

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 407 as follows:

6 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

7 Sec. 407. (a) (1)(A) Any person 18 years of age or over
8 who violates any subsection of Section 401 or subsection (b)
9 of Section 404 by delivering a controlled, counterfeit or
10 look-alike substance to a person under 18 years of age may be
11 sentenced to imprisonment for a term up to twice the maximum
12 term and fined an amount up to twice that amount otherwise
13 authorized by the pertinent subsection of Section 401 and
14 Subsection (b) of Section 404.

15 (B) Any person 18 years of age or over who violates
16 subdivision (a)(6.5), subdivision (a)(6.6), subdivision
17 (c)(6.5), subsection (c-5), subsection (d), or subsection
18 (d-5) of Section 401 by manufacturing methamphetamine,
19 preparing to manufacture methamphetamine, or storing
20 methamphetamine, methamphetamine ingredients, or
21 methamphetamine waste in any vehicle or real property where a
22 child under 18 years of age resides, is present, or is
23 otherwise endangered by exposure to the methamphetamine,
24 methamphetamine ingredients, methamphetamine waste, or
25 methamphetamine manufacturing process may be sentenced to
26 imprisonment for a term up to twice the maximum term and
27 fined an amount up to twice that amount otherwise authorized
28 by the pertinent subsection of Section 401 and subsection (b)
29 of Section 404.

30 (2) Except as provided in paragraph (3) of this
31 subsection, any person who violates:

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

7 (B) subsection (d) of Section 401 by delivering or
8 possessing with intent to deliver a controlled,
9 counterfeit, or look-alike substance in or on, or within
10 1,000 feet of, a truck stop or safety rest area, is
11 guilty of a Class 2 felony, the fine for which shall not
12 exceed \$200,000;

13 (C) subsection (e) of Section 401 or subsection (b)
14 of Section 404 by delivering or possessing with intent to
15 deliver a controlled, counterfeit, or look-alike
16 substance in or on, or within 1,000 feet of, a truck stop
17 or safety rest area, is guilty of a Class 3 felony, the
18 fine for which shall not exceed \$150,000;

19 (D) subsection (f) of Section 401 by delivering or
20 possessing with intent to deliver a controlled,
21 counterfeit, or look-alike substance in or on, or within
22 1,000 feet of, a truck stop or safety rest area, is
23 guilty of a Class 3 felony, the fine for which shall not
24 exceed \$125,000;

25 (E) subsection (g) of Section 401 by delivering or
26 possessing with intent to deliver a controlled,
27 counterfeit, or look-alike substance in or on, or within
28 1,000 feet of, a truck stop or safety rest area, is
29 guilty of a Class 3 felony, the fine for which shall not
30 exceed \$100,000;

31 (F) subsection (h) of Section 401 by delivering or
32 possessing with intent to deliver a controlled,
33 counterfeit, or look-alike substance in or on, or within
34 1,000 feet of, a truck stop or safety rest area, is

1 guilty of a Class 3 felony, the fine for which shall not
2 exceed \$75,000;

3 (3) Any person who violates paragraph (2) of this
4 subsection (a) by delivering or possessing with intent to
5 deliver a controlled, counterfeit, or look-alike substance in
6 or on, or within 1,000 feet of a truck stop or a safety rest
7 area, following a prior conviction or convictions of
8 paragraph (2) of this subsection (a) may be sentenced to a
9 term of imprisonment up to 2 times the maximum term and fined
10 an amount up to 2 times the amount otherwise authorized by
11 Section 401.

12 (4) For the purposes of this subsection (a):

13 (A) "Safety rest area" means a roadside facility
14 removed from the roadway with parking and facilities
15 designed for motorists' rest, comfort, and information
16 needs; and

17 (B) "Truck stop" means any facility (and its
18 parking areas) used to provide fuel or service, or both,
19 to any commercial motor vehicle as defined in Section
20 18b-101 of the Illinois Vehicle Code.

