 to the owner within 10 days after written demand from the owner
18 for its return or (2) if a lessee of the personal property of
19 another fails to return it to the owner within 24 hours after
20 written demand from the owner for its return and the lessee had
21 presented identification to the owner that contained a
22 materially fictitious name, address, or telephone number. A
23 notice in writing, given after the expiration of the leasing
24 agreement, addressed and mailed, by registered mail, to the
25 lessee at the address given by him and shown on the leasing
26 agreement shall constitute proper demand.

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

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

19 (1) It is no defense to a charge of theft of property
20 that the offender has an interest therein, when the owner
21 also has an interest to which the offender is not
22 entitled.

23 (2) Where the property involved is that of the
24 offender's spouse, no prosecution for theft may be
25 maintained unless the parties were not living together as
26 man and wife and were living in separate abodes at the time

1 of the alleged theft.

2 (Source: P.A. 101-394, eff. 1-1-20.)

3 (720 ILCS 5/16-25)

4 Sec. 16-25. Retail theft.

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

7 (1) Takes possession of, carries away, transfers or
8 causes to be carried away or transferred any merchandise
9 displayed, held, stored or offered for sale in a retail
10 mercantile establishment with the intention of retaining
11 such merchandise or with the intention of depriving the
12 merchant permanently of the possession, use or benefit of
13 such merchandise without paying the full retail value of
14 such merchandise; or

15 (2) Alters, transfers, or removes any label, price
16 tag, marking, indicia of value or any other markings which
17 aid in determining value affixed to any merchandise
18 displayed, held, stored or offered for sale in a retail
19 mercantile establishment and attempts to purchase such
20 merchandise at less than the full retail value with the
21 intention of depriving the merchant of the full retail
22 value of such merchandise; or

23 (3) Transfers any merchandise displayed, held, stored
24 or offered for sale in a retail mercantile establishment
25 from the container in or on which such merchandise is

1 displayed to any other container with the intention of
2 depriving the merchant of the full retail value of such
3 merchandise; or

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

6 (5) Removes a shopping cart from the premises of a
7 retail mercantile establishment without the consent of the
8 merchant given at the time of such removal with the
9 intention of depriving the merchant permanently of the
10 possession, use or benefit of such cart; or

11 (6) Represents to a merchant that he, she, or another
12 is the lawful owner of property, knowing that such
13 representation is false, and conveys or attempts to convey
14 that property to a merchant who is the owner of the
15 property in exchange for money, merchandise credit or
16 other property of the merchant; or

17 (7) Uses or possesses any theft detection shielding
18 device or theft detection device remover with the
19 intention of using such device to deprive the merchant
20 permanently of the possession, use or benefit of any
21 merchandise displayed, held, stored or offered for sale in
22 a retail mercantile establishment without paying the full
23 retail value of such merchandise; or

24 (8) Obtains or exerts unauthorized control over
25 property of the owner and thereby intends to deprive the
26 owner permanently of the use or benefit of the property

1 when a lessee of the personal property of another fails to
2 return it to the owner, or if the lessee fails to pay the
3 full retail value of such property to the lessor in
4 satisfaction of any contractual provision requiring such,
5 within 10 days after written demand from the owner for its
6 return. A notice in writing, given after the expiration of
7 the leasing agreement, by registered mail, to the lessee
8 at the address given by the lessee and shown on the leasing
9 agreement shall constitute proper demand.

10 (b) Theft by emergency exit. A person commits theft by
11 emergency exit when he or she commits a retail theft as defined
12 in subdivisions (a) (1) through (a) (8) of this Section and to
13 facilitate the theft he or she leaves the retail mercantile
14 establishment by use of a designated emergency exit.

15 (c) Permissive inference. If any person:

16 (1) conceals upon his or her person or among his or her
17 belongings unpurchased merchandise displayed, held, stored
18 or offered for sale in a retail mercantile establishment;
19 and

20 (2) removes that merchandise beyond the last known
21 station for receiving payments for that merchandise in
22 that retail mercantile establishment,
23 then the trier of fact may infer that the person possessed,
24 carried away or transferred such merchandise with the
25 intention of retaining it or with the intention of depriving
26 the merchant permanently of the possession, use or benefit of

1 such merchandise without paying the full retail value of such
2 merchandise.

3 To "conceal" merchandise means that, although there may be
4 some notice of its presence, that merchandise is not visible
5 through ordinary observation.

6 (d) Venue. Multiple thefts committed by the same person as
7 part of a continuing course of conduct in different
8 jurisdictions that have been aggregated in one jurisdiction
9 may be prosecuted in any jurisdiction in which one or more of
10 the thefts occurred.

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

15 (f) Sentence.

16 (1) A violation of any of subdivisions (a)(1) through
17 (a)(6) and (a)(8) of this Section, the full retail value
18 of which does not exceed \$2,000 ~~\$300~~ for property other
19 than motor fuel or \$150 for motor fuel, is a Class A
20 misdemeanor. A violation of subdivision (a)(7) of this
21 Section is a Class A misdemeanor for a first offense and a
22 Class 4 felony for a second or subsequent offense. Theft
23 by emergency exit of property, the full retail value of
24 which does not exceed \$2,000 ~~\$300~~, is a Class 4 felony.

25 (2) A person who has been convicted of retail theft of
26 property under any of subdivisions (a)(1) through (a)(6)

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

15 (3) Any retail theft of property under any of
16 subdivisions (a) (1) through (a) (6) and (a) (8) of this
17 Section, the full retail value of which exceeds \$2,000
18 ~~\$300~~ for property other than motor fuel or \$150 for motor
19 fuel in a single transaction, or in separate transactions
20 committed by the same person as part of a continuing
21 course of conduct from one or more mercantile
22 establishments over a period of one year, is a Class 3
23 felony. Theft by emergency exit of property, the full
24 retail value of which exceeds \$2,000 ~~\$300~~ in a single
25 transaction, or in separate transactions committed by the
26 same person as part of a continuing course of conduct from

1 one or more mercantile establishments over a period of one
2 year, is a Class 2 felony. When a charge of retail theft of
3 property or theft by emergency exit of property, the full
4 value of which exceeds \$2,000 ~~\$300~~, is brought, the value
5 of the property involved is an element of the offense to be
6 resolved by the trier of fact as either exceeding or not
7 exceeding \$2,000 ~~\$300~~.

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

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

11 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

12 Sec. 4. Except as otherwise provided in the Cannabis
13 Regulation and Tax Act and the Industrial Hemp Act, it is
14 unlawful for any person knowingly to possess cannabis.

15 Any person who violates this Section with respect to:

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

23 (1) \$10 of the fine to the circuit clerk and \$10 of
24 the fine to the law enforcement agency that issued the

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

8 (2) \$15 to the county to fund drug addiction
9 services;

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

12 (4) \$10 to the State's Attorney; and

13 (5) any remainder of the fine to the law
14 enforcement agency that issued the citation for the
15 violation.

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

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

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

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

11 (e) more than 500 grams but not more than 2,000 grams
12 of any substance containing cannabis is guilty of a Class
13 4 ~~3~~ felony;

14 (f) more than 2,000 grams but not more than 5,000
15 grams of any substance containing cannabis is guilty of a
16 Class 4 ~~2~~ felony;

17 (g) more than 5,000 grams of any substance containing
18 cannabis is guilty of a Class 1 felony.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

20 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

21 Sec. 5. Except as otherwise provided in the Cannabis
22 Regulation and Tax Act and the Industrial Hemp Act, it is
23 unlawful for any person knowingly to manufacture, deliver, or
24 possess with intent to deliver, or manufacture, cannabis. Any
25 person who violates this Section with respect to:

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

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

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

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

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

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

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

24 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

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

1 Sec. 5.1. Cannabis trafficking.

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

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

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

19 (2) was not involved in the organization or planning
20 of the enterprise to manufacture or deliver the cannabis
21 transported.

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

1 ~~the amount of cannabis brought or caused to be brought into~~
2 ~~this State, and not more than twice the maximum term of~~
3 ~~imprisonment and fined twice the amount as authorized by~~
4 ~~subsection (f) or (g) of Section 5 of this Act, based upon the~~
5 ~~amount of cannabis brought or caused to be brought into this~~
6 ~~State.~~

7 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

8 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

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

10 (a.01) Any person who violates subsection (f) of Section 5
11 in any school, on the real property comprising any school, or
12 any conveyance owned, leased or contracted by a school to
13 transport students to or from school or a school-related
14 activity, or on any public way within 500 feet of the real
15 property comprising any school, or any conveyance owned,
16 leased or contracted by a school to transport students to or
17 from school or a school-related activity, is guilty of a Class
18 1 felony;

19 (a) Any person who violates subsection (e) of Section 5 in
20 any school, on the real property comprising any school, or any
21 conveyance owned, leased or contracted by a school to
22 transport students to or from school or a school-related
23 ~~school-related~~ activity, or on any public way within 500 feet
24 of the real property comprising any school, or in any
25 conveyance owned, leased or contracted by a school to

1 transport students to or from school or a school-related
2 ~~school-related~~ activity, and at the time of the violation
3 persons under the age of 18 are present, the offense is
4 committed during school hours, or the offense is committed at
5 times when persons under the age of 18 are reasonably expected
6 to be present in the school, in the conveyance, on the real
7 property, or on the public way, such as when after-school
8 activities are occurring, is guilty of a Class 2 ~~4~~ felony, the
9 fine for which shall not exceed \$200,000.+

10 (b) Any person who violates subsection (d) of Section 5 in
11 any school, on the real property comprising any school, or any
12 conveyance owned, leased or contracted by a school to
13 transport students to or from school or a school-related
14 ~~school-related~~ activity, or on any public way within 500 feet
15 of the real property comprising any school, or in any
16 conveyance owned, leased or contracted by a school to
17 transport students to or from school or a school-related
18 ~~school-related~~ activity, and at the time of the violation
19 persons under the age of 18 are present, the offense is
20 committed during school hours, or the offense is committed at
21 times when persons under the age of 18 are reasonably expected
22 to be present in the school, in the conveyance, on the real
23 property, or on the public way, such as when after-school
24 activities are occurring, is guilty of a Class 3 ~~2~~ felony, the
25 fine for which shall not exceed \$100,000.+

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

1 with respect to more than 15 grams of any substance containing
2 cannabis in any school, on the real property comprising any
3 school, or any conveyance owned, leased or contracted by a
4 school to transport students to or from school or a
5 school-related ~~school-related~~ activity, or on any public way
6 within 500 feet of the real property comprising any school, or
7 in any conveyance owned, leased or contracted by a school to
8 transport students to or from school or a school-related
9 ~~school-related~~ activity, and at the time of the violation
10 persons under the age of 18 are present, the offense is
11 committed during school hours, or the offense is committed at
12 times when persons under the age of 18 are reasonably expected
13 to be present in the school, in the conveyance, on the real
14 property, or on the public way, such as when after-school
15 activities are occurring, is guilty of a Class 4 ~~3~~ felony, the
16 fine for which shall not exceed \$50,000.†

17 (d) (Blank) ~~Any person who violates subsection (b) of~~
18 ~~Section 5 in any school, on the real property comprising any~~
19 ~~school, or any conveyance owned, leased or contracted by a~~
20 ~~school to transport students to or from school or a school~~
21 ~~related activity, or on any public way within 500 feet of the~~
22 ~~real property comprising any school, or in any conveyance~~
23 ~~owned, leased or contracted by a school to transport students~~
24 ~~to or from school or a school related activity, and at the time~~
25 ~~of the violation persons under the age of 18 are present, the~~
26 ~~offense is committed during school hours, or the offense is~~

1 ~~committed at times when persons under the age of 18 are~~
2 ~~reasonably expected to be present in the school, in the~~
3 ~~conveyance, on the real property, or on the public way, such as~~
4 ~~when after school activities are occurring, is guilty of a~~
5 ~~Class 4 felony, the fine for which shall not exceed \$25,000;~~

6 (e) (Blank) ~~Any person who violates subsection (a) of~~
7 ~~Section 5 in any school, on the real property comprising any~~
8 ~~school, or in any conveyance owned, leased or contracted by a~~
9 ~~school to transport students to or from school or a school~~
10 ~~related activity, on any public way within 500 feet of the real~~
11 ~~property comprising any school, or any conveyance owned,~~
12 ~~leased or contracted by a school to transport students to or~~
13 ~~from school or a school related activity, and at the time of~~
14 ~~the violation persons under the age of 18 are present, the~~
15 ~~offense is committed during school hours, or the offense is~~
16 ~~committed at times when persons under the age of 18 are~~
17 ~~reasonably expected to be present in the school, in the~~
18 ~~conveyance, on the real property, or on the public way, such as~~
19 ~~when after school activities are occurring, is guilty of a~~
20 ~~Class A misdemeanor.~~

21 (f) This Section does not apply to a violation that occurs
22 in or on the grounds of a building that is designated as a
23 school but is no longer operational or active as a school,
24 including a building that is temporarily or permanently closed
25 by a unit of local government.

26 (Source: P.A. 100-3, eff. 1-1-18; 101-429, eff. 8-20-19;

1 revised 8-28-20.)

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

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

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

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

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

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

19 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

20 Sec. 8. Except as otherwise provided in the Cannabis
21 Regulation and Tax Act and the Industrial Hemp Act, it is
22 unlawful for any person knowingly to produce the Cannabis
23 sativa plant or to possess such plants unless production or
24 possession has been authorized pursuant to the provisions of

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

3 (a) Not more than 5 plants is guilty of a civil
4 violation punishable by a minimum fine of \$100 and a
5 maximum fine of \$200. The proceeds of the fine are payable
6 to the clerk of the circuit court. Within 30 days after the
7 deposit of the fine, the clerk shall distribute the
8 proceeds of the fine as follows:

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

18 (2) \$15 to the county to fund drug addiction
19 services;

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

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

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

26 With respect to funds designated for the Department of

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

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

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

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

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

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

26 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

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

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

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

15 (c) The conditions of probation shall be that the person:
16 (1) not violate any criminal statute of any jurisdiction; (2)
17 refrain from possession of a firearm or other dangerous
18 weapon; (3) submit to periodic drug testing at a time and in a
19 manner as ordered by the court, but no less than 3 times during
20 the period of the probation, with the cost of the testing to be
21 paid by the probationer; and (4) perform no less than 30 hours
22 of community service, provided community service is available
23 in the jurisdiction and is funded and approved by the county
24 board. The court may give credit toward the fulfillment of
25 community service hours for participation in activities and

1 treatment as determined by court services.

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

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

8 (2) pay a fine and costs;

9 (3) work or pursue a course of study or vocational
10 training;

11 (4) undergo medical or psychiatric treatment; or
12 treatment for drug addiction or alcoholism;

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

15 (6) support his dependents;

16 (7) refrain from possessing a firearm or other
17 dangerous weapon;

18 (7-5) refrain from having in his or her body the
19 presence of any illicit drug prohibited by the Cannabis
20 Control Act, the Illinois Controlled Substances Act, or
21 the Methamphetamine Control and Community Protection Act,
22 unless prescribed by a physician, and submit samples of
23 his or her blood or urine or both for tests to determine
24 the presence of any illicit drug;

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

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

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

5 (e) Upon violation of a term or condition of probation,

6 the court may enter a judgment on its original finding of guilt

7 and proceed as otherwise provided.

8 (f) Upon fulfillment of the terms and conditions of

9 probation, the court shall discharge such person and dismiss

10 the proceedings against him.

11 (g) A disposition of probation is considered to be a

12 conviction for the purposes of imposing the conditions of

13 probation and for appeal, however, discharge and dismissal

14 under this Section is not a conviction for purposes of

15 disqualification or disabilities imposed by law upon

16 conviction of a crime (including the additional penalty

17 imposed for subsequent offenses under Section 4(c), 4(d), 5(c)

18 or 5(d) of this Act).

19 (h) (Blank). ~~A person may not have more than one discharge~~

20 ~~and dismissal under this Section within a 4-year period.~~

21 (i) If a person is convicted of an offense under this Act,

22 the Illinois Controlled Substances Act, or the Methamphetamine

23 Control and Community Protection Act within 5 years subsequent

24 to a discharge and dismissal under this Section, the discharge

25 and dismissal under this Section shall be admissible in the

26 sentencing proceeding for that conviction as a factor in

1 aggravation.

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

16 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
17 100-575, eff. 1-8-18.)

18 (720 ILCS 550/9 rep.)

