

1 AN ACT in relation to criminal law.

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

4 Section 5. The Illinois Controlled Substances Act is
5 amended by adding Section 405.3 as follows:

6 (720 ILCS 570/405.3 new)

7 Sec. 405.3. Criminal synthetic drug manufacturing
8 conspiracy.

9 (a) A person commits criminal synthetic drug
10 manufacturing conspiracy when, with the intent that a
11 controlled substance be manufactured or produced in violation
12 of any provision of Section 401, 402, 406.1, or 407, he or
13 she aids in the manufacture or production of a synthetic
14 controlled substance. No person may be convicted of criminal
15 synthetic drug manufacturing conspiracy unless an act in
16 furtherance to aid in the manufacture or production of a
17 synthetic controlled substance is alleged and proved to have
18 been committed by the person or a co-conspirator.

19 (b) Aiding in the manufacture of a synthetic controlled
20 substance may be accomplished by: (1) providing
21 methamphetamine manufacturing chemicals, precursors,
22 essential ingredients, or apparatus required to produce the
23 synthetic controlled substance; or (2) permitting the use of
24 any structure for the purpose of the manufacture of a
25 synthetic controlled substance.

26 (c) Apparatus required to manufacture the synthetic
27 controlled substance may include laboratory glassware and
28 apparatus or other common or household items used or modified
29 for use in the manufacture of the synthetic controlled
30 substance.

31 (d) In this Section, "structure" means any house,

1 apartment building, shop, barn, warehouse, building, vessel,
2 railroad car, cargo container, motor vehicle, housecar,
3 trailer, trailer coach, camper, mine, floating home,
4 watercraft, any structure capable of holding a clandestine
5 laboratory or any real property.

6 (e) It is not a defense to conspiracy that the person or
7 persons with whom the accused is alleged to have conspired:

8 (1) have not been prosecuted or convicted; or

9 (2) have been convicted of a different offense; or

10 (3) are not amenable to justice; or

11 (4) have been acquitted; or

12 (5) lacked the capacity to commit the offense.

13 (f) Sentence. A person convicted of criminal synthetic
14 drug manufacturing conspiracy may be fined or imprisoned or
15 both, but any fines or term of imprisonment imposed may not
16 be less than the minimum nor more than the maximum provided
17 for the offense that is the object of the conspiracy.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.