

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 changing Section 401 as follows:

6 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

7 Sec. 401. Except as authorized by this Act, it is
8 unlawful for any person knowingly to: (i) manufacture or
9 deliver, or possess with intent to manufacture or deliver, a
10 controlled or counterfeit substance or controlled substance
11 analog or (ii) possess any methamphetamine manufacturing
12 chemical listed in paragraph (z-1) of Section 102 with--the
13 intent--to--manufacture--methamphetamine--or--the--salt--of--an
14 optical-isomer-of-methamphetamine-or-an--analog--thereof. A
15 violation of this Act with respect to each of the controlled
16 substances listed herein constitutes a single and separate
17 violation of this Act. For purposes of this Section,
18 "controlled substance analog" or "analog" means a substance
19 which is intended for human consumption, other than a
20 controlled substance, that has a chemical structure
21 substantially similar to that of a controlled substance in
22 Schedule I or II, or that was specifically designed to
23 produce an effect substantially similar to that of a
24 controlled substance in Schedule I or II. Examples of
25 chemical classes in which controlled substance analogs are
26 found include, but are not limited to, the following:
27 phenethylamines, N-substituted piperidines, morphinans,
28 ecgonines, quinazolinones, substituted indoles, and
29 arylcycloalkylamines. For purposes of this Act, a controlled
30 substance analog shall be treated in the same manner as the
31 controlled substance to which it is substantially similar.

1 (a) Any person who violates this Section with respect to
2 the following amounts of controlled or counterfeit substances
3 or controlled substance analogs, notwithstanding any of the
4 provisions of subsections (c), (c-5), (d), (d-5), (e), (f),
5 (g) or (h) to the contrary, is guilty of a Class X felony and
6 shall be sentenced to a term of imprisonment as provided in
7 this subsection (a) and fined as provided in subsection (b):

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

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

16 (C) not less than 12 years and not more than
17 50 years with respect to 400 grams or more but less
18 than 900 grams of a substance containing heroin, or
19 an analog thereof;

20 (D) not less than 15 years and not more than
21 60 years with respect to 900 grams or more of any
22 substance containing heroin, or an analog thereof;

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

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

31 (C) not less than 12 years and not more than
32 50 years with respect to 400 grams or more but less
33 than 900 grams of a substance containing cocaine, or
34 an analog thereof;

1 (D) not less than 15 years and not more than
2 60 years with respect to 900 grams or more of any
3 substance containing cocaine, or an analog thereof;

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

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

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

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

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

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

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

27 (6.5) (A) not less than 6 years and not more than
28 30 years with respect to 15 grams or more but less
29 than 100 grams of a substance containing
30 methamphetamine or any salt of an optical isomer of
31 methamphetamine, or an analog thereof;

32 (B) not less than 9 years and not more than 40
33 years with respect to 100 grams or more but less
34 than 400 grams of a substance containing

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

3 (C) not less than 12 years and not more than
4 50 years with respect to 400 grams or more but less
5 than 900 grams of a substance containing
6 methamphetamine or any salt of an optical isomer of
7 methamphetamine, or an analog thereof;

8 (D) not less than 15 years and not more than
9 60 years with respect to 900 grams or more of any
10 substance containing methamphetamine or any salt of
11 an optical isomer of methamphetamine, or an analog
12 thereof.

13 (6.6) (A) not less than 6 years and not more than
14 30 years for the possession of 30 grams or more but
15 less than 150 grams of any methamphetamine
16 manufacturing chemical set forth in paragraph (z-1)
17 of Section 102 ~~with-intent-to-manufacture--30--grams~~
18 ~~or--more--but--less--than--150--grams--of--any--substance~~
19 ~~containing-methamphetamine,-or-salt-of--any--optical~~
20 ~~isomer-of-methamphetamine,-or-an-analog-thereof;~~

21 (B) not less than 6 years and not more than 40
22 years for the possession of 150 grams or more but
23 less than 500 grams of any methamphetamine
24 manufacturing chemical set forth in paragraph (z-1)
25 of Section 102 ~~with-intent-to-manufacture-150--grams~~
26 ~~or--more--but--less--than--500--grams--of--any--substance~~
27 ~~containing-methamphetamine,-or-salt--of--an--optical~~
28 ~~isomer-of-methamphetamine,-or-an-analog-thereof;~~

