



Sen. Dan Kotowski

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09800HB1346sam001

LRB098 07975 JWD 46746 a

1 AMENDMENT TO HOUSE BILL 1346

2 AMENDMENT NO. _____. Amend House Bill 1346 on page 1, by
3 inserting after line 3 the following:

4 "Section 3. The Criminal Code of 2012 is amended by adding
5 Section 24-1.9 as follows:

6 (720 ILCS 5/24-1.9 new)

7 Sec. 24-1.9. Delivery, sale, or transfer of large capacity
8 ammunition feeding devices.

9 (a) As used in this Section:

10 "Large capacity ammunition feeding device" means:

11 (1) a detachable magazine, belt, drum, feed strip, or
12 similar device that has a capacity of, or that can be
13 readily restored or converted to accept, more than 10
14 rounds of ammunition; or

15 (2) any combination of parts from which a device

1 described in paragraph (1) can be assembled.

2 "Large capacity ammunition feeding device" does not
3 include a permanently attached tubular device or any device
4 that has been made permanently inoperable.

5 (b) Except as provided in subsection (c) or (d), it is
6 unlawful for any person to knowingly deliver, sell, or
7 transfer, or cause to be delivered, sold, or transferred, a
8 large capacity ammunition feeding device. This subsection (b)
9 shall not apply to transfers to an heir, an individual residing
10 in another state maintaining that device in another state, or a
11 dealer licensed as a federal firearms dealer under Section 923
12 of the Federal Gun Control Act of 1968.

13 (c) This Section does not apply to or affect any of the
14 following:

15 (1) Peace officers as defined in Section 2-13 of this
16 Code and retired peace officers not otherwise prohibited
17 from receiving a firearm, in possession of a large capacity
18 ammunition feeding device transferred to the retired peace
19 officer by his or her law enforcement agency upon
20 retirement.

21 (2) Wardens, superintendents, and keepers of prisons,
22 penitentiaries, jails, and other institutions for the
23 detention of persons accused or convicted of an offense.

24 (3) Members of the Armed Services or Reserve Forces of
25 the United States or the Illinois National Guard, while in
26 the performance of their official duties or while traveling

1 to or from their place of duty.

2 (4) Manufacture, transportation, sale, or transfer of
3 large capacity ammunition feeding devices to persons
4 authorized under paragraphs (1) through (3) of this
5 subsection to possess those items or solely for the purpose
6 of sale or transfer outside of this State.

7 (5) Possession of a large capacity ammunition feeding
8 device at events taking place at the World Shooting and
9 Recreational Complex at Sparta, only while engaged in the
10 legal use of the device, or while traveling to or from this
11 location if the items are broken down in a non-functioning
12 state, or are not immediately accessible, or are unloaded
13 and enclosed in a case, firearm carrying box, shipping box,
14 or other container.

15 (6) Possession of any large capacity ammunition
16 feeding device if that large capacity ammunition feeding
17 device is sanctioned by the International Olympic
18 Committee and by USA Shooting, the national governing body
19 for international shooting competition in the United
20 States, but only when the large capacity ammunition feeding
21 device is in the actual possession of an Olympic target
22 shooting competitor or target shooting coach for the
23 purpose of storage, transporting to and from Olympic target
24 shooting practice or events if the device is broken down in
25 a non-functioning state, is not immediately accessible, or
26 is unloaded and enclosed in a case, firearm carrying box,

1 shipping box, or other container, and when the Olympic
2 target shooting competitor or target shooting coach is
3 engaging in those practices or events.

4 (7) Possession of a large capacity ammunition feeding
5 device only for a hunting use expressly permitted under
6 Section 2.30 of the Wildlife Code, or while traveling to or
7 from a location authorized for hunting use under Section
8 2.30 of the Wildlife Code if the items are broken down in a
9 non-functioning state, or are not immediately accessible,
10 or are unloaded and enclosed in a case, firearm carrying
11 box, shipping box, or other container.