19 Section 15. The Cannabis Control Act is amended by
20 repealing Section 9.

21 Section 20. The Illinois Controlled Substances Act is
22 amended by changing Sections 401, 401.1, 402, 404, 405.2, 407,
23 407.1, 407.2, and 410 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (6.5) (blank);

14 (6.6) (blank);

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

24 (B) a Class 1 felony ~~not less than 9 years~~ and not more
25 than 40 years with respect to: (i) 100 grams or more but
26 less than 900 ~~400~~ grams of a substance containing lysergic

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

8 (C) (blank); ~~not less than 12 years and not more than~~
9 ~~50 years with respect to: (i) 400 grams or more but less~~
10 ~~than 900 grams of a substance containing lysergic acid~~
11 ~~diethylamide (LSD), or an analog thereof, or (ii) 600 or~~
12 ~~more objects or 600 or more segregated parts of an object~~
13 ~~or objects but less than 1500 objects or 1500 segregated~~
14 ~~parts of an object or objects containing in them or having~~
15 ~~upon them any amount of any substance containing lysergic~~
16 ~~acid diethylamide (LSD), or an analog thereof;~~

17 (D) a Class 1 felony for which the person, if
18 sentenced to a term of imprisonment, shall be sentenced to
19 not less than 6 ~~15~~ years and not more than 30 ~~60~~ years with
20 respect to: (i) 900 grams or more of any substance
21 containing lysergic acid diethylamide (LSD), or an analog
22 thereof, or (ii) 1500 or more objects or 1500 or more
23 segregated parts of an object or objects containing in
24 them or having upon them any amount of a substance
25 containing lysergic acid diethylamide (LSD), or an analog
26 thereof;

1 (7.5) (A) a Class 2 felony ~~not less than 6 years and not~~
2 ~~more than 30 years~~ with respect to: (i) 15 grams or more
3 but less than 100 grams of a substance listed in paragraph
4 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
5 (21), (25), or (26) of subsection (d) of Section 204, or an
6 analog or derivative thereof, or (ii) 15 or more pills,
7 tablets, caplets, capsules, or objects but less than 200
8 pills, tablets, caplets, capsules, or objects containing
9 in them or having upon them any amounts of any substance
10 listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1),
11 (19), (20), (20.1), (21), (25), or (26) of subsection (d)
12 of Section 204, or an analog or derivative thereof;

13 (B) a Class 1 felony ~~not less than 9 years and not more~~
14 ~~than 40 years~~ with respect to: (i) 100 grams or more but
15 less than 400 grams of a substance listed in paragraph
16 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
17 (21), (25), or (26) of subsection (d) of Section 204, or an
18 analog or derivative thereof, or (ii) 200 or more pills,
19 tablets, caplets, capsules, or objects but less than 600
20 pills, tablets, caplets, capsules, or objects containing
21 in them or having upon them any amount 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;

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

1 not less than 6 ~~12~~ years and not more than 30 ~~50~~ years with
2 respect to: (i) 400 grams or more ~~but less than 900 grams~~
3 of a substance listed in paragraph (1), (2), (2.1), (2.2),
4 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
5 subsection (d) of Section 204, or an analog or derivative
6 thereof, or (ii) 600 or more pills, tablets, caplets,
7 capsules, or objects ~~but less than 1,500 pills, tablets,~~
8 ~~caplets, capsules, or objects~~ containing in them or having
9 upon them any amount of any substance listed in paragraph
10 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
11 (21), (25), or (26) of subsection (d) of Section 204, or an
12 analog or derivative thereof;

13 (D) (blank); ~~not less than 15 years and not more than~~
14 ~~60 years with respect to: (i) 900 grams or more of any~~
15 ~~substance listed in paragraph (1), (2), (2.1), (2.2), (3),~~
16 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
17 ~~subsection (d) of Section 204, or an analog or derivative~~
18 ~~thereof, or (ii) 1,500 or more pills, tablets, caplets,~~
19 ~~capsules, or objects containing in them or having upon~~
20 ~~them any amount of a substance listed in paragraph (1),~~
21 ~~(2), (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 (8) a Class 1 felony with respect to 30 grams or more
25 of any substance containing pentazocine or any of the
26 salts, isomers and salts of isomers of pentazocine, or an

1 analog thereof;

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

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

10 (10.5) a Class 1 felony with respect to 30 grams or
11 more of any substance containing ketamine or any of the
12 salts, isomers and salts of isomers of ketamine, or an
13 analog thereof;

14 (10.6) a Class 1 felony with respect to 100 grams or
15 more of any substance containing hydrocodone, or any of
16 the salts, isomers and salts of isomers of hydrocodone, or
17 an analog thereof;

18 (10.7) (blank);

19 (10.8) a Class 1 felony with respect to 100 grams or
20 more of any substance containing dihydrocodeine, or any of
21 the salts, isomers and salts of isomers of dihydrocodeine,
22 or an analog thereof;

23 (10.9) a Class 1 felony with respect to 100 grams or
24 more of any substance containing oxycodone, or any of the
25 salts, isomers and salts of isomers of oxycodone, or an
26 analog thereof;

1 (11) a Class 1 felony with respect to 200 grams or more
2 of any substance containing any other controlled substance
3 classified in Schedules I or II, or an analog thereof,
4 which is not otherwise included in 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
12 value" shall have the meaning ascribed in Section 110-5 of the
13 Code of Criminal Procedure of 1963. Any person sentenced with
14 respect to any other provision of subsection (a), may in
15 addition to the penalties provided therein, be fined an amount
16 not to 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 it is proven that the person
21 knew or should have known that the substance containing the
22 controlled substance contained ~~contains~~ any amount of
23 fentanyl, a term of imprisonment not to exceed 3 years may, at
24 the discretion of the court, ~~shall~~ be added to the term of
25 imprisonment imposed by the court, and the maximum sentence
26 for the offense, if the additional term is imposed, shall be

1 increased by that period of time not to exceed 3 years.

2 (c) Any person who violates this Section with regard to
3 the following amounts of controlled or counterfeit substances
4 or controlled substance analogs, notwithstanding any of the
5 provisions of subsections (a), (b), (d), ~~(e)~~, (f), (g) or (h)
6 to the contrary, shall be sentenced for the class of offense as
7 provided in this subsection (c) is guilty of a Class 1 felony.
8 ~~The fine for violation of this subsection (c) shall not be more~~
9 ~~than \$250,000:~~

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

13 (1.5) a Class 3 felony with respect to 1 gram or more
14 but less than 15 grams of any substance containing
15 fentanyl, or an analog thereof;

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

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

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

25 (4.5) a Class 3 felony with respect to 10 grams or more
26 but less than 50 grams of any substance containing peyote,

1 or an analog thereof;

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

6 (5.5) a Class 3 felony with respect to 10 grams or more
7 but less than 50 grams of any substance containing a
8 derivative of barbituric acid or any of the salts of a
9 derivative of barbituric acid, or an analog thereof;

10 (6) a Class 2 felony with respect to 50 grams or more
11 but less than 200 grams of any substance containing
12 amphetamine or any salt of an optical isomer of
13 amphetamine, or an analog thereof;

14 (6.1) a Class 3 felony with respect to 10 grams or more
15 but less than 50 grams of any substance containing
16 amphetamine or any salt of an optical isomer of
17 amphetamine, or an analog thereof;

18 (6.5) (blank);

19 (7) a Class 3 felony with respect to (i) 5 grams or
20 more but less than 15 grams of any substance containing
21 lysergic acid diethylamide (LSD), or an analog thereof, or
22 (ii) more than 10 objects or more than 10 segregated parts
23 of an object or objects but less than 15 objects or less
24 than 15 segregated parts of an object containing in them
25 or having upon them any amount of any substance containing
26 lysergic acid diethylamide (LSD), or an analog thereof;

1 (7.5) a Class 3 felony with respect to (i) 5 grams or
2 more but less than 15 grams of any substance listed in
3 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
4 (20.1), (21), (25), or (26) of subsection (d) of Section
5 204, or an analog or derivative thereof, or (ii) more than
6 10 pills, tablets, caplets, capsules, or objects but less
7 than 15 pills, tablets, caplets, capsules, or objects
8 containing in them or having upon them any amount of any
9 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
10 (14.1), (19), (20), (20.1), (21), (25), or (26) of
11 subsection (d) of Section 204, or an analog or derivative
12 thereof;

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

17 (8.5) a Class 3 felony with respect to 5 grams or more
18 but less than 10 grams of pentazocine, or an analog
19 thereof;

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

24 (9.5) a Class 3 felony with respect to 5 grams or more
25 but less than 10 grams of any substance containing
26 methaqualone or any of the salts, isomers and salts of

1 isomers of methaqualone, or an analog thereof;

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

6 (10.1) a Class 3 felony with respect to 5 grams or more
7 but less than 10 grams of any substance containing
8 phencyclidine or any of the salts, isomers and salts of
9 isomers of phencyclidine (PCP), or an analog thereof;

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

14 (10.5-1) a Class 3 felony with respect to 5 grams or
15 more but less than 10 grams of any substance containing
16 ketamine or any of the salts, isomers and salts of isomers
17 of ketamine, or an analog thereof;

18 (10.6) a Class 2 felony with respect to 50 grams or
19 more but less than 100 grams of any substance containing
20 hydrocodone, or any of the salts, isomers and salts of
21 isomers of hydrocodone, or an analog thereof;

22 (10.6-1) a Class 3 felony with respect to 10 grams or
23 more but less than 50 grams of any substance containing
24 hydrocodone, or any of the salts, isomers and salts of
25 isomers of hydrocodone, or an analog thereof;

26 (10.7) (blank);

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

5 (10.8) a Class 2 felony with respect to 50 grams or
6 more but less than 100 grams of any substance containing
7 dihydrocodeine, or any of the salts, isomers and salts of
8 isomers of dihydrocodeine, or an analog thereof;

9 (10.8-1) a Class 3 felony with respect to 10 grams or
10 more but less than 50 grams of any substance containing
11 dihydrocodeine, or any of the salts, isomers and salts of
12 isomers of dihydrocodeine, or an analog thereof;

13 (10.9) a Class 2 felony with respect to 50 grams or
14 more but less than 100 grams of any substance containing
15 oxycodone, or any of the salts, isomers and salts of
16 isomers of oxycodone, or an analog thereof;

17 (10.9-1) a Class 3 felony with respect to 10 grams or
18 more but less than 50 grams of any substance containing
19 oxycodone, or any of the salts, isomers and salts of
20 isomers of oxycodone, or an analog thereof;

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

26 (11.1) a Class 3 felony with respect to 10 grams or

1 more but less than 50 grams of any substance containing a
2 substance classified in Schedules I or II, or an analog
3 thereof, which is not otherwise included in this
4 subsection (c);

5 (c-5) (Blank).

6 (d) Any person who violates this Section with regard to
7 any other amount of a controlled or counterfeit substance
8 ~~containing dihydrocodeine or~~ classified in Schedules I or II,
9 or an analog thereof, which is not otherwise included in
10 subsection (a), (b), or (c), ~~which is (i) a narcotic drug, (ii)~~
11 ~~lysergic acid diethylamide (LSD) or an analog thereof, (iii)~~
12 ~~any substance containing amphetamine or fentanyl or any salt~~
13 ~~or optical isomer of amphetamine or fentanyl, or an analog~~
14 ~~thereof, or (iv) any substance containing N-Benzylpiperazine~~
15 ~~(BZP) or any salt or optical isomer of N-Benzylpiperazine~~
16 ~~(BZP), or an analog thereof,~~ is guilty of a Class 4 ~~2~~ felony.
17 ~~The fine for violation of this subsection (d) shall not be more~~
18 ~~than \$200,000.~~

19 (d-5) (Blank).

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

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

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

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

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

26 (h-1) Any person who violates this Section with regard to

1 any other amount of a controlled or counterfeit substance
2 classified in Schedule V, which is not otherwise included in
3 subsection (a), (b), or (c), is guilty of a Class 4 felony.

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

9 (j) (Blank).

10 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17;
11 100-368, eff. 1-1-18.)

12 (720 ILCS 570/401.1) (from Ch. 56 1/2, par. 1401.1)

13 Sec. 401.1. Controlled Substance Trafficking.

14 (a) Except for purposes as authorized by this Act, any
15 person who knowingly brings or causes to be brought into this
16 State 400 grams or more of a controlled substance or 600 or
17 more objects or 600 or more segregated parts of an object or
18 objects containing in them or having upon them any amounts of
19 any substance containing lysergic acid diethylamide (LSD), or
20 an analog thereof or 600 or more pills, tablets, caplets,
21 capsules, or objects containing in them or having upon them
22 any amount of any substance listed in paragraph (1), (2),
23 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
24 (26) of subsection (d) of Section 204, or an analog or
25 derivative thereof for the purpose of manufacture or delivery

1 or with the intent to manufacture or deliver a controlled
2 substance other than methamphetamine or counterfeit substance
3 in this or any other state or country is guilty of controlled
4 substance trafficking.

5 (b) Except as otherwise provided in subsection (b-5), a ~~A~~
6 person convicted of controlled substance trafficking shall be
7 sentenced for the class of an offense that is one class higher
8 than the amount authorized by Section 401 of this Act for the
9 manufacture or delivery, or possession with intent to
10 manufacture or deliver, based upon the amount of controlled or
11 counterfeit substance brought or caused to be brought into
12 this State. If the sentence for the underlying offense under
13 Section 401 of this Act is a Class 1 felony for which the
14 offender may be sentenced to a term of imprisonment of not less
15 than 6 years and not more than 30 years, the penalty for
16 controlled substance trafficking is a Class 1 felony for which
17 the person may be sentenced to a term of imprisonment of not
18 less than 9 years and not more than 40 years ~~to a term of~~
19 ~~imprisonment not less than twice the minimum term and fined an~~
20 ~~amount as authorized by Section 401 of this Act, based upon the~~
21 ~~amount of controlled or counterfeit substance brought or~~
22 ~~caused to be brought into this State, and not more than twice~~
23 ~~the maximum term of imprisonment and fined twice the amount as~~
24 ~~authorized by Section 401 of this Act, based upon the amount of~~
25 ~~controlled or counterfeit substance brought or caused to be~~
26 ~~brought into this State.~~

1 (b-5) A person convicted of controlled substance
2 trafficking shall be sentenced as authorized by Section 401,
3 based upon the amount of the controlled or counterfeit
4 substance brought or caused to be brought into this State, if
5 the person at sentencing proves by a preponderance of the
6 evidence that he or she:

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

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

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

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

21 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

22 Sec. 402. Except as otherwise authorized by this Act, it
23 is unlawful for any person knowingly to possess a controlled
24 or counterfeit substance or controlled substance analog. A
25 violation of this Act with respect to each of the controlled

1 substances listed herein constitutes a single and separate
2 violation of this Act. For purposes of this Section,
3 "controlled substance analog" or "analog" means a substance,
4 other than a controlled substance, which is not approved by
5 the United States Food and Drug Administration or, if
6 approved, is not dispensed or possessed in accordance with
7 State or federal law, and that has a chemical structure
8 substantially similar to that of a controlled substance in
9 Schedule I or II, or that was specifically designed to produce
10 an effect substantially similar to that of a controlled
11 substance in Schedule I or II. Examples of chemical classes in
12 which controlled substance analogs are found include, but are
13 not limited to, the following: phenethylamines, N-substituted
14 piperidines, morphinans, ecgonines, quinazolinones,
15 substituted indoles, and arylcycloalkylamines. For purposes of
16 this Act, a controlled substance analog shall be treated in
17 the same manner as the controlled substance to which it is
18 substantially similar.

19 (a) Any person who violates this Section with respect to
20 the following controlled or counterfeit substances and
21 amounts, notwithstanding any of the provisions of subsections
22 (c) and (d) to the contrary, ~~is guilty of a Class 1 felony and~~
23 shall, if sentenced to a term of imprisonment, be sentenced
24 for the class of offense as provided in this subsection (a) and
25 fined as provided in subsection (b):

26 (1) (A) a Class 3 felony ~~not less than 4 years and not~~

1 ~~more than 15 years~~ with respect to 15 grams or more but
2 less than 100 grams of a substance containing heroin;

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 a substance containing
6 heroin;

7 (C) a Class 1 felony ~~not less than 8 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 heroin;

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 heroin;~~

14 (1.5) (A) a Class 3 felony with respect to 15 grams or
15 more but less than 100 grams of a substance containing
16 fentanyl;

17 (B) a Class 2 felony with respect to 100 grams or
18 more but less than 400 grams of a substance containing
19 fentanyl;

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

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

26 (B) a Class 2 felony ~~not less than 6 years and not~~

1 ~~more than 30 years~~ with respect to 100 grams or more
2 but less than 400 grams of any substance containing
3 cocaine;

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

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

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

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

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

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

26 (4) a Class 2 felony with respect to 200 grams or more

1 of any substance containing peyote;

2 (4.5) a Class 4 felony with respect to 15 grams or more
3 but less than 200 grams of a substance containing peyote;

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

8 (5.5) a Class 4 felony with respect to 15 grams or more
9 but less than 200 grams of a substance containing a
10 derivative of barbituric acid or any of the salts of a
11 derivative of barbituric acid;

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

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

19 (6.5) (blank);

20 (7) (A) a Class 3 felony ~~not less than 4 years and not~~
21 ~~more than 15 years~~ with respect to: (i) 15 grams or
22 more but less than 100 grams of any substance
23 containing lysergic acid diethylamide (LSD), or an
24 analog thereof, or (ii) 15 or more objects or 15 or
25 more segregated parts of an object or objects but less
26 than 200 objects or 200 segregated parts of an object

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

4 (B) a Class 2 felony ~~not less than 6 years and not~~
5 ~~more than 30 years~~ with respect to: (i) 100 grams or
6 more but less than 400 grams of any 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 600 objects or less than 600 segregated parts of
11 an object or objects containing in them or having upon
12 them any amount of any substance containing lysergic
13 acid diethylamide (LSD), or an analog thereof;

14 (C) a Class 1 felony ~~not less than 8 years and not~~
15 ~~more than 40 years~~ with respect to: (i) 400 grams or
16 more ~~but less than 900 grams~~ of any substance
17 containing lysergic acid diethylamide (LSD), or an
18 analog thereof, or (ii) 600 or more objects or 600 or
19 more segregated parts of an object or objects ~~but less~~
20 ~~than 1500 objects or 1500 segregated parts of an~~
21 ~~object or objects~~ containing in them or having upon
22 them any amount of any substance containing lysergic
23 acid diethylamide (LSD), or an analog thereof;

24 (D) (blank) ~~not less than 10 years and not more~~
25 ~~than 50 years with respect to: (i) 900 grams or more of~~
26 ~~any substance containing lysergic acid diethylamide~~

1 ~~(LSD), or an analog thereof, or (ii) 1500 or more~~
2 ~~objects or 1500 or more segregated parts of an object~~
3 ~~or objects containing in them or having upon them any~~
4 ~~amount of a substance containing lysergic acid~~
5 ~~diethylamide (LSD), or an analog thereof;~~

6 (7.5) (A) a Class 3 felony ~~not less than 4 years and~~
7 ~~not more than 15 years~~ with respect to: (i) 15 grams or
8 more but less than 100 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) 15 or more pills, tablets, caplets, capsules, or
13 objects but less than 200 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 (B) a Class 2 felony ~~not less than 6 years and not~~
20 ~~more than 30 years~~ with respect to: (i) 100 grams or
21 more but less than 400 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) 200 or more pills, tablets, caplets, capsules, or
26 objects but less than 600 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 (C) a Class 1 felony ~~not less than 8 years and not~~
7 ~~more than 40 years~~ with respect to: (i) 400 grams or
8 more ~~but less than 900 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) 600 or more pills, tablets, caplets, capsules, or
13 objects ~~but less than 1,500 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 (D) (blank) ~~not less than 10 years and not more~~
20 ~~than 50 years with respect to: (i) 900 grams or more of~~
21 ~~any substance listed in paragraph (1), (2), (2.1),~~
22 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~
23 ~~(26) of subsection (d) of Section 204, or an analog or~~
24 ~~derivative thereof, or (ii) 1,500 or more pills,~~
25 ~~tablets, caplets, capsules, or objects containing in~~
26 ~~them or having upon them any amount of a substance~~

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

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

9 (8.5) a Class 4 felony with respect to 15 grams or more
10 but less than 30 grams of a substance containing
11 pentazocine or any of the salts, isomers and salts of
12 isomers of pentazocine, or an analog thereof;

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

16 (9.5) a Class 4 felony with respect to 15 grams or more
17 but less than 30 grams of a substance containing
18 methaqualone or any of the salts, isomers and salts of
19 isomers of methaqualone;

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

24 (10.1) a Class 4 felony with respect to 15 grams or
25 more but less than 30 grams of a substance containing
26 phencyclidine or any of the salts, isomers and salts of

1 isomers of phencyclidine (PCP);

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

5 (10.6) a Class 4 felony with respect to 15 grams or
6 more but less than 30 grams of any substance containing
7 ketamine or any of the salts, isomers and salts of isomers
8 of ketamine;

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

13 (12) a Class 3 felony with respect to 15 grams or more
14 but less than 200 grams of any substance containing any
15 substance classified as a narcotic drug in Schedules I or
16 II, or an analog thereof, which is not otherwise included
17 in this subsection.

