



Sen. Antonio Muñoz

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1 AMENDMENT TO HOUSE BILL 242

2 AMENDMENT NO. _____. Amend House Bill 242 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by
5 changing Section 2.1 as follows:

6 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

7 Sec. 2.1. For the purpose of maintaining complete and
8 accurate criminal records of the Department of State Police, it
9 is necessary for all policing bodies of this State, the clerk
10 of the circuit court, the Illinois Department of Corrections,
11 the sheriff of each county, and State's Attorney of each county
12 to submit certain criminal arrest, charge, and disposition
13 information to the Department for filing at the earliest time
14 possible. Unless otherwise noted herein, it shall be the duty
15 of all policing bodies of this State, the clerk of the circuit
16 court, the Illinois Department of Corrections, the sheriff of

1 each county, and the State's Attorney of each county to report
2 such information as provided in this Section, both in the form
3 and manner required by the Department and within 30 days of the
4 criminal history event. Specifically:

5 (a) Arrest Information. All agencies making arrests for
6 offenses which are required by statute to be collected,
7 maintained or disseminated by the Department of State Police
8 shall be responsible for furnishing daily to the Department
9 fingerprints, charges and descriptions of all persons who are
10 arrested for such offenses. All such agencies shall also notify
11 the Department of all decisions by the arresting agency not to
12 refer such arrests for prosecution. With approval of the
13 Department, an agency making such arrests may enter into
14 arrangements with other agencies for the purpose of furnishing
15 daily such fingerprints, charges and descriptions to the
16 Department upon its behalf.

17 (b) Charge Information. The State's Attorney of each county
18 shall notify the Department of all charges filed and all
19 petitions filed alleging that a minor is delinquent, including
20 all those added subsequent to the filing of a case, and whether
21 charges were not filed in cases for which the Department has
22 received information required to be reported pursuant to
23 paragraph (a) of this Section. With approval of the Department,
24 the State's Attorney may enter into arrangements with other
25 agencies for the purpose of furnishing the information required
26 by this subsection (b) to the Department upon the State's

1 Attorney's behalf.

2 (c) Disposition Information. The clerk of the circuit court
3 of each county shall furnish the Department, in the form and
4 manner required by the Supreme Court, with all final
5 dispositions of cases for which the Department has received
6 information required to be reported pursuant to paragraph (a)
7 or (d) of this Section. Such information shall include, for
8 each charge, all (1) judgments of not guilty, judgments of
9 guilty including the sentence pronounced by the court with
10 statutory citations to the relevant sentencing provision,
11 findings that a minor is delinquent and any sentence made based
12 on those findings, discharges and dismissals in the court; (2)
13 reviewing court orders filed with the clerk of the circuit
14 court which reverse or remand a reported conviction or findings
15 that a minor is delinquent or that vacate or modify a sentence
16 or sentence made following a trial that a minor is delinquent;
17 (3) continuances to a date certain in furtherance of an order
18 of supervision granted under Section 5-6-1 of the Unified Code
19 of Corrections or an order of probation granted under Section
20 10 of the Cannabis Control Act, Section 410 of the Illinois
21 Controlled Substances Act, Section 70 of the Methamphetamine
22 Control and Community Protection Act, Section 12-4.3 or
23 subdivision (b)(1) of Section 12-3.05 of the Criminal Code of
24 1961 or the Criminal Code of 2012, Section 10-102 of the
25 Illinois Alcoholism and Other Drug Dependency Act, Section
26 40-10 of the Alcoholism and Other Drug Abuse and Dependency

1 Act, Section 10 of the Steroid Control Act, or Section 5-615 of
2 the Juvenile Court Act of 1987; and (4) judgments or court
3 orders terminating or revoking a sentence to or juvenile
4 disposition of probation, supervision or conditional discharge
5 and any resentencing or new court orders entered by a juvenile
6 court relating to the disposition of a minor's case involving
7 delinquency after such revocation.

8 (d) Fingerprints After Sentencing.

9 (1) After the court pronounces sentence, sentences a
10 minor following a trial in which a minor was found to be
11 delinquent or issues an order of supervision or an order of
12 probation granted under Section 10 of the Cannabis Control
13 Act, Section 410 of the Illinois Controlled Substances Act,
14 Section 70 of the Methamphetamine Control and Community
15 Protection Act, Section 12-4.3 or subdivision (b)(1) of
16 Section 12-3.05 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, Section 10-102 of the Illinois
18 Alcoholism and Other Drug Dependency Act, Section 40-10 of
19 the Alcoholism and Other Drug Abuse and Dependency Act,
20 Section 10 of the Steroid Control Act, or Section 5-615 of
21 the Juvenile Court Act of 1987 for any offense which is
22 required by statute to be collected, maintained, or
23 disseminated by the Department of State Police, the State's
24 Attorney of each county shall ask the court to order a law
25 enforcement agency to fingerprint immediately all persons
26 appearing before the court who have not previously been

1 fingerprinted for the same case. The court shall so order
2 the requested fingerprinting, if it determines that any
3 such person has not previously been fingerprinted for the
4 same case. The law enforcement agency shall submit such
5 fingerprints to the Department daily.

6 (2) After the court pronounces sentence or makes a
7 disposition of a case following a finding of delinquency
8 for any offense which is not required by statute to be
9 collected, maintained, or disseminated by the Department
10 of State Police, the prosecuting attorney may ask the court
11 to order a law enforcement agency to fingerprint
12 immediately all persons appearing before the court who have
13 not previously been fingerprinted for the same case. The
14 court may so order the requested fingerprinting, if it
15 determines that any so sentenced person has not previously
16 been fingerprinted for the same case. The law enforcement
17 agency may retain such fingerprints in its files.

18 (e) Corrections Information. The Illinois Department of
19 Corrections and the sheriff of each county shall furnish the
20 Department with all information concerning the receipt,
21 escape, execution, death, release, pardon, parole, commutation
22 of sentence, granting of executive clemency or discharge of an
23 individual who has been sentenced or committed to the agency's
24 custody for any offenses which are mandated by statute to be
25 collected, maintained or disseminated by the Department of
26 State Police. For an individual who has been charged with any

1 such offense and who escapes from custody or dies while in
2 custody, all information concerning the receipt and escape or
3 death, whichever is appropriate, shall also be so furnished to
4 the Department.

5 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

6 Section 10. The Clerks of Courts Act is amended by changing
7 Section 14 as follows:

8 (705 ILCS 105/14) (from Ch. 25, par. 14)

9 Sec. 14. The clerks shall enter of record all judgments and
10 orders of their respective courts, as soon after the rendition
11 or making thereof as practicable.

12 Immediately after a judgment of dissolution of marriage or
13 declaration of invalidity of marriage is granted in this State,
14 the clerk of the court which granted the judgment of
15 dissolution of marriage or declaration of invalidity of
16 marriage shall complete and sign the form furnished by the
17 Department of Public Health, and forward such form to the
18 Department of Public Health within 45 days after the close of
19 the month in which the judgment is rendered.

20 The clerk of the circuit court of each county shall, on a
21 monthly basis, provide electronic copies of sentencing orders
22 of persons sentenced under Section 5-4.5-110 of the Unified
23 Code of Corrections to the Sentencing Policy Advisory Council
24 for the purposes of analysis and reporting.

1 (Source: P.A. 83-346.)

2 Section 15. The Criminal Code of 2012 is amended by
3 changing Sections 24-1.1 and 24-1.6 as follows:

4 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

5 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
6 Felons or Persons in the Custody of the Department of
7 Corrections Facilities.

8 (a) It is unlawful for a person to knowingly possess on or
9 about his person or on his land or in his own abode or fixed
10 place of business any weapon prohibited under Section 24-1 of
11 this Act or any firearm or any firearm ammunition if the person
12 has been convicted of a felony under the laws of this State or
13 any other jurisdiction. This Section shall not apply if the
14 person has been granted relief by the Director of the
15 Department of State Police under Section 10 of the Firearm
16 Owners Identification Card Act.

17 (b) It is unlawful for any person confined in a penal
18 institution, which is a facility of the Illinois Department of
19 Corrections, to possess any weapon prohibited under Section
20 24-1 of this Code or any firearm or firearm ammunition,
21 regardless of the intent with which he possesses it.

22 (c) It shall be an affirmative defense to a violation of
23 subsection (b), that such possession was specifically
24 authorized by rule, regulation, or directive of the Illinois

1 Department of Corrections or order issued pursuant thereto.

2 (d) The defense of necessity is not available to a person
3 who is charged with a violation of subsection (b) of this
4 Section.

5 (e) Sentence. Violation of this Section by a person not
6 confined in a penal institution shall be a Class 3 felony for
7 which the person shall be sentenced to no less than 2 years and
8 no more than 10 years. A ~~and any~~ second or subsequent violation
9 of this Section shall be a Class 2 felony for which the person
10 shall be sentenced to a term of imprisonment of not less than 3
11 years and not more than 14 years, except as provided for in
12 Section 5-4.5-110 of the Unified Code of Corrections. Violation
13 of this Section by a person not confined in a penal institution
14 who has been convicted of a forcible felony, a felony violation
15 of Article 24 of this Code or of the Firearm Owners
16 Identification Card Act, stalking or aggravated stalking, or a
17 Class 2 or greater felony under the Illinois Controlled
18 Substances Act, the Cannabis Control Act, or the
19 Methamphetamine Control and Community Protection Act is a Class
20 2 felony for which the person shall be sentenced to not less
21 than 3 years and not more than 14 years, except as provided for
22 in Section 5-4.5-110 of the Unified Code of Corrections.
23 Violation of this Section by a person who is on parole or
24 mandatory supervised release is a Class 2 felony for which the
25 person shall be sentenced to not less than 3 years and not more
26 than 14 years, except as provided for in Section 5-4.5-110 of

1 the Unified Code of Corrections. Violation of this Section by a
2 person not confined in a penal institution is a Class X felony
3 when the firearm possessed is a machine gun. Any person who
4 violates this Section while confined in a penal institution,
5 which is a facility of the Illinois Department of Corrections,
6 is guilty of a Class 1 felony, if he possesses any weapon
7 prohibited under Section 24-1 of this Code regardless of the
8 intent with which he possesses it, a Class X felony if he
9 possesses any firearm, firearm ammunition or explosive, and a
10 Class X felony for which the offender shall be sentenced to not
11 less than 12 years and not more than 50 years when the firearm
12 possessed is a machine gun. A violation of this Section while
13 wearing or in possession of body armor as defined in Section
14 33F-1 is a Class X felony punishable by a term of imprisonment
15 of not less than 10 years and not more than 40 years. The
16 possession of each firearm or firearm ammunition in violation
17 of this Section constitutes a single and separate violation.
18 (Source: P.A. 97-237, eff. 1-1-12.)

19 (720 ILCS 5/24-1.6)

20 Sec. 24-1.6. Aggravated unlawful use of a weapon.

21 (a) A person commits the offense of aggravated unlawful use
22 of a weapon when he or she knowingly:

23 (1) Carries on or about his or her person or in any
24 vehicle or concealed on or about his or her person except
25 when on his or her land or in his or her abode, legal

1 dwelling, or fixed place of business, or on the land or in
2 the legal dwelling of another person as an invitee with
3 that person's permission, any pistol, revolver, stun gun or
4 taser or other firearm; or

5 (2) Carries or possesses on or about his or her person,
6 upon any public street, alley, or other public lands within
7 the corporate limits of a city, village or incorporated
8 town, except when an invitee thereon or therein, for the
9 purpose of the display of such weapon or the lawful
10 commerce in weapons, or except when on his or her own land
11 or in his or her own abode, legal dwelling, or fixed place
12 of business, or on the land or in the legal dwelling of
13 another person as an invitee with that person's permission,
14 any pistol, revolver, stun gun or taser or other firearm;
15 and

16 (3) One of the following factors is present:

17 (A) the firearm, other than a pistol, revolver, or
18 handgun, possessed was uncased, loaded, and
19 immediately accessible at the time of the offense; or

20 (A-5) the pistol, revolver, or handgun possessed
21 was uncased, loaded, and immediately accessible at the
22 time of the offense and the person possessing the
23 pistol, revolver, or handgun has not been issued a
24 currently valid license under the Firearm Concealed
25 Carry Act; or

26 (B) the firearm, other than a pistol, revolver, or

1 handgun, possessed was uncased, unloaded, and the
2 ammunition for the weapon was immediately accessible
3 at the time of the offense; or

4 (B-5) the pistol, revolver, or handgun possessed
5 was uncased, unloaded, and the ammunition for the
6 weapon was immediately accessible at the time of the
7 offense and the person possessing the pistol,
8 revolver, or handgun has not been issued a currently
9 valid license under the Firearm Concealed Carry Act; or

10 (C) the person possessing the firearm has not been
11 issued a currently valid Firearm Owner's
12 Identification Card; or

13 (D) the person possessing the weapon was
14 previously adjudicated a delinquent minor under the
15 Juvenile Court Act of 1987 for an act that if committed
16 by an adult would be a felony; or

17 (E) the person possessing the weapon was engaged in
18 a misdemeanor violation of the Cannabis Control Act, in
19 a misdemeanor violation of the Illinois Controlled
20 Substances Act, or in a misdemeanor violation of the
21 Methamphetamine Control and Community Protection Act;
22 or

23 (F) (blank); or

24 (G) the person possessing the weapon had an ~~a~~ order
25 of protection issued against him or her within the
26 previous 2 years; or

1 (H) the person possessing the weapon was engaged in
2 the commission or attempted commission of a
3 misdemeanor involving the use or threat of violence
4 against the person or property of another; or

5 (I) the person possessing the weapon was under 21
6 years of age and in possession of a handgun, unless the
7 person under 21 is engaged in lawful activities under
8 the Wildlife Code or described in subsection
9 24-2(b)(1), (b)(3), or 24-2(f).

10 (a-5) "Handgun" as used in this Section has the meaning
11 given to it in Section 5 of the Firearm Concealed Carry Act.

12 (b) "Stun gun or taser" as used in this Section has the
13 same definition given to it in Section 24-1 of this Code.

14 (c) This Section does not apply to or affect the
15 transportation or possession of weapons that:

16 (i) are broken down in a non-functioning state; or

17 (ii) are not immediately accessible; or

18 (iii) are unloaded and enclosed in a case, firearm
19 carrying box, shipping box, or other container by a person
20 who has been issued a currently valid Firearm Owner's
21 Identification Card.

22 (d) Sentence.

23 (1) Aggravated unlawful use of a weapon is a Class 4
24 felony; a second or subsequent offense is a Class 2 felony
25 for which the person shall be sentenced to a term of
26 imprisonment of not less than 3 years and not more than 7

1 years, except as provided for in Section 5-4.5-110 of the
2 Unified Code of Corrections.

3 (2) Except as otherwise provided in paragraphs (3) and
4 (4) of this subsection (d), a first offense of aggravated
5 unlawful use of a weapon committed with a firearm by a
6 person 18 years of age or older where the factors listed in
7 both items (A) and (C) or both items (A-5) and (C) of
8 paragraph (3) of subsection (a) are present is a Class 4
9 felony, for which the person shall be sentenced to a term
10 of imprisonment of not less than one year and not more than
11 3 years.

12 (3) Aggravated unlawful use of a weapon by a person who
13 has been previously convicted of a felony in this State or
14 another jurisdiction is a Class 2 felony for which the
15 person shall be sentenced to a term of imprisonment of not
16 less than 3 years and not more than 7 years, except as
17 provided for in Section 5-4.5-110 of the Unified Code of
18 Corrections.

19 (4) Aggravated unlawful use of a weapon while wearing
20 or in possession of body armor as defined in Section 33F-1
21 by a person who has not been issued a valid Firearms
22 Owner's Identification Card in accordance with Section 5 of
23 the Firearm Owners Identification Card Act is a Class X
24 felony.

25 (e) The possession of each firearm in violation of this
26 Section constitutes a single and separate violation.

1 (Source: P.A. 98-63, eff. 7-9-13; revised 10-6-16.)

2 Section 20. The Cannabis Control Act is amended by changing
3 Sections 4, 5, 5.2, 8, 9, 10, and 10.3 as follows:

4 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

5 Sec. 4. It is unlawful for any person knowingly to possess
6 cannabis. Any person who violates this section with respect to:

7 (a) not more than 10 grams of any substance containing
8 cannabis is guilty of a civil law violation punishable by a
9 minimum fine of \$100 and a maximum fine of \$200. The
10 proceeds of the fine shall be payable to the clerk of the
11 circuit court. Within 30 days after the deposit of the
12 fine, the clerk shall distribute the proceeds of the fine
13 as follows:

14 (1) \$10 of the fine to the circuit clerk and \$10 of
15 the fine to the law enforcement agency that issued the
16 citation; the proceeds of each \$10 fine distributed to
17 the circuit clerk and each \$10 fine distributed to the
18 law enforcement agency that issued the citation for the
19 violation shall be used to defer the cost of automatic
20 expungements under paragraph (2.5) of subsection (a)
21 of Section 5.2 of the Criminal Identification Act;

22 (2) \$15 to the county to fund drug addiction
23 services;

24 (3) \$10 to the Office of the State's Attorneys

1 Appellate Prosecutor for use in training programs;

2 (4) \$10 to the State's Attorney; and

3 (5) any remainder of the fine to the law
4 enforcement agency that issued the citation for the
5 violation.

6 With respect to funds designated for the Department of
7 State Police, the moneys shall be remitted by the circuit
8 court clerk to the Department of State Police within one
9 month after receipt for deposit into the State Police
10 Operations Assistance Fund. With respect to funds
11 designated for the Department of Natural Resources, the
12 Department of Natural Resources shall deposit the moneys
13 into the Conservation Police Operations Assistance Fund;

14 (b) more than 10 grams but not more than 30 grams of
15 any substance containing cannabis is guilty of a Class B
16 misdemeanor;

17 (c) more than 30 grams but not more than 100 grams of
18 any substance containing cannabis is guilty of a Class A
19 misdemeanor; ~~provided, that if any offense under this~~
20 ~~subsection (c) is a subsequent offense, the offender shall~~
21 ~~be guilty of a Class 4 felony;~~

22 (d) more than 100 grams but not more than 500 grams of
23 any substance containing cannabis is guilty of a Class A
24 misdemeanor ~~4 felony~~; provided that if any offense under
25 this subsection (d) is a subsequent offense, the offender
26 shall be guilty of a Class 4 ~~3~~ felony;

1 (e) more than 500 grams but not more than 2,000 grams
2 of any substance containing cannabis is guilty of a Class 4
3 ~~3~~ felony;

4 (f) more than 2,000 grams but not more than 5,000 grams
5 of any substance containing cannabis is guilty of a Class 3
6 ~~2~~ felony;

7 (g) more than 5,000 grams of any substance containing
8 cannabis is guilty of a Class 2 ~~±~~ felony.

9 (Source: P.A. 99-697, eff. 7-29-16.)

10 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

11 Sec. 5. It is unlawful for any person knowingly to
12 manufacture, deliver, or possess with intent to deliver, or
13 manufacture, cannabis. Any person who violates this section
14 with respect to:

15 (a) not more than 2.5 grams of any substance containing
16 cannabis is guilty of a Class B misdemeanor;

17 (b) (blank); ~~more than 2.5 grams but not more than 10 grams~~
18 ~~of any substance containing cannabis is guilty of a Class A~~
19 ~~misdemeanor;~~

20 (c) more than 2.5 ~~±~~ grams but not more than 30 grams of
21 any substance containing cannabis is guilty of a Class A
22 misdemeanor ~~4 felony~~;

23 (d) more than 30 grams but not more than 500 grams of any
24 substance containing cannabis is guilty of a Class 4 ~~3~~ felony
25 for which a fine not to exceed \$50,000 may be imposed;

1 (e) more than 500 grams but not more than 2,000 grams of
2 any substance containing cannabis is guilty of a Class 3 ~~2~~
3 felony for which a fine not to exceed \$100,000 may be imposed;

4 (f) more than 2,000 grams but not more than 5,000 grams of
5 any substance containing cannabis is guilty of a Class 2 ~~1~~
6 felony for which a fine not to exceed \$150,000 may be imposed;

7 (g) more than 5,000 grams of any substance containing
8 cannabis is guilty of a Class 1 ~~*~~ felony for which a fine not to
9 exceed \$200,000 may be imposed.

10 (Source: P.A. 90-397, eff. 8-15-97.)

11 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

12 Sec. 5.2. Delivery of cannabis on school grounds.

13 (a) Any person who violates subsection (e) of Section 5 in
14 any school, on the real property comprising any school, or any
15 conveyance owned, leased or contracted by a school to transport
16 students to or from school or a school related activity, or on
17 any public way within 500 ~~1,000~~ feet of the real property
18 comprising any school, or in any conveyance owned, leased or
19 contracted by a school to transport students to or from school
20 or a school related activity, and at the time of the violation
21 persons under the age of 18 are present, the offense is
22 committed during school hours, or the offense is committed at
23 times when persons under the age of 18 are reasonably expected
24 to be present in the school, in the conveyance, on the real
25 property, or on the public way, such as when after-school

1 activities are occurring, is guilty of a Class 2 ~~±~~ felony, the
2 fine for which shall not exceed \$200,000;

3 (b) Any person who violates subsection (d) of Section 5 in
4 any school, on the real property comprising any school, or any
5 conveyance owned, leased or contracted by a school to transport
6 students to or from school or a school related activity, or on
7 any public way within 500 ~~1,000~~ feet of the real property
8 comprising any school, or in any conveyance owned, leased or
9 contracted by a school to transport students to or from school
10 or a school related activity, and at the time of the violation
11 persons under the age of 18 are present, the offense is
12 committed during school hours, or the offense is committed at
13 times when persons under the age of 18 are reasonably expected
14 to be present in the school, in the conveyance, on the real
15 property, or on the public way, such as when after-school
16 activities are occurring, is guilty of a Class 3 ~~±~~ felony, the
17 fine for which shall not exceed \$100,000;

18 (c) Any person who violates subsection (c) of Section 5 in
19 any school, on the real property comprising any school, or any
20 conveyance owned, leased or contracted by a school to transport
21 students to or from school or a school related activity, or on
22 any public way within 500 ~~1,000~~ feet of the real property
23 comprising any school, or in any conveyance owned, leased or
24 contracted by a school to transport students to or from school
25 or a school related activity, and at the time of the violation
26 persons under the age of 18 are present, the offense is

1 committed during school hours, or the offense is committed at
2 times when persons under the age of 18 are reasonably expected
3 to be present in the school, in the conveyance, on the real
4 property, or on the public way, such as when after-school
5 activities are occurring, is guilty of a Class 4 ~~3~~ felony, the
6 fine for which shall not exceed \$50,000;

7 (d) Any person who violates subsection (a) ~~(b)~~ of Section 5
8 in any school, on the real property comprising any school, or
9 any conveyance owned, leased or contracted by a school to
10 transport students to or from school or a school related
11 activity, or on any public way within 500 ~~1,000~~ feet of the
12 real property comprising any school, or in any conveyance
13 owned, leased or contracted by a school to transport students
14 to or from school or a school related activity, and at the time
15 of the violation persons under the age of 18 are present, the
16 offense is committed during school hours, or the offense is
17 committed at times when persons under the age of 18 are
18 reasonably expected to be present in the school, in the
19 conveyance, on the real property, or on the public way, such as
20 when after-school activities are occurring, is guilty of a
21 Class A misdemeanor ~~4~~ ~~felony~~, the fine for which shall not
22 exceed \$25,000;

23 (e) (Blank). ~~Any person who violates subsection (a) of~~
24 ~~Section 5 in any school, on the real property comprising any~~
25 ~~school, or any conveyance owned, leased or contracted by a~~
26 ~~school to transport students to or from school or a school~~

1 ~~related activity, on any public way within 1,000 feet of the~~
2 ~~real property comprising any school, or any conveyance owned,~~
3 ~~leased or contracted by a school to transport students to or~~
4 ~~from school or a school related activity, is guilty of a Class~~
5 ~~A misdemeanor.~~

6 (Source: P.A. 87-544.)

