

1 AMENDMENT TO SENATE BILL 1793

2 AMENDMENT NO. _____. Amend Senate Bill 1793 by replacing
3 everything after the enacting clause with the following:

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

1 otherwise endangered by exposure to the methamphetamine,
2 methamphetamine ingredients, methamphetamine waste, or
3 methamphetamine manufacturing process may be sentenced to
4 imprisonment for a term up to twice the maximum term and
5 fined an amount up to twice that amount otherwise authorized
6 by the pertinent subsection of Section 401 and subsection (b)
7 of Section 404.

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

10 (A) subsection (c) of Section 401 by delivering or
11 possessing with intent to deliver a controlled,
12 counterfeit, or look-alike substance in or on, or within
13 1,000 feet of, a truck stop or safety rest area, is
14 guilty of a Class 1 felony, the fine for which shall not
15 exceed \$250,000;

16 (B) subsection (d) of Section 401 by delivering or
17 possessing with intent to deliver a controlled,
18 counterfeit, or look-alike substance in or on, or within
19 1,000 feet of, a truck stop or safety rest area, is
20 guilty of a Class 2 felony, the fine for which shall not
21 exceed \$200,000;

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

28 (D) subsection (f) of Section 401 by delivering or
29 possessing with intent to deliver a controlled,
30 counterfeit, or look-alike substance in or on, or within
31 1,000 feet of, a truck stop or safety rest area, is
32 guilty of a Class 3 felony, the fine for which shall not
33 exceed \$125,000;

34 (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 1,000 feet of, a truck stop or safety rest area, is
4 guilty of a Class 3 felony, the fine for which shall not
5 exceed \$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 1,000 feet of, a truck stop or safety rest area, is
10 guilty of a Class 3 felony, the fine for which shall not
11 exceed \$75,000;

12 (3) 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 1,000 feet of a truck stop or a safety rest
16 area, following a prior conviction or convictions of
17 paragraph (2) of this subsection (a) may be sentenced to a
18 term of imprisonment up to 2 times the maximum term and fined
19 an amount up to 2 times the amount otherwise authorized by
20 Section 401.

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

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

26 (B) "Truck stop" means any facility (and its
27 parking areas) used to provide fuel or service, or both,
28 to any commercial motor vehicle as defined in Section
29 18b-101 of the Illinois Vehicle Code.

30 (b) Any person who violates:

31 (1) subsection (c) of Section 401 in any school, or
32 any conveyance owned, leased or contracted by a school to
33 transport students to or from school or a school related
34 activity, or residential property owned, operated or

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

31 (2) subsection (d) of Section 401 in any school, or
32 any conveyance owned, leased or contracted by a school to
33 transport students to or from school or a school related
34 activity, or residential property owned, operated or

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

31 (3) subsection (e) of Section 401 or Subsection (b)
32 of Section 404 in any school, or any conveyance owned,
33 leased or contracted by a school to transport students to
34 or from school or a school related activity, 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 school or residential property owned,
6 operated or managed by a public housing agency or leased
7 by a public housing agency as part of a scattered site or
8 mixed-income development, or public park or within 1,000
9 feet of the real property comprising any school or
10 residential property owned, operated or managed by a
11 public housing agency or leased by a public housing
12 agency as part of a scattered site or mixed-income
13 development, or public park, on the real property
14 comprising any church, synagogue, or other building,
15 structure, or place used primarily for religious worship,
16 or within 1,000 feet of the real property comprising any
17 church, synagogue, or other building, structure, or place
18 used primarily for religious worship, on the real
19 property comprising any of the following places,
20 buildings, or structures used primarily for housing or
21 providing space for activities for senior citizens:
22 nursing homes, assisted-living centers, senior citizen
23 housing complexes, or senior centers oriented toward
24 daytime activities, or within 1,000 feet of the real
25 property comprising any of the following places,
26 buildings, or structures used primarily for housing or
27 providing space for activities for senior citizens:
28 nursing homes, assisted-living centers, senior citizen
29 housing complexes, or senior centers oriented toward
30 daytime activities is guilty of a Class 2 felony, the
31 fine for which shall not exceed \$200,000;

32 (4) subsection (f) of Section 401 in any school, or
33 any conveyance owned, leased or contracted by a school to
34 transport students to or from school or a school related

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

32 (5) subsection (g) of Section 401 in any school, or
33 any conveyance owned, leased or contracted by a school to
34 transport students to or from school or a school related

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

32 (6) subsection (h) of Section 401 in any school, or
33 any conveyance owned, leased or contracted by a school to
34 transport students to or from school or a school related

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

32 (c) Regarding penalties prescribed in subsection (b) for
33 violations committed in a school or on or within 1,000 feet
34 of school property, the time of day, time of year and whether

1 classes were currently in session at the time of the offense
2 is irrelevant.

3 (Source: P.A. 91-353, eff. 1-1-00; 91-673, eff. 12-22-99;
4 92-16, eff. 6-28-01.)".