18 (b) Any person sentenced with respect to violations of
19 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
20 involving 100 grams or more of the controlled substance named
21 therein, may in addition to the penalties provided therein, be
22 fined an amount not to exceed \$200,000 or the full street value
23 of the controlled or counterfeit substances, whichever is
24 greater. The term "street value" shall have the meaning
25 ascribed in Section 110-5 of the Code of Criminal Procedure of
26 1963. Any person sentenced with respect to any other provision

1 of subsection (a), may in addition to the penalties provided
2 therein, be fined an amount not to exceed \$200,000.

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

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

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

15 (720 ILCS 570/404) (from Ch. 56 1/2, par. 1404)

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

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

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

25 (3) "Manufacture" means the producing, preparing,

1 compounding, processing, encapsulating, packaging,
2 repackaging, labeling or relabeling of a look-alike
3 substance.

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

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

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

18 (e) Nothing in this Section applies to:

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

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

25 (3) The retention of production samples of
26 noncontrolled substances produced prior to the effective

1 date of this amendatory Act of 1982, where such samples
2 are required by federal law.

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

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

9 (720 ILCS 570/405.2)

10 Sec. 405.2. Streetgang criminal drug conspiracy.

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

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

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

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

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

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

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

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

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

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

25 (1) the receipts obtained by him or her in such
26 conspiracy; and

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

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

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

11 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

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

24 (B) (Blank).

25 (2) (Blank). ~~Except as provided in paragraph (3) of this~~

1 ~~subsection, any person who violates:~~

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

8 ~~(B) subsection (d) of Section 401 by delivering or~~
9 ~~possessing with intent to deliver a controlled,~~
10 ~~counterfeit, or look-alike substance in or on, or within~~
11 ~~500 feet of, a truck stop or safety rest area, is guilty of~~
12 ~~a Class 2 felony, the fine for which shall not exceed~~
13 ~~\$200,000;~~

14 ~~(C) subsection (e) of Section 401 or subsection (b) of~~
15 ~~Section 404 by delivering or possessing with intent to~~
16 ~~deliver a controlled, counterfeit, or look-alike substance~~
17 ~~in or on, or within 500 feet of, a truck stop or safety~~
18 ~~rest area, is guilty of a Class 3 felony, the fine for~~
19 ~~which shall not exceed \$150,000;~~

20 ~~(D) subsection (f) of Section 401 by delivering or~~
21 ~~possessing with intent to deliver a controlled,~~
22 ~~counterfeit, or look-alike substance in or on, or within~~
23 ~~500 feet of, a truck stop or safety rest area, is guilty of~~
24 ~~a Class 3 felony, the fine for which shall not exceed~~
25 ~~\$125,000;~~

26 ~~(E) subsection (g) of Section 401 by delivering or~~

1 ~~possessing with intent to deliver a controlled,~~
2 ~~counterfeit, or look-alike substance in or on, or within~~
3 ~~500 feet of, a truck stop or safety rest area, is guilty of~~
4 ~~a Class 3 felony, the fine for which shall not exceed~~
5 ~~\$100,000;~~

6 ~~(F) subsection (h) of Section 401 by delivering or~~
7 ~~possessing with intent to deliver a controlled,~~
8 ~~counterfeit, or look-alike substance in or on, or within~~
9 ~~500 feet of, a truck stop or safety rest area, is guilty of~~
10 ~~a Class 3 felony, the fine for which shall not exceed~~
11 ~~\$75,000;~~

12 (3) (Blank). ~~Any person who violates paragraph (2) of this~~
13 ~~subsection (a) by delivering or possessing with intent to~~
14 ~~deliver a controlled, counterfeit, or look-alike substance in~~
15 ~~or on, or within 500 feet of a truck stop or a safety rest~~
16 ~~area, following a prior conviction or convictions of paragraph~~
17 ~~(2) of this subsection (a) may be sentenced to a term of~~
18 ~~imprisonment up to 2 times the maximum term and fined an amount~~
19 ~~up to 2 times the amount otherwise authorized by Section 401.~~

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

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

25 ~~(B) "Truck stop" means any facility (and its parking~~
26 ~~areas) used to provide fuel or service, or both, to any~~

1 ~~commercial motor vehicle as defined in Section 18b-101 of~~
2 ~~the Illinois Vehicle Code.~~

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

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

3 ~~(1) subsection (c) of Section 401 in any school, on or~~
4 ~~within 500 feet of the real property comprising any~~
5 ~~school, or in any conveyance owned, leased or contracted~~
6 ~~by a school to transport students to or from school or a~~
7 ~~school related activity, and at the time of the violation~~
8 ~~persons under the age of 18 are present, the offense is~~
9 ~~committed during school hours, or the offense is committed~~
10 ~~at times when persons under the age of 18 are reasonably~~
11 ~~expected to be present in the school, in the conveyance,~~
12 ~~or on the real property, such as when after school~~
13 ~~activities are occurring, or in any public park or on or~~
14 ~~within 500 feet of the real property comprising any public~~
15 ~~park, on the real property comprising any church,~~
16 ~~synagogue, or other building, structure, or place used~~
17 ~~primarily for religious worship, or within 500 feet of the~~
18 ~~real property comprising any church, synagogue, or other~~
19 ~~building, structure, or place used primarily for religious~~
20 ~~worship, on the real property comprising any of the~~
21 ~~following places, buildings, or structures used primarily~~
22 ~~for housing or providing space for activities for senior~~
23 ~~citizens: nursing homes, assisted living centers, senior~~
24 ~~citizen housing complexes, or senior centers oriented~~
25 ~~toward daytime activities, or within 500 feet of the real~~
26 ~~property comprising any of the following places,~~

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

17 ~~(2) subsection (d) of Section 401 in any school, on or~~
18 ~~within 500 feet of the real property comprising any~~
19 ~~school, or in any conveyance owned, leased or contracted~~
20 ~~by a school to transport students to or from school or a~~
21 ~~school related activity, and at the time of the violation~~
22 ~~persons under the age of 18 are present, the offense is~~
23 ~~committed during school hours, or the offense is committed~~
24 ~~at times when persons under the age of 18 are reasonably~~
25 ~~expected to be present in the school, in the conveyance,~~
26 ~~or on the real property, such as when after school~~

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

1 ~~toward daytime activities during the hours these places,~~
2 ~~buildings, or structures are open for those activities, or~~
3 ~~on the real property is guilty of a Class 1 felony, the~~
4 ~~fine for which shall not exceed \$250,000;~~

5 ~~(3) subsection (c) of Section 401 or Subsection (b) of~~
6 ~~Section 404 in any school, on or within 500 feet of the~~
7 ~~real property comprising any school, or in any conveyance~~
8 ~~owned, leased or contracted by a school to transport~~
9 ~~students to or from school or a school related activity,~~
10 ~~and at the time of the violation persons under the age of~~
11 ~~18 are present, the offense is committed during school~~
12 ~~hours, or the offense is committed at times when persons~~
13 ~~under the age of 18 are reasonably expected to be present~~
14 ~~in the school, in the conveyance, or on the real property,~~
15 ~~such as when after-school activities are occurring, or in~~
16 ~~any public park or on or within 500 feet of the real~~
17 ~~property comprising any 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 500 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 500 feet of the real property comprising any of the~~
3 ~~following places, buildings, or structures used primarily~~
4 ~~for housing or providing space for activities for senior~~
5 ~~citizens: nursing homes, assisted living centers, senior~~
6 ~~citizen housing complexes, or senior centers oriented~~
7 ~~toward daytime activities and at the time of the violation~~
8 ~~persons are present or reasonably expected to be present~~
9 ~~in the church, synagogue, or other building, structure, or~~
10 ~~place used primarily for religious worship during worship~~
11 ~~services, or in buildings or structures used primarily for~~
12 ~~housing or providing space for activities for senior~~
13 ~~citizens: nursing homes, assisted living centers, senior~~
14 ~~citizen housing complexes, or senior centers oriented~~
15 ~~toward daytime activities during the hours those places,~~
16 ~~buildings, or structures are open for those activities, or~~
17 ~~on the real property is guilty of a Class 2 felony, the~~
18 ~~fine for which shall not exceed \$200,000;~~

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

1 ~~expected to be present in the school, in the conveyance,~~
2 ~~or on the real property, such as when after school~~
3 ~~activities are occurring, or in any public park or on or~~
4 ~~within 500 feet of the real property comprising any 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 500 feet of the~~
8 ~~real property comprising any church, synagogue, or other~~
9 ~~building, structure, or place used primarily for religious~~
10 ~~worship, on the real property comprising any of the~~
11 ~~following places, buildings, or structures used primarily~~
12 ~~for housing or providing space for activities for senior~~
13 ~~citizens: nursing homes, assisted living centers, senior~~
14 ~~citizen housing complexes, or senior centers oriented~~
15 ~~toward daytime activities, or within 500 feet of the real~~
16 ~~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 and at the time of the violation~~
22 ~~persons are present or reasonably expected to be present~~
23 ~~in the church, synagogue, or other building, structure, or~~
24 ~~place used primarily for religious worship during worship~~
25 ~~services, or in buildings or structures used primarily for~~
26 ~~housing or providing space for activities for senior~~

1 ~~citizens: nursing homes, assisted living centers, senior~~
2 ~~citizen housing complexes, or senior centers oriented~~
3 ~~toward daytime activities during the hours those places,~~
4 ~~buildings, or structures are open for those activities, or~~
5 ~~on the real property is guilty of a Class 2 felony, the~~
6 ~~fine for which shall not exceed \$150,000;~~

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

1 ~~citizens: nursing homes, assisted living centers, senior~~
2 ~~citizen housing complexes, or senior centers oriented~~
3 ~~toward daytime activities, or within 500 feet of the real~~
4 ~~property comprising any of the following places,~~
5 ~~buildings, or structures used primarily for housing or~~
6 ~~providing space for activities for senior citizens:~~
7 ~~nursing homes, assisted living centers, senior citizen~~
8 ~~housing complexes, or senior centers oriented toward~~
9 ~~daytime activities and at the time of the violation~~
10 ~~persons are present or reasonably expected to be present~~
11 ~~in the church, synagogue, or other building, structure, or~~
12 ~~place used primarily for religious worship during worship~~
13 ~~services, or in buildings or structures used primarily for~~
14 ~~housing or providing space for activities for senior~~
15 ~~citizens: nursing homes, assisted living centers, senior~~
16 ~~citizen housing complexes, or senior centers oriented~~
17 ~~toward daytime activities during the hours those places,~~
18 ~~buildings, or structures are open for those activities, or~~
19 ~~on the real property is guilty of a Class 2 felony, the~~
20 ~~fine for which shall not exceed \$125,000;~~

21 ~~(6) subsection (h) of Section 401 in any school, on or~~
22 ~~within 500 feet of the real property comprising any~~
23 ~~school, or in any conveyance owned, leased or contracted~~
24 ~~by a school to transport students to or from school or a~~
25 ~~school related activity, and at the time of the violation~~
26 ~~persons under the age of 18 are present, the offense is~~

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

1 ~~services, or in buildings or structures used primarily for~~
2 ~~housing or providing space for activities for senior~~
3 ~~citizens: nursing homes, assisted living centers, senior~~
4 ~~citizen housing complexes, or senior centers oriented~~
5 ~~toward daytime activities during the hours those places,~~
6 ~~buildings, or structures are open for those activities, or~~
7 ~~on the real property is guilty of a Class 2 felony, the~~
8 ~~fine for which shall not exceed \$100,000.~~

9 (c) (Blank). ~~Regarding penalties prescribed in subsection~~
10 ~~(b) for violations committed in a school or on or within 500~~
11 ~~feet of school property, the time of day and time of year at~~
12 ~~the time of the offense is irrelevant.~~

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

14 (720 ILCS 570/407.1) (from Ch. 56 1/2, par. 1407.1)

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

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

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

2 Sec. 407.2. Delivery of a controlled substance to a
3 pregnant woman.

4 (a) Any person who violates any subsection ~~(a)~~ of Section
5 401 of this Act by delivering a controlled substance to a woman
6 he knows to be pregnant may, at the discretion of the court, be
7 sentenced to a maximum term of imprisonment that is equal to
8 the maximum term of imprisonment for the underlying offense
9 plus the minimum term of imprisonment for the underlying
10 offense ~~a term twice the maximum amount authorized by Section~~
11 ~~401 of this Act.~~

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

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

18 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

19 Sec. 410. (a) Whenever any person who has not previously
20 been convicted of any felony offense under this Act or any law
21 of the United States or of any State relating to cannabis or
22 controlled substances, pleads guilty to or is found guilty of
23 possession of a controlled or counterfeit substance under
24 subsection (c) of Section 402 or of unauthorized possession of

1 prescription form under Section 406.2, the court, without
2 entering a judgment and with the consent of such person, may
3 sentence him or her to probation.

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

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

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

23 (1) make a report to and appear in person before or
24 participate with the court or such courts, person, or
25 social service agency as directed by the court in the
26 order of probation;

- 1 (2) pay a fine and costs;
- 2 (3) work or pursue a course of study or vocational
3 training;
- 4 (4) undergo medical or psychiatric treatment; or
5 treatment or rehabilitation approved by the Illinois
6 Department of Human Services;
- 7 (5) attend or reside in a facility established for the
8 instruction or residence of defendants on probation;
- 9 (6) support his or her dependents;
- 10 (6-5) refrain from having in his or her body the
11 presence of any illicit drug prohibited by the Cannabis
12 Control Act, the Illinois Controlled Substances Act, or
13 the Methamphetamine Control and Community Protection Act,
14 unless prescribed by a physician, and submit samples of
15 his or her blood or urine or both for tests to determine
16 the presence of any illicit drug;
- 17 (7) and in addition, if a minor:
- 18 (i) reside with his or her parents or in a foster
19 home;
- 20 (ii) attend school;
- 21 (iii) attend a non-residential program for youth;
- 22 (iv) contribute to his or her own support at home
23 or in a foster home.
- 24 (e) Upon violation of a term or condition of probation,
25 the court may enter a judgment on its original finding of guilt
26 and proceed as otherwise provided.

1 (f) Upon fulfillment of the terms and conditions of
2 probation, the court shall discharge the person and dismiss
3 the proceedings against him or her.

4 (g) A disposition of probation is considered to be a
5 conviction for the purposes of imposing the conditions of
6 probation and for appeal, however, discharge and dismissal
7 under this Section is not a conviction for purposes of this Act
8 or for purposes of disqualifications or disabilities imposed
9 by law upon conviction of a crime.

10 (h) (Blank). ~~A person may not have more than one discharge~~
11 ~~and dismissal under this Section within a 4-year period.~~

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
23 Act. The drug court team shall evaluate the person's
24 likelihood of successfully completing a sentence of probation
25 under this Section and shall report the results of its
26 evaluation to the court. If the drug court team finds that the

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

7 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
8 100-575, eff. 1-8-18.)

9 (720 ILCS 570/405 rep.)

10 (720 ILCS 570/405.1 rep.)

11 (720 ILCS 570/408 rep.)

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

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

16 (720 ILCS 600/3.5)

17 Sec. 3.5. Possession of drug paraphernalia.

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

1 other penalty prescribed for a Class A misdemeanor. This
2 subsection (a) does not apply to a person who is legally
3 authorized to possess hypodermic syringes or needles under the
4 Hypodermic Syringes and Needles Act.

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

9 (Source: P.A. 101-593, eff. 12-4-19.)

10 Section 35. The Methamphetamine Control and Community
11 Protection Act is amended by changing Sections 15, 20, 25, 30,
12 35, 40, 45, 50, 55, 56, 60, and 70 and by adding Sections 55.1,
13 55.2, 55.3, 55.4, and 55.5 as follows:

14 (720 ILCS 646/15)

15 Sec. 15. Participation in methamphetamine manufacturing.

16 (a) Participation in methamphetamine manufacturing.

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

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

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

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

3 (B) A person who participates in the manufacture
4 of 15 or more grams but less than 100 grams of
5 methamphetamine or a substance containing
6 methamphetamine is guilty of a Class 1 ~~*~~ 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 manufactured, whichever is greater.

11 (C) A person who participates in the manufacture
12 of 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, for
15 which the person may be sentenced ~~subject~~ to a term of
16 imprisonment of not less than 6 ~~9~~ years and not more
17 than 30 ~~40~~ years, and subject to a fine not to exceed
18 \$200,000 or the street value of the methamphetamine
19 manufactured, whichever is greater.

20 (D) A person who participates in the manufacture
21 of 400 or more grams but less than 900 grams of
22 methamphetamine or a substance containing
23 methamphetamine is guilty of a Class 1 ~~*~~ felony, for
24 which the person may be sentenced ~~subject~~ to a term of
25 imprisonment of not less than 6 ~~12~~ years and not more
26 than 30 ~~50~~ years, and subject to a fine not to exceed

1 \$300,000 or the street value of the methamphetamine
2 manufactured, whichever is greater.