29 (C) not less than 6 years and not more than 50
30 years for the possession of 500 grams or more but
31 less than 1200 grams of any methamphetamine
32 manufacturing chemical set forth in paragraph (z-1)
33 of Section 102 ~~with-intent-to-manufacture-500--grams~~
34 ~~or--more--but--less--than--1200--grams--of--any--substance~~

1 containing-methamphetamine,-or-salt--of--an--optical
2 isomer-of-methamphetamine,-or-an-analog-thereof;

3 (D) not less than 6 years and not more than 60
4 years for the possession of 1200 grams or more of
5 any methamphetamine manufacturing chemical set forth
6 in paragraph (z-1) of Section 102 with--intent--to
7 manufacture--1200--grams--or--more--of--any--substance
8 containing-methamphetamine,-or-salt--of--an--optical
9 isomer-of-methamphetamine,-or-an-analog-thereof;

10 (7) (A) not less than 6 years and not more than 30
11 years with respect to: (i) 15 grams or more but less
12 than 100 grams of a substance containing lysergic
13 acid diethylamide (LSD), or an analog thereof, or
14 (ii) 15 or more objects or 15 or more segregated
15 parts of an object or objects but less than 200
16 objects or 200 segregated parts of an object or
17 objects containing in them or having upon them any
18 amounts of any substance containing lysergic acid
19 diethylamide (LSD), or an analog thereof;

20 (B) not less than 9 years and not more than 40
21 years with respect to: (i) 100 grams or more but
22 less than 400 grams of a substance containing
23 lysergic acid diethylamide (LSD), or an analog
24 thereof, or (ii) 200 or more objects or 200 or more
25 segregated parts of an object or objects but less
26 than 600 objects or less than 600 segregated parts
27 of an object or objects containing in them or having
28 upon them any amount of any substance containing
29 lysergic acid diethylamide (LSD), or an analog
30 thereof;

31 (C) not less than 12 years and not more than
32 50 years with respect to: (i) 400 grams or more but
33 less than 900 grams of a substance containing
34 lysergic acid diethylamide (LSD), or an analog

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

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

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

28 (B) not less than 9 years and not more than 40
29 years with respect to: (i) 100 grams or more but
30 less than 400 grams of a substance listed in
31 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),
32 (20.1), (21), (25), or (26) of subsection (d) of
33 Section 204, or an analog or derivative thereof, or
34 (ii) 200 or more pills, tablets, caplets, capsules,

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

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

20 (D) not less than 15 years and not more than 60
21 years with respect to: (i) 900 grams or more of any
22 substance listed in paragraph (1), (2), (2.1), (3),
23 (14.1), (19), (20), (20.1), (21), (25), or (26) of
24 subsection (d) of Section 204, or an analog or
25 derivative thereof, or (ii) 1,500 or more pills,
26 tablets, caplets, capsules, or objects containing in
27 them or having upon them any amount of a substance
28 listed in paragraph (1), (2), (2.1), (3), (14.1),
29 (19), (20), (20.1), (21), (25), or (26) of
30 subsection (d) of Section 204, or an analog or
31 derivative thereof;

32 (8) 30 grams or more of any substance containing
33 pentazocine or any of the salts, isomers and salts of
34 isomers of pentazocine, or an analog thereof;

1 (9) 30 grams or more of any substance containing
2 methaqualone or any of the salts, isomers and salts of
3 isomers of methaqualone, or an analog thereof;

4 (10) 30 grams or more of any substance
5 containing phencyclidine or any of the salts, isomers
6 and salts of isomers of phencyclidine (PCP), or an
7 analog thereof;

8 (10.5) 30 grams or more of any substance containing
9 ketamine or any of the salts, isomers and salts of
10 isomers of ketamine, or an analog thereof;

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

15 (b) Any person sentenced with respect to violations of
16 paragraph (1), (2), (3), (6.5), (6.6), (7), or (7.5) of
17 subsection (a) involving 100 grams or more of the controlled
18 substance named therein, may in addition to the penalties
19 provided therein, be fined an amount not more than \$500,000
20 or the full street value of the controlled or counterfeit
21 substance or controlled substance analog, whichever is
22 greater. The term "street value" shall have the meaning
23 ascribed in Section 110-5 of the Code of Criminal Procedure
24 of 1963. Any person sentenced with respect to any other
25 provision of subsection (a), may in addition to the penalties
26 provided therein, be fined an amount not to exceed \$500,000.