12 (8) Temporary transfers incident to use while in the
13 immediate presence of the owner of the large capacity
14 ammunition feeding device or subject to a written temporary
15 transfer authorization where the transferor of the large
16 capacity ammunition feeding device is a federal firearms
17 licensee.

18 (d) This Section does not apply to a peace officer who has
19 retired in good standing from a law enforcement agency of this
20 State and who possesses a large capacity ammunition feeding
21 device prohibited by subsection (b) of this Section, if the
22 device was lawfully possessed and acquired by the peace officer
23 prior to retirement and the retired peace officer within 30
24 days of retirement, provides in a registration affidavit, under
25 oath or affirmation and in the form and manner prescribed by
26 the Department of State Police, his or her name, date of birth,

1 Firearm Owners Identification Card Number, the device's make,
2 model, and caliber. The affidavit shall include a statement
3 that the large capacity ammunition feeding device is owned by
4 the person submitting the affidavit. Each affidavit form shall
5 include the following statement printed in bold type: "Warning:
6 Entering false information on this form is punishable as
7 perjury under Section 32-2 of the Criminal Code of 2012.". The
8 retired officer may transfer the device only to an heir, an
9 individual residing in another state maintaining that device in
10 another state, or a dealer licensed as a federal firearms
11 dealer under Section 923 of the federal Gun Control Act of
12 1968. Within 10 days after transfer of the device, the person
13 shall notify the Department of State Police of the name and
14 address of the transferee and comply with the requirements of
15 subsection (b) of Section 3 of the Firearm Owners
16 Identification Card Act.

17 (e) Sentence. A person who knowingly delivers, sells, or
18 transfers, or causes to be delivered, sold, or transferred, in
19 violation of this Section a large capacity ammunition feeding
20 device capable of holding more than 17 rounds of ammunition
21 commits a Class 3 felony for a first violation and a Class 2
22 felony for a second or subsequent violation or for delivery,
23 sale, or transfer of 2 or more of these devices at the same
24 time. A person who knowingly delivers, sells, or transfers, or
25 causes to be delivered, sold, or transferred, in violation of
26 this Section a large capacity ammunition feeding device capable

1 of holding more than 10 rounds but not more than 17 rounds of
2 ammunition commits a Class 4 felony for a first violation and a
3 Class 3 felony for a second or subsequent violation or for
4 delivery, sale, or transfer, of more than one of these devices
5 at the same time.

6 Section 4. The Unified Code of Corrections is amended by
7 changing Section 5-5-3.2 as follows:

8 (730 ILCS 5/5-5-3.2)

9 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
10 Sentencing.

11 (a) The following factors shall be accorded weight in favor
12 of imposing a term of imprisonment or may be considered by the
13 court as reasons to impose a more severe sentence under Section
14 5-8-1 or Article 4.5 of Chapter V:

15 (1) the defendant's conduct caused or threatened
16 serious harm;

17 (2) the defendant received compensation for committing
18 the offense;

19 (3) the defendant has a history of prior delinquency or
20 criminal activity;

21 (4) the defendant, by the duties of his office or by
22 his position, was obliged to prevent the particular offense
23 committed or to bring the offenders committing it to
24 justice;

1 (5) the defendant held public office at the time of the
2 offense, and the offense related to the conduct of that
3 office;

4 (6) the defendant utilized his professional reputation
5 or position in the community to commit the offense, or to
6 afford him an easier means of committing it;

7 (7) the sentence is necessary to deter others from
8 committing the same crime;

9 (8) the defendant committed the offense against a
10 person 60 years of age or older or such person's property;

11 (9) the defendant committed the offense against a
12 person who is physically handicapped or such person's
13 property;

14 (10) by reason of another individual's actual or
15 perceived race, color, creed, religion, ancestry, gender,
16 sexual orientation, physical or mental disability, or
17 national origin, the defendant committed the offense
18 against (i) the person or property of that individual; (ii)
19 the person or property of a person who has an association
20 with, is married to, or has a friendship with the other
21 individual; or (iii) the person or property of a relative
22 (by blood or marriage) of a person described in clause (i)
23 or (ii). For the purposes of this Section, "sexual
24 orientation" means heterosexuality, homosexuality, or
25 bisexuality;