7 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

8 Sec. 8. It is unlawful for any person knowingly to produce
9 the cannabis sativa plant or to possess such plants unless
10 production or possession has been authorized pursuant to the
11 provisions of Section 11 or 15.2 of the Act. Any person who
12 violates this Section with respect to production or possession
13 of:

14 (a) Not more than 20 ~~5~~ plants is guilty of a Class A
15 misdemeanor.

16 (b) (Blank). ~~More than 5, but not more than 20 plants, is~~
17 ~~guilty of a Class 4 felony.~~

18 (c) More than 20, but not more than 50 plants, is guilty of
19 a Class 4 ~~3~~ felony.

20 (d) More than 50, but not more than 200 plants, is guilty
21 of a Class 3 ~~2~~ felony for which a fine not to exceed \$100,000
22 may be imposed and for which liability for the cost of
23 conducting the investigation and eradicating such plants may be
24 assessed. Compensation for expenses incurred in the
25 enforcement of this provision shall be transmitted to and

1 deposited in the treasurer's office at the level of government
2 represented by the Illinois law enforcement agency whose
3 officers or employees conducted the investigation or caused the
4 arrest or arrests leading to the prosecution, to be
5 subsequently made available to that law enforcement agency as
6 expendable receipts for use in the enforcement of laws
7 regulating controlled substances and cannabis. If such seizure
8 was made by a combination of law enforcement personnel
9 representing different levels of government, the court levying
10 the assessment shall determine the allocation of such
11 assessment. The proceeds of assessment awarded to the State
12 treasury shall be deposited in a special fund known as the Drug
13 Traffic Prevention Fund.

14 (e) More than 200 plants is guilty of a Class 2 \pm felony
15 for which a fine not to exceed \$100,000 may be imposed and for
16 which liability for the cost of conducting the investigation
17 and eradicating such plants may be assessed. Compensation for
18 expenses incurred in the enforcement of this provision shall be
19 transmitted to and deposited in the treasurer's office at the
20 level of government represented by the Illinois law enforcement
21 agency whose officers or employees conducted the investigation
22 or caused the arrest or arrests leading to the prosecution, to
23 be subsequently made available to that law enforcement agency
24 as expendable receipts for use in the enforcement of laws
25 regulating controlled substances and cannabis. If such seizure
26 was made by a combination of law enforcement personnel

1 representing different levels of government, the court levying
2 the assessment shall determine the allocation of such
3 assessment. The proceeds of assessment awarded to the State
4 treasury shall be deposited in a special fund known as the Drug
5 Traffic Prevention Fund.

6 (Source: P.A. 98-1072, eff. 1-1-15.)

7 (720 ILCS 550/9) (from Ch. 56 1/2, par. 709)

8 Sec. 9. (a) Any person who engages in a calculated criminal
9 cannabis conspiracy, as defined in subsection (b), is guilty of
10 a Class 4 ~~3~~ felony, and fined not more than \$200,000 and shall
11 be subject to the forfeitures prescribed in subsection (c);
12 except that, if any person engages in such offense after one or
13 more prior convictions under this Section, Section 4 (d),
14 Section 5 (d), Section 8 (d) or any law of the United States or
15 of any State relating to cannabis, or controlled substances as
16 defined in the Illinois Controlled Substances Act, in addition
17 to the fine and forfeiture authorized above, he shall be guilty
18 of a Class 2 ~~1~~ felony for which an offender may not be
19 sentenced to death.

20 (b) For purposes of this section, a person engages in a
21 calculated criminal cannabis conspiracy when:

22 (1) he violates Section 4 (d), 4 (e), 5 (d), 5 (e), 8 (c) or
23 8 (d) of this Act; and

24 (2) such violation is a part of a conspiracy undertaken or
25 carried on with 2 or more other persons; and

1 (3) he obtains anything of value greater than \$500 from, or
2 organizes, directs or finances such violation or conspiracy.

3 (c) Any person who is convicted under this Section of
4 engaging in a calculated criminal cannabis conspiracy shall
5 forfeit to the State of Illinois:

6 (1) the receipts obtained by him in such conspiracy; and

7 (2) any of his interests in, claims against, receipts from,
8 or property or rights of any kind affording a source of
9 influence over, such conspiracy.

10 (d) The circuit court may enter such injunctions,
11 restraining orders, directions, or prohibitions, or take such
12 other actions, including the acceptance of satisfactory
13 performance bonds, in connection with any property, claim,
14 receipt, right or other interest subject to forfeiture under
15 this Section, as it deems proper.

16 (Source: P.A. 84-1233.)

17 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

18 Sec. 10. (a) Whenever any person who has not previously
19 been convicted of, or placed on probation or court supervision
20 for, any offense under this Act or any law of the United States
21 or of any State relating to cannabis, or controlled substances
22 as defined in the Illinois Controlled Substances Act, pleads
23 guilty to or is found guilty of violating Sections 4(a), 4(b),
24 4(c), 5(a), ~~5(b)~~, 5(c) or 8 of this Act, the court may, without
25 entering a judgment and with the consent of such person,

1 sentence him to probation.

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

7 (c) The conditions of probation shall be that the person:

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

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

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

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational
25 training;

26 (4) undergo medical or psychiatric treatment; or

1 treatment for drug addiction or alcoholism;

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

4 (6) support his dependents;

5 (7) refrain from possessing a firearm or other
6 dangerous weapon;

7 (7-5) refrain from having in his or her body the
8 presence of any illicit drug prohibited by the Cannabis
9 Control Act, the Illinois Controlled Substances Act, or the
10 Methamphetamine Control and Community Protection Act,
11 unless prescribed by a physician, and submit samples of his
12 or her blood or urine or both for tests to determine the
13 presence of any illicit drug;

14 (8) and in addition, if a minor:

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

16 (ii) attend school;

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

18 (iv) contribute to his own support at home or in a
19 foster home.

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

23 (f) Upon fulfillment of the terms and conditions of
24 probation, the court shall discharge such person and dismiss
25 the proceedings against him.

26 (g) A disposition of probation is considered to be a

1 conviction for the purposes of imposing the conditions of
2 probation and for appeal, however, discharge and dismissal
3 under this Section is not a conviction for purposes of
4 disqualification or disabilities imposed by law upon
5 conviction of a crime (including the additional penalty imposed
6 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
7 of this Act).

8 (h) Discharge and dismissal under this Section, Section 410
9 of the Illinois Controlled Substances Act, Section 70 of the
10 Methamphetamine Control and Community Protection Act, Section
11 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or
12 subsection (c) of Section 11-14 of the Criminal Code of 1961 or
13 the Criminal Code of 2012 may occur only once with respect to
14 any person.

15 (i) If a person is convicted of an offense under this Act,
16 the Illinois Controlled Substances Act, or the Methamphetamine
17 Control and Community Protection Act within 5 years subsequent
18 to a discharge and dismissal under this Section, the discharge
19 and dismissal under this Section shall be admissible in the
20 sentencing proceeding for that conviction as a factor in
21 aggravation.

22 (j) Notwithstanding subsection (a), before a person is
23 sentenced to probation under this Section, the court may refer
24 the person to the drug court established in that judicial
25 circuit pursuant to Section 15 of the Drug Court Treatment Act.
26 The drug court team shall evaluate the person's likelihood of

1 successfully completing a sentence of probation under this
2 Section and shall report the results of its evaluation to the
3 court. If the drug court team finds that the person suffers
4 from a substance abuse problem that makes him or her
5 substantially unlikely to successfully complete a sentence of
6 probation under this Section, then the drug court shall set
7 forth its findings in the form of a written order, and the
8 person shall not be sentenced to probation under this Section,
9 but may be considered for the drug court program.

10 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

11 (720 ILCS 550/10.3) (from Ch. 56 1/2, par. 710.3)

12 Sec. 10.3. (a) Every person convicted of a violation of
13 this Act, and every person placed on probation, conditional
14 discharge, supervision or probation under Section 10 of this
15 Act, shall be assessed for each offense a sum fixed at:

16 (1) (Blank); ~~\$3,000 for a Class X felony;~~

17 (2) \$2,000 for a Class 1 felony;

18 (3) \$1,000 for a Class 2 felony;

19 (4) \$500 for a Class 3 or Class 4 felony;

20 (5) \$300 for a Class A misdemeanor;

21 (6) \$200 for a Class B or Class C misdemeanor.

22 (b) The assessment under this Section is in addition to and
23 not in lieu of any fines, restitution costs, forfeitures or
24 other assessments authorized or required by law.

25 (c) As a condition of the assessment, the court may require

1 that payment be made in specified installments or within a
2 specified period of time. If the assessment is not paid within
3 the period of probation, conditional discharge or supervision
4 to which the defendant was originally sentenced, the court may
5 extend the period of probation, conditional discharge or
6 supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified
7 Code of Corrections, as applicable, until the assessment is
8 paid or until successful completion of public or community
9 service set forth in subsection (e) or the successful
10 completion of the substance abuse intervention or treatment
11 program set forth in subsection (f). If a term of probation,
12 conditional discharge or supervision is not imposed, the
13 assessment shall be payable upon judgment or as directed by the
14 court.

15 (d) If an assessment for a violation of this Act is imposed
16 on an organization, it is the duty of each individual
17 authorized to make disbursements of the assets of the
18 organization to pay the assessment from assets of the
19 organization.

20 (e) A defendant who has been ordered to pay an assessment
21 may petition the court to convert all or part of the assessment
22 into court-approved public or community service. One hour of
23 public or community service shall be equivalent to \$4 of
24 assessment. The performance of this public or community service
25 shall be a condition of the probation, conditional discharge or
26 supervision and shall be in addition to the performance of any

1 other period of public or community service ordered by the
2 court or required by law.

3 (f) The court may suspend the collection of the assessment
4 imposed under this Section; provided the defendant agrees to
5 enter a substance abuse intervention or treatment program
6 approved by the court; and further provided that the defendant
7 agrees to pay for all or some portion of the costs associated
8 with the intervention or treatment program. In this case, the
9 collection of the assessment imposed under this Section shall
10 be suspended during the defendant's participation in the
11 approved intervention or treatment program. Upon successful
12 completion of the program, the defendant may apply to the court
13 to reduce the assessment imposed under this Section by any
14 amount actually paid by the defendant for his participation in
15 the program. The court shall not reduce the penalty under this
16 subsection unless the defendant establishes to the
17 satisfaction of the court that he has successfully completed
18 the intervention or treatment program. If the defendant's
19 participation is for any reason terminated before his
20 successful completion of the intervention or treatment
21 program, collection of the entire assessment imposed under this
22 Section shall be enforced. Nothing in this Section shall be
23 deemed to affect or suspend any other fines, restitution costs,
24 forfeitures or assessments imposed under this or any other Act.

25 (g) The court shall not impose more than one assessment per
26 complaint, indictment or information. If the person is

1 convicted of more than one offense in a complaint, indictment
2 or information, the assessment shall be based on the highest
3 class offense for which the person is convicted.

4 (h) All moneys collected under this Section shall be
5 forwarded by the clerk of the circuit court to the State
6 Treasurer for deposit in the Drug Treatment Fund and expended
7 as provided in Section 411.2 of the Illinois Controlled
8 Substances Act.

9 (Source: P.A. 87-772.)

10 Section 25. The Illinois Controlled Substances Act is
11 amended by changing Sections 401, 401.1, 401.5, 402, 404, 405,
12 405.2, 406, 406.1, 406.2, 407, 407.2, and 411.2 as follows:

13 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

14 Sec. 401. Manufacture or delivery, or possession with
15 intent to manufacture or deliver, a controlled substance, a
16 counterfeit substance, or controlled substance analog. Except
17 as authorized by this Act, it is unlawful for any person
18 knowingly to manufacture or deliver, or possess with intent to
19 manufacture or deliver, a controlled substance other than
20 methamphetamine and other than bath salts as defined in the
21 Bath Salts Prohibition Act sold or offered for sale in a retail
22 mercantile establishment as defined in Section 16-0.1 of the
23 Criminal Code of 2012, a counterfeit substance, or a controlled
24 substance analog. A violation of this Act with respect to each

1 of the controlled substances listed herein constitutes a single
2 and separate violation of this Act. For purposes of this
3 Section, "controlled substance analog" or "analog" means a
4 substance, other than a controlled substance, that has a
5 chemical structure substantially similar to that of a
6 controlled substance in Schedule I or II, or that was
7 specifically designed to produce an effect substantially
8 similar to that of a controlled substance in Schedule I or II.
9 Examples of chemical classes in which controlled substance
10 analogs are found include, but are not limited to, the
11 following: phenethylamines, N-substituted piperidines,
12 morphinans, ecgonines, quinazolinones, substituted indoles,
13 and arylcycloalkylamines. For purposes of this Act, a
14 controlled substance analog shall be treated in the same manner
15 as the controlled substance to which it is substantially
16 similar.

17 (a) Any person who violates this Section with respect to
18 the following amounts of controlled or counterfeit substances
19 or controlled substance analogs, notwithstanding any of the
20 provisions of subsections (c), (d), (e), (f), (g) or (h) to the
21 contrary, is guilty of a Class 1 * felony and shall be
22 ~~sentenced to a term of imprisonment as provided in this~~
23 ~~subsection (a) and~~ fined as provided in subsection (b):

24 (1) ~~(A) not less than 6 years and not more than 30~~
25 ~~years with respect to 15 grams or more but less than~~
26 ~~100 grams~~ of a substance containing heroin, or an

1 analog thereof;

2 ~~(B) not less than 9 years and not more than 40~~
3 ~~years with respect to 100 grams or more but less than~~
4 ~~400 grams of a substance containing heroin, or an~~
5 ~~analog thereof;~~

6 ~~(C) not less than 12 years and not more than 50~~
7 ~~years with respect to 400 grams or more but less than~~
8 ~~900 grams of a substance containing heroin, or an~~
9 ~~analog thereof;~~

10 ~~(D) not less than 15 years and not more than 60~~
11 ~~years with respect to 900 grams or more of any~~
12 ~~substance containing heroin, or an analog thereof;~~

13 (1.5) ~~(A) not less than 6 years and not more than 30~~
14 ~~years with respect to 15 grams or more but less than~~
15 ~~100 grams of a substance containing fentanyl, or an~~
16 ~~analog thereof;~~

17 ~~(B) not less than 9 years and not more than 40~~
18 ~~years with respect to 100 grams or more but less than~~
19 ~~400 grams of a substance containing fentanyl, or an~~
20 ~~analog thereof;~~

21 ~~(C) not less than 12 years and not more than 50~~
22 ~~years with respect to 400 grams or more but less than~~
23 ~~900 grams of a substance containing fentanyl, or an~~
24 ~~analog thereof;~~

25 ~~(D) not less than 15 years and not more than 60~~
26 ~~years with respect to 900 grams or more of a substance~~

1 ~~containing fentanyl, or an analog thereof;~~

2 (2) ~~(A) not less than 6 years and not more than 30~~
3 ~~years with respect to 15 grams or more but less than~~
4 ~~100 grams of a substance containing cocaine, or an~~
5 analog thereof;

6 ~~(B) not less than 9 years and not more than 40~~
7 ~~years with respect to 100 grams or more but less than~~
8 ~~400 grams of a substance containing cocaine, or an~~
9 analog thereof;

10 ~~(C) not less than 12 years and not more than 50~~
11 ~~years with respect to 400 grams or more but less than~~
12 ~~900 grams of a substance containing cocaine, or an~~
13 analog thereof;

14 ~~(D) not less than 15 years and not more than 60~~
15 ~~years with respect to 900 grams or more of any~~
16 ~~substance containing cocaine, or an analog thereof;~~

17 (3) ~~(A) not less than 6 years and not more than 30~~
18 ~~years with respect to 15 grams or more but less than~~
19 ~~100 grams of a substance containing morphine, or an~~
20 analog thereof;

21 ~~(B) not less than 9 years and not more than 40~~
22 ~~years with respect to 100 grams or more but less than~~
23 ~~400 grams of a substance containing morphine, or an~~
24 analog thereof;

25 ~~(C) not less than 12 years and not more than 50~~
26 ~~years with respect to 400 grams or more but less than~~

1 ~~900 grams of a substance containing morphine, or an~~
2 ~~analog thereof;~~

3 ~~(D) not less than 15 years and not more than 60~~
4 ~~years with respect to 900 grams or more of a substance~~
5 ~~containing morphine, or an analog thereof;~~

6 (4) 200 grams or more of any substance containing
7 peyote, or an analog thereof;

8 (5) 200 grams or more of any substance containing a
9 derivative of barbituric acid or any of the salts of a
10 derivative of barbituric acid, or an analog thereof;

11 (6) 200 grams or more of any substance containing
12 amphetamine or any salt of an optical isomer of
13 amphetamine, or an analog thereof;

14 (6.5) (blank);

15 (6.6) (blank);

16 (7) ~~(A) not less than 6 years and not more than 30~~
17 ~~years with respect to:~~ (i) 15 grams or more ~~but less~~
18 ~~than 100 grams~~ of a substance containing lysergic acid
19 diethylamide (LSD), or an analog thereof, or (ii) 15 or
20 more objects or 15 or more segregated parts of an
21 object or objects ~~but less than 200 objects or 200~~
22 ~~segregated parts of an object or objects~~ containing in
23 them or having upon them any amounts of any substance
24 containing lysergic acid diethylamide (LSD), or an
25 analog thereof;

26 ~~(B) not less than 9 years and not more than 40~~

1 ~~years with respect to: (i) 100 grams or more but less~~
2 ~~than 400 grams of a substance containing lysergic acid~~
3 ~~diethylamide (LSD), or an analog thereof, or (ii) 200~~
4 ~~or more objects or 200 or more segregated parts of an~~
5 ~~object or objects but less than 600 objects or less~~
6 ~~than 600 segregated parts of an object or objects~~
7 ~~containing in them or having upon them any amount of~~
8 ~~any substance containing lysergic acid diethylamide~~
9 ~~(LSD), or an analog thereof;~~

10 ~~(C) not less than 12 years and not more than 50~~
11 ~~years with respect to: (i) 400 grams or more but less~~
12 ~~than 900 grams of a substance containing lysergic acid~~
13 ~~diethylamide (LSD), or an analog thereof, or (ii) 600~~
14 ~~or more objects or 600 or more segregated parts of an~~
15 ~~object or objects but less than 1500 objects or 1500~~
16 ~~segregated parts of an object or objects containing in~~
17 ~~them or having upon them any amount of any substance~~
18 ~~containing lysergic acid diethylamide (LSD), or an~~
19 ~~analog thereof;~~

20 ~~(D) not less than 15 years and not more than 60~~
21 ~~years with respect to: (i) 900 grams or more of any~~
22 ~~substance containing lysergic acid diethylamide (LSD),~~
23 ~~or an analog thereof, or (ii) 1500 or more objects or~~
24 ~~1500 or more segregated parts of an object or objects~~
25 ~~containing in them or having upon them any amount of a~~
26 ~~substance containing lysergic acid diethylamide (LSD),~~

1 ~~or an analog thereof;~~

2 (7.5) ~~(A) not less than 6 years and not more than 30~~
3 ~~years with respect to:~~ (i) 15 grams or more ~~but less~~
4 ~~than 100 grams~~ of a substance listed in paragraph (1),
5 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
6 (21), (25), or (26) of subsection (d) of Section 204,
7 or an analog or derivative thereof, or (ii) 15 or more
8 pills, tablets, caplets, capsules, or objects ~~but less~~
9 ~~than 200 pills, tablets, caplets, capsules, or objects~~
10 containing in them or having upon them any amounts of
11 any substance listed in paragraph (1), (2), (2.1),
12 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
13 (26) of subsection (d) of Section 204, or an analog or
14 derivative thereof;

15 ~~(B) not less than 9 years and not more than 40~~
16 ~~years with respect to:~~ (i) 100 grams or more ~~but less~~
17 ~~than 400 grams of a substance listed in paragraph (1),~~
18 ~~(2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),~~
19 ~~(21), (25), or (26) of subsection (d) of Section 204,~~
20 ~~or an analog or derivative thereof, or (ii) 200 or more~~
21 ~~pills, tablets, caplets, capsules, or objects but less~~
22 ~~than 600 pills, tablets, caplets, capsules, or objects~~
23 ~~containing in them or having upon them any amount of~~
24 ~~any substance listed in paragraph (1), (2), (2.1),~~
25 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~
26 ~~(26) of subsection (d) of Section 204, or an analog or~~

1 ~~derivative thereof;~~

2 ~~(C) not less than 12 years and not more than 50~~
3 ~~years with respect to: (i) 400 grams or more but less~~
4 ~~than 900 grams of a substance listed in paragraph (1),~~
5 ~~(2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),~~
6 ~~(21), (25), or (26) of subsection (d) of Section 204,~~
7 ~~or an analog or derivative thereof, or (ii) 600 or more~~
8 ~~pills, tablets, caplets, capsules, or objects but less~~
9 ~~than 1,500 pills, tablets, caplets, capsules, or~~
10 ~~objects containing in them or having upon them any~~
11 ~~amount of any substance listed in paragraph (1), (2),~~
12 ~~(2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),~~
13 ~~(25), or (26) of subsection (d) of Section 204, or an~~
14 ~~analog or derivative thereof;~~

15 ~~(D) not less than 15 years and not more than 60~~
16 ~~years with respect to: (i) 900 grams or more of any~~
17 ~~substance listed in paragraph (1), (2), (2.1), (2.2),~~
18 ~~(3), (14.1), (19), (20), (20.1), (21), (25), or (26) of~~
19 ~~subsection (d) of Section 204, or an analog or~~
20 ~~derivative thereof, or (ii) 1,500 or more pills,~~
21 ~~tablets, caplets, capsules, or objects containing in~~
22 ~~them or having upon them any amount of a substance~~
23 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
24 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
25 ~~subsection (d) of Section 204, or an analog or~~
26 ~~derivative thereof;~~

1 (8) 30 grams or more of any substance containing
2 pentazocine or any of the salts, isomers and salts of
3 isomers of pentazocine, or an analog thereof;

4 (9) 30 grams or more of any substance containing
5 methaqualone or any of the salts, isomers and salts of
6 isomers of methaqualone, or an analog thereof;

7 (10) 30 grams or more of any substance containing
8 phencyclidine or any of the salts, isomers and salts of
9 isomers of phencyclidine (PCP), or an analog thereof;

10 (10.5) 30 grams or more of any substance containing
11 ketamine or any of the salts, isomers and salts of isomers
12 of ketamine, or an analog thereof;

13 (10.6) 100 grams or more of any substance containing
14 hydrocodone, or any of the salts, isomers and salts of
15 isomers of hydrocodone, or an analog thereof;

16 (10.7) 100 grams or more of any substance containing
17 dihydrocodeinone, or any of the salts, isomers and salts of
18 isomers of dihydrocodeinone, or an analog thereof;

19 (10.8) 100 grams or more of any substance containing
20 dihydrocodeine, or any of the salts, isomers and salts of
21 isomers of dihydrocodeine, or an analog thereof;

22 (10.9) 100 grams or more of any substance containing
23 oxycodone, or any of the salts, isomers and salts of
24 isomers of oxycodone, or an analog thereof;

25 (11) 200 grams or more of any substance containing any
26 other controlled substance classified in Schedules I or II,

1 or an analog thereof, which is not otherwise included in
2 this subsection.