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

11 (b) Aggravated participation in methamphetamine
12 manufacturing.

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

18 (A) the person knowingly does so in a multi-unit
19 dwelling;

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

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

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

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

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

19 (G) the person knowingly organizes, directs, or
20 finances the methamphetamine manufacturing or
21 activities carried out in support of the
22 methamphetamine manufacturing; or

23 (H) the methamphetamine manufacturing occurs
24 within 500 feet of a place of worship or parsonage, or
25 within 500 feet of the real property comprising any
26 school at a time when children, clergy, patrons,

1 staff, or other persons are present or any activity
2 sanctioned by the place of worship or parsonage or
3 school is taking place.

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

13 (B) A person who participates in the manufacture
14 of 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
23 of 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
6 of 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. 100-3, eff. 1-1-18.)

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~~
9 ~~than 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

1 evidence 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
4 container is admissible for a violation of this Act for
5 purposes of 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
16 in any of these activities with the intent that the
17 anhydrous 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 ± 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
24 is 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
8 is 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
23 is 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
8 is 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
22 endangerment.

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

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

7 (2) A person who violates paragraph (1) of this
8 subsection (b) is guilty of a Class 1 * felony, ~~subject to~~
9 ~~a term of imprisonment of not less than 6 years and not~~
10 ~~more than 30 years,~~ and subject to a fine not to exceed
11 \$100,000.

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

13 (720 ILCS 646/55)

14 Sec. 55. Methamphetamine delivery.

15 (a) Delivery or possession with intent to deliver
16 methamphetamine or a substance containing methamphetamine.

17 (1) It is unlawful knowingly to engage in the delivery
18 or possession with intent to deliver methamphetamine or a
19 substance containing methamphetamine.

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

22 (A) A person who delivers or possesses with intent
23 to deliver less than one gram ~~5 grams~~ of
24 methamphetamine or a substance containing
25 methamphetamine is guilty of a Class 4 ~~2~~ felony.

1 (B) A person who delivers or possesses with intent
2 to deliver one ~~5~~ or more grams but less than 15 grams
3 of methamphetamine or a substance containing
4 methamphetamine is guilty of a Class 3 ~~4~~ felony.

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

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

21 (E) A person who delivers or possesses with intent
22 to deliver 400 or more grams but less than 900 grams of
23 methamphetamine or a substance containing
24 methamphetamine is guilty of a Class 1 ~~*~~ felony,
25 ~~subject to a term of imprisonment of not less than 12~~
26 ~~years and not more than 50 years,~~ and subject to a fine

1 not to exceed \$300,000 or the street value of the
2 methamphetamine, whichever is greater.

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

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

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

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

25 ~~(B) the person is at least 18 years of age and~~
26 ~~knowingly uses, engages, employs, or causes another~~

1 ~~person to use, engage, or employ a person under 18~~
2 ~~years of age to deliver the methamphetamine or~~
3 ~~substance containing methamphetamine;~~

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

11 ~~(D) the person knowingly delivers or possesses~~
12 ~~with intent to deliver the methamphetamine or~~
13 ~~substance containing methamphetamine in any school, or~~
14 ~~any real property comprising any school, or in any~~
15 ~~conveyance owned, leased, or contracted by a school to~~
16 ~~transport students to or from school or a~~
17 ~~school related activity and at the time of the~~
18 ~~violation persons under the age of 18 are present, the~~
19 ~~offense is committed during school hours, or the~~
20 ~~offense is committed at times when persons under the~~
21 ~~age of 18 are reasonably expected to be present in the~~
22 ~~school, in the conveyance, or on the real property,~~
23 ~~such as when after-school activities are occurring;~~

24 ~~(E) the person delivers or causes another person~~
25 ~~to deliver the methamphetamine or substance containing~~
26 ~~methamphetamine to a woman that the person knows to be~~

1 ~~pregnant; or~~

2 ~~(F) (blank).~~

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

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

9 ~~(B) A person who delivers or possesses with intent~~
10 ~~to deliver 5 or more grams but less than 15 grams of~~
11 ~~methamphetamine or a substance containing~~
12 ~~methamphetamine is guilty of a Class X felony, subject~~
13 ~~to a term of imprisonment of not less than 6 years and~~
14 ~~not more than 30 years, and subject to a fine not to~~
15 ~~exceed \$100,000 or the street value of the~~
16 ~~methamphetamine, whichever is greater.~~

17 ~~(C) A person who delivers or possesses with intent~~
18 ~~to deliver 15 or more grams but less than 100 grams of~~
19 ~~methamphetamine or a substance containing~~
20 ~~methamphetamine is guilty of a Class X felony, subject~~
21 ~~to a term of imprisonment of not less than 8 years and~~
22 ~~not more than 40 years, and subject to a fine not to~~
23 ~~exceed \$200,000 or the street value of the~~
24 ~~methamphetamine, whichever is greater.~~

25 ~~(D) A person who delivers or possesses with intent~~
26 ~~to deliver 100 or more grams of methamphetamine or a~~

1 ~~substance containing methamphetamine is guilty of a~~
2 ~~Class X felony, subject to a term of imprisonment of~~
3 ~~not less than 10 years and not more than 50 years, and~~
4 ~~subject to a fine not to exceed \$300,000 or the street~~
5 ~~value of the methamphetamine, whichever is greater.~~

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

7 (720 ILCS 646/55.1 new)

8 Sec. 55.1. Methamphetamine delivery by a person at least
9 18 years of age to a person under 18 years of age. Any person
10 who is at least 18 years of age who violates any subsection of
11 Section 55 by delivering methamphetamine or substance
12 containing methamphetamine to a person under 18 years of age
13 may, at the discretion of the court, be sentenced to a maximum
14 term of imprisonment that is equal to the maximum term of
15 imprisonment for the underlying offense plus the minimum term
16 of imprisonment for the underlying offense.

17 (720 ILCS 646/55.2 new)

18 Sec. 55.2. Employing person under 18 years of age to
19 deliver methamphetamine. Any person who is at least 18 years
20 of age who violates any subsection of Section 55 by using,
21 engaging, or employing, or causing another person to use,
22 engage, or employ a person under 18 years of age to deliver
23 methamphetamine or substance containing methamphetamine may,
24 at the discretion of the court, be sentenced to a maximum term

1 of imprisonment that is equal to the maximum term of
2 imprisonment for the underlying offense plus the minimum term
3 of imprisonment for the underlying offense.

4 (720 ILCS 646/55.3 new)

5 Sec. 55.3. Delivery of methamphetamine or possession with
6 intent to deliver methamphetamine-protected structure or
7 vehicle. Any person who violates any subsection of Section 55
8 by knowingly delivering or possessing with intent to deliver
9 methamphetamine or substance containing methamphetamine in any
10 structure or vehicle protected by one or more explosive
11 devices, booby traps, or dangerous animals may, at the
12 discretion of the court, be sentenced to a maximum term of
13 imprisonment that is equal to the maximum term of imprisonment
14 for the underlying offense plus the minimum term of
15 imprisonment for the underlying offense.

16 (720 ILCS 646/55.4 new)

17 Sec. 55.4. Methamphetamine delivery or possession with
18 intent to deliver methamphetamine on school grounds. Any
19 person who violates any subsection of Section 55 by delivering
20 or possessing with intent to deliver methamphetamine or
21 substance containing methamphetamine in any school, on any
22 real property comprising any school, or in any conveyance
23 owned, leased, or contracted by a school to transport students
24 to or from school or a school-related activity shall be

1 sentenced to a class of offense that is one class higher than
2 the sentence otherwise authorized by the pertinent subsection
3 of Section 55. If the sentence otherwise authorized by the
4 pertinent subsection of Section 55 is a Class 1 felony for
5 which the person may be sentenced to a term of imprisonment of
6 not less than 4 years and not more than 15 years, the penalty
7 for an offense under this Section is a Class 1 felony for which
8 the person may be sentenced to a term of imprisonment of not
9 less than 6 years and not more than 30 years. If the sentence
10 otherwise authorized by the pertinent subsection of Section 55
11 is a Class 1 felony for which the person may be sentenced to a
12 term of imprisonment of not less than 6 years and not more than
13 30 years, the penalty for an offense under this Section is a
14 Class 1 felony for which the person may be sentenced to a term
15 of imprisonment of not less than 9 years and not more than 40
16 years.

17 (720 ILCS 646/55.5 new)

18 Sec. 55.5. Methamphetamine delivery to pregnant woman. Any
19 person who violates any subsection of Section 55 by delivering
20 or causing to be delivered methamphetamine or substance
21 containing methamphetamine to a woman that the person knows to
22 be pregnant may, at the discretion of the court, be sentenced
23 to a maximum term of imprisonment that is equal to the maximum
24 term of imprisonment for the underlying offense plus the
25 minimum term of imprisonment for the underlying offense.

1 (720 ILCS 646/56)

2 Sec. 56. Methamphetamine trafficking.

3 (a) Except for purposes as authorized by this Act, any
4 person who knowingly brings, or causes to be brought, into
5 this State 400 grams or more of methamphetamine or 500 grams or
6 more of , anhydrous ammonia, or a methamphetamine precursor or
7 any amount of anhydrous ammonia for the purpose of manufacture
8 or delivery of methamphetamine or with the intent to
9 manufacture or deliver methamphetamine is guilty of
10 methamphetamine trafficking.

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

16 (1) received little or no compensation from the
17 illegal transport of the methamphetamine into this State
18 and had minimal knowledge of the scope and structure of
19 the enterprise to manufacture or deliver the
20 methamphetamine transported; or

21 (2) was not involved in the organization or planning
22 of the enterprise to manufacture or deliver the
23 methamphetamine transported.

24 (b) Except as otherwise provided in subsection (a-5), a A
25 person convicted of methamphetamine trafficking shall be

1 ~~sentenced to a term of imprisonment of not less than twice the~~
2 ~~minimum term and not more than twice the maximum term of~~
3 ~~imprisonment~~ based upon the amount of methamphetamine brought
4 or caused to be brought into this State, as provided in
5 ~~subsection (a) of Section 55 of this Act~~ that is one class
6 higher than the underlying offense. If the underlying offense
7 is a Class 1 felony for which the offender may be sentenced to
8 a term of imprisonment of not less than 6 years and not more
9 than 30 years, the penalty for methamphetamine trafficking is
10 a Class 1 felony for which the person may be sentenced to a
11 term of imprisonment of not less than 9 years and not more than
12 40 years.

13 (c) (Blank) ~~A person convicted of methamphetamine~~
14 ~~trafficking based upon a methamphetamine precursor shall be~~
15 ~~sentenced to a term of imprisonment of not less than twice the~~
16 ~~minimum term and not more than twice the maximum term of~~
17 ~~imprisonment based upon the amount of methamphetamine~~
18 ~~precursor provided in subsection (a) or (b) of Section 20 of~~
19 ~~this Act brought or caused to be brought into this State.~~

20 (d) A person convicted of methamphetamine trafficking
21 based upon anhydrous ammonia under paragraph (1) of subsection
22 (a) of Section 25 of this Act is guilty of a Class 1 felony
23 ~~shall be sentenced to a term of imprisonment of not less than~~
24 ~~twice the minimum term and not more than twice the maximum term~~
25 ~~of imprisonment provided in paragraph (1) of subsection (a) of~~
26 ~~Section 25 of this Act.~~

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

2 (720 ILCS 646/60)

3 Sec. 60. Methamphetamine possession.

4 (a) It is unlawful knowingly to possess methamphetamine or
5 a substance containing methamphetamine.

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

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

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

14 (3) A person who possesses 15 or more grams but less
15 than 100 grams of methamphetamine or a substance
16 containing methamphetamine is guilty of a Class 3 ~~4~~
17 felony.

18 (4) A person who possesses 100 or more grams but less
19 than 400 grams of methamphetamine or a substance
20 containing methamphetamine is guilty of a Class 2 ~~*~~
21 ~~felony, subject to a term of imprisonment of not less than~~
22 ~~6 years and not more than 30 years, and subject to a fine~~
23 not to exceed \$100,000.

24 (5) A person who possesses 400 or more grams but less
25 than 900 grams of methamphetamine or a substance

1 containing methamphetamine is guilty of a Class 1 *
2 felony, ~~subject to a term of imprisonment of not less than~~
3 ~~8 years and not more than 40 years~~, and subject to a fine
4 not to exceed \$200,000.

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

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

11 (720 ILCS 646/70)

12 Sec. 70. Probation.

13 (a) Whenever any person who has not previously been
14 convicted of any felony offense under this Act, the Illinois
15 Controlled Substances Act, the Cannabis Control Act, or any
16 law of the United States or of any state relating to cannabis
17 or controlled substances, pleads guilty to or is found guilty
18 of possession of less than 15 grams of methamphetamine under
19 paragraph (1) or (2) of subsection (b) of Section 60 of this
20 Act, the court, without entering a judgment and with the
21 consent of the person, may sentence him or her to probation.

22 (b) When a person is placed on probation, the court shall
23 enter an order specifying a period of probation of 24 months
24 and shall defer further proceedings in the case until the
25 conclusion of the period or until the filing of a petition

1 alleging violation of a term or condition of probation.

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

3 (1) not violate any criminal statute of any
4 jurisdiction;

5 (2) refrain from possessing a firearm or other
6 dangerous weapon;

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

11 (4) perform no less than 30 hours of community
12 service, if community service is available in the
13 jurisdiction and is funded and approved by the county
14 board. The court may give credit toward the fulfillment of
15 community service hours for participation in activities
16 and treatment as determined by court services.

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

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

24 (2) pay a fine and costs;

25 (3) work or pursue a course of study or vocational
26 training;

1 (4) undergo medical or psychiatric treatment; or
2 treatment or rehabilitation approved by the Illinois
3 Department of Human Services;

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

6 (6) support his or her dependents;

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

13 (8) if a minor:

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

16 (ii) attend school;

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

18 or

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

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

24 (f) Upon fulfillment of the terms and conditions of
25 probation, the court shall discharge the person and dismiss
26 the proceedings against the person.

1 (g) A disposition of probation is considered to be a
2 conviction for the purposes of imposing the conditions of
3 probation and for appeal, however, discharge and dismissal
4 under this Section is not a conviction for purposes of this Act
5 or for purposes of disqualifications or disabilities imposed
6 by law upon conviction of a crime.

7 (h) (Blank). ~~A person may not have more than one discharge~~
8 ~~and dismissal under this Section within a 4 year period.~~

9 (i) If a person is convicted of an offense under this Act,
10 the Cannabis Control Act, or the Illinois Controlled
11 Substances Act within 5 years subsequent to a discharge and
12 dismissal under this Section, the discharge and dismissal
13 under this Section are admissible in the sentencing proceeding
14 for that conviction as evidence in aggravation.

15 (j) Notwithstanding subsection (a), before a person is
16 sentenced to probation under this Section, the court may refer
17 the person to the drug court established in that judicial
18 circuit pursuant to Section 15 of the Drug Court Treatment
19 Act. The drug court team shall evaluate the person's
20 likelihood of successfully completing a sentence of probation
21 under this Section and shall report the results of its
22 evaluation to the court. If the drug court team finds that the
23 person suffers from a substance abuse problem that makes him
24 or her substantially unlikely to successfully complete a
25 sentence of probation under this Section, then the drug court
26 shall set forth its findings in the form of a written order,

1 and the person shall not be sentenced to probation under this
2 Section, but shall be considered for the drug court program.

3 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
4 100-575, eff. 1-8-18.)

5 (720 ILCS 646/65 rep.)

6 (720 ILCS 646/100 rep.)

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

9 Section 43. The State's Attorneys Appellate Prosecutor's
10 Act is amended by changing Section 4.01 as follows:

11 (725 ILCS 210/4.01) (from Ch. 14, par. 204.01)

12 Sec. 4.01. (a) The Office and all attorneys employed
13 thereby may represent the People of the State of Illinois on
14 appeal in all cases which emanate from a county containing
15 less than 3,000,000 inhabitants, when requested to do so and
16 at the direction of the State's Attorney, otherwise
17 responsible for prosecuting the appeal, and may, with the
18 advice and consent of the State's Attorney prepare, file and
19 argue such appellate briefs in the Illinois Appellate Court
20 and, when requested and authorized to do so by the Attorney
21 General, in the Illinois Supreme Court.

22 (b) Notwithstanding the population restriction contained
23 in subsection (a), the Office may also assist County State's

1 Attorneys in the discharge of their duties under the Illinois
2 Controlled Substances Act, the Cannabis Control Act, the
3 Methamphetamine Control and Community Protection Act, the Drug
4 Asset Forfeiture Procedure Act, the Narcotics Profit
5 Forfeiture Act, and the Illinois Public Labor Relations Act,
6 including negotiations conducted on behalf of a county or
7 pursuant to an intergovernmental agreement as well as in the
8 trial and appeal of said cases and of tax objections, and the
9 counties which use services relating to labor relations shall
10 reimburse the Office on pro-rated shares as determined by the
11 board based upon the population and number of labor relations
12 cases of the participating counties. In addition, the Office
13 and all attorneys employed by the Office may also assist
14 State's Attorneys in the discharge of their duties in the
15 prosecution, trial, or hearing on post-conviction of other
16 cases when requested to do so by, and at the direction of, the
17 State's Attorney otherwise responsible for the case. In
18 addition, the Office and all attorneys employed by the Office
19 may act as Special Prosecutor if duly appointed to do so by a
20 court having jurisdiction. Except when the appointment of a
21 Special Prosecutor is made pursuant to subsection (a-17) of
22 Section 3-9008 of the Counties Code, to ~~be~~ be effective, the
23 order appointing the Office or its attorneys as Special
24 Prosecutor must (i) identify the case and its subject matter
25 and (ii) state that the Special Prosecutor serves at the
26 pleasure of the Attorney General, who may substitute himself

1 or herself as the Special Prosecutor when, in his or her
2 judgment, the interest of the people of the State so requires.
3 Within 5 days after receiving a copy of an order from the court
4 appointing the Office or any of its attorneys as a Special
5 Prosecutor, the Office must forward a copy of the order to the
6 Springfield office of the Attorney General.