26 (11) the offense took place in a place of worship or on

1 the grounds of a place of worship, immediately prior to,
2 during or immediately following worship services. For
3 purposes of this subparagraph, "place of worship" shall
4 mean any church, synagogue or other building, structure or
5 place used primarily for religious worship;

6 (12) the defendant was convicted of a felony committed
7 while he was released on bail or his own recognizance
8 pending trial for a prior felony and was convicted of such
9 prior felony, or the defendant was convicted of a felony
10 committed while he was serving a period of probation,
11 conditional discharge, or mandatory supervised release
12 under subsection (d) of Section 5-8-1 for a prior felony;

13 (13) the defendant committed or attempted to commit a
14 felony while he was wearing a bulletproof vest. For the
15 purposes of this paragraph (13), a bulletproof vest is any
16 device which is designed for the purpose of protecting the
17 wearer from bullets, shot or other lethal projectiles;

18 (14) the defendant held a position of trust or
19 supervision such as, but not limited to, family member as
20 defined in Section 11-0.1 of the Criminal Code of 2012,
21 teacher, scout leader, baby sitter, or day care worker, in
22 relation to a victim under 18 years of age, and the
23 defendant committed an offense in violation of Section
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
25 11-14.4 except for an offense that involves keeping a place
26 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,

1 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
2 or 12-16 of the Criminal Code of 1961 or the Criminal Code
3 of 2012 against that victim;

4 (15) the defendant committed an offense related to the
5 activities of an organized gang. For the purposes of this
6 factor, "organized gang" has the meaning ascribed to it in
7 Section 10 of the Streetgang Terrorism Omnibus Prevention
8 Act;

9 (16) the defendant committed an offense in violation of
10 one of the following Sections while in a school, regardless
11 of the time of day or time of year; on any conveyance
12 owned, leased, or contracted by a school to transport
13 students to or from school or a school related activity; on
14 the real property of a school; or on a public way within
15 1,000 feet of the real property comprising any school:
16 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
17 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
19 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
20 18-2, or 33A-2, or Section 12-3.05 except for subdivision
21 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
22 Criminal Code of 2012;

23 (16.5) the defendant committed an offense in violation
24 of one of the following Sections while in a day care
25 center, regardless of the time of day or time of year; on
26 the real property of a day care center, regardless of the

1 time of day or time of year; or on a public way within
2 1,000 feet of the real property comprising any day care
3 center, regardless of the time of day or time of year:
4 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
5 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
6 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
7 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
8 18-2, or 33A-2, or Section 12-3.05 except for subdivision
9 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
10 Criminal Code of 2012;

11 (17) the defendant committed the offense by reason of
12 any person's activity as a community policing volunteer or
13 to prevent any person from engaging in activity as a
14 community policing volunteer. For the purpose of this
15 Section, "community policing volunteer" has the meaning
16 ascribed to it in Section 2-3.5 of the Criminal Code of
17 2012;

18 (18) the defendant committed the offense in a nursing
19 home or on the real property comprising a nursing home. For
20 the purposes of this paragraph (18), "nursing home" means a
21 skilled nursing or intermediate long term care facility
22 that is subject to license by the Illinois Department of
23 Public Health under the Nursing Home Care Act, the
24 Specialized Mental Health Rehabilitation Act, or the ID/DD
25 Community Care Act;

26 (19) the defendant was a federally licensed firearm

1 dealer and was previously convicted of a violation of
2 subsection (a) of Section 3 of the Firearm Owners
3 Identification Card Act and has now committed either a
4 felony violation of the Firearm Owners Identification Card
5 Act or an act of armed violence while armed with a firearm;