3 (b) Any person sentenced with respect to violations of
4 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
5 involving 100 grams or more of the controlled substance named
6 therein, may in addition to the penalties provided therein, be
7 fined an amount not more than \$500,000 or the full street value
8 of the controlled or counterfeit substance or controlled
9 substance analog, whichever is greater. The term "street value"
10 shall have the meaning ascribed in Section 110-5 of the Code of
11 Criminal Procedure of 1963. Any person sentenced with respect
12 to any other provision of subsection (a), may in addition to
13 the penalties provided therein, be fined an amount not to
14 exceed \$500,000.

15 (b-1) Excluding violations of this Act when the controlled
16 substance is fentanyl, any person sentenced to a term of
17 imprisonment with respect to violations of Section 401, 401.1,
18 405, 405.1, 405.2, or 407, when the substance containing the
19 controlled substance contains any amount of fentanyl, 3 years
20 shall be added to the term of imprisonment imposed by the
21 court, and the maximum sentence for the offense shall be
22 increased by 3 years.

23 (c) Any person who violates this Section with regard to the
24 following amounts of controlled or counterfeit substances or
25 controlled substance analogs, notwithstanding any of the
26 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)

1 to the contrary, is guilty of a Class 2 ± felony. The fine for
2 violation of this subsection (c) shall not be more than
3 \$250,000:

4 (1) 1 gram or more but less than 15 grams of any
5 substance containing heroin, or an analog thereof;

6 (1.5) 1 gram or more but less than 15 grams of any
7 substance containing fentanyl, or an analog thereof;

8 (2) 1 gram or more but less than 15 grams of any
9 substance containing cocaine, or an analog thereof;

10 (3) 10 grams or more but less than 15 grams of any
11 substance containing morphine, or an analog thereof;

12 (4) 50 grams or more but less than 200 grams of any
13 substance containing peyote, or an analog thereof;

14 (5) 50 grams or more but less than 200 grams of any
15 substance containing a derivative of barbituric acid or any
16 of the salts of a derivative of barbituric acid, or an
17 analog thereof;

18 (6) 50 grams or more but less than 200 grams of any
19 substance containing amphetamine or any salt of an optical
20 isomer of amphetamine, or an analog thereof;

21 (6.5) (blank);

22 (7) (i) 5 grams or more but less than 15 grams of any
23 substance containing lysergic acid diethylamide (LSD), or
24 an analog thereof, or (ii) more than 10 objects or more
25 than 10 segregated parts of an object or objects but less
26 than 15 objects or less than 15 segregated parts of an

1 object containing in them or having upon them any amount of
2 any substance containing lysergic acid diethylamide (LSD),
3 or an analog thereof;

4 (7.5) (i) 5 grams or more but less than 15 grams of any
5 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
6 (14.1), (19), (20), (20.1), (21), (25), or (26) of
7 subsection (d) of Section 204, or an analog or derivative
8 thereof, or (ii) more than 10 pills, tablets, caplets,
9 capsules, or objects but less than 15 pills, tablets,
10 caplets, capsules, or objects containing in them or having
11 upon them any amount of any substance listed in paragraph
12 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
13 (21), (25), or (26) of subsection (d) of Section 204, or an
14 analog or derivative thereof;

15 (8) 10 grams or more but less than 30 grams of any
16 substance containing pentazocine or any of the salts,
17 isomers and salts of isomers of pentazocine, or an analog
18 thereof;

19 (9) 10 grams or more but less than 30 grams of any
20 substance containing methaqualone or any of the salts,
21 isomers and salts of isomers of methaqualone, or an analog
22 thereof;

23 (10) 10 grams or more but less than 30 grams of any
24 substance containing phencyclidine or any of the salts,
25 isomers and salts of isomers of phencyclidine (PCP), or an
26 analog thereof;

1 (10.5) 10 grams or more but less than 30 grams of any
2 substance containing ketamine or any of the salts, isomers
3 and salts of isomers of ketamine, or an analog thereof;

4 (10.6) 50 grams or more but less than 100 grams of any
5 substance containing hydrocodone, or any of the salts,
6 isomers and salts of isomers of hydrocodone, or an analog
7 thereof;

8 (10.7) 50 grams or more but less than 100 grams of any
9 substance containing dihydrocodeinone, or any of the
10 salts, isomers and salts of isomers of dihydrocodeinone, or
11 an analog thereof;

12 (10.8) 50 grams or more but less than 100 grams of any
13 substance containing dihydrocodeine, or any of the salts,
14 isomers and salts of isomers of dihydrocodeine, or an
15 analog thereof;

16 (10.9) 50 grams or more but less than 100 grams of any
17 substance containing oxycodone, or any of the salts,
18 isomers and salts of isomers of oxycodone, or an analog
19 thereof;

20 (11) 50 grams or more but less than 200 grams of any
21 substance containing a substance classified in Schedules I
22 or II, or an analog thereof, which is not otherwise
23 included in this subsection.

24 (c-5) (Blank).

25 (d) Any person who violates this Section with regard to any
26 other amount of a controlled or counterfeit substance

1 containing dihydrocodeinone or dihydrocodeine or classified in
2 Schedules I or II, or an analog thereof, which is (i) a
3 narcotic drug, (ii) lysergic acid diethylamide (LSD) or an
4 analog thereof, (iii) any substance containing amphetamine or
5 fentanyl or any salt or optical isomer of amphetamine or
6 fentanyl, or an analog thereof, or (iv) any substance
7 containing N-Benzylpiperazine (BZP) or any salt or optical
8 isomer of N-Benzylpiperazine (BZP), or an analog thereof, is
9 guilty of a Class 3 ~~2~~ felony. The fine for violation of this
10 subsection (d) shall not be more than \$200,000.

11 (d-5) (Blank).

12 (e) Any person who violates this Section with regard to any
13 other amount of a controlled substance other than
14 methamphetamine or counterfeit substance classified in
15 Schedule I or II, or an analog thereof, which substance is not
16 included under subsection (d) of this Section, is guilty of a
17 Class 4 ~~3~~ felony. The fine for violation of this subsection (e)
18 shall not be more than \$150,000.

19 (f) Any person who violates this Section with regard to any
20 other amount of a controlled or counterfeit substance
21 classified in Schedule III is guilty of a Class 4 ~~3~~ felony. The
22 fine for violation of this subsection (f) shall not be more
23 than \$125,000.

24 (g) Any person who violates this Section with regard to any
25 other amount of a controlled or counterfeit substance
26 classified in Schedule IV is guilty of a Class 4 ~~3~~ felony. The

1 fine for violation of this subsection (g) shall not be more
2 than \$100,000.

3 (h) Any person who violates this Section with regard to any
4 other amount of a controlled or counterfeit substance
5 classified in Schedule V is guilty of a Class 4 ~~3~~ felony. The
6 fine for violation of this subsection (h) shall not be more
7 than \$75,000.

8 (i) This Section does not apply to the manufacture,
9 possession or distribution of a substance in conformance with
10 the provisions of an approved new drug application or an
11 exemption for investigational use within the meaning of Section
12 505 of the Federal Food, Drug and Cosmetic Act.

13 (j) (Blank).

14 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17.)

15 (720 ILCS 570/401.1) (from Ch. 56 1/2, par. 1401.1)

16 Sec. 401.1. Controlled Substance Trafficking.

17 (a) Except for purposes as authorized by this Act, any
18 person who knowingly brings or causes to be brought into this
19 State for the purpose of manufacture or delivery or with the
20 intent to manufacture or deliver a controlled substance other
21 than methamphetamine or counterfeit substance in this or any
22 other state or country is guilty of controlled substance
23 trafficking.

24 (b) A person convicted of controlled substance trafficking
25 shall be sentenced to a term of imprisonment not less than

1 twice the minimum term and fined an amount as authorized by
2 Section 401 of this Act, based upon the amount of controlled or
3 counterfeit substance brought or caused to be brought into this
4 State, and not more than twice the maximum term of imprisonment
5 and fined twice the amount as authorized by Section 401 of this
6 Act, based upon the amount of controlled or counterfeit
7 substance brought or caused to be brought into this State.

8 (c) It shall be a Class 3 ~~2~~ felony for which a fine not to
9 exceed \$100,000 may be imposed for any person to knowingly use
10 a cellular radio telecommunication device in the furtherance of
11 controlled substance trafficking. This penalty shall be in
12 addition to any other penalties imposed by law.

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

14 (720 ILCS 570/401.5)

15 Sec. 401.5. Chemical breakdown of illicit controlled
16 substance.

17 (a) It is unlawful for any person to manufacture a
18 controlled substance other than methamphetamine prohibited by
19 this Act by chemically deriving the controlled substance from
20 one or more other controlled substances prohibited by this Act.

21 (a-5) It is unlawful for any person to possess any
22 substance with the intent to use the substance to facilitate
23 the manufacture of any controlled substance other than
24 methamphetamine, any counterfeit substance, or any controlled
25 substance analog other than as authorized by this Act.

1 (b) A violation of this Section is a Class A misdemeanor 4
2 ~~felony~~.

3 (c) (Blank).

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

5 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

6 Sec. 402. Except as otherwise authorized by this Act, it is
7 unlawful for any person knowingly to possess a controlled or
8 counterfeit substance or controlled substance analog. A
9 violation of this Act with respect to each of the controlled
10 substances listed herein constitutes a single and separate
11 violation of this Act. For purposes of this Section,
12 "controlled substance analog" or "analog" means a substance,
13 other than a controlled substance, that has a chemical
14 structure substantially similar to that of a controlled
15 substance in Schedule I or II, or that was specifically
16 designed to produce an effect substantially similar to that of
17 a controlled substance in Schedule I or II. Examples of
18 chemical classes in which controlled substance analogs are
19 found include, but are not limited to, the following:
20 phenethylamines, N-substituted piperidines, morphinans,
21 ecgonines, quinazolinones, substituted indoles, and
22 arylcycloalkylamines. For purposes of this Act, a controlled
23 substance analog shall be treated in the same manner as the
24 controlled substance to which it is substantially similar.

25 (a) Any person who violates this Section with respect to

1 the following controlled or counterfeit substances and
2 amounts, notwithstanding any of the provisions of subsections
3 (c) and (d) to the contrary, is guilty of a Class 2 ~~±~~ felony and
4 ~~shall, if sentenced to a term of imprisonment, be sentenced as~~
5 ~~provided in this subsection (a) and~~ fined as provided in
6 subsection (b):

7 (1) ~~(A) not less than 4 years and not more than 15~~
8 ~~years with respect to 15 grams or more but less than~~
9 ~~100 grams of a substance containing heroin;~~

10 ~~(B) not less than 6 years and not more than 30~~
11 ~~years with respect to 100 grams or more but less than~~
12 ~~400 grams of a substance containing heroin;~~

13 ~~(C) not less than 8 years and not more than 40~~
14 ~~years with respect to 400 grams or more but less than~~
15 ~~900 grams of any substance containing heroin;~~

16 ~~(D) not less than 10 years and not more than 50~~
17 ~~years with respect to 900 grams or more of any~~
18 ~~substance containing heroin;~~

19 (2) ~~(A) not less than 4 years and not more than 15~~
20 ~~years with respect to 15 grams or more but less than~~
21 ~~100 grams of any substance containing cocaine;~~

22 ~~(B) not less than 6 years and not more than 30~~
23 ~~years with respect to 100 grams or more but less than~~
24 ~~400 grams of any substance containing cocaine;~~

25 ~~(C) not less than 8 years and not more than 40~~
26 ~~years with respect to 400 grams or more but less than~~

1 ~~900 grams of any substance containing cocaine;~~

2 ~~(D) not less than 10 years and not more than 50~~
3 ~~years with respect to 900 grams or more of any~~
4 ~~substance containing cocaine;~~

5 (3) ~~(A) not less than 4 years and not more than 15~~
6 ~~years with respect to 15 grams or more but less than~~
7 ~~100 grams of any substance containing morphine;~~

8 ~~(B) not less than 6 years and not more than 30~~
9 ~~years with respect to 100 grams or more but less than~~
10 ~~400 grams of any substance containing morphine;~~

11 ~~(C) not less than 6 years and not more than 40~~
12 ~~years with respect to 400 grams or more but less than~~
13 ~~900 grams of any substance containing morphine;~~

14 ~~(D) not less than 10 years and not more than 50~~
15 ~~years with respect to 900 grams or more of any~~
16 ~~substance containing morphine;~~

17 (4) 200 grams or more of any substance containing
18 peyote;

19 (5) 200 grams or more of any substance containing a
20 derivative of barbituric acid or any of the salts of a
21 derivative of barbituric acid;

22 (6) 200 grams or more of any substance containing
23 amphetamine or any salt of an optical isomer of
24 amphetamine;

25 (6.5) (blank);

26 (7) ~~(A) not less than 4 years and not more than 15~~

1 ~~years with respect to:~~ (i) 15 grams or more ~~but less~~
2 ~~than 100 grams~~ of any substance containing lysergic
3 acid diethylamide (LSD), or an analog thereof, or (ii)
4 15 or more objects or 15 or more segregated parts of an
5 object or objects ~~but less than 200 objects or 200~~
6 ~~segregated parts of an object or objects~~ containing in
7 them or having upon them any amount of any substance
8 containing lysergic acid diethylamide (LSD), or an
9 analog thereof;

10 ~~(B) not less than 6 years and not more than 30~~
11 ~~years with respect to:~~ (i) ~~100 grams or more but less~~
12 ~~than 400 grams of any substance containing lysergic~~
13 ~~acid diethylamide (LSD), or an analog thereof, or (ii)~~
14 ~~200 or more objects or 200 or more segregated parts of~~
15 ~~an object or objects but less than 600 objects or less~~
16 ~~than 600 segregated parts of an object or objects~~
17 ~~containing in them or having upon them any amount of~~
18 ~~any substance containing lysergic acid diethylamide~~
19 ~~(LSD), or an analog thereof;~~

20 ~~(C) not less than 8 years and not more than 40~~
21 ~~years with respect to:~~ (i) ~~400 grams or more but less~~
22 ~~than 900 grams of any substance containing lysergic~~
23 ~~acid diethylamide (LSD), or an analog thereof, or (ii)~~
24 ~~600 or more objects or 600 or more segregated parts of~~
25 ~~an object or objects but less than 1500 objects or 1500~~
26 ~~segregated parts of an object or objects containing in~~

1 ~~them or having upon them any amount of any substance~~
2 ~~containing lysergic acid diethylamide (LSD), or an~~
3 ~~analog thereof;~~

4 ~~(D) not less than 10 years and not more than 50~~
5 ~~years with respect to: (i) 900 grams or more of any~~
6 ~~substance containing lysergic acid diethylamide (LSD),~~
7 ~~or an analog thereof, or (ii) 1500 or more objects or~~
8 ~~1500 or more segregated parts of an object or objects~~
9 ~~containing in them or having upon them any amount of a~~
10 ~~substance containing lysergic acid diethylamide (LSD),~~
11 ~~or an analog thereof;~~

12 (7.5) ~~(A) not less than 4 years and not more than 15~~
13 ~~years with respect to: (i) 15 grams or more but less~~
14 ~~than 100 grams of any substance listed in paragraph~~
15 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
16 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
17 ~~Section 204, or an analog or derivative thereof, or~~
18 ~~(ii) 15 or more pills, tablets, caplets, capsules, or~~
19 ~~objects but less than 200 pills, tablets, caplets,~~
20 ~~capsules, or objects containing in them or having upon~~
21 ~~them any amount of any substance listed in paragraph~~
22 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
23 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
24 ~~Section 204, or an analog or derivative thereof;~~

25 ~~(B) not less than 6 years and not more than 30~~
26 ~~years with respect to: (i) 100 grams or more but less~~

1 ~~than 400 grams of any substance listed in paragraph~~
2 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
3 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
4 ~~Section 204, or an analog or derivative thereof, or~~
5 ~~(ii) 200 or more pills, tablets, caplets, capsules, or~~
6 ~~objects but less than 600 pills, tablets, caplets,~~
7 ~~capsules, or objects containing in them or having upon~~
8 ~~them any amount of any substance listed in paragraph~~
9 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
10 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
11 ~~Section 204, or an analog or derivative thereof;~~

12 ~~(C) not less than 8 years and not more than 40~~
13 ~~years with respect to: (i) 400 grams or more but less~~
14 ~~than 900 grams of any substance listed in paragraph~~
15 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
16 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
17 ~~Section 204, or an analog or derivative thereof, or~~
18 ~~(ii) 600 or more pills, tablets, caplets, capsules, or~~
19 ~~objects but less than 1,500 pills, tablets, caplets,~~
20 ~~capsules, or objects containing in them or having upon~~
21 ~~them any amount of any substance listed in paragraph~~
22 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
23 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
24 ~~Section 204, or an analog or derivative thereof;~~

25 ~~(D) not less than 10 years and not more than 50~~
26 ~~years with respect to: (i) 900 grams or more of any~~

1 ~~substance listed in paragraph (1), (2), (2.1), (2.2),~~
2 ~~(3), (14.1), (19), (20), (20.1), (21), (25), or (26) of~~
3 ~~subsection (d) of Section 204, or an analog or~~
4 ~~derivative thereof, or (ii) 1,500 or more pills,~~
5 ~~tablets, caplets, capsules, or objects containing in~~
6 ~~them or having upon them any amount of a substance~~
7 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
8 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
9 ~~subsection (d) of Section 204, or an analog or~~
10 ~~derivative thereof;~~

11 (8) 30 grams or more of any substance containing
12 pentazocine or any of the salts, isomers and salts of
13 isomers of pentazocine, or an analog thereof;

14 (9) 30 grams or more of any substance containing
15 methaqualone or any of the salts, isomers and salts of
16 isomers of methaqualone;

17 (10) 30 grams or more of any substance containing
18 phencyclidine or any of the salts, isomers and salts of
19 isomers of phencyclidine (PCP);

20 (10.5) 30 grams or more of any substance containing
21 ketamine or any of the salts, isomers and salts of isomers
22 of ketamine;

23 (11) 200 grams or more of any substance containing any
24 substance classified as a narcotic drug in Schedules I or
25 II, or an analog thereof, which is not otherwise included
26 in this subsection.

1 (b) Any person sentenced with respect to violations of
2 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
3 involving 100 grams or more of the controlled substance named
4 therein, may in addition to the penalties provided therein, be
5 fined an amount not to exceed \$200,000 or the full street value
6 of the controlled or counterfeit substances, whichever is
7 greater. The term "street value" shall have the meaning
8 ascribed in Section 110-5 of the Code of Criminal Procedure of
9 1963. Any person sentenced with respect to any other provision
10 of subsection (a), may in addition to the penalties provided
11 therein, be fined an amount not to exceed \$200,000.

12 (c) Any person who violates this Section with regard to an
13 amount of a controlled substance other than methamphetamine or
14 counterfeit substance not set forth in subsection (a) or (d) is
15 guilty of a Class A misdemeanor ~~4-felony~~. The fine for a
16 violation punishable under this subsection (c) shall not be
17 more than \$25,000.

18 (d) Any person who violates this Section with regard to any
19 amount of anabolic steroid is guilty of a Class C misdemeanor
20 for the first offense and a Class B misdemeanor for a
21 subsequent offense committed within 2 years of a prior
22 conviction.

23 (Source: P.A. 99-371, eff. 1-1-16.)

24 (720 ILCS 570/404) (from Ch. 56 1/2, par. 1404)

25 Sec. 404. (a) For the purposes of this Section:

1 (1) "Advertise" means the attempt, by publication,
2 dissemination, solicitation or circulation, to induce
3 directly or indirectly any person to acquire, or enter into
4 an obligation to acquire, any substance within the scope of
5 this Section.

6 (2) "Distribute" has the meaning ascribed to it in
7 subsection (s) of Section 102 of this Act but as relates to
8 look-alike substances.

9 (3) "Manufacture" means the producing, preparing,
10 compounding, processing, encapsulating, packaging,
11 repackaging, labeling or relabeling of a look-alike
12 substance.

13 (b) It is unlawful for any person knowingly to manufacture,
14 distribute, advertise, or possess with intent to manufacture or
15 distribute a look-alike substance. Any person who violates this
16 subsection (b) shall be guilty of a Class 4 ~~3~~ felony, the fine
17 for which shall not exceed \$150,000.

18 (c) It is unlawful for any person knowingly to possess a
19 look-alike substance. Any person who violates this subsection
20 (c) is guilty of a petty offense. Any person convicted of a
21 subsequent offense under this subsection (c) shall be guilty of
22 a Class C misdemeanor.

23 (d) In any prosecution brought under this Section, it is
24 not a defense to a violation of this Section that the defendant
25 believed the look-alike substance actually to be a controlled
26 substance.

1 (e) Nothing in this Section applies to:

2 (1) The manufacture, processing, packaging,
3 distribution or sale of noncontrolled substances to
4 licensed medical practitioners for use as placebos in
5 professional practice or research.

6 (2) Persons acting in the course and legitimate scope
7 of their employment as law enforcement officers.

8 (3) The retention of production samples of
9 noncontrolled substances produced prior to the effective
10 date of this amendatory Act of 1982, where such samples are
11 required by federal law.

12 (f) Nothing in this Section or in this Act applies to the
13 lawful manufacture, processing, packaging, advertising or
14 distribution of a drug or drugs by any person registered
15 pursuant to Section 510 of the Federal Food, Drug, and Cosmetic
16 Act (21 U.S.C. 360).

17 (Source: P.A. 83-1362.)

18 (720 ILCS 570/405) (from Ch. 56 1/2, par. 1405)

19 Sec. 405. (a) Any person who engages in a calculated
20 criminal drug conspiracy, as defined in subsection (b), is
21 guilty of a Class 1 * felony. The fine for violation of this
22 Section shall not be more than \$500,000, and the offender shall
23 be subject to the forfeitures prescribed in subsection (c).

24 (b) For purposes of this section, a person engages in a
25 calculated criminal drug conspiracy when:

1 (1) he or she violates any of the provisions of
2 subsection (a) or (c) of Section 401 or subsection (a) of
3 Section 402; and

4 (2) such violation is a part of a conspiracy undertaken
5 or carried on with two or more other persons; and

6 (3) he or she obtains anything of value greater than
7 \$500 from, or organizes, directs or finances such violation
8 or conspiracy.