7 (Source: P.A. 100-319, eff. 8-24-17.)

8 Section 45. The Unified Code of Corrections is amended by
9 changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-5-3, 5-6-3.3,
10 5-6-3.4, 5-8-1, 5-8-2, and 5-8-6 as follows:

11 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

13 (a) (1) The Department of Corrections shall prescribe rules
14 and regulations for awarding and revoking sentence credit for
15 persons committed to the Department which shall be subject to
16 review by the Prisoner Review Board.

17 (1.5) As otherwise provided by law, sentence credit may be
18 awarded for the following:

19 (A) successful completion of programming while in
20 custody of the Department or while in custody prior to
21 sentencing;

22 (B) compliance with the rules and regulations of the
23 Department; or

24 (C) service to the institution, service to a

1 community, or service to the State.

2 (2) Except as provided in paragraph (4.7) of this
3 subsection (a), the rules and regulations on sentence credit
4 shall provide, with respect to offenses listed in clause (i),
5 (ii), or (iii) of this paragraph (2) committed on or after June
6 19, 1998 or with respect to the offense listed in clause (iv)
7 of this paragraph (2) committed on or after June 23, 2005 (the
8 effective date of Public Act 94-71) or with respect to offense
9 listed in clause (vi) committed on or after June 1, 2008 (the
10 effective date of Public Act 95-625) or with respect to the
11 offense of being an armed habitual criminal committed on or
12 after August 2, 2005 (the effective date of Public Act 94-398)
13 or with respect to the offenses listed in clause (v) of this
14 paragraph (2) committed on or after August 13, 2007 (the
15 effective date of Public Act 95-134) or with respect to the
16 offense of aggravated domestic battery committed on or after
17 July 23, 2010 (the effective date of Public Act 96-1224) or
18 with respect to the offense of attempt to commit terrorism
19 committed on or after January 1, 2013 (the effective date of
20 Public Act 97-990), the following:

21 (i) that a prisoner who is serving a term of
22 imprisonment for first degree murder or for the offense of
23 terrorism shall receive no sentence credit and shall serve
24 the entire sentence imposed by the court;

25 (i-5) that a prisoner who is serving a term of
26 imprisonment for first degree murder shall receive no more

1 than 7.5 days of sentence credit for each month of his or
2 her sentence of imprisonment;

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

20 (iii) that a prisoner serving a sentence for home
21 invasion, armed robbery, aggravated vehicular hijacking,
22 aggravated discharge of a firearm, or armed violence with
23 a category I weapon or category II weapon, when the court
24 has made and entered a finding, pursuant to subsection
25 (c-1) of Section 5-4-1 of this Code, that the conduct
26 leading to conviction for the enumerated offense resulted

1 in great bodily harm to a victim, shall receive no more
2 than 8.5 ~~4.5~~ days of sentence credit for each month of his
3 or her sentence of imprisonment;

4 (iv) that a prisoner serving a sentence for aggravated
5 discharge of a firearm, whether or not the conduct leading
6 to conviction for the offense resulted in great bodily
7 harm to the victim, shall receive no more than 8.5 ~~4.5~~ days
8 of sentence credit for each month of his or her sentence of
9 imprisonment;

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

1 ~~conspiracy when the substance containing the controlled~~
2 ~~substance or methamphetamine is 100 grams or more shall~~
3 receive no more than 10.5 ~~7.5~~ days sentence credit for
4 each month of his or her sentence of imprisonment;

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

9 (vii) that a prisoner serving a sentence for
10 aggravated domestic battery shall receive no more than 8.5
11 ~~4.5~~ days of sentence credit for each month of his or her
12 sentence of imprisonment.

13 (2.1) For all offenses, other than those enumerated in
14 subdivision (a)(2)(i), (i-5), (ii), or (iii) committed on or
15 after June 19, 1998 or subdivision (a)(2)(iv) committed on or
16 after June 23, 2005 (the effective date of Public Act 94-71) or
17 subdivision (a)(2)(v) committed on or after August 13, 2007
18 (the effective date of Public Act 95-134) or subdivision
19 (a)(2)(vi) committed on or after June 1, 2008 (the effective
20 date of Public Act 95-625) or subdivision (a)(2)(vii)
21 committed on or after July 23, 2010 (the effective date of
22 Public Act 96-1224), and other than the offense of aggravated
23 driving under the influence of alcohol, other drug or drugs,
24 or intoxicating compound or compounds, or any combination
25 thereof as defined in subparagraph (F) of paragraph (1) of
26 subsection (d) of Section 11-501 of the Illinois Vehicle Code,

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

13 (2.2) A prisoner serving a term of natural life
14 imprisonment or a prisoner who has been sentenced to death
15 shall receive no sentence credit.

16 (2.3) Except as provided in paragraph (4.7) of this
17 subsection (a), the rules and regulations on sentence credit
18 shall provide that a prisoner who is serving a sentence for
19 aggravated driving under the influence of alcohol, other drug
20 or drugs, or intoxicating compound or compounds, or any
21 combination thereof as defined in subparagraph (F) of
22 paragraph (1) of subsection (d) of Section 11-501 of the
23 Illinois Vehicle Code, shall receive no more than (8.5) ~~4.5~~
24 days of sentence credit for each month of his or her sentence
25 of imprisonment.

26 (2.4) Except as provided in paragraph (4.7) of this

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

12 (2.5) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations on sentence credit
14 shall provide that a prisoner who is serving a sentence for
15 aggravated arson committed on or after July 27, 2001 (the
16 effective date of Public Act 92-176) shall receive no more
17 than (8.5) ~~4.5~~ days of sentence credit for each month of his or
18 her sentence of imprisonment.

19 (2.6) Except as provided in paragraph (4.7) of this
20 subsection (a), the rules and regulations on sentence credit
21 shall provide that a prisoner who is serving a sentence for
22 aggravated driving under the influence of alcohol, other drug
23 or drugs, or intoxicating compound or compounds or any
24 combination thereof as defined in subparagraph (C) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code committed on or after January 1, 2011

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

4 (3) In addition to the sentence credits earned under
5 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection
6 (a), the rules and regulations shall also provide that the
7 Director may award up to 180 days of earned sentence credit for
8 good conduct in specific instances as the Director deems
9 proper. The good conduct may include, but is not limited to,
10 compliance with the rules and regulations of the Department,
11 service to the Department, service to a community, or service
12 to the State.

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

26 The Director shall not award sentence credit under this

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

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

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

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

13 (C) has met the eligibility criteria established by
14 rule for earned 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)(A) Except as provided in paragraph (4.7) of this
5 subsection (a), the rules and regulations shall also provide
6 that the sentence credit accumulated and retained under
7 paragraph (2.1) of subsection (a) of this Section by any
8 inmate during specific periods of time in which such inmate is
9 engaged full-time in substance abuse programs, correctional
10 industry assignments, educational programs, behavior
11 modification programs, life skills courses, or re-entry
12 planning provided by the Department under this paragraph (4)
13 and satisfactorily completes the assigned program as
14 determined by the standards of the Department, shall be
15 multiplied by a factor of 1.25 for program participation
16 before August 11, 1993 and 1.50 for program participation on
17 or after that date. The rules and regulations shall also
18 provide that sentence credit, subject to the same offense
19 limits and multiplier provided in this paragraph, may be
20 provided to an inmate who was held in pre-trial detention
21 prior to his or her current commitment to the Department of
22 Corrections and successfully completed a full-time, 60-day or
23 longer substance abuse program, educational program, behavior
24 modification program, life skills course, or re-entry planning
25 provided by the county department of corrections or county
26 jail. Calculation of this county program credit shall be done

1 at sentencing as provided in Section 5-4.5-100 of this Code
2 and shall be included in the sentencing order. However, no
3 inmate shall be eligible for the additional sentence credit
4 under this paragraph (4) or (4.1) of this subsection (a) while
5 assigned to a boot camp or electronic detention.

6 (B) The Department shall award sentence credit under this
7 paragraph (4) accumulated prior to January 1, 2020 (the
8 effective date of Public Act 101-440) ~~this amendatory Act of~~
9 ~~the 101st General Assembly~~ in an amount specified in
10 subparagraph (C) of this paragraph (4) to an inmate serving a
11 sentence for an offense committed prior to June 19, 1998, if
12 the Department determines that the inmate is entitled to this
13 sentence credit, based upon:

14 (i) documentation provided by the Department that the
15 inmate engaged in any full-time substance abuse programs,
16 correctional industry assignments, educational programs,
17 behavior modification programs, life skills courses, or
18 re-entry planning provided by the Department under this
19 paragraph (4) and satisfactorily completed the assigned
20 program as determined by the standards of the Department
21 during the inmate's current term of incarceration; or

22 (ii) the inmate's own testimony in the form of an
23 affidavit or documentation, or a third party's
24 documentation or testimony in the form of an affidavit
25 that the inmate likely engaged in any full-time substance
26 abuse programs, correctional industry assignments,

1 educational programs, behavior modification programs, life
2 skills courses, or re-entry planning provided by the
3 Department under paragraph (4) and satisfactorily
4 completed the assigned program as determined by the
5 standards of the Department during the inmate's current
6 term of incarceration.

7 (C) If the inmate can provide documentation that he or she
8 is entitled to sentence credit under subparagraph (B) in
9 excess of 45 days of participation in those programs, the
10 inmate shall receive 90 days of sentence credit. If the inmate
11 cannot provide documentation of more than 45 days of
12 participation in those programs, the inmate shall receive 45
13 days of sentence credit. In the event of a disagreement
14 between the Department and the inmate as to the amount of
15 credit accumulated under subparagraph (B), if the Department
16 provides documented proof of a lesser amount of days of
17 participation in those programs, that proof shall control. If
18 the Department provides no documentary proof, the inmate's
19 proof as set forth in clause (ii) of subparagraph (B) shall
20 control as to the amount of sentence credit provided.

21 (D) If the inmate has been convicted of a sex offense as
22 defined in Section 2 of the Sex Offender Registration Act,
23 sentencing credits under subparagraph (B) of this paragraph
24 (4) shall be awarded by the Department only if the conditions
25 set forth in paragraph (4.6) of subsection (a) are satisfied.
26 No inmate serving a term of natural life imprisonment shall

1 receive sentence credit under subparagraph (B) of this
2 paragraph (4).

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

13 Availability of these programs shall be subject to the
14 limits of fiscal resources appropriated by the General
15 Assembly for these purposes. Eligible inmates who are denied
16 immediate admission shall be placed on a waiting list under
17 criteria established by the Department. The inability of any
18 inmate to become engaged in any such programs by reason of
19 insufficient program resources or for any other reason
20 established under the rules and regulations of the Department
21 shall not be deemed a cause of action under which the
22 Department or any employee or agent of the Department shall be
23 liable for damages to the inmate.

24 (4.1) Except as provided in paragraph (4.7) of this
25 subsection (a), the rules and regulations shall also provide
26 that an additional 90 days of sentence credit shall be awarded

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

19 Except as provided in paragraph (4.7) of this subsection
20 (a), the rules and regulations shall provide that an
21 additional 180 days of sentence credit shall be awarded to any
22 prisoner who obtains a bachelor's degree while the prisoner is
23 committed to the Department of Corrections. The sentence
24 credit awarded under this paragraph (4.1) shall be in addition
25 to, and shall not affect, the award of sentence credit under
26 any other paragraph of this Section, but shall also be under

1 the guidelines and restrictions set forth in paragraph (4) of
2 this subsection (a). The sentence credit provided for in this
3 paragraph shall be available only to those prisoners who have
4 not earned a bachelor's degree prior to the current commitment
5 to the Department of Corrections. If, after an award of the
6 bachelor's degree sentence credit has been made, the
7 Department determines that the prisoner was not eligible, then
8 the award shall be revoked. The Department may also award 180
9 days of sentence credit to any committed person who earned a
10 bachelor's degree while he or she was held in pre-trial
11 detention prior to the current commitment to the Department of
12 Corrections.

13 Except as provided in paragraph (4.7) of this subsection
14 (a), the rules and regulations shall provide that an
15 additional 180 days of sentence credit shall be awarded to any
16 prisoner who obtains a master's or professional degree while
17 the prisoner is committed to the Department of Corrections.
18 The sentence credit awarded under this paragraph (4.1) shall
19 be in addition to, and shall not affect, the award of sentence
20 credit under any other paragraph of this Section, but shall
21 also be under the guidelines and restrictions set forth in
22 paragraph (4) of this subsection (a). The sentence credit
23 provided for in this paragraph shall be available only to
24 those prisoners who have not previously earned a master's or
25 professional degree prior to the current commitment to the
26 Department of Corrections. If, after an award of the master's

1 or professional degree sentence credit has been made, the
2 Department determines that the prisoner was not eligible, then
3 the award shall be revoked. The Department may also award 180
4 days of sentence credit to any committed person who earned a
5 master's or professional degree while he or she was held in
6 pre-trial detention prior to the current commitment to the
7 Department of Corrections.

8 (4.5) The rules and regulations on sentence credit shall
9 also provide that when the court's sentencing order recommends
10 a prisoner for substance abuse treatment and the crime was
11 committed on or after September 1, 2003 (the effective date of
12 Public Act 93-354), the prisoner shall receive no sentence
13 credit awarded under clause (3) of this subsection (a) unless
14 he or she participates in and completes a substance abuse
15 treatment program. The Director may waive the requirement to
16 participate in or complete a substance abuse treatment program
17 in specific instances if the prisoner is not a good candidate
18 for a substance abuse treatment program for medical,
19 programming, or operational reasons. Availability of substance
20 abuse treatment shall be subject to the limits of fiscal
21 resources appropriated by the General Assembly for these
22 purposes. If treatment is not available and the requirement to
23 participate and complete the treatment has not been waived by
24 the Director, the prisoner shall be placed on a waiting list
25 under criteria established by the Department. The Director may
26 allow a prisoner placed on a waiting list to participate in and

1 complete a substance abuse education class or attend substance
2 abuse self-help meetings in lieu of a substance abuse
3 treatment program. A prisoner on a waiting list who is not
4 placed in a substance abuse program prior to release may be
5 eligible for a waiver and receive sentence credit under clause
6 (3) of this subsection (a) at the discretion of the Director.

7 (4.6) The rules and regulations on sentence credit shall
8 also provide that a prisoner who has been convicted of a sex
9 offense as defined in Section 2 of the Sex Offender
10 Registration Act shall receive no sentence credit unless he or
11 she either has successfully completed or is participating in
12 sex offender treatment as defined by the Sex Offender
13 Management Board. However, prisoners who are waiting to
14 receive treatment, but who are unable to do so due solely to
15 the lack of resources on the part of the Department, may, at
16 the Director's sole discretion, be awarded sentence credit at
17 a rate as the Director shall determine.

18 (4.7) On or after January 1, 2018 (the effective date of
19 Public Act 100-3) ~~this amendatory Act of the 100th General~~
20 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1)
21 of this subsection (a) may be awarded to a prisoner who is
22 serving a sentence for an offense described in paragraph (2),
23 (2.3), (2.4), (2.5), or (2.6) for credit earned on or after
24 January 1, 2018 (the effective date of Public Act 100-3) ~~this~~
25 ~~amendatory Act of the 100th General Assembly~~; provided, the
26 award of the credits under this paragraph (4.7) shall not

1 reduce the sentence of the prisoner to less than the following
2 amounts:

3 (i) 85% of his or her sentence if the prisoner is
4 required to serve 85% of his or her sentence; or

5 (ii) 60% of his or her sentence if the prisoner is
6 required to serve 75% of his or her sentence, except if the
7 prisoner is serving a sentence for gunrunning his or her
8 sentence shall not be reduced to less than 75%.

9 (iii) 100% of his or her sentence if the prisoner is
10 required to serve 100% of his or her sentence.

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

1 conviction was imposed. The identification information shall
2 be placed on the website within 3 days of the inmate's release
3 and the information may not be removed until either:
4 completion of the first year of mandatory supervised release
5 or return of the inmate to custody of the Department.

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

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

19 When the Department seeks to revoke, suspend, or reduce
20 the rate of accumulation of any sentence credits for an
21 alleged infraction of its rules, it shall bring charges
22 therefor against the prisoner sought to be so deprived of
23 sentence credits before the Prisoner Review Board as provided
24 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the
25 amount of credit at issue exceeds 30 days or when, during any
26 12-month ~~12-month~~ period, the cumulative amount of credit

1 revoked exceeds 30 days except where the infraction is
2 committed or discovered within 60 days of scheduled release.
3 In those cases, the Department of Corrections may revoke up to
4 30 days of sentence credit. The Board may subsequently approve
5 the revocation of additional sentence credit, if the
6 Department seeks to revoke sentence credit in excess of 30
7 days. However, the Board shall not be empowered to review the
8 Department's decision with respect to the loss of 30 days of
9 sentence credit within any calendar year for any prisoner or
10 to increase any penalty beyond the length requested by the
11 Department.

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

19 Nothing contained in this Section shall prohibit the
20 Prisoner Review Board from ordering, pursuant to Section
21 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
22 sentence imposed by the court that was not served due to the
23 accumulation of sentence credit.

24 (d) If a lawsuit is filed by a prisoner in an Illinois or
25 federal court against the State, the Department of
26 Corrections, or the Prisoner Review Board, or against any of

1 their officers or employees, and the court makes a specific
2 finding that a pleading, motion, or other paper filed by the
3 prisoner is frivolous, the Department of Corrections shall
4 conduct a hearing to revoke up to 180 days of sentence credit
5 by bringing charges against the prisoner sought to be deprived
6 of the sentence credits before the Prisoner Review Board as
7 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
8 If the prisoner has not accumulated 180 days of sentence
9 credit at the time of the finding, then the Prisoner Review
10 Board may revoke all sentence credit accumulated by the
11 prisoner.

