

1 AN ACT concerning 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 Sections 406 and 410 and by adding Section  
6 406.2 as follows:

7 (720 ILCS 570/406) (from Ch. 56 1/2, par. 1406)

8 Sec. 406. (a) It is unlawful for any person:

9 (1) who is subject to Article III knowingly to  
10 distribute or dispense a controlled substance in violation  
11 of Sections 308 through 314 of this Act; or

12 (2) who is a registrant, to manufacture a controlled  
13 substance not authorized by his registration, or to  
14 distribute or dispense a controlled substance not  
15 authorized by his registration to another registrant or  
16 other authorized person; or

17 (3) to refuse or fail to make, keep or furnish any  
18 record, notification, order form, statement, invoice or  
19 information required under this Act; or

20 (4) to refuse an entry into any premises for any  
21 inspection authorized by this Act; or

22 (5) knowingly to keep or maintain any store, shop,  
23 warehouse, dwelling, building, vehicle, boat, aircraft, or

1 other structure or place, which is resorted to by a person  
2 unlawfully possessing controlled substances, or which is  
3 used for possessing, manufacturing, dispensing or  
4 distributing controlled substances in violation of this  
5 Act.

6 Any person who violates this subsection (a) is guilty of a  
7 Class A misdemeanor for the first offense and a Class 4 felony  
8 for each subsequent offense. The fine for each subsequent  
9 offense shall not be more than \$100,000. In addition, any  
10 practitioner who is found guilty of violating this subsection  
11 (a) is subject to suspension and revocation of his professional  
12 license, in accordance with such procedures as are provided by  
13 law for the taking of disciplinary action with regard to the  
14 license of said practitioner's profession.

15 (b) It is unlawful for any person knowingly:

16 (1) to distribute, as a registrant, a controlled  
17 substance classified in Schedule I or II, except pursuant  
18 to an order form as required by Section 307 of this Act; or

19 (2) to use, in the course of the manufacture or  
20 distribution of a controlled substance, a registration  
21 number which is fictitious, revoked, suspended, or issued  
22 to another person; or

23 (3) to acquire or obtain possession of a controlled  
24 substance by misrepresentation, fraud, forgery, deception  
25 or subterfuge; or

26 (4) to furnish false or fraudulent material

1 information in, or omit any material information from, any  
2 application, report or other document required to be kept  
3 or filed under this Act, or any record required to be kept  
4 by this Act; or

5 (5) to make, distribute or possess any punch, die,  
6 plate, stone or other thing designed to print, imprint or  
7 reproduce the trademark, trade name or other identifying  
8 mark, imprint or device of another, or any likeness of any  
9 of the foregoing, upon any controlled substance or  
10 container or labeling thereof so as to render the drug a  
11 counterfeit substance; or

12 (6) (blank) ~~to possess without authorization, blank~~  
13 ~~prescription forms or counterfeit prescription forms;~~ or

14 (7) (Blank).

15 Any person who violates this subsection (b) is guilty of a  
16 Class 4 felony for the first offense and a Class 3 felony for  
17 each subsequent offense. The fine for the first offense shall  
18 be not more than \$100,000. The fine for each subsequent offense  
19 shall not be more than \$200,000.

20 (c) A person who knowingly or intentionally violates  
21 Section 316, 317, 318, or 319 is guilty of a Class A  
22 misdemeanor.

23 (Source: P.A. 91-576, eff. 4-1-00.)

24 (720 ILCS 570/406.2 new)

25 Sec. 406.2. Unauthorized possession of prescription form.

1       (a) A person commits the offense of unauthorized possession  
2 of prescription form when he or she knowingly:

3           (1) alters a properly issued prescription form;

4           (2) possesses without authorization a blank  
5 prescription form or counterfeit prescription form; or

6           (3) possesses a prescription form not issued by a  
7 licensed prescriber.

8       (b) Knowledge shall be determined by an evaluation of all  
9 circumstances surrounding possession of a blank prescription  
10 or possession of a prescription altered or not issued by a  
11 licensed prescriber.