9 (c) Any person who is convicted under this section of
10 engaging in a calculated criminal drug conspiracy shall forfeit
11 to the State of Illinois:

12 (1) the receipts obtained by him or her in such
13 conspiracy; and

14 (2) any of his or her interests in, claims against,
15 receipts from, or property or rights of any kind affording
16 a source of influence over, such conspiracy.

17 (d) The circuit court may enter such injunctions,
18 restraining orders, directions or prohibitions, or to take such
19 other actions, including the acceptance of satisfactory
20 performance bonds, in connection with any property, claim,
21 receipt, right or other interest subject to forfeiture under
22 this Section, as it deems proper.

23 (Source: P.A. 97-334, eff. 1-1-12.)

24 (720 ILCS 570/405.2)

25 Sec. 405.2. Streetgang criminal drug conspiracy.

1 (a) Any person who engages in a streetgang criminal drug
2 conspiracy, as defined in this Section, is guilty of a Class 1
3 ~~* felony for which the offender shall be sentenced to a term of~~
4 ~~imprisonment as follows:~~

5 ~~(1) not less than 15 years and not more than 60 years~~
6 ~~for a violation of subsection (a) of Section 401;~~

7 ~~(2) not less than 10 years and not more than 30 years~~
8 ~~for a violation of subsection (c) of Section 401.~~

9 For the purposes of this Section, a person engages in a
10 streetgang criminal drug conspiracy when:

11 (i) he or she violates any of the provisions of
12 subsection (a) or (c) of Section 401 of this Act or any
13 provision of the Methamphetamine Control and Community
14 Protection Act; and

15 (ii) such violation is part of a conspiracy undertaken
16 or carried out with 2 or more other persons; and

17 (iii) such conspiracy is in furtherance of the
18 activities of an organized gang as defined in the Illinois
19 Streetgang Terrorism Omnibus Prevention Act; and

20 (iv) he or she occupies a position of organizer, a
21 supervising person, or any other position of management
22 with those persons identified in clause (ii) of this
23 subsection (a).

24 The fine for a violation of this Section shall not be more
25 than \$500,000, and the offender shall be subject to the
26 forfeitures prescribed in subsection (b).

1 (b) Subject to the provisions of Section 8 of the Drug
2 Asset Forfeiture Procedure Act, any person who is convicted
3 under this Section of engaging in a streetgang criminal drug
4 conspiracy shall forfeit to the State of Illinois:

5 (1) the receipts obtained by him or her in such
6 conspiracy; and

7 (2) any of his or her interests in, claims against,
8 receipts from, or property or rights of any kind affording
9 a source of influence over, such conspiracy.

10 (c) The circuit court may enter such injunctions,
11 restraining orders, directions or prohibitions, or may take
12 such other actions, including the acceptance of satisfactory
13 performance bonds, in connection with any property, claim,
14 receipt, right or other interest subject to forfeiture under
15 this Section, as it deems proper.

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

17 (720 ILCS 570/406) (from Ch. 56 1/2, par. 1406)

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

19 (1) who is subject to Article III knowingly to
20 distribute or dispense a controlled substance in violation
21 of Sections 308 through 314.5 of this Act; or

22 (2) who is a registrant, to manufacture a controlled
23 substance not authorized by his or her registration, or to
24 distribute or dispense a controlled substance not
25 authorized by his or her registration to another registrant

1 or other authorized person; or

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

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

7 (5) knowingly to keep or maintain any store, shop,
8 warehouse, dwelling, building, vehicle, boat, aircraft, or
9 other structure or place, which is resorted to by a person
10 unlawfully possessing controlled substances, or which is
11 used for possessing, manufacturing, dispensing or
12 distributing controlled substances in violation of this
13 Act.

14 Any person who violates this subsection (a) is guilty of a
15 Class A misdemeanor ~~for the first offense and a Class 4 felony~~
16 ~~for each subsequent offense~~. The fine for each subsequent
17 offense shall not be more than \$100,000. In addition, any
18 practitioner who is found guilty of violating this subsection
19 (a) is subject to suspension and revocation of his or her
20 professional license, in accordance with such procedures as are
21 provided by law for the taking of disciplinary action with
22 regard to the license of said practitioner's profession.

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

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

1 (2) to use, in the course of the manufacture or
2 distribution of a controlled substance, a registration
3 number which is fictitious, revoked, suspended, or issued
4 to another person; or

5 (3) to acquire or obtain, or attempt to acquire or
6 obtain, possession of a controlled substance by
7 misrepresentation, fraud, forgery, deception or
8 subterfuge; or

9 (3.1) to withhold information requested from a
10 practitioner, with the intent to obtain a controlled
11 substance that has not been prescribed, by
12 misrepresentation, fraud, forgery, deception, subterfuge,
13 or concealment of a material fact; or

14 (4) to furnish false or fraudulent material
15 information in, or omit any material information from, any
16 application, report or other document required to be kept
17 or filed under this Act, or any record required to be kept
18 by this Act; or

19 (5) to make, distribute or possess any punch, die,
20 plate, stone or other thing designed to print, imprint or
21 reproduce the trademark, trade name or other identifying
22 mark, imprint or device of another, or any likeness of any
23 of the foregoing, upon any controlled substance or
24 container or labeling thereof so as to render the drug a
25 counterfeit substance; or

26 (6) (blank); or

1 (7) (blank).

2 Any person who violates this subsection (b) is guilty of a
3 Class A misdemeanor ~~4 felony~~ for the first offense and a Class
4 ~~4~~ 3 felony for each subsequent offense. The fine for the first
5 offense shall be not more than \$100,000. The fine for each
6 subsequent offense shall not be more than \$200,000.

7 (c) A person who knowingly or intentionally violates
8 Section 316, 317, 318, or 319 is guilty of a Class A
9 misdemeanor.

10 (Source: P.A. 99-480, eff. 9-9-15.)

11 (720 ILCS 570/406.1) (from Ch. 56 1/2, par. 1406.1)

12 Sec. 406.1. (a) Any person who controls any building and
13 who performs the following act commits the offense of
14 permitting unlawful use of a building:

15 Knowingly grants, permits or makes the building available
16 for use for the purpose of unlawfully manufacturing or
17 delivering a controlled substance other than methamphetamine.

18 (b) Permitting unlawful use of a building is a Class A
19 misdemeanor ~~4 felony~~.

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

21 (720 ILCS 570/406.2)

22 Sec. 406.2. Unauthorized possession of prescription form.

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

- 1 (1) alters a properly issued prescription form;
- 2 (2) possesses without authorization a blank
3 prescription form or counterfeit prescription form; or
- 4 (3) possesses a prescription form not issued by a
5 licensed prescriber.

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

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

15 (d) For the purposes of this Section, "licensed prescriber"
16 means a prescriber as defined in this Act or an optometrist
17 licensed under the Illinois Optometric Practice Act of 1987.
18 (Source: P.A. 95-487, eff. 1-1-08.)

19 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

20 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
21 violates any subsection of Section 401 or subsection (b) of
22 Section 404 by delivering a controlled, counterfeit or
23 look-alike substance to a person under 18 years of age may be
24 sentenced to imprisonment for a term up to twice the maximum
25 term and fined an amount up to twice that amount otherwise

1 authorized by the pertinent subsection of Section 401 and
2 Subsection (b) of Section 404.

3 (B) (Blank).

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

6 (A) subsection (c) 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
9 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
10 guilty of a Class 2 ~~4~~ felony, the fine for which shall not
11 exceed \$250,000;

12 (B) subsection (d) of Section 401 by delivering or
13 possessing with intent to deliver a controlled,
14 counterfeit, or look-alike substance in or on, or within
15 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
16 guilty of a Class 3 ~~2~~ felony, the fine for which shall not
17 exceed \$200,000;

18 (C) subsection (e) of Section 401 or subsection (b) of
19 Section 404 by delivering or possessing with intent to
20 deliver a controlled, counterfeit, or look-alike substance
21 in or on, or within 500 ~~1,000~~ feet of, a truck stop or
22 safety rest area, is guilty of a Class 4 ~~3~~ felony, the fine
23 for which shall not exceed \$150,000;

24 (D) subsection (f) of Section 401 by delivering or
25 possessing with intent to deliver a controlled,
26 counterfeit, or look-alike substance in or on, or within

1 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
2 guilty of a Class 4 ~~3~~ felony, the fine for which shall not
3 exceed \$125,000;

4 (E) subsection (g) of Section 401 by delivering or
5 possessing with intent to deliver a controlled,
6 counterfeit, or look-alike substance in or on, or within
7 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
8 guilty of a Class 4 ~~3~~ felony, the fine for which shall not
9 exceed \$100,000;

10 (F) subsection (h) 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
13 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
14 guilty of a Class 4 ~~3~~ felony, the fine for which shall not
15 exceed \$75,000;

16 (3) Any person who violates paragraph (2) of this
17 subsection (a) by delivering or possessing with intent to
18 deliver a controlled, counterfeit, or look-alike substance in
19 or on, or within 500 ~~1,000~~ feet of a truck stop or a safety rest
20 area, following a prior conviction or convictions of paragraph
21 (2) of this subsection (a) may be sentenced to a term of
22 imprisonment up to 2 times the maximum term and fined an amount
23 up to 2 times the amount otherwise authorized by Section 401.

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

25 (A) "Safety rest area" means a roadside facility
26 removed from the roadway with parking and facilities

1 designed for motorists' rest, comfort, and information
2 needs; and

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

7 (b) Any person who violates:

8 (1) subsection (c) of Section 401 in any school, on or
9 within 500 feet of the real property comprising any school,
10 or in any conveyance owned, leased or contracted by a
11 school to transport students to or from school or a school
12 related activity, and at the time of the violation persons
13 under the age of 18 are present, the offense is committed
14 during school hours, or the offense is committed at times
15 when persons under the age of 18 are reasonably expected to
16 be present in the school, in the conveyance, or on the real
17 property, such as when after-school activities are
18 occurring ~~or residential property owned, operated or~~
19 ~~managed by a public housing agency or leased by a public~~
20 ~~housing agency as part of a scattered site or mixed income~~
21 ~~development, or in any public park or, on or within 500~~
22 feet of the real property comprising any school or
23 ~~residential property owned, operated or managed by a public~~
24 ~~housing agency or leased by a public housing agency as part~~
25 ~~of a scattered site or mixed income development, or public~~
26 ~~park or within 1,000 feet of the real property comprising~~

1 ~~any school 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 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 500 ~~1,000~~ feet of the real property comprising
8 any church, synagogue, or other building, structure, or
9 place 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 500 ~~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 1 ~~2~~ felony, the
22 fine for which shall not exceed \$500,000;

23 (2) subsection (d) of Section 401 in any school, on or
24 within 500 feet of the real property comprising any school,
25 or in any conveyance owned, leased or contracted by a
26 school to transport students to or from school or a school

1 related activity, and at the time of the violation persons
2 under the age of 18 are present, the offense is committed
3 during school hours, or the offense is committed at times
4 when persons under the age of 18 are reasonably expected to
5 be present in the school, in the conveyance, or on the real
6 property, such as when after-school activities are
7 occurring ~~or residential property owned, operated or~~
8 ~~managed by a public housing agency or leased by a public~~
9 ~~housing agency as part of a scattered site or mixed income~~
10 ~~development, or in any public park or~~ 7 ~~on or within 500~~
11 feet of the real property comprising any ~~school or~~
12 ~~residential property owned, operated or managed by a public~~
13 ~~housing agency or leased by a public housing agency as part~~
14 ~~of a scattered site or mixed income development, or public~~
15 ~~park or within 1,000 feet of the real property comprising~~
16 ~~any school or residential property owned, operated or~~
17 ~~managed by a public housing agency or leased by a public~~
18 ~~housing agency as part of a scattered site or mixed income~~
19 ~~development, or public park,~~ on the real property
20 comprising any church, synagogue, or other building,
21 structure, or place used primarily for religious worship,
22 or within 500 ~~1,000~~ feet of the real property comprising
23 any church, synagogue, or other building, structure, or
24 place used primarily for religious worship, on the real
25 property comprising any of the following places,
26 buildings, or structures used primarily for housing or

1 providing space for activities for senior citizens:
2 nursing homes, assisted-living centers, senior citizen
3 housing complexes, or senior centers oriented toward
4 daytime activities, or within 500 ~~1,000~~ feet of the real
5 property comprising any of the following places,
6 buildings, or structures used primarily for housing or
7 providing space for activities for senior citizens:
8 nursing homes, assisted-living centers, senior citizen
9 housing complexes, or senior centers oriented toward
10 daytime activities is guilty of a Class 2 ~~1~~ felony, the
11 fine for which shall not exceed \$250,000;

12 (3) subsection (e) of Section 401 or Subsection (b) of
13 Section 404 in any school, on or within 500 feet of the
14 real property comprising any school, or in any conveyance
15 owned, leased or contracted by a school to transport
16 students to or from school or a school related activity,
17 and at the time of the violation persons under the age of
18 18 are present, the offense is committed during school
19 hours, or the offense is committed at times when persons
20 under the age of 18 are reasonably expected to be present
21 in the school, in the conveyance, or on the real property,
22 such as when after-school activities are occurring ~~or~~
23 ~~residential property owned, operated or managed by a public~~
24 ~~housing agency or leased by a public housing agency as part~~
25 ~~of a scattered site or mixed income development, or in any~~
26 public park or ~~or~~ on or within 500 feet of the real property

1 comprising any ~~school or residential property owned,~~
2 ~~operated or managed by a public housing agency or leased by~~
3 ~~a public housing agency as part of a scattered site or~~
4 ~~mixed income development, or public park or within 1,000~~
5 ~~feet of the real property comprising any school or~~
6 ~~residential property owned, operated or managed by a public~~
7 ~~housing agency or leased by a public housing agency as part~~
8 ~~of a scattered site or mixed income development, or public~~
9 ~~park,~~ on the real property comprising any church,
10 synagogue, or other building, structure, or place used
11 primarily for religious worship, or within 500 ~~1,000~~ feet
12 of the real property comprising any church, synagogue, or
13 other building, structure, or place used primarily for
14 religious worship, on the real property comprising any of
15 the following places, buildings, or structures used
16 primarily for housing or providing space for activities for
17 senior citizens: nursing homes, assisted-living centers,
18 senior citizen housing complexes, or senior centers
19 oriented toward daytime activities, or within 500 ~~1,000~~
20 feet of the real property comprising any of the following
21 places, buildings, or structures used primarily for
22 housing or providing space for activities for senior
23 citizens: nursing homes, assisted-living centers, senior
24 citizen housing complexes, or senior centers oriented
25 toward daytime activities is guilty of a Class 3 ~~2~~ felony,
26 the fine for which shall not exceed \$200,000;

1 (4) subsection (f) of Section 401 in any school, on or
2 within 500 feet of the real property comprising any school,
3 or in any conveyance owned, leased or contracted by a
4 school to transport students to or from school or a school
5 related activity, and at the time of the violation persons
6 under the age of 18 are present, the offense is committed
7 during school hours, or the offense is committed at times
8 when persons under the age of 18 are reasonably expected to
9 be present in the school, in the conveyance, or on the real
10 property, such as when after-school activities are
11 occurring ~~or residential property owned, operated or~~
12 ~~managed by a public housing agency or leased by a public~~
13 ~~housing agency as part of a scattered site or mixed income~~
14 ~~development, or in any public park or,~~ on or within 500
15 feet of the real property comprising any ~~school or~~
16 ~~residential property owned, operated or managed by a public~~
17 ~~housing agency or leased by a public housing agency as part~~
18 ~~of a scattered site or mixed income development, or public~~
19 ~~park or within 1,000 feet of the real property comprising~~
20 ~~any school or residential property owned, operated or~~
21 ~~managed by a public housing agency or leased by a public~~
22 ~~housing agency as part of a scattered site or mixed income~~
23 ~~development, or public park,~~ on the real property
24 comprising any church, synagogue, or other building,
25 structure, or place used primarily for religious worship,
26 or within 500 ~~1,000~~ feet of the real property comprising

1 any church, synagogue, or other building, structure, or
2 place used primarily for religious worship, on the real
3 property comprising any of the following places,
4 buildings, or structures used primarily for housing or
5 providing space for activities for senior citizens:
6 nursing homes, assisted-living centers, senior citizen
7 housing complexes, or senior centers oriented toward
8 daytime activities, or within 500 ~~1,000~~ feet of 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 is guilty of a Class 3 ~~2~~ felony, the
15 fine for which shall not exceed \$150,000;

16 (5) subsection (g) of Section 401 in any school, on or
17 within 500 feet of the real property comprising any school,
18 or in any conveyance owned, leased or contracted by a
19 school to transport students to or from school or a school
20 related activity, and at the time of the violation persons
21 under the age of 18 are present, the offense is committed
22 during school hours, or the offense is committed at times
23 when persons under the age of 18 are reasonably expected to
24 be present in the school, in the conveyance, or on the real
25 property, such as when after-school activities are
26 occurring ~~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 mixed income~~
3 ~~development, or in any public park ~~or~~, on or within 500~~
4 ~~feet of the real property comprising any ~~school or~~~~
5 ~~residential property owned, operated or managed by a public~~
6 ~~housing agency or leased by a public housing agency as part~~
7 ~~of a scattered site or mixed income development, or public~~
8 ~~park or within 1,000 feet of the real property comprising~~
9 ~~any school or residential property owned, operated or~~
10 ~~managed by a public housing agency or leased by a public~~
11 ~~housing 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 500 ~~1,000~~ feet of the real property comprising~~
16 ~~any church, synagogue, or other building, structure, or~~
17 ~~place 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 500 ~~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:~~

1 nursing homes, assisted-living centers, senior citizen
2 housing complexes, or senior centers oriented toward
3 daytime activities is guilty of a Class 3 ~~2~~ felony, the
4 fine for which shall not exceed \$125,000;

5 (6) subsection (h) of Section 401 in any school, on or
6 within 500 feet of the real property comprising any school,
7 or in any conveyance owned, leased or contracted by a
8 school to transport students to or from school or a school
9 related activity, and at the time of the violation persons
10 under the age of 18 are present, the offense is committed
11 during school hours, or the offense is committed at times
12 when persons under the age of 18 are reasonably expected to
13 be present in the school, in the conveyance, or on the real
14 property, such as when after-school activities are
15 occurring ~~or residential property owned, operated or~~
16 ~~managed by a public housing agency or leased by a public~~
17 ~~housing agency as part of a scattered site or mixed income~~
18 ~~development, or in any public park or,~~ on or within 500
19 feet of the real property comprising any ~~school or~~
20 ~~residential property owned, operated or managed by a public~~
21 ~~housing agency or leased by a public housing agency as part~~
22 ~~of a scattered site or mixed income development, or public~~
23 ~~park or within 1,000 feet of the real property comprising~~
24 ~~any school or residential property owned, operated or~~
25 ~~managed by a public housing agency or leased by a public~~
26 ~~housing agency as part of a scattered site or mixed income~~

1 ~~development, or public park,~~ on the real property
2 comprising any church, synagogue, or other building,
3 structure, or place used primarily for religious worship,
4 or within 500 ~~1,000~~ feet of the real property comprising
5 any church, synagogue, or other building, structure, or
6 place used primarily for religious worship, on the real
7 property comprising any of the following places,
8 buildings, or structures used primarily for housing or
9 providing space for activities for senior citizens:
10 nursing homes, assisted-living centers, senior citizen
11 housing complexes, or senior centers oriented toward
12 daytime activities, or within 500 ~~1,000~~ feet of the real
13 property comprising any of the following places,
14 buildings, or structures used primarily for housing or
15 providing space for activities for senior citizens:
16 nursing homes, assisted-living centers, senior citizen
17 housing complexes, or senior centers oriented toward
18 daytime activities is guilty of a Class 3 ~~2~~ felony, the
19 fine for which shall not exceed \$100,000.

20 (c) Regarding penalties prescribed in subsection (b) for
21 violations committed in a school or on or within 500 ~~1,000~~ feet
22 of school property, the time of day and, time of year ~~and~~
23 ~~whether classes were currently in session~~ at the time of the
24 offense is irrelevant.

25 (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)

1 (720 ILCS 570/407.2) (from Ch. 56 1/2, par. 1407.2)

2 Sec. 407.2. Delivery of a controlled substance to a
3 pregnant woman.

4 (a) Any person who violates subsection (a) of Section 401
5 of this Act by delivering a controlled substance to a woman he
6 knows to be pregnant may be sentenced to imprisonment for a
7 term twice the maximum amount authorized by Section 401 of this
8 Act.

9 (b) Any person who delivers an amount of a controlled
10 substance set forth in subsections (c) and (d) of Section 401
11 of this Act to a woman he knows to be pregnant commits a Class 2
12 ~~4~~ felony. The fine for a violation of this subsection (b) shall
13 not be more than \$250,000.

14 (Source: P.A. 86-1459; 87-754.)

15 (720 ILCS 570/411.2) (from Ch. 56 1/2, par. 1411.2)

16 Sec. 411.2. (a) Every person convicted of a violation of
17 this Act, and every person placed on probation, conditional
18 discharge, supervision or probation under Section 410 of this
19 Act, shall be assessed for each offense a sum fixed at:

20 (1) (Blank); ~~\$3,000 for a Class X felony;~~

21 (2) \$2,000 for a Class 1 felony;

22 (3) \$1,000 for a Class 2 felony;

23 (4) \$500 for a Class 3 or Class 4 felony;

24 (5) \$300 for a Class A misdemeanor;

25 (6) \$200 for a Class B or Class C misdemeanor.

1 (b) The assessment under this Section is in addition to and
2 not in lieu of any fines, restitution costs, forfeitures or
3 other assessments authorized or required by law.

4 (c) As a condition of the assessment, the court may require
5 that payment be made in specified installments or within a
6 specified period of time. If the assessment is not paid within
7 the period of probation, conditional discharge or supervision
8 to which the defendant was originally sentenced, the court may
9 extend the period of probation, conditional discharge or
10 supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified
11 Code of Corrections, as applicable, until the assessment is
12 paid or until successful completion of public or community
13 service set forth in subsection (e) or the successful
14 completion of the substance abuse intervention or treatment
15 program set forth in subsection (f). If a term of probation,
16 conditional discharge or supervision is not imposed, the
17 assessment shall be payable upon judgment or as directed by the
18 court.

19 (d) If an assessment for a violation of this Act is imposed
20 on an organization, it is the duty of each individual
21 authorized to make disbursements of the assets of the
22 organization to pay the assessment from assets of the
23 organization.

24 (e) A defendant who has been ordered to pay an assessment
25 may petition the court to convert all or part of the assessment
26 into court-approved public or community service. One hour of

1 public or community service shall be equivalent to \$4 of
2 assessment. The performance of this public or community service
3 shall be a condition of the probation, conditional discharge or
4 supervision and shall be in addition to the performance of any
5 other period of public or community service ordered by the
6 court or required by law.