12 For purposes of this subsection (d):

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

17 (A) it lacks an arguable basis either in law or in
18 fact;

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

22 (C) the claims, defenses, and other legal
23 contentions therein are not warranted by existing law
24 or by a nonfrivolous argument for the extension,
25 modification, or reversal of existing law or the
26 establishment of new law;

1 (D) the allegations and other factual contentions
2 do not have evidentiary support or, if specifically so
3 identified, are not likely to have evidentiary support
4 after a reasonable opportunity for further
5 investigation or discovery; or

6 (E) the denials of factual contentions are not
7 warranted on the evidence, or if specifically so
8 identified, are not reasonably based on a lack of
9 information or belief.

10 (2) "Lawsuit" means a motion pursuant to Section 116-3
11 of the Code of Criminal Procedure of 1963, a habeas corpus
12 action under Article X of the Code of Civil Procedure or
13 under federal law (28 U.S.C. 2254), a petition for claim
14 under the Court of Claims Act, an action under the federal
15 Civil Rights Act (42 U.S.C. 1983), or a second or
16 subsequent petition for post-conviction relief under
17 Article 122 of the Code of Criminal Procedure of 1963
18 whether filed with or without leave of court or a second or
19 subsequent petition for relief from judgment under Section
20 2-1401 of the Code of Civil Procedure.

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

23 (f) Whenever the Department is to release any inmate who
24 has been convicted of a violation of an order of protection
25 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, earlier than it otherwise would

1 because of a grant of sentence credit, the Department, as a
2 condition of release, shall require that the person, upon
3 release, be placed under electronic surveillance as provided
4 in Section 5-8A-7 of this Code.

5 (g) The changes made to this Section by this amendatory
6 Act of the 102nd General Assembly apply to prisoners sentenced
7 before the effective date of this amendatory Act of the 102nd
8 General Assembly for their serving sentences of imprisonment
9 on or after the effective date of this amendatory Act of the
10 102nd General Assembly and to prisoners sentenced on or after
11 the effective date of this amendatory Act of the 102nd General
12 Assembly. Nothing in this amendatory Act of the 102nd General
13 Assembly shall be construed to permit the award of any
14 additional sentence credit provided in this amendatory Act of
15 the 102nd General Assembly for any service of imprisonment
16 before the effective date of this amendatory Act of the 102nd
17 General Assembly.

18 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
19 101-440, eff. 1-1-20; revised 8-19-20.)

20 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

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

22 (a) Except when the death penalty is sought under hearing
23 procedures otherwise specified, after a determination of
24 guilt, a hearing shall be held to impose the sentence.
25 However, prior to the imposition of sentence on an individual

1 being sentenced for an offense based upon a charge for a
2 violation of Section 11-501 of the Illinois Vehicle Code or a
3 similar provision of a local ordinance, the individual must
4 undergo a professional evaluation to determine if an alcohol
5 or other drug abuse problem exists and the extent of such a
6 problem. Programs conducting these evaluations shall be
7 licensed by the Department of Human Services. However, if the
8 individual is not a resident of Illinois, the court may, in its
9 discretion, accept an evaluation from a program in the state
10 of such individual's residence. The court shall make a
11 specific finding about whether the defendant is eligible for
12 participation in a Department impact incarceration program as
13 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
14 explanation as to why a sentence to impact incarceration is
15 not an appropriate sentence. The court may in its sentencing
16 order recommend a defendant for placement in a Department of
17 Corrections substance abuse treatment program as provided in
18 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
19 upon the defendant being accepted in a program by the
20 Department of Corrections. At the hearing the court shall:

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

23 (2) consider any presentence reports;

24 (3) consider the financial impact of incarceration
25 based on the financial impact statement filed with the
26 clerk of the court by the Department of Corrections;

1 (4) consider evidence and information offered by the
2 parties in aggravation and mitigation;

3 (4.5) consider substance abuse treatment, eligibility
4 screening, and an assessment, if any, of the defendant by
5 an agent designated by the State of Illinois to provide
6 assessment services for the Illinois courts;

7 (5) hear arguments as to sentencing alternatives;

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

10 (7) afford the victim of a violent crime or a
11 violation of Section 11-501 of the Illinois Vehicle Code,
12 or a similar provision of a local ordinance, the
13 opportunity to present an oral or written statement, as
14 guaranteed by Article I, Section 8.1 of the Illinois
15 Constitution and provided in Section 6 of the Rights of
16 Crime Victims and Witnesses Act. The court shall allow a
17 victim to make an oral statement if the victim is present
18 in the courtroom and requests to make an oral or written
19 statement. An oral or written statement includes the
20 victim or a representative of the victim reading the
21 written statement. The court may allow persons impacted by
22 the crime who are not victims under subsection (a) of
23 Section 3 of the Rights of Crime Victims and Witnesses Act
24 to present an oral or written statement. A victim and any
25 person making an oral statement shall not be put under
26 oath or subject to cross-examination. All statements

1 offered under this paragraph (7) shall become part of the
2 record of the court. In this paragraph (7), "victim of a
3 violent crime" means a person who is a victim of a violent
4 crime for which the defendant has been convicted after a
5 bench or jury trial or a person who is the victim of a
6 violent crime with which the defendant was charged and the
7 defendant has been convicted under a plea agreement of a
8 crime that is not a violent crime as defined in subsection
9 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

10 (7.5) afford a qualified person affected by: (i) a
11 violation of Section ~~405, 405.1,~~ 405.2, or 407 of the
12 Illinois Controlled Substances Act or a violation of
13 Section 55 ~~or Section 65~~ of the Methamphetamine Control
14 and Community Protection Act; or (ii) a Class 4 felony
15 violation of Section 11-14, 11-14.3 except as described in
16 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
17 11-18.1, or 11-19 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, committed by the defendant the
19 opportunity to make a statement concerning the impact on
20 the qualified person and to offer evidence in aggravation
21 or mitigation; provided that the statement and evidence
22 offered in aggravation or mitigation shall first be
23 prepared in writing in conjunction with the State's
24 Attorney before it may be presented orally at the hearing.
25 Sworn testimony offered by the qualified person is subject
26 to the defendant's right to cross-examine. All statements

1 and evidence offered under this paragraph (7.5) shall
2 become part of the record of the court. In this paragraph
3 (7.5), "qualified person" means any person who: (i) lived
4 or worked within the territorial jurisdiction where the
5 offense took place when the offense took place; or (ii) is
6 familiar with various public places within the territorial
7 jurisdiction where the offense took place when the offense
8 took place. "Qualified person" includes any peace officer
9 or any member of any duly organized State, county, or
10 municipal peace officer unit assigned to the territorial
11 jurisdiction where the offense took place when the offense
12 took place;

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

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

20 (10) make a finding of whether a motor vehicle was
21 used in the commission of the offense for which the
22 defendant is being sentenced.

23 (b) All sentences shall be imposed by the judge based upon
24 his independent assessment of the elements specified above and
25 any agreement as to sentence reached by the parties. The judge
26 who presided at the trial or the judge who accepted the plea of

1 guilty shall impose the sentence unless he is no longer
2 sitting as a judge in that court. Where the judge does not
3 impose sentence at the same time on all defendants who are
4 convicted as a result of being involved in the same offense,
5 the defendant or the State's Attorney may advise the
6 sentencing court of the disposition of any other defendants
7 who have been sentenced.

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

21 (c) In imposing a sentence for a violent crime or for an
22 offense of operating or being in physical control of a vehicle
23 while under the influence of alcohol, any other drug or any
24 combination thereof, or a similar provision of a local
25 ordinance, when such offense resulted in the personal injury
26 to someone other than the defendant, the trial judge shall

1 specify on the record the particular evidence, information,
2 factors in mitigation and aggravation or other reasons that
3 led to his sentencing determination. The full verbatim record
4 of the sentencing hearing shall be filed with the clerk of the
5 court and shall be a public record.

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

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

24 The judge's statement, to be given after pronouncing the
25 sentence, other than when the sentence is imposed for one of
26 the offenses enumerated in paragraph (a) (4) of Section 3-6-3,

1 shall include the following:

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

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

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

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

1 or failure to comply with the institutional regulations
2 receives lesser credit, the actual time served in prison will
3 be longer."

4 When a sentence of imprisonment is imposed for first
5 degree murder and the offense was committed on or after June
6 19, 1998, the judge's statement, to be given after pronouncing
7 the sentence, shall include the following:

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

17 When the sentencing order recommends placement in a
18 substance abuse program for any offense that results in
19 incarceration in a Department of Corrections facility and the
20 crime was committed on or after September 1, 2003 (the
21 effective date of Public Act 93-354), the judge's statement,
22 in addition to any other judge's statement required under this
23 Section, to be given after pronouncing the sentence, shall
24 include the following:

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

1 prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois
3 as applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, the defendant shall receive no earned sentence credit
6 under clause (3) of subsection (a) of Section 3-6-3 until he or
7 she participates in and completes a substance abuse treatment
8 program or receives a waiver from the Director of Corrections
9 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

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

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

1 (2) consider the treatment recommendations of any
2 diagnosing or treating mental health professionals
3 together with the treatment options available to the
4 defendant in imposing sentence.

5 For the purposes of this subsection (c-4), "qualified
6 psychiatrist" means a reputable physician licensed in Illinois
7 to practice medicine in all its branches, who has specialized
8 in the diagnosis and treatment of mental and nervous disorders
9 for a period of not less than 5 years.

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

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

20 (d) When the defendant is committed to the Department of
21 Corrections, the State's Attorney shall and counsel for the
22 defendant may file a statement with the clerk of the court to
23 be transmitted to the department, agency or institution to
24 which the defendant is committed to furnish such department,
25 agency or institution with the facts and circumstances of the
26 offense for which the person was committed together with all

1 other factual information accessible to them in regard to the
2 person prior to his commitment relative to his habits,
3 associates, disposition and reputation and any other facts and
4 circumstances which may aid such department, agency or
5 institution during its custody of such person. The clerk shall
6 within 10 days after receiving any such statements transmit a
7 copy to such department, agency or institution and a copy to
8 the other party, provided, however, that this shall not be
9 cause for delay in conveying the person to the department,
10 agency or institution to which he has been committed.

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

14 (1) the sentence imposed;

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

17 (3) any presentence reports;

18 (3.5) any sex offender evaluations;

19 (3.6) any substance abuse treatment eligibility
20 screening and assessment of the defendant by an agent
21 designated by the State of Illinois to provide assessment
22 services for the Illinois courts;

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

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

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

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

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

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

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

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

20 (Source: P.A. 100-961, eff. 1-1-19; 101-81, eff. 7-12-19;
21 101-105, eff. 1-1-20.)

22 (730 ILCS 5/5-4.5-95)

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

24 (a) HABITUAL CRIMINALS.

25 (1) Every person who has been twice convicted in any

1 state or federal court of an offense that contains the
2 same elements as an offense now (the date of the offense
3 committed after the 2 prior convictions) classified in
4 Illinois as a Class X felony, criminal sexual assault,
5 aggravated kidnapping, or first degree murder, and who is
6 thereafter convicted of a Class X felony, criminal sexual
7 assault, or first degree murder, committed after the 2
8 prior convictions, shall be adjudged an habitual criminal.

9 (2) The 2 prior convictions need not have been for the
10 same offense.

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

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

17 (A) The third offense was committed after July 3,
18 1980.

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

23 (C) The third offense was committed after
24 conviction on the second offense.

25 (D) The second offense was committed after
26 conviction on the first offense.

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

5 (6) A prior conviction shall not be alleged in the
6 indictment, and no evidence or other disclosure of that
7 conviction shall be presented to the court or the jury
8 during the trial of an offense set forth in this Section
9 unless otherwise permitted by the issues properly raised
10 in that trial. After a plea or verdict or finding of guilty
11 and before sentence is imposed, the prosecutor may file
12 with the court a verified written statement signed by the
13 State's Attorney concerning any former conviction of an
14 offense set forth in this Section rendered against the
15 defendant. The court shall then cause the defendant to be
16 brought before it; shall inform the defendant of the
17 allegations of the statement so filed, and of his or her
18 right to a hearing before the court on the issue of that
19 former conviction and of his or her right to counsel at
20 that hearing; and unless the defendant admits such
21 conviction, shall hear and determine the issue, and shall
22 make a written finding thereon. If a sentence has
23 previously been imposed, the court may vacate that
24 sentence and impose a new sentence in accordance with this
25 Section.

26 (7) A duly authenticated copy of the record of any

1 alleged former conviction of an offense set forth in this
2 Section shall be prima facie evidence of that former
3 conviction; and a duly authenticated copy of the record of
4 the defendant's final release or discharge from probation
5 granted, or from sentence and parole supervision (if any)
6 imposed pursuant to that former conviction, shall be prima
7 facie evidence of that release or discharge.

8 (8) Any claim that a previous conviction offered by
9 the prosecution is not a former conviction of an offense
10 set forth in this Section because of the existence of any
11 exceptions described in this Section, is waived unless
12 duly raised at the hearing on that conviction, or unless
13 the prosecution's proof shows the existence of the
14 exceptions described in this Section.

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

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

25 (b) When a defendant, over the age of 21 years, is
26 convicted of a Class 1 or Class 2 felony that is a forcible

1 felony as defined in Section 2-8 of the Criminal Code of 2012,
2 except for an offense listed in subsection (c) of this
3 Section, after having twice been convicted in any state or
4 federal court of an offense that contains the same elements as
5 an offense now (the date the Class 1 or Class 2 forcible felony
6 was committed) classified in Illinois as a Class 2 or greater
7 Class felony that is a forcible felony as defined in Section
8 2-8 of the Criminal Code of 2012, except for an offense listed
9 in subsection (c) of this Section, and those charges are
10 separately brought and tried and arise out of different series
11 of acts, that defendant shall be sentenced as a Class X
12 offender. This subsection does not apply unless:

13 (1) the first felony was committed after February 1,
14 1978 (the effective date of Public Act 80-1099);

15 (2) the second felony was committed after conviction
16 on the first; and

17 (3) the third felony was committed after conviction on
18 the second.

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

22 (c) Subsection (b) of this Section does not apply to Class
23 1 or Class 2 felony convictions for a violation of Section 16-1
24 of the Criminal Code of 2012.

25 A person sentenced as a Class X offender under this
26 subsection (b) is not eligible to apply for treatment as a

1 condition of probation as provided by Section 40-10 of the
2 Substance Use Disorder Act (20 ILCS 301/40-10).

3 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,
4 eff. 1-1-19.)

5 (730 ILCS 5/5-5-3)

6 Sec. 5-5-3. Disposition.

7 (a) (Blank).

8 (b) (Blank).

9 (c) (1) (Blank).

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

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

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

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

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

5 (E) (Blank).

6 (F) A Class 1 or greater felony if the offender had
7 been convicted of a Class 1 or greater felony, including
8 any state or federal conviction for an offense that
9 contained, at the time it was committed, the same elements
10 as an offense now (the date of the offense committed after
11 the prior Class 1 or greater felony) classified as a Class
12 1 or greater felony, within 10 years of the date on which
13 the offender committed the offense for which he or she is
14 being sentenced, except as otherwise provided in Section
15 40-10 of the Substance Use Disorder Act. This subparagraph
16 (F) does not apply to a violation of the Cannabis Control
17 Act, the Illinois Controlled Substances Act, or the
18 Methamphetamine Control and Community Protection Act.

19 (F-3) A Class 2 or greater felony sex offense or
20 felony firearm offense if the offender had been convicted
21 of a Class 2 or greater felony, including any state or
22 federal conviction for an offense that contained, at the
23 time it was committed, the same elements as an offense now
24 (the date of the offense committed after the prior Class 2
25 or greater felony) classified as a Class 2 or greater
26 felony, within 10 years of the date on which the offender

1 committed the offense for which he or she is being
2 sentenced, except as otherwise provided in Section 40-10
3 of the Substance Use Disorder Act.

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

7 (G) (Blank). ~~Residential burglary, except as otherwise~~
8 ~~provided in Section 40-10 of the Substance Use Disorder~~
9 ~~Act.~~

10 (H) Criminal sexual assault.

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

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

17 Before July 1, 1994, for the purposes of this
18 paragraph, "organized gang" means an association of 5 or
19 more persons, with an established hierarchy, that
20 encourages members of the association to perpetrate crimes
21 or provides support to the members of the association who
22 do commit crimes.

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

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the offense
3 of hate crime when the underlying offense upon which the
4 hate crime is based is felony aggravated assault or felony
5 mob action.

6 (M) A second or subsequent conviction for the offense
7 of institutional vandalism if the damage to the property
8 exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of
10 subsection (a) of Section 2 of the Firearm Owners
11 Identification Card Act.

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

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

17 (Q) A violation of subsection (b) or (b-5) of Section
18 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
19 Code of 1961 or the Criminal Code of 2012.

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

22 (S) (Blank).

23 (T) (Blank).

24 (U) A second or subsequent violation of Section 6-303
25 of the Illinois Vehicle Code committed while his or her
26 driver's license, permit, or privilege was revoked because

1 of a violation of Section 9-3 of the Criminal Code of 1961
2 or the Criminal Code of 2012, relating to the offense of
3 reckless homicide, or a similar provision of a law of
4 another state.

5 (V) A violation of paragraph (4) of subsection (c) of
6 Section 11-20.1B or paragraph (4) of subsection (c) of
7 Section 11-20.3 of the Criminal Code of 1961, or paragraph
8 (6) of subsection (a) of Section 11-20.1 of the Criminal
9 Code of 2012 when the victim is under 13 years of age and
10 the defendant has previously been convicted under the laws
11 of this State or any other state of the offense of child
12 pornography, aggravated child pornography, aggravated
13 criminal sexual abuse, aggravated criminal sexual assault,
14 predatory criminal sexual assault of a child, or any of
15 the offenses formerly known as rape, deviate sexual
16 assault, indecent liberties with a child, or aggravated
17 indecent liberties with a child where the victim was under
18 the age of 18 years or an offense that is substantially
19 equivalent to those offenses.

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

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

24 (Y) A conviction for unlawful possession of a firearm
25 by a street gang member when the firearm was loaded or
26 contained firearm ammunition.

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

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

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

8 (CC) Knowingly selling, offering for sale, holding for
9 sale, or using 2,000 or more counterfeit items or
10 counterfeit items having a retail value in the aggregate
11 of \$500,000 or more.