27 (c) Any person who violates this Section with regard to
28 the following amounts of controlled or counterfeit substances
29 or controlled substance analogs, notwithstanding any of the
30 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
31 to the contrary, is guilty of a Class 1 felony. The fine for
32 violation of this subsection (c) shall not be more than
33 \$250,000:

34 (1) 1 gram or more but less than 15 grams of any

1 substance containing heroin, or an analog thereof;

2 (2) 1 gram or more but less than 15 grams of any

3 substance containing cocaine, or an analog thereof;

4 (3) 10 grams or more but less than 15 grams of any

5 substance containing morphine, or an analog thereof;

6 (4) 50 grams or more but less than 200 grams of any

7 substance containing peyote, or an analog thereof;

8 (5) 50 grams or more but less than 200 grams of any

9 substance containing a derivative of barbituric acid or

10 any of the salts of a derivative of barbituric acid, or

11 an analog thereof;

12 (6) 50 grams or more but less than 200 grams of any

13 substance containing amphetamine or any salt of an

14 optical isomer of amphetamine, or an analog thereof;

15 (6.5) 5 grams or more but less than 15 grams of any

16 substance containing methamphetamine or any salt or

17 optical isomer of methamphetamine, or an analog thereof;

18 (7) (i) 5 grams or more but less than 15 grams of

19 any substance containing lysergic acid diethylamide

20 (LSD), or an analog thereof, or (ii) more than 10 objects

21 or more than 10 segregated parts of an object or objects

22 but less than 15 objects or less than 15 segregated parts

23 of an object containing in them or having upon them any

24 amount of any substance containing lysergic acid

25 diethylamide (LSD), or an analog thereof;

26 (7.5) (i) 5 grams or more but less than 15 grams of

27 any substance listed in paragraph (1), (2), (2.1), (3),

28 (14.1), (19), (20), (20.1), (21), (25), or (26) of

29 subsection (d) of Section 204, or an analog or derivative

30 thereof, or (ii) more than 10 pills, tablets, caplets,

31 capsules, or objects but less than 15 pills, tablets,

32 caplets, capsules, or objects containing in them or

33 having upon them any amount of any substance listed in

34 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),

1 (20.1), (21), (25), or (26) of subsection (d) of Section
2 204, or an analog or derivative thereof;

3 (8) 10 grams or more but less than 30 grams of any
4 substance containing pentazocine or any of the salts,
5 isomers and salts of isomers of pentazocine, or an analog
6 thereof;

7 (9) 10 grams or more but less than 30 grams of any
8 substance containing methaqualone or any of the salts,
9 isomers and salts of isomers of methaqualone, or an
10 analog thereof;

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

15 (10.5) 10 grams or more but less than 30 grams of
16 any substance containing ketamine or any of the salts,
17 isomers and salts of isomers of ketamine, or an analog
18 thereof;

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

23 (c-5) Any person who violates this Section with regard
24 to possession of any methamphetamine manufacturing chemical
25 set forth in paragraph (z-1) of Section 102 with intent to
26 manufacture 15 grams or more but less than 30 grams of
27 methamphetamine, or salt of an optical isomer of
28 methamphetamine or any analog thereof, is guilty of a Class 1
29 felony. The fine for violation of this subsection (c-5)
30 shall not be more than \$250,000.

31 (d) Any person who violates this Section with regard to
32 any other amount of a controlled or counterfeit substance
33 classified in Schedules I or II, or an analog thereof, which
34 is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD)

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

6 (d-5) Any person who violates this Section with regard
 7 to possession of more than 3 grams of any methamphetamine
 8 manufacturing chemical set forth in paragraph (z-1) of
 9 Section 102 ~~with intent to manufacture less than 15 grams of~~
 10 ~~methamphetamine, or salt of an optical isomer of~~
 11 ~~methamphetamine or any analog thereof,~~ is guilty of a Class 2
 12 felony. The fine for violation of this subsection (d-5)
 13 shall not be more than \$200,000.

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

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

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

31 (h) Any person who violates this Section with regard to
 32 any other amount of a controlled or counterfeit substance
 33 classified in Schedule V is guilty of a Class 3 felony. The
 34 fine for violation of this subsection (h) shall not be more

1 than \$75,000.

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

7 (Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99;
8 91-403, eff. 1-1-00; 92-16, eff. 6-28-01; 92-256, eff.
9 1-1-02; 92-698, eff. 7-19-02.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.