7 (f) The court may suspend the collection of the assessment
8 imposed under this Section; provided the defendant agrees to
9 enter a substance abuse intervention or treatment program
10 approved by the court; and further provided that the defendant
11 agrees to pay for all or some portion of the costs associated
12 with the intervention or treatment program. In this case, the
13 collection of the assessment imposed under this Section shall
14 be suspended during the defendant's participation in the
15 approved intervention or treatment program. Upon successful
16 completion of the program, the defendant may apply to the court
17 to reduce the assessment imposed under this Section by any
18 amount actually paid by the defendant for his or her
19 participation in the program. The court shall not reduce the
20 penalty under this subsection unless the defendant establishes
21 to the satisfaction of the court that he or she has
22 successfully completed the intervention or treatment program.
23 If the defendant's participation is for any reason terminated
24 before his or her successful completion of the intervention or
25 treatment program, collection of the entire assessment imposed
26 under this Section shall be enforced. Nothing in this Section

1 shall be deemed to affect or suspend any other fines,
2 restitution costs, forfeitures or assessments imposed under
3 this or any other Act.

4 (g) The court shall not impose more than one assessment per
5 complaint, indictment or information. If the person is
6 convicted of more than one offense in a complaint, indictment
7 or information, the assessment shall be based on the highest
8 class offense for which the person is convicted.

9 (h) In counties under 3,000,000, all moneys collected under
10 this Section shall be forwarded by the clerk of the circuit
11 court to the State Treasurer for deposit in the Drug Treatment
12 Fund, which is hereby established as a special fund within the
13 State Treasury. The Department of Human Services may make
14 grants to persons licensed under Section 15-10 of the
15 Alcoholism and Other Drug Abuse and Dependency Act or to
16 municipalities or counties from funds appropriated to the
17 Department from the Drug Treatment Fund for the treatment of
18 pregnant women who are addicted to alcohol, cannabis or
19 controlled substances and for the needed care of minor,
20 unemancipated children of women undergoing residential drug
21 treatment. If the Department of Human Services grants funds to
22 a municipality or a county that the Department determines is
23 not experiencing a problem with pregnant women addicted to
24 alcohol, cannabis or controlled substances, or with care for
25 minor, unemancipated children of women undergoing residential
26 drug treatment, or intervention, the funds shall be used for

1 the treatment of any person addicted to alcohol, cannabis or
2 controlled substances. The Department may adopt such rules as
3 it deems appropriate for the administration of such grants.

4 (i) In counties over 3,000,000, all moneys collected under
5 this Section shall be forwarded to the County Treasurer for
6 deposit into the County Health Fund. The County Treasurer
7 shall, no later than the 15th day of each month, forward to the
8 State Treasurer 30 percent of all moneys collected under this
9 Act and received into the County Health Fund since the prior
10 remittance to the State Treasurer. Funds retained by the County
11 shall be used for community-based treatment of pregnant women
12 who are addicted to alcohol, cannabis, or controlled substances
13 or for the needed care of minor, unemancipated children of
14 these women. Funds forwarded to the State Treasurer shall be
15 deposited into the State Drug Treatment Fund maintained by the
16 State Treasurer from which the Department of Human Services may
17 make grants to persons licensed under Section 15-10 of the
18 Alcoholism and Other Drug Abuse and Dependency Act or to
19 municipalities or counties from funds appropriated to the
20 Department from the Drug Treatment Fund, provided that the
21 moneys collected from each county be returned proportionately
22 to the counties through grants to licensees located within the
23 county from which the assessment was received and moneys in the
24 State Drug Treatment Fund shall not supplant other local, State
25 or federal funds. If the Department of Human Services grants
26 funds to a municipality or county that the Department

1 determines is not experiencing a problem with pregnant women
2 addicted to alcohol, cannabis or controlled substances, or with
3 care for minor, unemancipated children or women undergoing
4 residential drug treatment, the funds shall be used for the
5 treatment of any person addicted to alcohol, cannabis or
6 controlled substances. The Department may adopt such rules as
7 it deems appropriate for the administration of such grants.

8 (Source: P.A. 97-334, eff. 1-1-12.)

9 Section 30. The Methamphetamine Control and Community
10 Protection Act is amended by changing Sections 15, 20, 25, 30,
11 35, 40, 45, 50, 55, 60, and 80 as follows:

12 (720 ILCS 646/15)

13 Sec. 15. Participation in methamphetamine manufacturing.

14 (a) Participation in methamphetamine manufacturing.

15 (1) It is unlawful to knowingly participate in the
16 manufacture of methamphetamine with the intent that
17 methamphetamine or a substance containing methamphetamine
18 be produced.

19 (2) A person who violates paragraph (1) of this
20 subsection (a) is subject to the following penalties:

21 (A) A person who participates in the manufacture of
22 less than 15 grams of methamphetamine or a substance
23 containing methamphetamine is guilty of a Class 2 ~~4~~
24 felony.

1 (B) A person who participates in the manufacture of
2 15 or more grams but less than 100 grams of
3 methamphetamine or a substance containing
4 methamphetamine is guilty of a Class 1 ~~✕~~ felony,
5 ~~subject to a term of imprisonment of not less than 6~~
6 ~~years and not more than 30 years,~~ and subject to a fine
7 not to exceed \$100,000 or the street value of the
8 methamphetamine manufactured, whichever is greater.

9 (C) A person who participates in the manufacture of
10 100 or more grams but less than 400 grams of
11 methamphetamine or a substance containing
12 methamphetamine is guilty of a Class 1 ~~✕~~ felony,
13 ~~subject to a term of imprisonment of not less than 9~~
14 ~~years and not more than 40 years,~~ and subject to a fine
15 not to exceed \$200,000 or the street value of the
16 methamphetamine manufactured, whichever is greater.

17 (D) A person who participates in the manufacture of
18 400 or more grams but less than 900 grams of
19 methamphetamine or a substance containing
20 methamphetamine is guilty of a Class 1 ~~✕~~ felony,
21 ~~subject to a term of imprisonment of not less than 12~~
22 ~~years and not more than 50 years,~~ and subject to a fine
23 not to exceed \$300,000 or the street value of the
24 methamphetamine manufactured, whichever is greater.

25 (E) A person who participates in the manufacture of
26 900 grams or more of methamphetamine or a substance

1 containing methamphetamine is guilty of a Class 1 ~~*~~
2 felony, ~~subject to a term of imprisonment of not less~~
3 ~~than 15 years and not more than 60 years,~~ and subject
4 to a fine not to exceed \$400,000 or the street value of
5 the methamphetamine, whichever is greater.

6 (b) Aggravated participation in methamphetamine
7 manufacturing.

8 (1) It is unlawful to engage in aggravated
9 participation in the manufacture of methamphetamine. A
10 person engages in aggravated participation in the
11 manufacture of methamphetamine when the person violates
12 paragraph (1) of subsection (a) and:

13 (A) the person knowingly does so in a multi-unit
14 dwelling;

15 (B) the person knowingly does so in a structure or
16 vehicle where a child under the age of 18, a person
17 with a disability, or a person 60 years of age or older
18 who is incapable of adequately providing for his or her
19 own health and personal care resides, is present, or is
20 endangered by the manufacture of methamphetamine;

21 (C) the person does so in a structure or vehicle
22 where a woman the person knows to be pregnant
23 (including but not limited to the person herself)
24 resides, is present, or is endangered by the
25 methamphetamine manufacture;

26 (D) the person knowingly does so in a structure or

1 vehicle protected by one or more firearms, explosive
2 devices, booby traps, alarm systems, surveillance
3 systems, guard dogs, or dangerous animals;

4 (E) the methamphetamine manufacturing in which the
5 person participates is a contributing cause of the
6 death, serious bodily injury, disability, or
7 disfigurement of another person, including but not
8 limited to an emergency service provider;

9 (F) the methamphetamine manufacturing in which the
10 person participates is a contributing cause of a fire
11 or explosion that damages property belonging to
12 another person;

13 (G) the person knowingly organizes, directs, or
14 finances the methamphetamine manufacturing or
15 activities carried out in support of the
16 methamphetamine manufacturing; or

17 (H) the methamphetamine manufacturing occurs
18 within 500 ~~1,000~~ feet of a place of worship or
19 parsonage, or within 500 ~~1,000~~ feet of the real
20 property comprising any school at a time when children,
21 clergy, patrons, staff, or other persons are present or
22 any activity sanctioned by the place of worship or
23 parsonage or school is taking place.

24 (2) A person who violates paragraph (1) of this
25 subsection (b) is subject to the following penalties:

26 (A) A person who participates in the manufacture of

1 less than 15 grams of methamphetamine or a substance
2 containing methamphetamine is guilty of a Class 1 ~~✕~~
3 ~~felony, subject to a term of imprisonment of not less~~
4 ~~than 6 years and not more than 30 years,~~ and subject to
5 a fine not to exceed \$100,000 or the street value of
6 the methamphetamine, whichever is greater.

7 (B) A person who participates in the manufacture of
8 15 or more grams but less than 100 grams of
9 methamphetamine or a substance containing
10 methamphetamine is guilty of a Class 1 ~~✕~~ ~~felony,~~
11 ~~subject to a term of imprisonment of not less than 9~~
12 ~~years and not more than 40 years,~~ and subject to a fine
13 not to exceed \$200,000 or the street value of the
14 methamphetamine, whichever is greater.

15 (C) A person who participates in the manufacture of
16 100 or more grams but less than 400 grams of
17 methamphetamine or a substance containing
18 methamphetamine is guilty of a Class 1 ~~✕~~ ~~felony,~~
19 ~~subject to a term of imprisonment of not less than 12~~
20 ~~years and not more than 50 years,~~ and subject to a fine
21 not to exceed \$300,000 or the street value of the
22 methamphetamine, whichever is greater.

23 (D) A person who participates in the manufacture of
24 400 grams or more of methamphetamine or a substance
25 containing methamphetamine is guilty of a Class 1 ~~✕~~
26 ~~felony, subject to a term of imprisonment of not less~~

1 ~~than 15 years and not more than 60 years,~~ and subject
2 to a fine not to exceed \$400,000 or the street value of
3 the methamphetamine, whichever is greater.

4 (Source: P.A. 98-980, eff. 1-1-15.)

5 (720 ILCS 646/20)

6 Sec. 20. Methamphetamine precursor.

7 (a) Methamphetamine precursor or substance containing any
8 methamphetamine precursor in standard dosage form.

9 (1) It is unlawful to knowingly possess, procure,
10 transport, store, or deliver any methamphetamine precursor
11 or substance containing any methamphetamine precursor in
12 standard dosage form with the intent that it be used to
13 manufacture methamphetamine or a substance containing
14 methamphetamine.

15 (2) A person who violates paragraph (1) of this
16 subsection (a) is subject to the following penalties:

17 (A) A person who possesses, procures, transports,
18 stores, or delivers less than 15 grams of
19 methamphetamine precursor or substance containing any
20 methamphetamine precursor is guilty of a Class 3 ~~2~~
21 felony.

22 (B) A person who possesses, procures, transports,
23 stores, or delivers 15 or more grams but less than 30
24 grams of methamphetamine precursor or substance
25 containing any methamphetamine precursor is guilty of

1 a Class 2 ~~±~~ felony.

2 (C) A person who possesses, procures, transports,
3 stores, or delivers 30 or more grams but less than 150
4 grams of methamphetamine precursor or substance
5 containing any methamphetamine precursor is guilty of
6 a Class 1 * felony, ~~subject to a term of imprisonment~~
7 ~~of not less than 6 years and not more than 30 years,~~
8 and subject to a fine not to exceed \$100,000.

9 (D) A person who possesses, procures, transports,
10 stores, or delivers 150 or more grams but less than 500
11 grams of methamphetamine precursor or substance
12 containing any methamphetamine precursor is guilty of
13 a Class 1 * felony, ~~subject to a term of imprisonment~~
14 ~~of not less than 8 years and not more than 40 years,~~
15 and subject to a fine not to exceed \$200,000.

16 (E) A person who possesses, procures, transports,
17 stores, or delivers 500 or more grams of
18 methamphetamine precursor or substance containing any
19 methamphetamine precursor is guilty of a Class 1 *
20 felony, ~~subject to a term of imprisonment of not less~~
21 ~~than 10 years and not more than 50 years,~~ and subject
22 to a fine not to exceed \$300,000.

23 (b) Methamphetamine precursor or substance containing any
24 methamphetamine precursor in any form other than a standard
25 dosage form.

26 (1) It is unlawful to knowingly possess, procure,

1 transport, store, or deliver any methamphetamine precursor
2 or substance containing any methamphetamine precursor in
3 any form other than a standard dosage form with the intent
4 that it be used to manufacture methamphetamine or a
5 substance containing methamphetamine.

6 (2) A person who violates paragraph (1) of this
7 subsection (b) is subject to the following penalties:

8 (A) A person who violates paragraph (1) of this
9 subsection (b) with the intent that less than 10 grams
10 of methamphetamine or a substance containing
11 methamphetamine be manufactured is guilty of a Class 3
12 ~~2~~ felony.

13 (B) A person who violates paragraph (1) of this
14 subsection (b) with the intent that 10 or more grams
15 but less than 20 grams of methamphetamine or a
16 substance containing methamphetamine be manufactured
17 is guilty of a Class 2 ~~1~~ felony.

18 (C) A person who violates paragraph (1) of this
19 subsection (b) with the intent that 20 or more grams
20 but less than 100 grams of methamphetamine or a
21 substance containing methamphetamine be manufactured
22 is guilty of a Class 1 ~~*~~ felony, ~~subject to a term of~~
23 ~~imprisonment of not less than 6 years and not more than~~
24 ~~30 years,~~ and subject to a fine not to exceed \$100,000.

25 (D) A person who violates paragraph (1) of this
26 subsection (b) with the intent that 100 or more grams

1 but less than 350 grams of methamphetamine or a
2 substance containing methamphetamine be manufactured
3 is guilty of a Class 1 ~~✖~~ felony, ~~subject to a term of~~
4 ~~imprisonment of not less than 8 years and not more than~~
5 ~~40 years,~~ and subject to a fine not to exceed \$200,000.

6 (E) A person who violates paragraph (1) of this
7 subsection (b) with the intent that 350 or more grams
8 of methamphetamine or a substance containing
9 methamphetamine be manufactured is guilty of a Class 1
10 ~~✖~~ felony, ~~subject to a term of imprisonment of not less~~
11 ~~than 10 years and not more than 50 years,~~ and subject
12 to a fine not to exceed \$300,000.

13 (c) Rule of evidence. The presence of any methamphetamine
14 precursor in a sealed, factory imprinted container, including,
15 but not limited to, a bottle, box, package, or blister pack, at
16 the time of seizure by law enforcement, is prima facie evidence
17 that the methamphetamine precursor located within the
18 container is in fact the material so described and in the
19 amount listed on the container. The factory imprinted container
20 is admissible for a violation of this Act for purposes of
21 proving the contents of the container.

22 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

23 (720 ILCS 646/25)

24 Sec. 25. Anhydrous ammonia.

25 (a) Possession, procurement, transportation, storage, or

1 delivery of anhydrous ammonia with the intent that it be used
2 to manufacture methamphetamine.

3 (1) It is unlawful to knowingly engage in the
4 possession, procurement, transportation, storage, or
5 delivery of anhydrous ammonia or to attempt to engage in
6 any of these activities or to assist another in engaging in
7 any of these activities with the intent that the anhydrous
8 ammonia be used to manufacture methamphetamine.

9 (2) A person who violates paragraph (1) of this
10 subsection (a) is guilty of a Class 2 ~~1~~ felony.

11 (b) Aggravated possession, procurement, transportation,
12 storage, or delivery of anhydrous ammonia with the intent that
13 it be used to manufacture methamphetamine.

14 (1) It is unlawful to knowingly engage in the
15 aggravated possession, procurement, transportation,
16 storage, or delivery of anhydrous ammonia with the intent
17 that it be used to manufacture methamphetamine. A person
18 commits this offense when the person engages in the
19 possession, procurement, transportation, storage, or
20 delivery of anhydrous ammonia or attempts to engage in any
21 of these activities or assists another in engaging in any
22 of these activities with the intent that the anhydrous
23 ammonia be used to manufacture methamphetamine and:

24 (A) the person knowingly does so in a multi-unit
25 dwelling;

26 (B) the person knowingly does so in a structure or

1 vehicle where a child under the age of 18, or a person
2 with a disability, or a person who is 60 years of age
3 or older who is incapable of adequately providing for
4 his or her own health and personal care resides, is
5 present, or is endangered by the anhydrous ammonia;

6 (C) the person's possession, procurement,
7 transportation, storage, or delivery of anhydrous
8 ammonia is a contributing cause of the death, serious
9 bodily injury, disability, or disfigurement of another
10 person; or

11 (D) the person's possession, procurement,
12 transportation, storage, or delivery of anhydrous
13 ammonia is a contributing cause of a fire or explosion
14 that damages property belonging to another person.

15 (2) A person who violates paragraph (1) of this
16 subsection (b) is guilty of a Class 1 * felony, ~~subject to~~
17 ~~a term of imprisonment of not less than 6 years and not~~
18 ~~more than 30 years,~~ and subject to a fine not to exceed
19 \$100,000.

20 (c) Possession, procurement, transportation, storage, or
21 delivery of anhydrous ammonia in an unauthorized container.

22 (1) It is unlawful to knowingly possess, procure,
23 transport, store, or deliver anhydrous ammonia in an
24 unauthorized container.

25 (1.5) It is unlawful to attempt to possess, procure,
26 transport, store, or deliver anhydrous ammonia in an

1 unauthorized container.

2 (2) A person who violates paragraph (1) of this
3 subsection (c) is guilty of a Class 4 ~~3~~ felony. A person
4 who violates paragraph (1.5) of this subsection (c) is
5 guilty of a Class A misdemeanor ~~4 felony~~.

6 (3) Affirmative defense. It is an affirmative defense
7 that the person charged possessed, procured, transported,
8 stored, or delivered anhydrous ammonia in a manner that
9 substantially complied with the rules governing anhydrous
10 ammonia equipment found in 8 Illinois Administrative Code
11 Section 215, in 92 Illinois Administrative Code Sections
12 171 through 180, or in any provision of the Code of Federal
13 Regulations incorporated by reference into these Sections
14 of the Illinois Administrative Code.

15 (d) Tampering with anhydrous ammonia equipment.

16 (1) It is unlawful to knowingly tamper with anhydrous
17 ammonia equipment. A person tampers with anhydrous ammonia
18 equipment when, without authorization from the lawful
19 owner, the person:

20 (A) removes or attempts to remove anhydrous
21 ammonia from the anhydrous ammonia equipment used by
22 the lawful owner;

23 (B) damages or attempts to damage the anhydrous
24 ammonia equipment used by the lawful owner; or

25 (C) vents or attempts to vent anhydrous ammonia
26 into the environment.

1 (2) A person who violates paragraph (1) of this
2 subsection (d) is guilty of a Class 4 ~~3~~ felony.

3 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06;
4 95-690, eff. 1-1-08.)

5 (720 ILCS 646/30)

6 Sec. 30. Methamphetamine manufacturing material.

7 (a) It is unlawful to knowingly engage in the possession,
8 procurement, transportation, storage, or delivery of any
9 methamphetamine manufacturing material, other than a
10 methamphetamine precursor, substance containing a
11 methamphetamine precursor, or anhydrous ammonia, with the
12 intent that it be used to manufacture methamphetamine.

13 (b) A person who violates subsection (a) of this Section is
14 guilty of a Class 3 ~~2~~ felony.

15 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

16 (720 ILCS 646/35)

17 Sec. 35. Use of property.

18 (a) It is unlawful for a person knowingly to use or allow
19 the use of a vehicle, a structure, real property, or personal
20 property within the person's control to help bring about a
21 violation of this Act.

22 (b) A person who violates subsection (a) of this Section is
23 guilty of a Class 3 ~~2~~ felony.

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

1 (720 ILCS 646/40)

2 Sec. 40. Protection of methamphetamine manufacturing.

3 (a) It is unlawful to engage in the protection of
4 methamphetamine manufacturing. A person engages in the
5 protection of methamphetamine manufacturing when:

6 (1) the person knows that others have been
7 participating, are participating, or will be participating
8 in the manufacture of methamphetamine; and

9 (2) with the intent to help prevent detection of or
10 interference with the methamphetamine manufacturing, the
11 person serves as a lookout for or guard of the
12 methamphetamine manufacturing.

13 (b) A person who violates subsection (a) of this Section is
14 guilty of a Class 3 ~~2~~ felony.

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

16 (720 ILCS 646/45)

17 Sec. 45. Methamphetamine manufacturing waste.

18 (a) It is unlawful to knowingly burn, place in a trash
19 receptacle, or dispose of methamphetamine manufacturing waste,
20 knowing that the waste was used in the manufacturing of
21 methamphetamine.

22 (b) A person who violates subsection (a) of this Section is
23 guilty of a Class 3 ~~2~~ felony.

24 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

1 (720 ILCS 646/50)

2 Sec. 50. Methamphetamine-related child endangerment.

3 (a) Methamphetamine-related child endangerment.

4 (1) It is unlawful to engage in
5 methamphetamine-related child endangerment. A person
6 engages in methamphetamine-related child endangerment when
7 the person knowingly endangers the life and health of a
8 child by exposing or allowing exposure of the child to a
9 methamphetamine manufacturing environment.

10 (2) A person who violates paragraph (1) of this
11 subsection (a) is guilty of a Class 3 ~~2~~ felony.

12 (b) Aggravated methamphetamine-related child endangerment.

13 (1) It is unlawful to engage in aggravated
14 methamphetamine-related child endangerment. A person
15 engages in aggravated methamphetamine-related child
16 endangerment when the person violates paragraph (1) of this
17 subsection (a) of this Section and the child experiences
18 death, great bodily harm, disability, or disfigurement as a
19 result of the methamphetamine-related child endangerment.

20 (2) A person who violates paragraph (1) of this
21 subsection (b) is guilty of a Class 1 ~~*~~ felony, ~~subject to~~
22 ~~a term of imprisonment of not less than 6 years and not~~
23 ~~more than 30 years,~~ and subject to a fine not to exceed
24 \$100,000.

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

1 (720 ILCS 646/55)

2 Sec. 55. Methamphetamine delivery.

3 (a) Delivery or possession with intent to deliver
4 methamphetamine or a substance containing methamphetamine.

5 (1) It is unlawful knowingly to engage in the delivery
6 or possession with intent to deliver methamphetamine or a
7 substance containing methamphetamine.

8 (2) A person who violates paragraph (1) of this
9 subsection (a) is subject to the following penalties:

10 (A) A person who delivers or possesses with intent
11 to deliver less than 5 grams of methamphetamine or a
12 substance containing methamphetamine is guilty of a
13 Class 3 ~~2~~ felony.

14 (B) A person who delivers or possesses with intent
15 to deliver 5 or more grams but less than 15 grams of
16 methamphetamine or a substance containing
17 methamphetamine is guilty of a Class 2 ~~1~~ felony.

18 (C) A person who delivers or possesses with intent
19 to deliver 15 or more grams but less than 100 grams of
20 methamphetamine or a substance containing
21 methamphetamine is guilty of a Class 1 ~~*~~ felony,
22 ~~subject to a term of imprisonment of not less than 6~~
23 ~~years and not more than 30 years, and~~ subject to a fine
24 not to exceed \$100,000 or the street value of the
25 methamphetamine, whichever is greater.