6 (20) the defendant (i) committed the offense of
7 reckless homicide under Section 9-3 of the Criminal Code of
8 1961 or the Criminal Code of 2012 or the offense of driving
9 under the influence of alcohol, other drug or drugs,
10 intoxicating compound or compounds or any combination
11 thereof under Section 11-501 of the Illinois Vehicle Code
12 or a similar provision of a local ordinance and (ii) was
13 operating a motor vehicle in excess of 20 miles per hour
14 over the posted speed limit as provided in Article VI of
15 Chapter 11 of the Illinois Vehicle Code;

16 (21) the defendant (i) committed the offense of
17 reckless driving or aggravated reckless driving under
18 Section 11-503 of the Illinois Vehicle Code and (ii) was
19 operating a motor vehicle in excess of 20 miles per hour
20 over the posted speed limit as provided in Article VI of
21 Chapter 11 of the Illinois Vehicle Code;

22 (22) the defendant committed the offense against a
23 person that the defendant knew, or reasonably should have
24 known, was a member of the Armed Forces of the United
25 States serving on active duty. For purposes of this clause
26 (22), the term "Armed Forces" means any of the Armed Forces

1 of the United States, including a member of any reserve
2 component thereof or National Guard unit called to active
3 duty;

4 (23) the defendant committed the offense against a
5 person who was elderly, disabled, or infirm by taking
6 advantage of a family or fiduciary relationship with the
7 elderly, disabled, or infirm person;

8 (24) the defendant committed any offense under Section
9 11-20.1 of the Criminal Code of 1961 or the Criminal Code
10 of 2012 and possessed 100 or more images;

11 (25) the defendant committed the offense while the
12 defendant or the victim was in a train, bus, or other
13 vehicle used for public transportation;

14 (26) the defendant committed the offense of child
15 pornography or aggravated child pornography, specifically
16 including paragraph (1), (2), (3), (4), (5), or (7) of
17 subsection (a) of Section 11-20.1 of the Criminal Code of
18 1961 or the Criminal Code of 2012 where a child engaged in,
19 solicited for, depicted in, or posed in any act of sexual
20 penetration or bound, fettered, or subject to sadistic,
21 masochistic, or sadomasochistic abuse in a sexual context
22 and specifically including paragraph (1), (2), (3), (4),
23 (5), or (7) of subsection (a) of Section 11-20.1B or
24 Section 11-20.3 of the Criminal Code of 1961 where a child
25 engaged in, solicited for, depicted in, or posed in any act
26 of sexual penetration or bound, fettered, or subject to

1 sadistic, masochistic, or sadomasochistic abuse in a
2 sexual context;

3 (27) the defendant committed the offense of first
4 degree murder, assault, aggravated assault, battery,
5 aggravated battery, robbery, armed robbery, or aggravated
6 robbery against a person who was a veteran and the
7 defendant knew, or reasonably should have known, that the
8 person was a veteran performing duties as a representative
9 of a veterans' organization. For the purposes of this
10 paragraph (27), "veteran" means an Illinois resident who
11 has served as a member of the United States Armed Forces, a
12 member of the Illinois National Guard, or a member of the
13 United States Reserve Forces; and "veterans' organization"
14 means an organization comprised of members of which
15 substantially all are individuals who are veterans or
16 spouses, widows, or widowers of veterans, the primary
17 purpose of which is to promote the welfare of its members
18 and to provide assistance to the general public in such a
19 way as to confer a public benefit; ~~or~~

20 (28) the defendant committed the offense of assault,
21 aggravated assault, battery, aggravated battery, robbery,
22 armed robbery, or aggravated robbery against a person that
23 the defendant knew or reasonably should have known was a
24 letter carrier or postal worker while that person was
25 performing his or her duties delivering mail for the United
26 States Postal Service; or -

1 (29) the defendant possessed a large capacity
2 ammunition feeding device while committing an offense in
3 violation of Article 9 or Article 24 of the Criminal Code
4 of 2012. For the purposes of this paragraph (29), "large
5 capacity ammunition feeding device" means:

6 (A) a magazine, belt, drum, feed strip, or similar
7 device that has a capacity of, or that can be readily
8 restored or converted to accept, more than 10 rounds of
9 ammunition; or

10 (B) any combination of parts from which a device
11 described in item (A) can be assembled.