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

17 (EE) A conviction for a violation of paragraph (2) of
18 subsection (a) of Section 24-3B of the Criminal Code of
19 2012.

20 (3) (Blank).

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

25 (4.1) (Blank).

26 (4.2) Except as provided in paragraphs (4.3) and (4.8) of

1 this subsection (c), a minimum of 100 hours of community
2 service shall be imposed for a second violation of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.3) A minimum term of imprisonment of 30 days or 300
5 hours of community service, as determined by the court, shall
6 be imposed for a second violation of subsection (c) of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.4) Except as provided in paragraphs (4.5), (4.6), and
9 (4.9) of this subsection (c), a minimum term of imprisonment
10 of 30 days or 300 hours of community service, as determined by
11 the court, shall be imposed for a third or subsequent
12 violation of Section 6-303 of the Illinois Vehicle Code. The
13 court may give credit toward the fulfillment of community
14 service hours for participation in activities and treatment as
15 determined by court services.

16 (4.5) A minimum term of imprisonment of 30 days shall be
17 imposed for a third violation of subsection (c) of Section
18 6-303 of the Illinois Vehicle Code.

19 (4.6) Except as provided in paragraph (4.10) of this
20 subsection (c), a minimum term of imprisonment of 180 days
21 shall be imposed for a fourth or subsequent violation of
22 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

23 (4.7) A minimum term of imprisonment of not less than 30
24 consecutive days, or 300 hours of community service, shall be
25 imposed for a violation of subsection (a-5) of Section 6-303
26 of the Illinois Vehicle Code, as provided in subsection (b-5)

1 of that Section.

2 (4.8) A mandatory prison sentence shall be imposed for a
3 second violation of subsection (a-5) of Section 6-303 of the
4 Illinois Vehicle Code, as provided in subsection (c-5) of that
5 Section. The person's driving privileges shall be revoked for
6 a period of not less than 5 years from the date of his or her
7 release from prison.

8 (4.9) A mandatory prison sentence of not less than 4 and
9 not more than 15 years shall be imposed for a third violation
10 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
11 Code, as provided in subsection (d-2.5) of that Section. The
12 person's driving privileges shall be revoked for the remainder
13 of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony
15 shall be imposed, and the person shall be eligible for an
16 extended term sentence, for a fourth or subsequent violation
17 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
18 Code, as provided in subsection (d-3.5) of that Section. The
19 person's driving privileges shall be revoked for the remainder
20 of his or her life.

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

23 (A) a period of conditional discharge;

24 (B) a fine;

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

1 (5.1) In addition to any other penalties imposed, and
2 except as provided in paragraph (5.2) or (5.3), a person
3 convicted of violating subsection (c) of Section 11-907 of the
4 Illinois Vehicle Code shall have his or her driver's license,
5 permit, or privileges suspended for at least 90 days but not
6 more than one year, if the violation resulted in damage to the
7 property of another person.

8 (5.2) In addition to any other penalties imposed, and
9 except as provided in paragraph (5.3), a person convicted of
10 violating subsection (c) of Section 11-907 of the Illinois
11 Vehicle Code shall have his or her driver's license, permit,
12 or privileges suspended for at least 180 days but not more than
13 2 years, if the violation resulted in injury to another
14 person.

15 (5.3) In addition to any other penalties imposed, a person
16 convicted of violating subsection (c) of Section 11-907 of the
17 Illinois Vehicle Code shall have his or her driver's license,
18 permit, or privileges suspended for 2 years, if the violation
19 resulted in the death of another person.

20 (5.4) In addition to any other penalties imposed, a person
21 convicted of violating Section 3-707 of the Illinois Vehicle
22 Code shall have his or her driver's license, permit, or
23 privileges suspended for 3 months and until he or she has paid
24 a reinstatement fee of \$100.

25 (5.5) In addition to any other penalties imposed, a person
26 convicted of violating Section 3-707 of the Illinois Vehicle

1 Code during a period in which his or her driver's license,
2 permit, or privileges were suspended for a previous violation
3 of that Section shall have his or her driver's license,
4 permit, or privileges suspended for an additional 6 months
5 after the expiration of the original 3-month suspension and
6 until he or she has paid a reinstatement fee of \$100.

7 (6) (Blank).

8 (7) (Blank).

9 (8) (Blank).

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

13 (10) (Blank).

14 (11) The court shall impose a minimum fine of \$1,000 for a
15 first offense and \$2,000 for a second or subsequent offense
16 upon a person convicted of or placed on supervision for
17 battery when the individual harmed was a sports official or
18 coach at any level of competition and the act causing harm to
19 the sports official or coach occurred within an athletic
20 facility or within the immediate vicinity of the athletic
21 facility at which the sports official or coach was an active
22 participant of the athletic contest held at the athletic
23 facility. For the purposes of this paragraph (11), "sports
24 official" means a person at an athletic contest who enforces
25 the rules of the contest, such as an umpire or referee;
26 "athletic facility" means an indoor or outdoor playing field

1 or recreational area where sports activities are conducted;
2 and "coach" means a person recognized as a coach by the
3 sanctioning authority that conducted the sporting event.

4 (12) A person may not receive a disposition of court
5 supervision for a violation of Section 5-16 of the Boat
6 Registration and Safety Act if that person has previously
7 received a disposition of court supervision for a violation of
8 that Section.

9 (13) A person convicted of or placed on court supervision
10 for an assault or aggravated assault when the victim and the
11 offender are family or household members as defined in Section
12 103 of the Illinois Domestic Violence Act of 1986 or convicted
13 of domestic battery or aggravated domestic battery may be
14 required to attend a Partner Abuse Intervention Program under
15 protocols set forth by the Illinois Department of Human
16 Services under such terms and conditions imposed by the court.
17 The costs of such classes shall be paid by the offender.

18 (d) In any case in which a sentence originally imposed is
19 vacated, the case shall be remanded to the trial court. The
20 trial court shall hold a hearing under Section 5-4-1 of this
21 Code which may include evidence of the defendant's life, moral
22 character and occupation during the time since the original
23 sentence was passed. The trial court shall then impose
24 sentence upon the defendant. The trial court may impose any
25 sentence which could have been imposed at the original trial
26 subject to Section 5-5-4 of this Code. If a sentence is vacated

1 on appeal or on collateral attack due to the failure of the
2 trier of fact at trial to determine beyond a reasonable doubt
3 the existence of a fact (other than a prior conviction)
4 necessary to increase the punishment for the offense beyond
5 the statutory maximum otherwise applicable, either the
6 defendant may be re-sentenced to a term within the range
7 otherwise provided or, if the State files notice of its
8 intention to again seek the extended sentence, the defendant
9 shall be afforded a new trial.

10 (e) In cases where prosecution for aggravated criminal
11 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 results in conviction
13 of a defendant who was a family member of the victim at the
14 time of the commission of the offense, the court shall
15 consider the safety and welfare of the victim and may impose a
16 sentence of probation only where:

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

19 (A) the defendant is willing to undergo a court
20 approved counseling program for a minimum duration of
21 2 years; or

22 (B) the defendant is willing to participate in a
23 court approved plan including but not limited to the
24 defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

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

7 (2) the court orders the defendant to pay for the
8 victim's counseling services, to the extent that the court
9 finds, after considering the defendant's income and
10 assets, that the defendant is financially capable of
11 paying for such services, if the victim was under 18 years
12 of age at the time the offense was committed and requires
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section
15 5-6-4; except where the court determines at the hearing that
16 the defendant violated a condition of his or her probation
17 restricting contact with the victim or other family members or
18 commits another offense with the victim or other family
19 members, the court shall revoke the defendant's probation and
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and
22 "victim" shall have the meanings ascribed to them in Section
23 11-0.1 of the Criminal Code of 2012.

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,

1 11-14.3, 11-14.4 except for an offense that involves keeping a
2 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
3 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, the defendant shall undergo medical
6 testing to determine whether the defendant has any sexually
7 transmissible disease, including a test for infection with
8 human immunodeficiency virus (HIV) or any other identified
9 causative agent of acquired immunodeficiency syndrome (AIDS).
10 Any such medical test shall be performed only by appropriately
11 licensed medical practitioners and may include an analysis of
12 any bodily fluids as well as an examination of the defendant's
13 person. Except as otherwise provided by law, the results of
14 such test shall be kept strictly confidential by all medical
15 personnel involved in the testing and must be personally
16 delivered in a sealed envelope to the judge of the court in
17 which the conviction was entered for the judge's inspection in
18 camera. Acting in accordance with the best interests of the
19 victim and the public, the judge shall have the discretion to
20 determine to whom, if anyone, the results of the testing may be
21 revealed. The court shall notify the defendant of the test
22 results. The court shall also notify the victim if requested
23 by the victim, and if the victim is under the age of 15 and if
24 requested by the victim's parents or legal guardian, the court
25 shall notify the victim's parents or legal guardian of the
26 test results. The court shall provide information on the

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

14 (g-5) When an inmate is tested for an airborne
15 communicable disease, as determined by the Illinois Department
16 of Public Health including but not limited to tuberculosis,
17 the results of the test shall be personally delivered by the
18 warden or his or her designee in a sealed envelope to the judge
19 of the court in which the inmate must appear for the judge's
20 inspection in camera if requested by the judge. Acting in
21 accordance with the best interests of those in the courtroom,
22 the judge shall have the discretion to determine what if any
23 precautions need to be taken to prevent transmission of the
24 disease in the courtroom.

25 (h) Whenever a defendant is convicted of an offense under
26 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the

1 defendant shall undergo medical testing to determine whether
2 the defendant has been exposed to human immunodeficiency virus
3 (HIV) or any other identified causative agent of acquired
4 immunodeficiency syndrome (AIDS). Except as otherwise provided
5 by law, the results of such test shall be kept strictly
6 confidential by all medical personnel involved in the testing
7 and must be personally delivered in a sealed envelope to the
8 judge of the court in which the conviction was entered for the
9 judge's inspection in camera. Acting in accordance with the
10 best interests of the public, the judge shall have the
11 discretion to determine to whom, if anyone, the results of the
12 testing may be revealed. The court shall notify the defendant
13 of a positive test showing an infection with the human
14 immunodeficiency virus (HIV). The court shall provide
15 information on the availability of HIV testing and counseling
16 at Department of Public Health facilities to all parties to
17 whom the results of the testing are revealed and shall direct
18 the State's Attorney to provide the information to the victim
19 when possible. A State's Attorney may petition the court to
20 obtain the results of any HIV test administered under this
21 Section, and the court shall grant the disclosure if the
22 State's Attorney shows it is relevant in order to prosecute a
23 charge of criminal transmission of HIV under Section 12-5.01
24 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
25 2012 against the defendant. The court shall order that the
26 cost of any such test shall be paid by the county and may be

1 taxed as costs against the convicted defendant.

2 (i) All fines and penalties imposed under this Section for
3 any violation of Chapters 3, 4, 6, and 11 of the Illinois
4 Vehicle Code, or a similar provision of a local ordinance, and
5 any violation of the Child Passenger Protection Act, or a
6 similar provision of a local ordinance, shall be collected and
7 disbursed by the circuit clerk as provided under the Criminal
8 and Traffic Assessment Act.

9 (j) In cases when prosecution for any violation of Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
11 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
12 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
13 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
14 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, any violation of the Illinois Controlled
16 Substances Act, any violation of the Cannabis Control Act, or
17 any violation of the Methamphetamine Control and Community
18 Protection Act results in conviction, a disposition of court
19 supervision, or an order of probation granted under Section 10
20 of the Cannabis Control Act, Section 410 of the Illinois
21 Controlled Substances Act, or Section 70 of the
22 Methamphetamine Control and Community Protection Act of a
23 defendant, the court shall determine whether the defendant is
24 employed by a facility or center as defined under the Child
25 Care Act of 1969, a public or private elementary or secondary
26 school, or otherwise works with children under 18 years of age

1 on a daily basis. When a defendant is so employed, the court
2 shall order the Clerk of the Court to send a copy of the
3 judgment of conviction or order of supervision or probation to
4 the defendant's employer by certified mail. If the employer of
5 the defendant is a school, the Clerk of the Court shall direct
6 the mailing of a copy of the judgment of conviction or order of
7 supervision or probation to the appropriate regional
8 superintendent of schools. The regional superintendent of
9 schools shall notify the State Board of Education of any
10 notification under this subsection.

11 (j-5) A defendant at least 17 years of age who is convicted
12 of a felony and who has not been previously convicted of a
13 misdemeanor or felony and who is sentenced to a term of
14 imprisonment in the Illinois Department of Corrections shall
15 as a condition of his or her sentence be required by the court
16 to attend educational courses designed to prepare the
17 defendant for a high school diploma and to work toward a high
18 school diploma or to work toward passing high school
19 equivalency testing or to work toward completing a vocational
20 training program offered by the Department of Corrections. If
21 a defendant fails to complete the educational training
22 required by his or her sentence during the term of
23 incarceration, the Prisoner Review Board shall, as a condition
24 of mandatory supervised release, require the defendant, at his
25 or her own expense, to pursue a course of study toward a high
26 school diploma or passage of high school equivalency testing.

1 The Prisoner Review Board shall revoke the mandatory
2 supervised release of a defendant who wilfully fails to comply
3 with this subsection (j-5) upon his or her release from
4 confinement in a penal institution while serving a mandatory
5 supervised release term; however, the inability of the
6 defendant after making a good faith effort to obtain financial
7 aid or pay for the educational training shall not be deemed a
8 wilful failure to comply. The Prisoner Review Board shall
9 recommit the defendant whose mandatory supervised release term
10 has been revoked under this subsection (j-5) as provided in
11 Section 3-3-9. This subsection (j-5) does not apply to a
12 defendant who has a high school diploma or has successfully
13 passed high school equivalency testing. This subsection (j-5)
14 does not apply to a defendant who is determined by the court to
15 be a person with a developmental disability or otherwise
16 mentally incapable of completing the educational or vocational
17 program.

18 (k) (Blank).

19 (l) (A) Except as provided in paragraph (C) of subsection
20 (l), whenever a defendant, who is an alien as defined by the
21 Immigration and Nationality Act, is convicted of any felony or
22 misdemeanor offense, the court after sentencing the defendant
23 may, upon motion of the State's Attorney, hold sentence in
24 abeyance and remand the defendant to the custody of the
25 Attorney General of the United States or his or her designated
26 agent to be deported when:

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

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

7 Otherwise, the defendant shall be sentenced as provided in
8 this Chapter V.

9 (B) If the defendant has already been sentenced for a
10 felony or misdemeanor offense, or has been placed on probation
11 under Section 10 of the Cannabis Control Act, Section 410 of
12 the Illinois Controlled Substances Act, or Section 70 of the
13 Methamphetamine Control and Community Protection Act, the
14 court may, upon motion of the State's Attorney to suspend the
15 sentence imposed, commit the defendant to the custody of the
16 Attorney General of the United States or his or her designated
17 agent when:

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

21 (2) the deportation of the defendant would not
22 deprecate the seriousness of the defendant's conduct and
23 would not be inconsistent with the ends of justice.

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

1 (D) Upon motion of the State's Attorney, if a defendant
2 sentenced under this Section returns to the jurisdiction of
3 the United States, the defendant shall be recommitted to the
4 custody of the county from which he or she was sentenced.
5 Thereafter, the defendant shall be brought before the
6 sentencing court, which may impose any sentence that was
7 available under Section 5-5-3 at the time of initial
8 sentencing. In addition, the defendant shall not be eligible
9 for additional earned sentence credit as provided under
10 Section 3-6-3.

11 (m) A person convicted of criminal defacement of property
12 under Section 21-1.3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, in which the property damage exceeds
14 \$300 and the property damaged is a school building, shall be
15 ordered to perform community service that may include cleanup,
16 removal, or painting over the defacement.

17 (n) The court may sentence a person convicted of a
18 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
19 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
20 of 1961 or the Criminal Code of 2012 (i) to an impact
21 incarceration program if the person is otherwise eligible for
22 that program under Section 5-8-1.1, (ii) to community service,
23 or (iii) if the person has a substance use disorder, as defined
24 in the Substance Use Disorder Act, to a treatment program
25 licensed under that Act.

26 (o) Whenever a person is convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act, the
2 defendant's driver's license or permit shall be subject to
3 renewal on an annual basis in accordance with the provisions
4 of license renewal established by the Secretary of State.

5 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;
6 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

7 (730 ILCS 5/5-6-3.3)

8 Sec. 5-6-3.3. Offender Initiative Program.

9 (a) Statement of purpose. The General Assembly seeks to
10 continue other successful programs that promote public safety,
11 conserve valuable resources, and reduce recidivism by
12 defendants who can lead productive lives by creating the
13 Offender Initiative Program.

14 (a-1) Whenever any person who has not previously been
15 convicted of any felony offense under the laws of this State,
16 the laws of any other state, or the laws of the United States,
17 is arrested for and charged with a probationable felony
18 offense of theft, retail theft, forgery, possession of a
19 stolen motor vehicle, burglary, possession of burglary tools,
20 deceptive practices, disorderly conduct, criminal damage or
21 trespass to property under Article 21 of the Criminal Code of
22 2012, criminal trespass to a residence, obstructing justice,
23 or an offense involving fraudulent identification, or
24 possession of cannabis, possession of a controlled substance,
25 or possession of methamphetamine, the court, with the consent

1 of the defendant and the State's Attorney, may continue this
2 matter to allow a defendant to participate and complete the
3 Offender Initiative Program.

4 (a-2) Exemptions. A defendant shall not be eligible for
5 this Program if the offense he or she has been arrested for and
6 charged with is a violent offense. For purposes of this
7 Program, a "violent offense" is any offense where bodily harm
8 was inflicted or where force was used against any person or
9 threatened against any person, any offense involving sexual
10 conduct, sexual penetration, or sexual exploitation, any
11 offense of domestic violence, domestic battery, violation of
12 an order of protection, stalking, hate crime, and any offense
13 involving the possession of a firearm or dangerous weapon. A
14 defendant shall not be eligible for this Program if he or she
15 has previously been adjudicated a delinquent minor for the
16 commission of a violent offense as defined in this subsection.