1 (D) A person who delivers or possesses with intent
2 to deliver 100 or more grams but less than 400 grams of
3 methamphetamine or a substance containing
4 methamphetamine is guilty of a Class 1 ✕ felony,
5 ~~subject to a term of imprisonment of not less than 9~~
6 ~~years and not more than 40 years,~~ and subject to a fine
7 not to exceed \$200,000 or the street value of the
8 methamphetamine, whichever is greater.

9 (E) A person who delivers or possesses with intent
10 to deliver 400 or more grams but less than 900 grams of
11 methamphetamine or a substance containing
12 methamphetamine is guilty of a Class 1 ✕ felony,
13 ~~subject to a term of imprisonment of not less than 12~~
14 ~~years and not more than 50 years,~~ and subject to a fine
15 not to exceed \$300,000 or the street value of the
16 methamphetamine, whichever is greater.

17 (F) A person who delivers or possesses with intent
18 to deliver 900 or more grams of methamphetamine or a
19 substance containing methamphetamine is guilty of a
20 Class 1 ✕ felony, ~~subject to a term of imprisonment of~~
21 ~~not less than 15 years and not more than 60 years,~~ and
22 subject to a fine not to exceed \$400,000 or the street
23 value of the methamphetamine, whichever is greater.

24 (b) Aggravated delivery or possession with intent to
25 deliver methamphetamine or a substance containing
26 methamphetamine.

1 (1) It is unlawful to engage in the aggravated delivery
2 or possession with intent to deliver methamphetamine or a
3 substance containing methamphetamine. A person engages in
4 the aggravated delivery or possession with intent to
5 deliver methamphetamine or a substance containing
6 methamphetamine when the person violates paragraph (1) of
7 subsection (a) of this Section and:

8 (A) the person is at least 18 years of age and
9 knowingly delivers or possesses with intent to deliver
10 the methamphetamine or substance containing
11 methamphetamine to a person under 18 years of age;

12 (B) the person is at least 18 years of age and
13 knowingly uses, engages, employs, or causes another
14 person to use, engage, or employ a person under 18
15 years of age to deliver the methamphetamine or
16 substance containing methamphetamine;

17 (C) the person knowingly delivers or possesses
18 with intent to deliver the methamphetamine or
19 substance containing methamphetamine in any structure
20 or vehicle protected by one or more firearms, explosive
21 devices, booby traps, alarm systems, surveillance
22 systems, guard dogs, or dangerous animals;

23 (D) the person knowingly delivers or possesses
24 with intent to deliver the methamphetamine or
25 substance containing methamphetamine in any school, on
26 any real property comprising any school, or in any

1 conveyance owned, leased, or contracted by a school to
2 transport students to or from school or a
3 school-related activity and at the time of the
4 violation persons under the age of 18 are present, the
5 offense is committed during school hours, or the
6 offense is committed at times when persons under the
7 age of 18 are reasonably expected to be present in the
8 school, in the conveyance, or on the real property,
9 such as when after-school activities are occurring;

10 (E) the person delivers or causes another person to
11 deliver the methamphetamine or substance containing
12 methamphetamine to a woman that the person knows to be
13 pregnant; or

14 (F) (blank).

15 (2) A person who violates paragraph (1) of this
16 subsection (b) is subject to the following penalties:

17 (A) A person who delivers or possesses with intent
18 to deliver less than 5 grams of methamphetamine or a
19 substance containing methamphetamine is guilty of a
20 Class 2 ± felony.

21 (B) A person who delivers or possesses with intent
22 to deliver 5 or more grams but less than 15 grams of
23 methamphetamine or a substance containing
24 methamphetamine is guilty of a Class 1 ✕ felony,
25 ~~subject to a term of imprisonment of not less than 6~~
26 ~~years and not more than 30 years, and subject to a fine~~

1 not to exceed \$100,000 or the street value of the
2 methamphetamine, whichever is greater.

3 (C) A person who delivers or possesses with intent
4 to deliver 15 or more grams but less than 100 grams of
5 methamphetamine or a substance containing
6 methamphetamine is guilty of a Class 1 * felony,
7 ~~subject to a term of imprisonment of not less than 8~~
8 ~~years and not more than 40 years, and~~ subject to a fine
9 not to exceed \$200,000 or the street value of the
10 methamphetamine, whichever is greater.

11 (D) A person who delivers or possesses with intent
12 to deliver 100 or more grams of methamphetamine or a
13 substance containing methamphetamine is guilty of a
14 Class 1 * felony, ~~subject to a term of imprisonment of~~
15 ~~not less than 10 years and not more than 50 years, and~~
16 subject to a fine not to exceed \$300,000 or the street
17 value of the methamphetamine, whichever is greater.

18 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

19 (720 ILCS 646/60)

20 Sec. 60. Methamphetamine possession.

21 (a) It is unlawful knowingly to possess methamphetamine or
22 a substance containing methamphetamine.

23 (b) A person who violates subsection (a) is subject to the
24 following penalties:

25 (1) A person who possesses less than 5 grams of

1 methamphetamine or a substance containing methamphetamine
2 is guilty of a Class 4 ~~3~~ felony.

3 (2) A person who possesses 5 or more grams but less
4 than 15 grams of methamphetamine or a substance containing
5 methamphetamine is guilty of a Class 3 ~~2~~ felony.

6 (3) A person who possesses 15 or more grams but less
7 than 100 grams of methamphetamine or a substance containing
8 methamphetamine is guilty of a Class 2 ~~1~~ felony.

9 (4) A person who possesses 100 or more grams but less
10 than 400 grams of methamphetamine or a substance containing
11 methamphetamine is guilty of a Class 1 ~~*~~ felony, ~~subject to~~
12 ~~a term of imprisonment of not less than 6 years and not~~
13 ~~more than 30 years,~~ and subject to a fine not to exceed
14 \$100,000.

15 (5) A person who possesses 400 or more grams but less
16 than 900 grams of methamphetamine or a substance containing
17 methamphetamine is guilty of a Class 1 ~~*~~ felony, ~~subject to~~
18 ~~a term of imprisonment of not less than 8 years and not~~
19 ~~more than 40 years,~~ and subject to a fine not to exceed
20 \$200,000.

21 (6) A person who possesses 900 or more grams of
22 methamphetamine or a substance containing methamphetamine
23 is guilty of a Class 1 ~~*~~ felony, ~~subject to a term of~~
24 ~~imprisonment of not less than 10 years and not more than 50~~
25 ~~years,~~ and subject to a fine not to exceed \$300,000.

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

1 (720 ILCS 646/80)

2 Sec. 80. Assessment.

3 (a) Every person convicted of a violation of this Act, and
4 every person placed on probation, conditional discharge,
5 supervision, or probation under this Act, shall be assessed for
6 each offense a sum fixed at:

7 (1) (Blank); ~~\$3,000 for a Class X felony;~~

8 (2) \$2,000 for a Class 1 felony;

9 (3) \$1,000 for a Class 2 felony;

10 (4) \$500 for a Class 3 or Class 4 felony.

11 (b) The assessment under this Section is in addition to and
12 not in lieu of any fines, restitution, costs, forfeitures, or
13 other assessments authorized or required by law.

14 (c) As a condition of the assessment, the court may require
15 that payment be made in specified installments or within a
16 specified period of time. If the assessment is not paid within
17 the period of probation, conditional discharge, or supervision
18 to which the defendant was originally sentenced, the court may
19 extend the period of probation, conditional discharge, or
20 supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified
21 Code of Corrections, as applicable, until the assessment is
22 paid or until successful completion of public or community
23 service set forth in subsection (e) or the successful
24 completion of the substance abuse intervention or treatment
25 program set forth in subsection (f). If a term of probation,

1 conditional discharge, or supervision is not imposed, the
2 assessment shall be payable upon judgment or as directed by the
3 court.

4 (d) If an assessment for a violation of this Act is imposed
5 on an organization, it is the duty of each individual
6 authorized to make disbursements of the assets of the
7 organization to pay the assessment from assets of the
8 organization.

9 (e) A defendant who has been ordered to pay an assessment
10 may petition the court to convert all or part of the assessment
11 into court-approved public or community service. One hour of
12 public or community service shall be equivalent to \$4 of
13 assessment. The performance of this public or community service
14 shall be a condition of the probation, conditional discharge,
15 or supervision and shall be in addition to the performance of
16 any other period of public or community service ordered by the
17 court or required by law.

18 (f) The court may suspend the collection of the assessment
19 imposed under this Section if the defendant agrees to enter a
20 substance abuse intervention or treatment program approved by
21 the court and the defendant agrees to pay for all or some
22 portion of the costs associated with the intervention or
23 treatment program. In this case, the collection of the
24 assessment imposed under this Section shall be suspended during
25 the defendant's participation in the approved intervention or
26 treatment program. Upon successful completion of the program,

1 the defendant may apply to the court to reduce the assessment
2 imposed under this Section by any amount actually paid by the
3 defendant for his or her participation in the program. The
4 court shall not reduce the penalty under this subsection unless
5 the defendant establishes to the satisfaction of the court that
6 he or she has successfully completed the intervention or
7 treatment program. If the defendant's participation is for any
8 reason terminated before his or her successful completion of
9 the intervention or treatment program, collection of the entire
10 assessment imposed under this Section shall be enforced.
11 Nothing in this Section shall be deemed to affect or suspend
12 any other fines, restitution costs, forfeitures, or
13 assessments imposed under this or any other Act.

14 (g) The court shall not impose more than one assessment per
15 complaint, indictment, or information. If the person is
16 convicted of more than one offense in a complaint, indictment,
17 or information, the assessment shall be based on the highest
18 class offense for which the person is convicted.

19 (h) In counties with a population under 3,000,000, all
20 moneys collected under this Section shall be forwarded by the
21 clerk of the circuit court to the State Treasurer for deposit
22 in the Drug Treatment Fund. The Department of Human Services
23 may make grants to persons licensed under Section 15-10 of the
24 Alcoholism and Other Drug Abuse and Dependency Act or to
25 municipalities or counties from funds appropriated to the
26 Department from the Drug Treatment Fund for the treatment of

1 pregnant women who are addicted to alcohol, cannabis or
2 controlled substances and for the needed care of minor,
3 unemancipated children of women undergoing residential drug
4 treatment. If the Department of Human Services grants funds to
5 a municipality or a county that the Department determines is
6 not experiencing a problem with pregnant women addicted to
7 alcohol, cannabis or controlled substances, or with care for
8 minor, unemancipated children of women undergoing residential
9 drug treatment, or intervention, the funds shall be used for
10 the treatment of any person addicted to alcohol, cannabis, or
11 controlled substances. The Department may adopt such rules as
12 it deems appropriate for the administration of such grants.

13 (i) In counties with a population of 3,000,000 or more, all
14 moneys collected under this Section shall be forwarded to the
15 County Treasurer for deposit into the County Health Fund. The
16 County Treasurer shall, no later than the 15th day of each
17 month, forward to the State Treasurer 30 percent of all moneys
18 collected under this Act and received into the County Health
19 Fund since the prior remittance to the State Treasurer. Funds
20 retained by the County shall be used for community-based
21 treatment of pregnant women who are addicted to alcohol,
22 cannabis, or controlled substances or for the needed care of
23 minor, unemancipated children of these women. Funds forwarded
24 to the State Treasurer shall be deposited into the State Drug
25 Treatment Fund maintained by the State Treasurer from which the
26 Department of Human Services may make grants to persons

1 licensed under Section 15-10 of the Alcoholism and Other Drug
2 Abuse and Dependency Act or to municipalities or counties from
3 funds appropriated to the Department from the Drug Treatment
4 Fund, provided that the moneys collected from each county be
5 returned proportionately to the counties through grants to
6 licensees located within the county from which the assessment
7 was received and moneys in the State Drug Treatment Fund shall
8 not supplant other local, State or federal funds. If the
9 Department of Human Services grants funds to a municipality or
10 county that the Department determines is not experiencing a
11 problem with pregnant women addicted to alcohol, cannabis or
12 controlled substances, or with care for minor, unemancipated
13 children or women undergoing residential drug treatment, the
14 funds shall be used for the treatment of any person addicted to
15 alcohol, cannabis or controlled substances. The Department may
16 adopt such rules as it deems appropriate for the administration
17 of such grants.

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

19 Section 35. The Unified Code of Corrections is amended by
20 changing Sections 3-6-3, 5-4-1, 5-5-3, and 5-8-8 and by adding
21 Section 5-4.5-110 as follows:

22 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

23 Sec. 3-6-3. Rules and regulations for sentence credit.

24 (a) (1) The Department of Corrections shall prescribe rules

1 and regulations for awarding and revoking sentence credit for
2 persons committed to the Department which shall be subject to
3 review by the Prisoner Review Board.

4 (1.5) As otherwise provided by law, sentence credit may be
5 awarded for the following:

6 (A) successful completion of programming while in
7 custody of the Department or while in custody prior to
8 sentencing;

9 (B) compliance with the rules and regulations of the
10 Department; or

11 (C) service to the institution, service to a community,
12 or service to the State.

13 (2) Except as provided in paragraph (4.7) of this
14 subsection (a), the ~~The~~ rules and regulations on sentence
15 credit shall provide, with respect to offenses listed in clause
16 (i), (ii), or (iii) of this paragraph (2) committed on or after
17 June 19, 1998 or with respect to the offense listed in clause
18 (iv) of this paragraph (2) committed on or after June 23, 2005
19 (the effective date of Public Act 94-71) or with respect to
20 offense listed in clause (vi) committed on or after June 1,
21 2008 (the effective date of Public Act 95-625) or with respect
22 to the offense of being an armed habitual criminal committed on
23 or after August 2, 2005 (the effective date of Public Act
24 94-398) or with respect to the offenses listed in clause (v) of
25 this paragraph (2) committed on or after August 13, 2007 (the
26 effective date of Public Act 95-134) or with respect to the

1 offense of aggravated domestic battery committed on or after
2 July 23, 2010 (the effective date of Public Act 96-1224) or
3 with respect to the offense of attempt to commit terrorism
4 committed on or after January 1, 2013 (the effective date of
5 Public Act 97-990), the following:

6 (i) that a prisoner who is serving a term of
7 imprisonment for first degree murder or for the offense of
8 terrorism shall receive no sentence credit and shall serve
9 the entire sentence imposed by the court;

10 (ii) that a prisoner serving a sentence for attempt to
11 commit terrorism, attempt to commit first degree murder,
12 solicitation of murder, solicitation of murder for hire,
13 intentional homicide of an unborn child, predatory
14 criminal sexual assault of a child, aggravated criminal
15 sexual assault, criminal sexual assault, aggravated
16 kidnapping, aggravated battery with a firearm as described
17 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
18 (e) (4) of Section 12-3.05, heinous battery as described in
19 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
20 being an armed habitual criminal, aggravated battery of a
21 senior citizen as described in Section 12-4.6 or
22 subdivision (a) (4) of Section 12-3.05, or aggravated
23 battery of a child as described in Section 12-4.3 or
24 subdivision (b) (1) of Section 12-3.05 shall receive no more
25 than 4.5 days of sentence credit for each month of his or
26 her sentence of imprisonment;

1 (iii) that a prisoner serving a sentence for home
2 invasion, armed robbery, aggravated vehicular hijacking,
3 aggravated discharge of a firearm, or armed violence with a
4 category I weapon or category II weapon, when the court has
5 made and entered a finding, pursuant to subsection (c-1) of
6 Section 5-4-1 of this Code, that the conduct leading to
7 conviction for the enumerated offense resulted in great
8 bodily harm to a victim, shall receive no more than 4.5
9 days of sentence credit for each month of his or her
10 sentence of imprisonment;

11 (iv) that a prisoner serving a sentence for aggravated
12 discharge of a firearm, whether or not the conduct leading
13 to conviction for the offense resulted in great bodily harm
14 to the victim, shall receive no more than 4.5 days of
15 sentence credit for each month of his or her sentence of
16 imprisonment;

17 (v) that a person serving a sentence for gunrunning,
18 narcotics racketeering, controlled substance trafficking,
19 methamphetamine trafficking, drug-induced homicide,
20 aggravated methamphetamine-related child endangerment,
21 money laundering pursuant to clause (c) (4) or (5) of
22 Section 29B-1 of the Criminal Code of 1961 or the Criminal
23 Code of 2012, or a Class X felony conviction for delivery
24 of a controlled substance, possession of a controlled
25 substance with intent to manufacture or deliver,
26 calculated criminal drug conspiracy, criminal drug

1 conspiracy, street gang criminal drug conspiracy,
2 participation in methamphetamine manufacturing, aggravated
3 participation in methamphetamine manufacturing, delivery
4 of methamphetamine, possession with intent to deliver
5 methamphetamine, aggravated delivery of methamphetamine,
6 aggravated possession with intent to deliver
7 methamphetamine, methamphetamine conspiracy when the
8 substance containing the controlled substance or
9 methamphetamine is 100 grams or more shall receive no more
10 than 7.5 days sentence credit for each month of his or her
11 sentence of imprisonment;

12 (vi) that a prisoner serving a sentence for a second or
13 subsequent offense of luring a minor shall receive no more
14 than 4.5 days of sentence credit for each month of his or
15 her sentence of imprisonment; and

16 (vii) that a prisoner serving a sentence for aggravated
17 domestic battery shall receive no more than 4.5 days of
18 sentence credit for each month of his or her sentence of
19 imprisonment.

20 (2.1) For all offenses, other than those enumerated in
21 subdivision (a)(2)(i), (ii), or (iii) committed on or after
22 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
23 June 23, 2005 (the effective date of Public Act 94-71) or
24 subdivision (a)(2)(v) committed on or after August 13, 2007
25 (the effective date of Public Act 95-134) or subdivision
26 (a)(2)(vi) committed on or after June 1, 2008 (the effective

1 date of Public Act 95-625) or subdivision (a) (2) (vii) committed
2 on or after July 23, 2010 (the effective date of Public Act
3 96-1224), and other than the offense of aggravated driving
4 under the influence of alcohol, other drug or drugs, or
5 intoxicating compound or compounds, or any combination thereof
6 as defined in subparagraph (F) of paragraph (1) of subsection
7 (d) of Section 11-501 of the Illinois Vehicle Code, and other
8 than the offense of aggravated driving under the influence of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof as defined in
11 subparagraph (C) of paragraph (1) of subsection (d) of Section
12 11-501 of the Illinois Vehicle Code committed on or after
13 January 1, 2011 (the effective date of Public Act 96-1230), the
14 rules and regulations shall provide that a prisoner who is
15 serving a term of imprisonment shall receive one day of
16 sentence credit for each day of his or her sentence of
17 imprisonment or recommitment under Section 3-3-9. Each day of
18 sentence credit shall reduce by one day the prisoner's period
19 of imprisonment or recommitment under Section 3-3-9.

20 (2.2) A prisoner serving a term of natural life
21 imprisonment or a prisoner who has been sentenced to death
22 shall receive no sentence credit.

23 (2.3) Except as provided in paragraph (4.7) of this
24 subsection (a), the ~~The~~ rules and regulations on sentence
25 credit shall provide that a prisoner who is serving a sentence
26 for aggravated driving under the influence of alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or any
2 combination thereof as defined in subparagraph (F) of paragraph
3 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
4 Code, shall receive no more than 4.5 days of sentence credit
5 for each month of his or her sentence of imprisonment.

6 (2.4) Except as provided in paragraph (4.7) of this
7 subsection (a), the ~~The~~ rules and regulations on sentence
8 credit shall provide with respect to the offenses of aggravated
9 battery with a machine gun or a firearm equipped with any
10 device or attachment designed or used for silencing the report
11 of a firearm or aggravated discharge of a machine gun or a
12 firearm equipped with any device or attachment designed or used
13 for silencing the report of a firearm, committed on or after
14 July 15, 1999 (the effective date of Public Act 91-121), that a
15 prisoner serving a sentence for any of these offenses shall
16 receive no more than 4.5 days of sentence credit for each month
17 of his or her sentence of imprisonment.

18 (2.5) Except as provided in paragraph (4.7) of this
19 subsection (a), the ~~The~~ rules and regulations on sentence
20 credit shall provide that a prisoner who is serving a sentence
21 for aggravated arson committed on or after July 27, 2001 (the
22 effective date of Public Act 92-176) shall receive no more than
23 4.5 days of sentence credit for each month of his or her
24 sentence of imprisonment.

25 (2.6) Except as provided in paragraph (4.7) of this
26 subsection (a), the ~~The~~ rules and regulations on sentence

1 credit shall provide that a prisoner who is serving a sentence
2 for aggravated driving under the influence of alcohol, other
3 drug or drugs, or intoxicating compound or compounds or any
4 combination thereof as defined in subparagraph (C) of paragraph
5 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
6 Code committed on or after January 1, 2011 (the effective date
7 of Public Act 96-1230) shall receive no more than 4.5 days of
8 sentence credit for each month of his or her sentence of
9 imprisonment.

10 (3) Except as provided in paragraph (4.7) of this
11 subsection (a), the ~~The~~ rules and regulations shall also
12 provide that the Director may award up to 180 days additional
13 sentence credit for good conduct in specific instances as the
14 Director deems proper. The good conduct may include, but is not
15 limited to, compliance with the rules and regulations of the
16 Department, service to the Department, service to a community,
17 or service to the State. ~~However, the Director shall not award~~
18 ~~more than 90 days of sentence credit for good conduct to any~~
19 ~~prisoner who is serving a sentence for conviction of first~~
20 ~~degree murder, reckless homicide while under the influence of~~
21 ~~alcohol or any other drug, or aggravated driving under the~~
22 ~~influence of alcohol, other drug or drugs, or intoxicating~~
23 ~~compound or compounds, or any combination thereof as defined in~~
24 ~~subparagraph (F) of paragraph (1) of subsection (d) of Section~~
25 ~~11-501 of the Illinois Vehicle Code, aggravated kidnapping,~~
26 ~~kidnapping, predatory criminal sexual assault of a child,~~

1 ~~aggravated criminal sexual assault, criminal sexual assault,~~
2 ~~deviate sexual assault, aggravated criminal sexual abuse,~~
3 ~~aggravated indecent liberties with a child, indecent liberties~~
4 ~~with a child, child pornography, heinous battery as described~~
5 ~~in Section 12 4.1 or subdivision (a) (2) of Section 12 3.05,~~
6 ~~aggravated battery of a spouse, aggravated battery of a spouse~~
7 ~~with a firearm, stalking, aggravated stalking, aggravated~~
8 ~~battery of a child as described in Section 12 4.3 or~~
9 ~~subdivision (b) (1) of Section 12 3.05, endangering the life or~~
10 ~~health of a child, or cruelty to a child. Notwithstanding the~~
11 ~~foregoing, sentence credit for good conduct shall not be~~
12 ~~awarded on a sentence of imprisonment imposed for conviction~~
13 ~~of: (i) one of the offenses enumerated in subdivision~~
14 ~~(a) (2) (i), (ii), or (iii) when the offense is committed on or~~
15 ~~after June 19, 1998 or subdivision (a) (2) (iv) when the offense~~
16 ~~is committed on or after June 23, 2005 (the effective date of~~
17 ~~Public Act 94 71) or subdivision (a) (2) (v) when the offense is~~
18 ~~committed on or after August 13, 2007 (the effective date of~~
19 ~~Public Act 95 134) or subdivision (a) (2) (vi) when the offense~~
20 ~~is committed on or after June 1, 2008 (the effective date of~~
21 ~~Public Act 95 625) or subdivision (a) (2) (vii) when the offense~~
22 ~~is committed on or after July 23, 2010 (the effective date of~~
23 ~~Public Act 96 1224), (ii) aggravated driving under the~~
24 ~~influence of alcohol, other drug or drugs, or intoxicating~~
25 ~~compound or compounds, or any combination thereof as defined in~~
26 ~~subparagraph (F) of paragraph (1) of subsection (d) of Section~~

1 ~~11-501 of the Illinois Vehicle Code, (iii) one of the offenses~~
2 ~~enumerated in subdivision (a)(2.4) when the offense is~~
3 ~~committed on or after July 15, 1999 (the effective date of~~
4 ~~Public Act 91-121), (iv) aggravated arson when the offense is~~
5 ~~committed on or after July 27, 2001 (the effective date of~~
6 ~~Public Act 92-176), (v) offenses that may subject the offender~~
7 ~~to commitment under the Sexually Violent Persons Commitment~~
8 ~~Act, or (vi) aggravated driving under the influence of alcohol,~~
9 ~~other drug or drugs, or intoxicating compound or compounds or~~
10 ~~any combination thereof as defined in subparagraph (C) of~~
11 ~~paragraph (1) of subsection (d) of Section 11-501 of the~~
12 ~~Illinois Vehicle Code committed on or after January 1, 2011~~
13 ~~(the effective date of Public Act 96-1230).~~

14 Eligible inmates for an award of sentence credit under this
15 paragraph (3) may be selected to receive the credit at the
16 Director's or his or her designee's sole discretion.
17 Consideration may be based on, but not limited to, any
18 available risk assessment analysis on the inmate, any history
19 of conviction for violent crimes as defined by the Rights of
20 Crime Victims and Witnesses Act, facts and circumstances of the
21 inmate's holding offense or offenses, and the potential for
22 rehabilitation.