12 For the purposes of this Section:

13 "School" is defined as a public or private elementary or
14 secondary school, community college, college, or university.

15 "Day care center" means a public or private State certified
16 and licensed day care center as defined in Section 2.09 of the
17 Child Care Act of 1969 that displays a sign in plain view
18 stating that the property is a day care center.

19 "Public transportation" means the transportation or
20 conveyance of persons by means available to the general public,
21 and includes paratransit services.

22 (b) The following factors, related to all felonies, may be
23 considered by the court as reasons to impose an extended term
24 sentence under Section 5-8-2 upon any offender:

25 (1) When a defendant is convicted of any felony, after
26 having been previously convicted in Illinois or any other

1 jurisdiction of the same or similar class felony or greater
2 class felony, when such conviction has occurred within 10
3 years after the previous conviction, excluding time spent
4 in custody, and such charges are separately brought and
5 tried and arise out of different series of acts; or

6 (2) When a defendant is convicted of any felony and the
7 court finds that the offense was accompanied by
8 exceptionally brutal or heinous behavior indicative of
9 wanton cruelty; or

10 (3) When a defendant is convicted of any felony
11 committed against:

12 (i) a person under 12 years of age at the time of
13 the offense or such person's property;

14 (ii) a person 60 years of age or older at the time
15 of the offense or such person's property; or

16 (iii) a person physically handicapped at the time
17 of the offense or such person's property; or

18 (4) When a defendant is convicted of any felony and the
19 offense involved any of the following types of specific
20 misconduct committed as part of a ceremony, rite,
21 initiation, observance, performance, practice or activity
22 of any actual or ostensible religious, fraternal, or social
23 group:

24 (i) the brutalizing or torturing of humans or
25 animals;

26 (ii) the theft of human corpses;

1 (iii) the kidnapping of humans;

2 (iv) the desecration of any cemetery, religious,
3 fraternal, business, governmental, educational, or
4 other building or property; or

5 (v) ritualized abuse of a child; or

6 (5) When a defendant is convicted of a felony other
7 than conspiracy and the court finds that the felony was
8 committed under an agreement with 2 or more other persons
9 to commit that offense and the defendant, with respect to
10 the other individuals, occupied a position of organizer,
11 supervisor, financier, or any other position of management
12 or leadership, and the court further finds that the felony
13 committed was related to or in furtherance of the criminal
14 activities of an organized gang or was motivated by the
15 defendant's leadership in an organized gang; or

16 (6) When a defendant is convicted of an offense
17 committed while using a firearm with a laser sight attached
18 to it. For purposes of this paragraph, "laser sight" has
19 the meaning ascribed to it in Section 26-7 of the Criminal
20 Code of 2012; or

21 (7) When a defendant who was at least 17 years of age
22 at the time of the commission of the offense is convicted
23 of a felony and has been previously adjudicated a
24 delinquent minor under the Juvenile Court Act of 1987 for
25 an act that if committed by an adult would be a Class X or
26 Class 1 felony when the conviction has occurred within 10

1 years after the previous adjudication, excluding time
2 spent in custody; or

3 (8) When a defendant commits any felony and the
4 defendant used, possessed, exercised control over, or
5 otherwise directed an animal to assault a law enforcement
6 officer engaged in the execution of his or her official
7 duties or in furtherance of the criminal activities of an
8 organized gang in which the defendant is engaged.

9 (c) The following factors may be considered by the court as
10 reasons to impose an extended term sentence under Section 5-8-2
11 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

12 (1) When a defendant is convicted of first degree
13 murder, after having been previously convicted in Illinois
14 of any offense listed under paragraph (c)(2) of Section
15 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
16 within 10 years after the previous conviction, excluding
17 time spent in custody, and the charges are separately
18 brought and tried and arise out of different series of
19 acts.