17 (b) When a defendant is placed in the Program, after both
18 the defendant and State's Attorney waive preliminary hearing
19 pursuant to Section 109-3 of the Code of Criminal Procedure of
20 1963, the court shall enter an order specifying that the
21 proceedings shall be suspended while the defendant is
22 participating in a Program of not less 12 months.

23 (c) The conditions of the Program shall be that the
24 defendant:

25 (1) not violate any criminal statute of this State or
26 any other jurisdiction;

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

3 (3) make full restitution to the victim or property
4 owner pursuant to Section 5-5-6 of this Code;

5 (4) obtain employment or perform not less than 30
6 hours of community service, provided community service is
7 available in the county and is funded and approved by the
8 county board; and

9 (5) attend educational courses designed to prepare the
10 defendant for obtaining a high school diploma or to work
11 toward passing high school equivalency testing or to work
12 toward completing a vocational training program.

13 (c-1) The court may give credit toward the fulfillment of
14 community service hours for participation in activities and
15 treatment as determined by court services.

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

18 (1) undergo medical or psychiatric treatment, or
19 treatment or rehabilitation approved by the Illinois
20 Department of Human Services;

21 (2) refrain from having in his or her body the
22 presence of any illicit drug prohibited by the
23 Methamphetamine Control and Community Protection Act, the
24 Cannabis Control Act or the Illinois Controlled Substances
25 Act, unless prescribed by a physician, and submit samples
26 of his or her blood or urine or both for tests to determine

1 the presence of any illicit drug;

2 (3) submit to periodic drug testing at a time, manner,
3 and frequency as ordered by the court;

4 (4) pay fines, fees and costs; and

5 (5) in addition, if a minor:

6 (i) reside with his or her parents or in a foster
7 home;

8 (ii) attend school;

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

10 or

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

13 (e) When the State's Attorney makes a factually specific
14 offer of proof that the defendant has failed to successfully
15 complete the Program or has violated any of the conditions of
16 the Program, the court shall enter an order that the defendant
17 has not successfully completed the Program and continue the
18 case for arraignment pursuant to Section 113-1 of the Code of
19 Criminal Procedure of 1963 for further proceedings as if the
20 defendant had not participated in the Program.

21 (f) Upon fulfillment of the terms and conditions of the
22 Program, the State's Attorney shall dismiss the case or the
23 court shall discharge the person and dismiss the proceedings
24 against the person.

25 (g) (Blank). ~~A person may only have one discharge and~~
26 ~~dismissal under this Section within a 4 year period.~~

1 (h) Notwithstanding subsection (a-1), if the court finds
2 that the defendant suffers from a substance abuse problem,
3 then before the person participates in the Program under this
4 Section, the court may refer the person to the drug court
5 established in that judicial circuit pursuant to Section 15 of
6 the Drug Court Treatment Act. The drug court team shall
7 evaluate the person's likelihood of successfully fulfilling
8 the terms and conditions of the Program under this Section and
9 shall report the results of its evaluation to the court. If the
10 drug court team finds that the person suffers from a substance
11 abuse problem that makes him or her substantially unlikely to
12 successfully fulfill the terms and conditions of the Program,
13 then the drug court shall set forth its findings in the form of
14 a written order, and the person shall be ineligible to
15 participate in the Program under this Section, but shall be
16 considered for the drug court program.

17 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
18 100-575, eff. 1-8-18.)

19 (730 ILCS 5/5-6-3.4)

20 Sec. 5-6-3.4. Second Chance Probation.

21 (a) Whenever any person who has not previously been
22 convicted of any felony offense under the laws of this State,
23 the laws of any other state, or the laws of the United States,
24 and pleads guilty to, or is found guilty of, possession of less
25 than 15 grams of a controlled substance; possession of less

1 than 15 grams of methamphetamine; or a probationable felony
2 offense of possession of cannabis, theft, retail theft,
3 forgery, deceptive practices, possession of a stolen motor
4 vehicle, burglary, possession of burglary tools, disorderly
5 conduct, criminal damage or trespass to property under Article
6 21 of the Criminal Code of 2012, criminal trespass to a
7 residence, an offense involving fraudulent identification, or
8 obstructing justice; or possession of cannabis, the court,
9 with the consent of the defendant and the State's Attorney,
10 may, without entering a judgment, sentence the defendant to
11 probation under this Section.

12 (a-1) Exemptions. A defendant is not eligible for this
13 probation if the offense he or she pleads guilty to, or is
14 found guilty of, is a violent offense, or he or she has
15 previously been convicted of a violent offense. For purposes
16 of this probation, a "violent offense" is any offense where
17 bodily harm was inflicted or where force was used against any
18 person or threatened against any person, any offense involving
19 sexual conduct, sexual penetration, or sexual exploitation,
20 any offense of domestic violence, domestic battery, violation
21 of an order of protection, stalking, hate crime, and any
22 offense involving the possession of a firearm or dangerous
23 weapon. A defendant shall not be eligible for this probation
24 if he or she has previously been adjudicated a delinquent
25 minor for the commission of a violent offense as defined in
26 this subsection.

1 (b) When a defendant is placed on probation, the court
2 shall enter an order specifying a period of probation of not
3 less than 24 months and shall defer further proceedings in the
4 case until the conclusion of the period or until the filing of
5 a petition alleging violation of a term or condition of
6 probation.

7 (c) The conditions of probation shall be that the
8 defendant:

9 (1) not violate any criminal statute of this State or
10 any other jurisdiction;

11 (2) refrain from possessing a firearm or other
12 dangerous weapon;

13 (3) make full restitution to the victim or property
14 owner under Section 5-5-6 of this Code;

15 (4) obtain or attempt to obtain employment;

16 (5) pay fines and costs;

17 (6) 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 (7) submit to periodic drug testing at a time and in a
22 manner as ordered by the court, but no less than 3 times
23 during the period of probation, with the cost of the
24 testing to be paid by the defendant; and

25 (8) perform a minimum of 30 hours of community
26 service. The court may give credit toward the fulfillment

1 of community service hours for participation in activities
2 and treatment as determined by court services.

3 (d) The court may, in addition to other conditions,
4 require that the defendant:

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

9 (2) undergo medical or psychiatric treatment, or
10 treatment or rehabilitation approved by the Illinois
11 Department of Human Services;

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

14 (4) support his or her dependents; or

15 (5) refrain from having in his or her body the
16 presence of any illicit drug prohibited by the
17 Methamphetamine Control and Community Protection Act, the
18 Cannabis Control Act, or the Illinois Controlled
19 Substances Act, unless prescribed by a physician, and
20 submit samples of his or her blood or urine or both for
21 tests to determine the presence of any illicit drug.

22 (e) Upon violation of a term or condition of probation,
23 the court may enter a judgment on its original finding of guilt
24 and proceed as otherwise provided by law.

25 (f) Upon fulfillment of the terms and conditions of
26 probation, the court shall discharge the person and dismiss

1 the proceedings against the person.

2 (g) A disposition of probation is considered to be a
3 conviction for the purposes of imposing the conditions of
4 probation and for appeal; however, a discharge and dismissal
5 under this Section is not a conviction for purposes of this
6 Code or for purposes of disqualifications or disabilities
7 imposed by law upon conviction of a crime.

8 (h) (Blank). ~~A person may only have one discharge and~~
9 ~~dismissal under this Section within a 4 year period.~~

10 (i) If a person is convicted of any offense which occurred
11 within 5 years subsequent to a discharge and dismissal under
12 this Section, the discharge and dismissal under this Section
13 shall be admissible in the sentencing proceeding for that
14 conviction as evidence in aggravation.

15 (j) Notwithstanding subsection (a), if the court finds
16 that the defendant suffers from a substance abuse problem,
17 then before the person is placed on probation under this
18 Section, the court may refer the person to the drug court
19 established in that judicial circuit pursuant to Section 15 of
20 the Drug Court Treatment Act. The drug court team shall
21 evaluate the person's likelihood of successfully fulfilling
22 the terms and conditions of probation under this Section and
23 shall report the results of its evaluation to the court. If the
24 drug court team finds that the person suffers from a substance
25 abuse problem that makes him or her substantially unlikely to
26 successfully fulfill the terms and conditions of probation

1 under this Section, then the drug court shall set forth its
2 findings in the form of a written order, and the person shall
3 be ineligible to be placed on probation under this Section,
4 but shall be considered for the drug court program.

5 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
6 100-575, eff. 1-8-18.)

7 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

8 Sec. 5-8-1. Natural life imprisonment; enhancements for
9 use of a firearm; mandatory supervised release terms.

10 (a) Except as otherwise provided in the statute defining
11 the offense or in Article 4.5 of Chapter V, a sentence of
12 imprisonment for a felony shall be a determinate sentence set
13 by the court under this Section, subject to Section 5-4.5-115
14 of this Code, according to the following limitations:

15 (1) for first degree murder,

16 (a) (blank),

17 (b) if a trier of fact finds beyond a reasonable
18 doubt that the murder was accompanied by exceptionally
19 brutal or heinous behavior indicative of wanton
20 cruelty or, except as set forth in subsection
21 (a) (1) (c) of this Section, that any of the aggravating
22 factors listed in subsection (b) or (b-5) of Section
23 9-1 of the Criminal Code of 1961 or the Criminal Code
24 of 2012 are present, the court may sentence the
25 defendant, subject to Section 5-4.5-105, to a term of

1 natural life imprisonment, or

2 (c) the court shall sentence the defendant to a
3 term of natural life imprisonment if the defendant, at
4 the time of the commission of the murder, had attained
5 the age of 18, and

6 (i) has previously been convicted of first
7 degree murder under any state or federal law, or

8 (ii) is found guilty of murdering more than
9 one victim, or

10 (iii) is found guilty of murdering a peace
11 officer, fireman, or emergency management worker
12 when the peace officer, fireman, or emergency
13 management worker was killed in the course of
14 performing his official duties, or to prevent the
15 peace officer or fireman from performing his
16 official duties, or in retaliation for the peace
17 officer, fireman, or emergency management worker
18 from performing his official duties, and the
19 defendant knew or should have known that the
20 murdered individual was a peace officer, fireman,
21 or emergency management worker, or

22 (iv) is found guilty of murdering an employee
23 of an institution or facility of the Department of
24 Corrections, or any similar local correctional
25 agency, when the employee was killed in the course
26 of performing his official duties, or to prevent

1 the employee from performing his official duties,
2 or in retaliation for the employee performing his
3 official duties, or

4 (v) is found guilty of murdering an emergency
5 medical technician - ambulance, emergency medical
6 technician - intermediate, emergency medical
7 technician - paramedic, ambulance driver or other
8 medical assistance or first aid person while
9 employed by a municipality or other governmental
10 unit when the person was killed in the course of
11 performing official duties or to prevent the
12 person from performing official duties or in
13 retaliation for performing official duties and the
14 defendant knew or should have known that the
15 murdered individual was an emergency medical
16 technician - ambulance, emergency medical
17 technician - intermediate, emergency medical
18 technician - paramedic, ambulance driver, or other
19 medical assistant or first aid personnel, or

20 (vi) (blank), or

21 (vii) is found guilty of first degree murder
22 and the murder was committed by reason of any
23 person's activity as a community policing
24 volunteer or to prevent any person from engaging
25 in activity as a community policing volunteer. For
26 the purpose of this Section, "community policing

1 volunteer" has the meaning ascribed to it in
2 Section 2-3.5 of the Criminal Code of 2012.

3 For purposes of clause (v), "emergency medical
4 technician - ambulance", "emergency medical technician
5 - intermediate", "emergency medical technician -
6 paramedic", have the meanings ascribed to them in the
7 Emergency Medical Services (EMS) Systems Act.

8 (d) (i) if the person committed the offense while
9 armed with a firearm, 15 years shall be added to
10 the term of imprisonment imposed by the court;

11 (ii) if, during the commission of the offense, the
12 person personally discharged a firearm, 20 years shall
13 be added to the term of imprisonment imposed by the
14 court;

15 (iii) if, during the commission of the offense,
16 the person personally discharged a firearm that
17 proximately caused great bodily harm, permanent
18 disability, permanent disfigurement, or death to
19 another person, 25 years or up to a term of natural
20 life shall be added to the term of imprisonment
21 imposed by the court.

22 (2) (blank);

23 (2.5) for a person who has attained the age of 18 years
24 at the time of the commission of the offense and who is
25 convicted under the circumstances described in subdivision
26 (b) (1) (B) of Section 11-1.20 or paragraph (3) of

1 subsection (b) of Section 12-13, subdivision (d)(2) of
2 Section 11-1.30 or paragraph (2) of subsection (d) of
3 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
4 paragraph (1.2) of subsection (b) of Section 12-14.1,
5 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
6 subsection (b) of Section 12-14.1 of the Criminal Code of
7 1961 or the Criminal Code of 2012, the sentence shall be a
8 term of natural life imprisonment.

9 (b) (Blank).

10 (c) (Blank).

11 (d) Subject to earlier termination under Section 3-3-8,
12 the parole or mandatory supervised release term shall be
13 written as part of the sentencing order and shall be as
14 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~~
23 ~~the 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
3 date 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
22 the effective date of this amendatory Act of the 94th
23 General Assembly, or who commit the offense of aggravated
24 child pornography under Section 11-20.1B, 11-20.3, or
25 11-20.1 with sentencing under subsection (c-5) of Section
26 11-20.1 of the Criminal Code of 1961 or the Criminal Code

1 of 2012, manufacture of child pornography, or
2 dissemination of child pornography after January 1, 2009,
3 the term of mandatory supervised release shall range from
4 a minimum of 3 years to a maximum of the natural life of
5 the defendant;

6 (5) if the victim is under 18 years of age, for a
7 second or subsequent offense of aggravated criminal sexual
8 abuse or felony criminal sexual abuse, 4 years, at least
9 the first 2 years of which the defendant shall serve in an
10 electronic monitoring or home detention program under
11 Article 8A of Chapter V of this Code;

12 (6) for a felony domestic battery, aggravated domestic
13 battery, stalking, aggravated stalking, and a felony
14 violation of an order of protection, 4 years.

15 (e) (Blank).

16 (f) (Blank).

17 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
18 101-288, eff. 1-1-20.)

19 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

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

21 (a) A judge shall not sentence an offender to a term of
22 imprisonment in excess of the maximum sentence authorized by
23 Article 4.5 of Chapter V for an offense or offenses within the
24 class of the most serious offense of which the offender was
25 convicted unless the factors in aggravation set forth in

1 Section 5-5-3.2 or clause (a)(1)(b) of Section 5-8-1 were
2 found to be present. If the pre-trial and trial proceedings
3 were conducted in compliance with subsection (c-5) of Section
4 111-3 of the Code of Criminal Procedure of 1963, the judge may
5 sentence an offender to an extended term as provided in
6 Article 4.5 of Chapter V (730 ILCS 5/Ch. V, Art. 4.5).

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

14 (c) An extended term as provided in Article 4.5 of Chapter
15 V may not be imposed for a violation of the Cannabis Control
16 Act, the Illinois Controlled Substances Act, or the
17 Methamphetamine Control and Community Protection Act.

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

19 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

20 Sec. 5-8-6. Place of confinement.

21 (a) Except as otherwise provided in this subsection (a),
22 offenders ~~Offenders~~ sentenced to a term of imprisonment for a
23 felony shall be committed to the penitentiary system of the
24 Department of Corrections. However, such sentence shall not
25 limit the powers of the Department of Children and Family

1 Services in relation to any child under the age of one year in
2 the sole custody of a person so sentenced, nor in relation to
3 any child delivered by a female so sentenced while she is so
4 confined as a consequence of such sentence. Except as
5 otherwise provided in this subsection (a), a ~~A~~ person
6 sentenced for a felony may be assigned by the Department of
7 Corrections to any of its institutions, facilities or
8 programs. An offender sentenced to a term of imprisonment for
9 a Class 3 or 4 felony, other than a violent crime as defined in
10 Section 3 of the Rights of Crime Victims and Witnesses Act, in
11 which the sentencing order indicates that the offender has
12 less than 4 months remaining on his or her sentence accounting
13 for time served may not be confined in the penitentiary system
14 of the Department of Corrections but may be assigned to
15 electronic home detention under Article 8A of this Chapter V,
16 an adult transition center, or another facility or program
17 within the Department of Corrections.

18 (b) Offenders sentenced to a term of imprisonment for less
19 than one year shall be committed to the custody of the sheriff.
20 A person committed to the Department of Corrections, prior to
21 July 14, 1983, for less than one year may be assigned by the
22 Department to any of its institutions, facilities or programs.

23 (c) All offenders under 18 years of age when sentenced to
24 imprisonment shall be committed to the Department of Juvenile
25 Justice and the court in its order of commitment shall set a
26 definite term. The provisions of Section 3-3-3 shall be a part

1 of such commitment as fully as though written in the order of
2 commitment. The place of confinement for sentences imposed
3 before the effective date of this amendatory Act of the 99th
4 General Assembly are not affected or abated by this amendatory
5 Act of the 99th General Assembly.

6 (d) No defendant shall be committed to the Department of
7 Corrections for the recovery of a fine or costs.

8 (e) When a court sentences a defendant to a term of
9 imprisonment concurrent with a previous and unexpired sentence
10 of imprisonment imposed by any district court of the United
11 States, it may commit the offender to the custody of the
12 Attorney General of the United States. The Attorney General of
13 the United States, or the authorized representative of the
14 Attorney General of the United States, shall be furnished with
15 the warrant of commitment from the court imposing sentence,
16 which warrant of commitment shall provide that, when the
17 offender is released from federal confinement, whether by
18 parole or by termination of sentence, the offender shall be
19 transferred by the Sheriff of the committing county to the
20 Department of Corrections. The court shall cause the
21 Department to be notified of such sentence at the time of
22 commitment and to be provided with copies of all records
23 regarding the sentence.

24 (Source: P.A. 99-628, eff. 1-1-17.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.

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6	720 ILCS 550/4	from Ch. 56 1/2, par. 704
7	720 ILCS 550/5	from Ch. 56 1/2, par. 705
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3 730 ILCS 5/5-8-2 from Ch. 38, par. 1005-8-2

4 730 ILCS 5/5-8-6 from Ch. 38, par. 1005-8-6