23 The Director shall not award sentence credit under this
24 paragraph (3) to an inmate unless the inmate has served a
25 minimum of 60 days of the sentence; except nothing in this
26 paragraph shall be construed to permit the Director to extend

1 an inmate's sentence beyond that which was imposed by the
2 court. Prior to awarding credit under this paragraph (3), the
3 Director shall make a written determination that the inmate:

4 (A) is eligible for the sentence credit;

5 (B) has served a minimum of 60 days, or as close to 60
6 days as the sentence will allow; and

7 (C) has met the eligibility criteria established by
8 rule.

9 The Director shall determine the form and content of the
10 written determination required in this subsection.

11 (3.5) The Department shall provide annual written reports
12 to the Governor and the General Assembly on the award of
13 sentence credit for good conduct, with the first report due
14 January 1, 2014. The Department must publish both reports on
15 its website within 48 hours of transmitting the reports to the
16 Governor and the General Assembly. The reports must include:

17 (A) the number of inmates awarded sentence credit for
18 good conduct;

19 (B) the average amount of sentence credit for good
20 conduct awarded;

21 (C) the holding offenses of inmates awarded sentence
22 credit for good conduct; and

23 (D) the number of sentence credit for good conduct
24 revocations.

25 (4) Except as provided in paragraph (4.7) of this
26 subsection (a), the ~~The~~ rules and regulations shall also

1 provide that the sentence credit accumulated and retained under
2 paragraph (2.1) of subsection (a) of this Section by any inmate
3 during specific periods of time in which such inmate is engaged
4 full-time in substance abuse programs, correctional industry
5 assignments, educational programs, behavior modification
6 programs, life skills courses, or re-entry planning provided by
7 the Department under this paragraph (4) and satisfactorily
8 completes the assigned program as determined by the standards
9 of the Department, shall be multiplied by a factor of 1.25 for
10 program participation before August 11, 1993 and 1.50 for
11 program participation on or after that date. The rules and
12 regulations shall also provide that sentence credit, subject to
13 the same offense limits and multiplier provided in this
14 paragraph, may be provided to an inmate who was held in
15 pre-trial detention prior to his or her current commitment to
16 the Department of Corrections and successfully completed a
17 full-time, 60-day or longer substance abuse program,
18 educational program, behavior modification program, life
19 skills course, or re-entry planning provided by the county
20 department of corrections or county jail. Calculation of this
21 county program credit shall be done at sentencing as provided
22 in Section 5-4.5-100 of this Code and shall be included in the
23 sentencing order. However, no inmate shall be eligible for the
24 additional sentence credit under this paragraph (4) or (4.1) of
25 this subsection (a) while assigned to a boot camp or electronic
26 detention, ~~or if convicted of an offense enumerated in~~

1 ~~subdivision (a) (2) (i), (ii), or (iii) of this Section that is~~
2 ~~committed on or after June 19, 1998 or subdivision (a) (2) (iv)~~
3 ~~of this Section that is committed on or after June 23, 2005~~
4 ~~(the effective date of Public Act 94-71) or subdivision~~
5 ~~(a) (2) (v) of this Section that is committed on or after August~~
6 ~~13, 2007 (the effective date of Public Act 95-134) or~~
7 ~~subdivision (a) (2) (vi) when the offense is committed on or~~
8 ~~after June 1, 2008 (the effective date of Public Act 95-625) or~~
9 ~~subdivision (a) (2) (vii) when the offense is committed on or~~
10 ~~after July 23, 2010 (the effective date of Public Act 96-1224),~~
11 ~~or if convicted of aggravated driving under the influence of~~
12 ~~alcohol, other drug or drugs, or intoxicating compound or~~
13 ~~compounds or any combination thereof as defined in subparagraph~~
14 ~~(F) of paragraph (1) of subsection (d) of Section 11-501 of the~~
15 ~~Illinois Vehicle Code, or if convicted of aggravated driving~~
16 ~~under the influence of alcohol, other drug or drugs, or~~
17 ~~intoxicating compound or compounds or any combination thereof~~
18 ~~as defined in subparagraph (C) of paragraph (1) of subsection~~
19 ~~(d) of Section 11-501 of the Illinois Vehicle Code committed on~~
20 ~~or after January 1, 2011 (the effective date of Public Act~~
21 ~~96-1230), or if convicted of an offense enumerated in paragraph~~
22 ~~(a) (2.4) of this Section that is committed on or after July 15,~~
23 ~~1999 (the effective date of Public Act 91-121), or first degree~~
24 ~~murder, a Class X felony, criminal sexual assault, felony~~
25 ~~criminal sexual abuse, aggravated criminal sexual abuse,~~
26 ~~aggravated battery with a firearm as described in Section~~

1 ~~12-4.2 or subdivision (c) (1), (c) (2), (c) (3), or (c) (4) of~~
2 ~~Section 12-3.05, or any predecessor or successor offenses with~~
3 ~~the same or substantially the same elements, or any inchoate~~
4 ~~offenses relating to the foregoing offenses.~~ No inmate shall be
5 eligible for the additional good conduct credit under this
6 paragraph (4) who (i) has previously received increased good
7 conduct credit under this paragraph (4) and has subsequently
8 been convicted of a felony, or (ii) has previously served more
9 than one prior sentence of imprisonment for a felony in an
10 adult correctional facility.

11 Educational, vocational, substance abuse, behavior
12 modification programs, life skills courses, re-entry planning,
13 and correctional industry programs under which sentence credit
14 may be increased under this paragraph (4) and paragraph (4.1)
15 of this subsection (a) shall be evaluated by the Department on
16 the basis of documented standards. The Department shall report
17 the results of these evaluations to the Governor and the
18 General Assembly by September 30th of each year. The reports
19 shall include data relating to the recidivism rate among
20 program participants.

21 Availability of these programs shall be subject to the
22 limits of fiscal resources appropriated by the General Assembly
23 for these purposes. Eligible inmates who are denied immediate
24 admission shall be placed on a waiting list under criteria
25 established by the Department. The inability of any inmate to
26 become engaged in any such programs by reason of insufficient

1 program resources or for any other reason established under the
2 rules and regulations of the Department shall not be deemed a
3 cause of action under which the Department or any employee or
4 agent of the Department shall be liable for damages to the
5 inmate.

6 (4.1) Except as provided in paragraph (4.7) of this
7 subsection (a), the ~~The~~ rules and regulations shall also
8 provide that an additional 90 days of sentence credit shall be
9 awarded to any prisoner who passes high school equivalency
10 testing while the prisoner is committed to the Department of
11 Corrections. The sentence credit awarded under this paragraph
12 (4.1) shall be in addition to, and shall not affect, the award
13 of sentence credit under any other paragraph of this Section,
14 but shall also be pursuant to the guidelines and restrictions
15 set forth in paragraph (4) of subsection (a) of this Section.
16 The sentence credit provided for in this paragraph shall be
17 available only to those prisoners who have not previously
18 earned a high school diploma or a high school equivalency
19 certificate. If, after an award of the high school equivalency
20 testing sentence credit has been made, the Department
21 determines that the prisoner was not eligible, then the award
22 shall be revoked. The Department may also award 90 days of
23 sentence credit to any committed person who passed high school
24 equivalency testing while he or she was held in pre-trial
25 detention prior to the current commitment to the Department of
26 Corrections.

1 (4.5) The rules and regulations on sentence credit shall
2 also provide that when the court's sentencing order recommends
3 a prisoner for substance abuse treatment and the crime was
4 committed on or after September 1, 2003 (the effective date of
5 Public Act 93-354), the prisoner shall receive no sentence
6 credit awarded under clause (3) of this subsection (a) unless
7 he or she participates in and completes a substance abuse
8 treatment program. The Director may waive the requirement to
9 participate in or complete a substance abuse treatment program
10 and award the sentence credit in specific instances if the
11 prisoner is not a good candidate for a substance abuse
12 treatment program for medical, programming, or operational
13 reasons. Availability of substance abuse treatment shall be
14 subject to the limits of fiscal resources appropriated by the
15 General Assembly for these purposes. If treatment is not
16 available and the requirement to participate and complete the
17 treatment has not been waived by the Director, the prisoner
18 shall be placed on a waiting list under criteria established by
19 the Department. The Director may allow a prisoner placed on a
20 waiting list to participate in and complete a substance abuse
21 education class or attend substance abuse self-help meetings in
22 lieu of a substance abuse treatment program. A prisoner on a
23 waiting list who is not placed in a substance abuse program
24 prior to release may be eligible for a waiver and receive
25 sentence credit under clause (3) of this subsection (a) at the
26 discretion of the Director.

1 (4.6) The rules and regulations on sentence credit shall
2 also provide that a prisoner who has been convicted of a sex
3 offense as defined in Section 2 of the Sex Offender
4 Registration Act shall receive no sentence credit unless he or
5 she either has successfully completed or is participating in
6 sex offender treatment as defined by the Sex Offender
7 Management Board. However, prisoners who are waiting to receive
8 treatment, but who are unable to do so due solely to the lack
9 of resources on the part of the Department, may, at the
10 Director's sole discretion, be awarded sentence credit at a
11 rate as the Director shall determine.

12 (4.7) On or after the effective date of this amendatory Act
13 of the 99th General Assembly, sentence credit under paragraph
14 (3), (4), or (4.1) of this subsection (a) may be awarded to a
15 prisoner who is serving a sentence for an offense described in
16 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
17 on or after the effective date of this amendatory Act of the
18 99th General Assembly; provided, the award of the credits under
19 this paragraph (4.7) shall not reduce the sentence of the
20 prisoner to less than the following amounts:

21 (i) 90% of his or her sentence if the prisoner is
22 required to serve 100% of his or her sentence;

23 (ii) 75% of his or her sentence if the prisoner is
24 required to serve 85% of his or her sentence; or

25 (iii) 60% of his or her sentence if the prisoner is
26 required to serve 75% of his or her sentence.

1 (5) Whenever the Department is to release any inmate
2 earlier than it otherwise would because of a grant of sentence
3 credit for good conduct under paragraph (3) of subsection (a)
4 of this Section given at any time during the term, the
5 Department shall give reasonable notice of the impending
6 release not less than 14 days prior to the date of the release
7 to the State's Attorney of the county where the prosecution of
8 the inmate took place, and if applicable, the State's Attorney
9 of the county into which the inmate will be released. The
10 Department must also make identification information and a
11 recent photo of the inmate being released accessible on the
12 Internet by means of a hyperlink labeled "Community
13 Notification of Inmate Early Release" on the Department's World
14 Wide Web homepage. The identification information shall
15 include the inmate's: name, any known alias, date of birth,
16 physical characteristics, commitment offense and county where
17 conviction was imposed. The identification information shall
18 be placed on the website within 3 days of the inmate's release
19 and the information may not be removed until either: completion
20 of the first year of mandatory supervised release or return of
21 the inmate to custody of the Department.

22 (b) Whenever a person is or has been committed under
23 several convictions, with separate sentences, the sentences
24 shall be construed under Section 5-8-4 in granting and
25 forfeiting of sentence credit.

26 (c) The Department shall prescribe rules and regulations

1 for revoking sentence credit, including revoking sentence
2 credit awarded for good conduct under paragraph (3) of
3 subsection (a) of this Section. The Department shall prescribe
4 rules and regulations for suspending or reducing the rate of
5 accumulation of sentence credit for specific rule violations,
6 during imprisonment. These rules and regulations shall provide
7 that no inmate may be penalized more than one year of sentence
8 credit for any one infraction.

9 When the Department seeks to revoke, suspend or reduce the
10 rate of accumulation of any sentence credits for an alleged
11 infraction of its rules, it shall bring charges therefor
12 against the prisoner sought to be so deprived of sentence
13 credits before the Prisoner Review Board as provided in
14 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
15 amount of credit at issue exceeds 30 days or when during any 12
16 month period, the cumulative amount of credit revoked exceeds
17 30 days except where the infraction is committed or discovered
18 within 60 days of scheduled release. In those cases, the
19 Department of Corrections may revoke up to 30 days of sentence
20 credit. The Board may subsequently approve the revocation of
21 additional sentence credit, if the Department seeks to revoke
22 sentence credit in excess of 30 days. However, the Board shall
23 not be empowered to review the Department's decision with
24 respect to the loss of 30 days of sentence credit within any
25 calendar year for any prisoner or to increase any penalty
26 beyond the length requested by the Department.

1 The Director of the Department of Corrections, in
2 appropriate cases, may restore up to 30 days of sentence
3 credits which have been revoked, suspended or reduced. Any
4 restoration of sentence credits in excess of 30 days shall be
5 subject to review by the Prisoner Review Board. However, the
6 Board may not restore sentence credit in excess of the amount
7 requested by the Director.

8 Nothing contained in this Section shall prohibit the
9 Prisoner Review Board from ordering, pursuant to Section
10 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
11 sentence imposed by the court that was not served due to the
12 accumulation of sentence credit.

13 (d) If a lawsuit is filed by a prisoner in an Illinois or
14 federal court against the State, the Department of Corrections,
15 or the Prisoner Review Board, or against any of their officers
16 or employees, and the court makes a specific finding that a
17 pleading, motion, or other paper filed by the prisoner is
18 frivolous, the Department of Corrections shall conduct a
19 hearing to revoke up to 180 days of sentence credit by bringing
20 charges against the prisoner sought to be deprived of the
21 sentence credits before the Prisoner Review Board as provided
22 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the
23 prisoner has not accumulated 180 days of sentence credit at the
24 time of the finding, then the Prisoner Review Board may revoke
25 all sentence credit accumulated by the prisoner.

26 For purposes of this subsection (d):

1 (1) "Frivolous" means that a pleading, motion, or other
2 filing which purports to be a legal document filed by a
3 prisoner in his or her lawsuit meets any or all of the
4 following criteria:

5 (A) it lacks an arguable basis either in law or in
6 fact;

7 (B) it is being presented for any improper purpose,
8 such as to harass or to cause unnecessary delay or
9 needless increase in the cost of litigation;

10 (C) the claims, defenses, and other legal
11 contentions therein are not warranted by existing law
12 or by a nonfrivolous argument for the extension,
13 modification, or reversal of existing law or the
14 establishment of new law;

15 (D) the allegations and other factual contentions
16 do not have evidentiary support or, if specifically so
17 identified, are not likely to have evidentiary support
18 after a reasonable opportunity for further
19 investigation or discovery; or

20 (E) the denials of factual contentions are not
21 warranted on the evidence, or if specifically so
22 identified, are not reasonably based on a lack of
23 information or belief.

24 (2) "Lawsuit" means a motion pursuant to Section 116-3
25 of the Code of Criminal Procedure of 1963, a habeas corpus
26 action under Article X of the Code of Civil Procedure or

1 under federal law (28 U.S.C. 2254), a petition for claim
2 under the Court of Claims Act, an action under the federal
3 Civil Rights Act (42 U.S.C. 1983), or a second or
4 subsequent petition for post-conviction relief under
5 Article 122 of the Code of Criminal Procedure of 1963
6 whether filed with or without leave of court or a second or
7 subsequent petition for relief from judgment under Section
8 2-1401 of the Code of Civil Procedure.

9 (e) Nothing in Public Act 90-592 or 90-593 affects the
10 validity of Public Act 89-404.

11 (f) Whenever the Department is to release any inmate who
12 has been convicted of a violation of an order of protection
13 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
14 the Criminal Code of 2012, earlier than it otherwise would
15 because of a grant of sentence credit, the Department, as a
16 condition of release, shall require that the person, upon
17 release, be placed under electronic surveillance as provided in
18 Section 5-8A-7 of this Code.

19 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,
20 eff. 1-1-16; 99-642, eff. 7-28-16.)

21 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

22 Sec. 5-4-1. Sentencing Hearing.

23 (a) Except when the death penalty is sought under hearing
24 procedures otherwise specified, after a determination of
25 guilt, a hearing shall be held to impose the sentence. However,

1 prior to the imposition of sentence on an individual being
2 sentenced for an offense based upon a charge for a violation of
3 Section 11-501 of the Illinois Vehicle Code or a similar
4 provision of a local ordinance, the individual must undergo a
5 professional evaluation to determine if an alcohol or other
6 drug abuse problem exists and the extent of such a problem.
7 Programs conducting these evaluations shall be licensed by the
8 Department of Human Services. However, if the individual is not
9 a resident of Illinois, the court may, in its discretion,
10 accept an evaluation from a program in the state of such
11 individual's residence. The court may in its sentencing order
12 approve an eligible defendant for placement in a Department of
13 Corrections impact incarceration program as provided in
14 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
15 order recommend a defendant for placement in a Department of
16 Corrections substance abuse treatment program as provided in
17 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
18 upon the defendant being accepted in a program by the
19 Department of Corrections. At the hearing the court shall:

20 (1) consider the evidence, if any, received upon the
21 trial;

22 (2) consider any presentence reports;

23 (3) consider the financial impact of incarceration
24 based on the financial impact statement filed with the
25 clerk of the court by the Department of Corrections;

26 (4) consider evidence and information offered by the

1 parties in aggravation and mitigation;

2 (4.5) consider substance abuse treatment, eligibility
3 screening, and an assessment, if any, of the defendant by
4 an agent designated by the State of Illinois to provide
5 assessment services for the Illinois courts;

6 (5) hear arguments as to sentencing alternatives;

7 (6) afford the defendant the opportunity to make a
8 statement in his own behalf;

9 (7) afford the victim of a violent crime or a violation
10 of Section 11-501 of the Illinois Vehicle Code, or a
11 similar provision of a local ordinance, or a qualified
12 individual affected by: (i) a violation of Section 405,
13 405.1, 405.2, or 407 of the Illinois Controlled Substances
14 Act or a violation of Section 55 or Section 65 of the
15 Methamphetamine Control and Community Protection Act, or
16 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
17 except as described in subdivisions (a)(2)(A) and
18 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
19 Criminal Code of 1961 or the Criminal Code of 2012,
20 committed by the defendant the opportunity to make a
21 statement concerning the impact on the victim and to offer
22 evidence in aggravation or mitigation; provided that the
23 statement and evidence offered in aggravation or
24 mitigation must first be prepared in writing in conjunction
25 with the State's Attorney before it may be presented orally
26 at the hearing. Any sworn testimony offered by the victim

1 is subject to the defendant's right to cross-examine. All
2 statements and evidence offered under this paragraph (7)
3 shall become part of the record of the court. For the
4 purpose of this paragraph (7), "qualified individual"
5 means any person who (i) lived or worked within the
6 territorial jurisdiction where the offense took place when
7 the offense took place; and (ii) is familiar with various
8 public places within the territorial jurisdiction where
9 the offense took place when the offense took place. For the
10 purposes of this paragraph (7), "qualified individual"
11 includes any peace officer, or any member of any duly
12 organized State, county, or municipal peace unit assigned
13 to the territorial jurisdiction where the offense took
14 place when the offense took place;

15 (8) in cases of reckless homicide afford the victim's
16 spouse, guardians, parents or other immediate family
17 members an opportunity to make oral statements;

18 (9) in cases involving a felony sex offense as defined
19 under the Sex Offender Management Board Act, consider the
20 results of the sex offender evaluation conducted pursuant
21 to Section 5-3-2 of this Act; and

22 (10) make a finding of whether a motor vehicle was used
23 in the commission of the offense for which the defendant is
24 being sentenced.

25 (b) All sentences shall be imposed by the judge based upon
26 his independent assessment of the elements specified above and

1 any agreement as to sentence reached by the parties. The judge
2 who presided at the trial or the judge who accepted the plea of
3 guilty shall impose the sentence unless he is no longer sitting
4 as a judge in that court. Where the judge does not impose
5 sentence at the same time on all defendants who are convicted
6 as a result of being involved in the same offense, the
7 defendant or the State's Attorney may advise the sentencing
8 court of the disposition of any other defendants who have been
9 sentenced.

10 (b-1) In imposing a sentence of imprisonment or periodic
11 imprisonment for a Class 3 or Class 4 felony for which a
12 sentence of probation or conditional discharge is an available
13 sentence, if the defendant has no prior sentence of probation
14 or conditional discharge and no prior conviction for a violent
15 crime, the defendant shall not be sentenced to imprisonment
16 before review and consideration of a presentence report and
17 determination and explanation of why the particular evidence,
18 information, factor in aggravation, factual finding, or other
19 reasons support a sentencing determination that one or more of
20 the factors under subsection (a) of Section 5-6-1 of this Code
21 apply and that probation or conditional discharge is not an
22 appropriate sentence.

23 (c) In imposing a sentence for a violent crime or for an
24 offense of operating or being in physical control of a vehicle
25 while under the influence of alcohol, any other drug or any
26 combination thereof, or a similar provision of a local

1 ordinance, when such offense resulted in the personal injury to
2 someone other than the defendant, the trial judge shall specify
3 on the record the particular evidence, information, factors in
4 mitigation and aggravation or other reasons that led to his
5 sentencing determination. The full verbatim record of the
6 sentencing hearing shall be filed with the clerk of the court
7 and shall be a public record.