21 (b) Any person who violates:

22 (1) subsection (c) of Section 401 in any school, or
23 any conveyance owned, leased or contracted by a school to
24 transport students to or from school or a school related
25 activity, or residential property owned, operated or
26 managed by a public housing agency or leased by a public
27 housing agency as part of a scattered site or
28 mixed-income development, or public park, on the real
29 property comprising any school or residential property
30 owned, operated or managed by a public housing agency or
31 leased by a public housing agency as part of a scattered
32 site or mixed-income development, or public park or
33 within 1,000 feet of the real property comprising any
34 school or residential property owned, operated or managed

1 by a public housing agency or leased by a public housing
2 agency as part of a scattered site or mixed-income
3 development, or public park, on the real property
4 comprising any church, synagogue, or other building,
5 structure, or place used primarily for religious worship,
6 or within 1,000 feet of the real property comprising any
7 church, synagogue, or other building, structure, or place
8 used primarily for religious worship, on the real
9 property comprising any of the following places,
10 buildings, or structures used primarily for housing or
11 providing space for activities for senior citizens:
12 nursing homes, assisted-living centers, senior citizen
13 housing complexes, or senior centers oriented toward
14 daytime activities, or within 1,000 feet of the real
15 property comprising any of the following places,
16 buildings, or structures used primarily for housing or
17 providing space for activities for senior citizens:
18 nursing homes, assisted-living centers, senior citizen
19 housing complexes, or senior centers oriented toward
20 daytime activities is guilty of a Class X felony, the
21 fine for which shall not exceed \$500,000;

22 (2) subsection (d) of Section 401 in any school, or
23 any conveyance owned, leased or contracted by a school to
24 transport students to or from school or a school related
25 activity, or residential property owned, operated or
26 managed by a public housing agency or leased by a public
27 housing agency as part of a scattered site or
28 mixed-income development, or public park, on the real
29 property comprising any school or residential property
30 owned, operated or managed by a public housing agency or
31 leased by a public housing agency as part of a scattered
32 site or mixed-income development, or public park or
33 within 1,000 feet of the real property comprising any
34 school or residential property owned, operated or managed

1 by a public housing agency or leased by a public housing
 2 agency as part of a scattered site or mixed-income
 3 development, or public park, on the real property
 4 comprising any church, synagogue, or other building,
 5 structure, or place used primarily for religious worship,
 6 or within 1,000 feet of the real property comprising any
 7 church, synagogue, or other building, structure, or place
 8 used primarily for religious worship, on the real
 9 property comprising any of the following places,
 10 buildings, or structures used primarily for housing or
 11 providing space for activities for senior citizens:
 12 nursing homes, assisted-living centers, senior citizen
 13 housing complexes, or senior centers oriented toward
 14 daytime activities, or within 1,000 feet of the real
 15 property comprising any of the following places,
 16 buildings, or structures used primarily for housing or
 17 providing space for activities for senior citizens:
 18 nursing homes, assisted-living centers, senior citizen
 19 housing complexes, or senior centers oriented toward
 20 daytime activities is guilty of a Class 1 felony, the
 21 fine for which shall not exceed \$250,000;

22 (3) subsection (e) of Section 401 or Subsection (b)
 23 of Section 404 in any school, or any conveyance owned,
 24 leased or contracted by a school to transport students to
 25 or from school or a school related activity, or
 26 residential property owned, operated or managed by a
 27 public housing agency or leased by a public housing
 28 agency as part of a scattered site or mixed-income
 29 development, or public park, on the real property
 30 comprising any school or residential property owned,
 31 operated or managed by a public housing agency or leased
 32 by a public housing agency as part of a scattered site or
 33 mixed-income development, or public park or within 1,000
 34 feet of the real property comprising any school or

1 residential property owned, operated or managed by a
2 public housing agency or leased by a public housing
3 agency as part of a scattered site or mixed-income
4 development, or public park, on the real property
5 comprising any church, synagogue, or other building,
6 structure, or place used primarily for religious worship,
7 or within 1,000 feet of the real property comprising any
8 church, synagogue, or other building, structure, or place
9 used primarily for religious worship, on the real
10 property comprising any of the following places,
11 buildings, or structures used primarily for housing or
12 providing space for activities for senior citizens:
13 nursing homes, assisted-living centers, senior citizen
14 housing complexes, or senior centers oriented toward
15 daytime activities, or within 1,000 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 is guilty of a Class 2 felony, the
22 fine for which shall not exceed \$200,000;

