



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4123

Introduced 1/15/2004, by Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

720 ILCS 570/407.3 new

Amends the Illinois Controlled Substances Act. Creates the offense of use of a child to commit a controlled substance offense. Provides that a person commits the offense when he or she is 17 years of age or over and commits a felony delivery or felony attempted delivery of a controlled substance in violation of the Act and, as part of that criminal transaction, knowingly uses a child under 17 years of age to effectuate the felony delivery or felony attempted delivery of the controlled substance. Provides that the penalty is a Class 4 felony. Effective immediately.

LRB093 16682 RLC 42333 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 407.3 as follows:

6 (720 ILCS 570/407.3 new)

7 Sec. 407.3. Use of a child to commit a controlled substance
8 offense.

9 (a) In this Section:

10 "Child" means a person less than 17 years of age.

11 "Uses a child to effectuate the felony delivery or felony
12 attempted delivery of the controlled substance" means conduct
13 by which the defendant: (1) conceals the controlled substance
14 on or about the body or person of the child for the purpose of
15 effectuating the criminal delivery or attempted delivery of the
16 controlled substance to a third person; or (2) directs, forces
17 or otherwise requires the child to deliver or attempt to
18 deliver or offer direct assistance to the defendant in
19 delivering or attempting to deliver the controlled substance to
20 a third person.

21 (b) A person commits the offense of use of a child to
22 commit a controlled substance offense when he or she is 17
23 years of age or over and commits a felony delivery or felony
24 attempted delivery of a controlled substance in violation of
25 this Act and, as part of that criminal transaction, knowingly
26 uses a child to effectuate the felony delivery or felony
27 attempted delivery of the controlled substance.

28 (c) Sentence. Use of a child to commit a controlled
29 substance offense is a Class 4 felony.

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.