20 (1.5) When a defendant is convicted of first degree
21 murder, after having been previously convicted of domestic
22 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
23 (720 ILCS 5/12-3.3) committed on the same victim or after
24 having been previously convicted of violation of an order
25 of protection (720 ILCS 5/12-30) in which the same victim
26 was the protected person.

1 (2) When a defendant is convicted of voluntary
2 manslaughter, second degree murder, involuntary
3 manslaughter, or reckless homicide in which the defendant
4 has been convicted of causing the death of more than one
5 individual.

6 (3) When a defendant is convicted of aggravated
7 criminal sexual assault or criminal sexual assault, when
8 there is a finding that aggravated criminal sexual assault
9 or criminal sexual assault was also committed on the same
10 victim by one or more other individuals, and the defendant
11 voluntarily participated in the crime with the knowledge of
12 the participation of the others in the crime, and the
13 commission of the crime was part of a single course of
14 conduct during which there was no substantial change in the
15 nature of the criminal objective.

16 (4) If the victim was under 18 years of age at the time
17 of the commission of the offense, when a defendant is
18 convicted of aggravated criminal sexual assault or
19 predatory criminal sexual assault of a child under
20 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
21 of Section 12-14.1 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

23 (5) When a defendant is convicted of a felony violation
24 of Section 24-1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
26 finding that the defendant is a member of an organized

1 gang.

2 (6) When a defendant was convicted of unlawful use of
3 weapons under Section 24-1 of the Criminal Code of 1961 or
4 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
5 a weapon that is not readily distinguishable as one of the
6 weapons enumerated in Section 24-1 of the Criminal Code of
7 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

8 (7) When a defendant is convicted of an offense
9 involving the illegal manufacture of a controlled
10 substance under Section 401 of the Illinois Controlled
11 Substances Act (720 ILCS 570/401), the illegal manufacture
12 of methamphetamine under Section 25 of the Methamphetamine
13 Control and Community Protection Act (720 ILCS 646/25), or
14 the illegal possession of explosives and an emergency
15 response officer in the performance of his or her duties is
16 killed or injured at the scene of the offense while
17 responding to the emergency caused by the commission of the
18 offense. In this paragraph, "emergency" means a situation
19 in which a person's life, health, or safety is in jeopardy;
20 and "emergency response officer" means a peace officer,
21 community policing volunteer, fireman, emergency medical
22 technician-ambulance, emergency medical
23 technician-intermediate, emergency medical
24 technician-paramedic, ambulance driver, other medical
25 assistance or first aid personnel, or hospital emergency
26 room personnel.

1 (8) When the defendant discharged a firearm equipped
2 with a large capacity ammunition feeding device while
3 committing an offense in violation of Article 9 or Article
4 24 of the Criminal Code of 2012. For the purposes of this
5 paragraph (8), "large capacity ammunition feeding device"
6 means:

7 (A) a magazine, belt, drum, feed strip, or similar
8 device that has a capacity of, or that can be readily
9 restored or converted to accept, more than 10 rounds of
10 ammunition; or

11 (B) any combination of parts from which a device
12 described in item (A) can be assembled.

13 (d) For the purposes of this Section, "organized gang" has
14 the meaning ascribed to it in Section 10 of the Illinois
15 Streetgang Terrorism Omnibus Prevention Act.

16 (e) The court may impose an extended term sentence under
17 Article 4.5 of Chapter V upon an offender who has been
18 convicted of a felony violation of Section 11-1.20, 11-1.30,
19 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
20 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
21 when the victim of the offense is under 18 years of age at the
22 time of the commission of the offense and, during the
23 commission of the offense, the victim was under the influence
24 of alcohol, regardless of whether or not the alcohol was
25 supplied by the offender; and the offender, at the time of the
26 commission of the offense, knew or should have known that the

1 victim had consumed alcohol.

2 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
3 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
4 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
5 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
6 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
7 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-693, eff. 1-1-13;
8 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff.
9 1-25-13.)"; and

10 on page 2, after line 26 by inserting:

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