23 (4) subsection (f) of Section 401 in any school, or
24 any conveyance owned, leased or contracted by a school to
25 transport students to or from school or a school related
26 activity, or residential property owned, operated or
27 managed by a public housing agency or leased by a public
28 housing agency as part of a scattered site or
29 mixed-income development, or public park, on the real
30 property comprising any school or residential property
31 owned, operated or managed by a public housing agency or
32 leased by a public housing agency as part of a scattered
33 site or mixed-income development, or public park or
34 within 1,000 feet of the real property comprising any

1 school or residential property owned, operated or managed
2 by a public housing agency or leased by a public housing
3 agency as part of a scattered site or mixed-income
4 development, or public park, on the real property
5 comprising any church, synagogue, or other building,
6 structure, or place used primarily for religious worship,
7 or within 1,000 feet of the real property comprising any
8 church, synagogue, or other building, structure, or place
9 used primarily for religious worship, on the real
10 property comprising any of the following places,
11 buildings, or structures used primarily for housing or
12 providing space for activities for senior citizens:
13 nursing homes, assisted-living centers, senior citizen
14 housing complexes, or senior centers oriented toward
15 daytime activities, or within 1,000 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 is guilty of a Class 2 felony, the
22 fine for which shall not exceed \$150,000;

23 (5) subsection (g) of Section 401 in any school, or
24 any conveyance owned, leased or contracted by a school to
25 transport students to or from school or a school related
26 activity, or residential property owned, operated or
27 managed by a public housing agency or leased by a public
28 housing agency as part of a scattered site or
29 mixed-income development, or public park, on the real
30 property comprising any school or residential property
31 owned, operated or managed by a public housing agency or
32 leased by a public housing agency as part of a scattered
33 site or mixed-income development, or public park or
34 within 1,000 feet of the real property comprising any

1 school or residential property owned, operated or managed
2 by a public housing agency or leased by a public housing
3 agency as part of a scattered site or mixed-income
4 development, or public park, on the real property
5 comprising any church, synagogue, or other building,
6 structure, or place used primarily for religious worship,
7 or within 1,000 feet of the real property comprising any
8 church, synagogue, or other building, structure, or place
9 used primarily for religious worship, on the real
10 property comprising any of the following places,
11 buildings, or structures used primarily for housing or
12 providing space for activities for senior citizens:
13 nursing homes, assisted-living centers, senior citizen
14 housing complexes, or senior centers oriented toward
15 daytime activities, or within 1,000 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 is guilty of a Class 2 felony, the
22 fine for which shall not exceed \$125,000;

23 (6) subsection (h) of Section 401 in any school, or
24 any conveyance owned, leased or contracted by a school to
25 transport students to or from school or a school related
26 activity, or residential property owned, operated or
27 managed by a public housing agency or leased by a public
28 housing agency as part of a scattered site or
29 mixed-income development, or public park, on the real
30 property comprising any school or residential property
31 owned, operated or managed by a public housing agency or
32 leased by a public housing agency as part of a scattered
33 site or mixed-income development, or public park or
34 within 1,000 feet of the real property comprising any

1 school or residential property owned, operated or managed
2 by a public housing agency or leased by a public housing
3 agency as part of a scattered site or mixed-income
4 development, or public park, on the real property
5 comprising any church, synagogue, or other building,
6 structure, or place used primarily for religious worship,
7 or within 1,000 feet of the real property comprising any
8 church, synagogue, or other building, structure, or place
9 used primarily for religious worship, on the real
10 property comprising any of the following places,
11 buildings, or structures used primarily for housing or
12 providing space for activities for senior citizens:
13 nursing homes, assisted-living centers, senior citizen
14 housing complexes, or senior centers oriented toward
15 daytime activities, or within 1,000 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 is guilty of a Class 2 felony, the
22 fine for which shall not exceed \$100,000.

23 (c) Regarding penalties prescribed in subsection (b) for
24 violations committed in a school or on or within 1,000 feet
25 of school property, the time of day, time of year and whether
26 classes were currently in session at the time of the offense
27 is irrelevant.

28 (Source: P.A. 91-353, eff. 1-1-00; 91-673, eff. 12-22-99;
29 92-16, eff. 6-28-01.)