12       (c) Sentence. Any person who violates subsection (a) is  
13 guilty of a Class 4 felony for the first offense and a Class 3  
14 felony for each subsequent offense. The fine for the first  
15 offense shall be not more than \$100,000. The fine for each  
16 subsequent offense shall not be more than \$200,000.

17       (d) For the purposes of this Section, "licensed prescriber"  
18 means a prescriber as defined in this Act or an optometrist  
19 licensed under the Illinois Optometric Practice Act of 1987.

20       (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

21       Sec. 410. (a) Whenever any person who has not previously  
22 been convicted of, or placed on probation or court supervision  
23 for any offense under this Act or any law of the United States  
24 or of any State relating to cannabis or controlled substances,  
25 pleads guilty to or is found guilty of possession of a

1 controlled or counterfeit substance under subsection (c) of  
2 Section 402 or of unauthorized possession of prescription form  
3 under Section 406.2, the court, without entering a judgment and  
4 with the consent of such person, may sentence him to probation.

5 (b) When a person is placed on probation, the court shall  
6 enter an order specifying a period of probation of 24 months  
7 and shall defer further proceedings in the case until the  
8 conclusion of the period or until the filing of a petition  
9 alleging violation of a term or condition of probation.

10 (c) The conditions of probation shall be that the person:  
11 (1) not violate any criminal statute of any jurisdiction; (2)  
12 refrain from possessing a firearm or other dangerous weapon;  
13 (3) submit to periodic drug testing at a time and in a manner  
14 as ordered by the court, but no less than 3 times during the  
15 period of the probation, with the cost of the testing to be  
16 paid by the probationer; and (4) perform no less than 30 hours  
17 of community service, provided community service is available  
18 in the jurisdiction and is funded and approved by the county  
19 board.

20 (d) The court may, in addition to other conditions, require  
21 that the person:

22 (1) make a report to and appear in person before or  
23 participate with the court or such courts, person, or  
24 social service agency as directed by the court in the order  
25 of probation;

26 (2) pay a fine and costs;

1           (3) work or pursue a course of study or vocational  
2 training;

3           (4) undergo medical or psychiatric treatment; or  
4 treatment or rehabilitation approved by the Illinois  
5 Department of Human Services;

6           (5) attend or reside in a facility established for the  
7 instruction or residence of defendants on probation;

8           (6) support his dependents;

9           (6-5) refrain from having in his or her body the  
10 presence of any illicit drug prohibited by the Cannabis  
11 Control Act, the Illinois Controlled Substances Act, or the  
12 Methamphetamine Control and Community Protection Act,  
13 unless prescribed by a physician, and submit samples of his  
14 or her blood or urine or both for tests to determine the  
15 presence of any illicit drug;

16           (7) and in addition, if a minor:

17                 (i) reside with his parents or in a foster home;

18                 (ii) attend school;

19                 (iii) attend a non-residential program for youth;

20                 (iv) contribute to his own support at home or in a  
21 foster home.

22           (e) Upon violation of a term or condition of probation, the  
23 court may enter a judgment on its original finding of guilt and  
24 proceed as otherwise provided.

25           (f) Upon fulfillment of the terms and conditions of  
26 probation, the court shall discharge the person and dismiss the

1 proceedings against him.

2 (g) A disposition of probation is considered to be a  
3 conviction for the purposes of imposing the conditions of  
4 probation and for appeal, however, discharge and dismissal  
5 under this Section is not a conviction for purposes of this Act  
6 or for purposes of disqualifications or disabilities imposed by  
7 law upon conviction of a crime.

8 (h) There may be only one discharge and dismissal under  
9 this Section, Section 10 of the Cannabis Control Act, or  
10 Section 70 of the Methamphetamine Control and Community  
11 Protection Act with respect to any person.

12 (i) If a person is convicted of an offense under this Act,  
13 the Cannabis Control Act, or the Methamphetamine Control and  
14 Community Protection Act within 5 years subsequent to a  
15 discharge and dismissal under this Section, the discharge and  
16 dismissal under this Section shall be admissible in the  
17 sentencing proceeding for that conviction as evidence in  
18 aggravation.

19 (Source: P.A. 94-556, eff. 9-11-05.)