8 (c-1) In imposing a sentence for the offense of aggravated
9 kidnapping for ransom, home invasion, armed robbery,
10 aggravated vehicular hijacking, aggravated discharge of a
11 firearm, or armed violence with a category I weapon or category
12 II weapon, the trial judge shall make a finding as to whether
13 the conduct leading to conviction for the offense resulted in
14 great bodily harm to a victim, and shall enter that finding and
15 the basis for that finding in the record.

16 (c-2) If the defendant is sentenced to prison, other than
17 when a sentence of natural life imprisonment or a sentence of
18 death is imposed, at the time the sentence is imposed the judge
19 shall state on the record in open court the approximate period
20 of time the defendant will serve in custody according to the
21 then current statutory rules and regulations for sentence
22 credit found in Section 3-6-3 and other related provisions of
23 this Code. This statement is intended solely to inform the
24 public, has no legal effect on the defendant's actual release,
25 and may not be relied on by the defendant on appeal.

26 The judge's statement, to be given after pronouncing the

1 sentence, other than when the sentence is imposed for one of
2 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
3 shall include the following:

4 "The purpose of this statement is to inform the public of
5 the actual period of time this defendant is likely to spend in
6 prison as a result of this sentence. The actual period of
7 prison time served is determined by the statutes of Illinois as
8 applied to this sentence by the Illinois Department of
9 Corrections and the Illinois Prisoner Review Board. In this
10 case, assuming the defendant receives all of his or her
11 sentence credit, the period of estimated actual custody is ...
12 years and ... months, less up to 180 days additional sentence
13 credit for good conduct. If the defendant, because of his or
14 her own misconduct or failure to comply with the institutional
15 regulations, does not receive those credits, the actual time
16 served in prison will be longer. The defendant may also receive
17 an additional one-half day sentence credit for each day of
18 participation in vocational, industry, substance abuse, and
19 educational programs as provided for by Illinois statute."

20 When the sentence is imposed for one of the offenses
21 enumerated in paragraph (a)(3) of Section 3-6-3, ~~other than~~
22 ~~when the sentence is imposed for one of the offenses enumerated~~
23 ~~in paragraph (a)(2) of Section 3-6-3 committed on or after June~~
24 ~~19, 1998, and other than when the sentence is imposed for~~
25 ~~reckless homicide as defined in subsection (c) of Section 9-3~~
26 ~~of the Criminal Code of 1961 or the Criminal Code of 2012 if~~

1 ~~the offense was committed on or after January 1, 1999, and~~
2 ~~other than when the sentence is imposed for aggravated arson if~~
3 ~~the offense was committed on or after July 27, 2001 (the~~
4 ~~effective date of Public Act 92-176), and other than when the~~
5 ~~sentence is imposed for aggravated driving under the influence~~
6 ~~of alcohol, other drug or drugs, or intoxicating compound or~~
7 ~~compounds, or any combination thereof as defined in~~
8 ~~subparagraph (C) of paragraph (1) of subsection (d) of Section~~
9 ~~11-501 of the Illinois Vehicle Code committed on or after~~
10 ~~January 1, 2011 (the effective date of Public Act 96-1230), the~~
11 judge's statement, to be given after pronouncing the sentence,
12 shall include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois as
17 applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, assuming the defendant receives all of his or her
20 sentence credit, the period of estimated actual custody is ...
21 years and ... months, ~~less up to 90 days additional sentence~~
22 ~~credit for good conduct~~. If the defendant, because of his or
23 her own misconduct or failure to comply with the institutional
24 regulations, does not receive those credits, the actual time
25 served in prison will be longer. The defendant may also receive
26 an additional one-half day sentence credit for each day of

1 participation in vocational, industry, substance abuse, and
2 educational programs as provided for by Illinois statute."

3 When the sentence is imposed for one of the offenses
4 enumerated in paragraph (a)(2) of Section 3-6-3, other than
5 first degree murder, and the offense was committed on or after
6 June 19, 1998, and when the sentence is imposed for reckless
7 homicide as defined in subsection (e) of Section 9-3 of the
8 Criminal Code of 1961 or the Criminal Code of 2012 if the
9 offense was committed on or after January 1, 1999, and when the
10 sentence is imposed for aggravated driving under the influence
11 of alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof as defined in
13 subparagraph (F) of paragraph (1) of subsection (d) of Section
14 11-501 of the Illinois Vehicle Code, and when the sentence is
15 imposed for aggravated arson if the offense was committed on or
16 after July 27, 2001 (the effective date of Public Act 92-176),
17 and when the sentence is imposed for aggravated driving under
18 the influence of alcohol, other drug or drugs, or intoxicating
19 compound or compounds, or any combination thereof as defined in
20 subparagraph (C) of paragraph (1) of subsection (d) of Section
21 11-501 of the Illinois Vehicle Code committed on or after
22 January 1, 2011 (the effective date of Public Act 96-1230), the
23 judge's statement, to be given after pronouncing the sentence,
24 shall include the following:

25 "The purpose of this statement is to inform the public of
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois as
3 applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, the defendant is entitled to no more than 4 1/2 days of
6 sentence credit for each month of his or her sentence of
7 imprisonment. Therefore, this defendant will serve at least 85%
8 of his or her sentence. Assuming the defendant receives 4 1/2
9 days credit for each month of his or her sentence, the period
10 of estimated actual custody is ... years and ... months, less
11 up to 180 days additional sentence credit for good conduct. The
12 defendant may also receive an additional one-half day sentence
13 credit for each day of participation in vocational, industry,
14 substance abuse, and educational programs earned on or after
15 January 1, 2019 as provided for by Illinois statute and subject
16 to the limitations of Illinois statute. Assuming the defendant
17 receives the credit, the period of estimated actual custody
18 would be reduced by the credit. However, the credit may not
19 reduce time served to less than 75% of his or her sentence. If
20 the defendant, because of his or her own misconduct or failure
21 to comply with the institutional regulations receives lesser
22 credit, the actual time served in prison will be longer."

23 When a sentence of imprisonment is imposed for first degree
24 murder and the offense was committed on or after June 19, 1998,
25 the judge's statement, to be given after pronouncing the
26 sentence, shall include the following:

1 "The purpose of this statement is to inform the public of
2 the actual period of time this defendant is likely to spend in
3 prison as a result of this sentence. The actual period of
4 prison time served is determined by the statutes of Illinois as
5 applied to this sentence by the Illinois Department of
6 Corrections and the Illinois Prisoner Review Board. In this
7 case, the defendant is not entitled to sentence credit earned
8 before January 1, 2019. The defendant is entitled to earn 10%
9 sentence credit for credits earned on or after January 1, 2019
10 and up to 180 days of additional sentence credit for good
11 conduct. If the defendant, because of his or her own misconduct
12 or failure to comply with the institutional regulations
13 receives lesser credit, the actual time served in prison will
14 be longer. Therefore, this defendant will serve at least 90% of
15 his or her sentence. However, the credit may not reduce time
16 served to less than 90% ~~Therefore, this defendant will serve~~
17 ~~100%~~ of his or her sentence."

18 When the sentencing order recommends placement in a
19 substance abuse program for any offense that results in
20 incarceration in a Department of Corrections facility and the
21 crime was committed on or after September 1, 2003 (the
22 effective date of Public Act 93-354), the judge's statement, in
23 addition to any other judge's statement required under this
24 Section, to be given after pronouncing the sentence, shall
25 include the following:

26 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend in
2 prison as a result of this sentence. The actual period of
3 prison time served is determined by the statutes of Illinois as
4 applied to this sentence by the Illinois Department of
5 Corrections and the Illinois Prisoner Review Board. In this
6 case, the defendant shall receive no sentence credit for good
7 conduct under clause (3) of subsection (a) of Section 3-6-3
8 until he or she participates in and completes a substance abuse
9 treatment program or receives a waiver from the Director of
10 Corrections pursuant to clause (4.5) of subsection (a) of
11 Section 3-6-3."

12 (c-4) Before the sentencing hearing and as part of the
13 presentence investigation under Section 5-3-1, the court shall
14 inquire of the defendant whether the defendant is currently
15 serving in or is a veteran of the Armed Forces of the United
16 States. If the defendant is currently serving in the Armed
17 Forces of the United States or is a veteran of the Armed Forces
18 of the United States and has been diagnosed as having a mental
19 illness by a qualified psychiatrist or clinical psychologist or
20 physician, the court may:

21 (1) order that the officer preparing the presentence
22 report consult with the United States Department of
23 Veterans Affairs, Illinois Department of Veterans'
24 Affairs, or another agency or person with suitable
25 knowledge or experience for the purpose of providing the
26 court with information regarding treatment options

1 available to the defendant, including federal, State, and
2 local programming; and

3 (2) consider the treatment recommendations of any
4 diagnosing or treating mental health professionals
5 together with the treatment options available to the
6 defendant in imposing sentence.

7 For the purposes of this subsection (c-4), "qualified
8 psychiatrist" means a reputable physician licensed in Illinois
9 to practice medicine in all its branches, who has specialized
10 in the diagnosis and treatment of mental and nervous disorders
11 for a period of not less than 5 years.

12 (c-6) In imposing a sentence, the trial judge shall
13 specify, on the record, the particular evidence and other
14 reasons which led to his or her determination that a motor
15 vehicle was used in the commission of the offense.

16 (d) When the defendant is committed to the Department of
17 Corrections, the State's Attorney shall and counsel for the
18 defendant may file a statement with the clerk of the court to
19 be transmitted to the department, agency or institution to
20 which the defendant is committed to furnish such department,
21 agency or institution with the facts and circumstances of the
22 offense for which the person was committed together with all
23 other factual information accessible to them in regard to the
24 person prior to his commitment relative to his habits,
25 associates, disposition and reputation and any other facts and
26 circumstances which may aid such department, agency or

1 institution during its custody of such person. The clerk shall
2 within 10 days after receiving any such statements transmit a
3 copy to such department, agency or institution and a copy to
4 the other party, provided, however, that this shall not be
5 cause for delay in conveying the person to the department,
6 agency or institution to which he has been committed.

7 (e) The clerk of the court shall transmit to the
8 department, agency or institution, if any, to which the
9 defendant is committed, the following:

10 (1) the sentence imposed;

11 (2) any statement by the court of the basis for
12 imposing the sentence;

13 (3) any presentence reports;

14 (3.5) any sex offender evaluations;

15 (3.6) any substance abuse treatment eligibility
16 screening and assessment of the defendant by an agent
17 designated by the State of Illinois to provide assessment
18 services for the Illinois courts;

19 (4) the number of days, if any, which the defendant has
20 been in custody and for which he is entitled to credit
21 against the sentence, which information shall be provided
22 to the clerk by the sheriff;

23 (4.1) any finding of great bodily harm made by the
24 court with respect to an offense enumerated in subsection
25 (c-1);

26 (5) all statements filed under subsection (d) of this

1 Section;

2 (6) any medical or mental health records or summaries
3 of the defendant;

4 (7) the municipality where the arrest of the offender
5 or the commission of the offense has occurred, where such
6 municipality has a population of more than 25,000 persons;

7 (8) all statements made and evidence offered under
8 paragraph (7) of subsection (a) of this Section; and

9 (9) all additional matters which the court directs the
10 clerk to transmit.

11 (f) In cases in which the court finds that a motor vehicle
12 was used in the commission of the offense for which the
13 defendant is being sentenced, the clerk of the court shall,
14 within 5 days thereafter, forward a report of such conviction
15 to the Secretary of State.

16 (Source: P.A. 99-861, eff. 1-1-17.)

17 (730 ILCS 5/5-4.5-110 new)

18 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
19 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

20 (a) DEFINITIONS. For the purposes of this Section:

21 "Firearm" has the meaning ascribed to it in Section 1.1
22 of the Firearm Owners Identification Card Act.

23 "Qualifying predicate offense" means the following
24 offenses under the Criminal Code of 2012:

25 (A) aggravated unlawful use of a weapon under

1 Section 24-1.6 or similar offense under the Criminal
2 Code of 1961, when the weapon is a firearm;

3 (B) unlawful use or possession of a weapon by a
4 felon under 24-1.1 or similar offense under the
5 Criminal Code of 1961, when the weapon is a firearm;

6 (C) first degree murder under Section 9-1 or
7 similar offense under the Criminal Code of 1961;

8 (D) attempted first degree murder with a firearm or
9 similar offense under the Criminal Code of 1961;

10 (E) aggravated kidnapping with a firearm under
11 paragraph (6) or (7) of subsection (a) of Section 10-2
12 or similar offense under the Criminal Code of 1961;

13 (F) aggravated battery with a firearm under
14 subsection (e) of Section 12-3.05 or similar offense
15 under the Criminal Code of 1961;

16 (G) aggravated criminal sexual assault under
17 Section 11-1.30 or similar offense under the Criminal
18 Code of 1961;

19 (H) predatory criminal sexual assault of a child
20 under Section 11-1.40 or similar offense under the
21 Criminal Code of 1961;

22 (I) armed robbery under Section 18-2 or similar
23 offense under the Criminal Code of 1961;

24 (J) vehicular hijacking under Section 18-3 or
25 similar offense under the Criminal Code of 1961;

26 (K) aggravated vehicular hijacking under Section

1 18-4 or similar offense under the Criminal Code of
2 1961;

3 (L) home invasion with a firearm under paragraph
4 (3), (4), or (5) of subsection (a) of Section 19-6 or
5 similar offense under the Criminal Code of 1961;

6 (M) aggravated discharge of a firearm under
7 Section 24-1.2 or similar offense under the Criminal
8 Code of 1961;

9 (N) aggravated discharge of a machine gun or a
10 firearm equipped with a device designed or used for
11 silencing the report of a firearm under Section
12 24-1.2-5 or similar offense under the Criminal Code of
13 1961;

14 (O) unlawful use of firearm projectiles under
15 Section 24-2.1 or similar offense under the Criminal
16 Code of 1961;

17 (P) manufacture, sale, or transfer of bullets or
18 shells represented to be armor piercing bullets,
19 dragon's breath shotgun shells, bolo shells, or
20 flechette shells under Section 24-2.2 or similar
21 offense under the Criminal Code of 1961;

22 (Q) unlawful sale or delivery of firearms under
23 Section 24-3 or similar offense under the Criminal Code
24 of 1961;

25 (R) unlawful discharge of firearm projectiles
26 under Section 24-3.2 or similar offense under the

1 Criminal Code of 1961;

2 (S) unlawful sale or delivery of firearms on school
3 premises of any school under Section 24-3.3 or similar
4 offense under the Criminal Code of 1961;

5 (T) unlawful purchase of a firearm under Section
6 24-3.5 or similar offense under the Criminal Code of
7 1961;

8 (U) use of a stolen firearm in the commission of an
9 offense under Section 24-3.7 or similar offense under
10 the Criminal Code of 1961;

11 (V) possession of a stolen firearm under Section
12 24-3.8 or similar offense under the Criminal Code of
13 1961;

14 (W) aggravated possession of a stolen firearm
15 under Section 24-3.9 or similar offense under the
16 Criminal Code of 1961;

17 (X) gunrunning under Section 24-3A or similar
18 offense under the Criminal Code of 1961;

19 (Y) defacing identification marks of firearms
20 under Section 24-5 or similar offense under the
21 Criminal Code of 1961; and

22 (Z) armed violence under Section 33A-2 or similar
23 offense under the Criminal Code of 1961.

24 (b) APPLICABILITY. On or after the effective date of this
25 amendatory Act of the 99th General Assembly, when a person is
26 convicted of unlawful use or possession of a weapon by a felon,

1 when the weapon is a firearm, or aggravated unlawful use of a
2 weapon, when the weapon is a firearm, after being previously
3 convicted of a qualifying predicate offense the person shall be
4 subject to the sentencing guidelines under this Section.

5 (c) SENTENCING GUIDELINES.

6 (1) When a person is convicted of unlawful use or
7 possession of a weapon by a felon, when the weapon is a
8 firearm, and that person has been previously convicted of a
9 qualifying predicate offense, the person shall be
10 sentenced to a term of imprisonment within the sentencing
11 range of not less than 7 years and not more than 14 years,
12 unless the court finds that a departure from the sentencing
13 guidelines under this paragraph is warranted under
14 subsection (d) of this Section.

15 (2) When a person is convicted of aggravated unlawful
16 use of a weapon, when the weapon is a firearm, and that
17 person has been previously convicted of a qualifying
18 predicate offense, the person shall be sentenced to a term
19 of imprisonment within the sentencing range of not less
20 than 6 years and not more than 7 years, unless the court
21 finds that a departure from the sentencing guidelines under
22 this paragraph is warranted under subsection (d) of this
23 Section.

24 (d) DEPARTURE FROM SENTENCING GUIDELINES.

25 (1) At the sentencing hearing conducted under Section
26 5-4-1 of this Code, the court may depart from the

1 sentencing guidelines provided in subsection (c) of this
2 Section and impose a sentence otherwise authorized by law
3 for the offense if the court, after considering any factor
4 under paragraph (2) of this subsection (d) relevant to the
5 nature and circumstances of the crime and to the history
6 and character of the defendant, finds on the record
7 substantial and compelling justification that the sentence
8 within the sentencing guidelines would be unduly harsh and
9 that a sentence otherwise authorized by law would be
10 consistent with public safety and does not deprecate the
11 seriousness of the offense.

12 (2) In deciding whether to depart from the sentencing
13 guidelines under this paragraph, the court shall consider:

14 (A) the age, immaturity, or limited mental
15 capacity of the defendant at the time of commission of
16 the qualifying predicate or current offense, including
17 whether the defendant was suffering from a mental or
18 physical condition insufficient to constitute a
19 defense but significantly reduced the defendant's
20 culpability;

21 (B) the nature and circumstances of the qualifying
22 predicate offense;

23 (C) the time elapsed since the qualifying
24 predicate offense;

25 (D) the nature and circumstances of the current
26 offense;

1 (E) the defendant's prior criminal history;

2 (F) whether the defendant committed the qualifying
3 predicate or current offense under specific and
4 credible duress, coercion, threat, or compulsion;

5 (G) whether the defendant aided in the
6 apprehension of another felon or testified truthfully
7 on behalf of another prosecution of a felony;

8 (H) whether departure is in the interest of the
9 person's rehabilitation, including employment or
10 educational or vocational training, after taking into
11 account any past rehabilitation efforts or
12 dispositions of probation or supervision, and the
13 defendant's cooperation or response to rehabilitation;
14 and

15 (I) whether departure is in the interest of public
16 safety.

17 (3) When departing from the sentencing guidelines
18 under this Section, the court shall specify on the record,
19 the particular evidence, information, factor or factors,
20 or other reasons which led to the departure from the
21 sentencing guidelines. When departing from the sentencing
22 range in accordance with this subsection (d), the court
23 shall indicate on the sentencing order which departure
24 factor or factors outlined in paragraph (2) of this
25 subsection (d) led to the sentence imposed. The sentencing
26 order shall be filed with the clerk of the court and shall

1 be a public record.

2 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

7 (2) A period of probation, a term of periodic imprisonment
8 or conditional discharge shall not be imposed for the following
9 offenses. The court shall sentence the offender to not less
10 than the minimum term of imprisonment set forth in this Code
11 for the following offenses, and may order a fine or restitution
12 or both in conjunction with such term of imprisonment:

13 (A) First degree murder where the death penalty is not
14 imposed.

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

17 (D) A violation of Section 401.1 ~~or 407~~ of the Illinois
18 Controlled Substances Act, ~~or a violation of subdivision~~
19 ~~(c)(1.5) or (c)(2) of Section 401 of that Act which relates~~
20 ~~to more than 5 grams of a substance containing cocaine,~~
21 ~~fentanyl, or an analog thereof.~~

22 (D-5) (Blank). ~~A violation of subdivision (c)(1) of~~
23 ~~Section 401 of the Illinois Controlled Substances Act which~~
24 ~~relates to 3 or more grams of a substance containing heroin~~
25 ~~or an analog thereof.~~

1 (E) A violation of Section 5.1 ~~or 9~~ of the Cannabis
2 Control Act.

3 (F) A Class 2 or greater felony if the offender had
4 been convicted of a Class 2 or greater felony, including
5 any state or federal conviction for an offense that
6 contained, at the time it was committed, the same elements
7 as an offense now (the date of the offense committed after
8 the prior Class 2 or greater felony) classified as a Class
9 2 or greater felony, within 10 years of the date on which
10 the offender committed the offense for which he or she is
11 being sentenced, except as otherwise provided in Section
12 40-10 of the Alcoholism and Other Drug Abuse and Dependency
13 Act.

14 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
15 the Criminal Code of 1961 or the Criminal Code of 2012 for
16 which imprisonment is prescribed in those Sections.

17 (G) Residential burglary, except as otherwise provided
18 in Section 40-10 of the Alcoholism and Other Drug Abuse and
19 Dependency Act.

20 (H) Criminal sexual assault.

21 (I) Aggravated battery of a senior citizen as described
22 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05
23 of the Criminal Code of 1961 or the Criminal Code of 2012.

24 (J) A forcible felony if the offense was related to the
25 activities of an organized gang.

26 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5 or
2 more persons, with an established hierarchy, that
3 encourages members of the association to perpetrate crimes
4 or provides support to the members of the association who
5 do commit crimes.

6 Beginning July 1, 1994, for the purposes of this
7 paragraph, "organized gang" has the meaning ascribed to it
8 in Section 10 of the Illinois Streetgang Terrorism Omnibus
9 Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the offense
12 of hate crime when the underlying offense upon which the
13 hate crime is based is felony aggravated assault or felony
14 mob action.

15 (M) A second or subsequent conviction for the offense
16 of institutional vandalism if the damage to the property
17 exceeds \$300.

18 (N) A Class 3 felony violation of paragraph (1) of
19 subsection (a) of Section 2 of the Firearm Owners
20 Identification Card Act.

21 (O) A violation of Section 12-6.1 or 12-6.5 of the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (P) A violation of paragraph (1), (2), (3), (4), (5),
24 or (7) of subsection (a) of Section 11-20.1 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 (Q) A violation of subsection (b) or (b-5) of Section

1 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012.

3 (R) A violation of Section 24-3A of the Criminal Code
4 of 1961 or the Criminal Code of 2012.

5 (S) (Blank).

6 (T) (Blank). ~~A second or subsequent violation of the~~
7 ~~Methamphetamine Control and Community Protection Act.~~

8 (U) A second or subsequent violation of Section 6-303
9 of the Illinois Vehicle Code committed while his or her
10 driver's license, permit, or privilege was revoked because
11 of a violation of Section 9-3 of the Criminal Code of 1961
12 or the Criminal Code of 2012, relating to the offense of
13 reckless homicide, or a similar provision of a law of
14 another state.

15 (V) A violation of paragraph (4) of subsection (c) of
16 Section 11-20.1B or paragraph (4) of subsection (c) of
17 Section 11-20.3 of the Criminal Code of 1961, or paragraph
18 (6) of subsection (a) of Section 11-20.1 of the Criminal
19 Code of 2012 when the victim is under 13 years of age and
20 the defendant has previously been convicted under the laws
21 of this State or any other state of the offense of child
22 pornography, aggravated child pornography, aggravated
23 criminal sexual abuse, aggravated criminal sexual assault,
24 predatory criminal sexual assault of a child, or any of the
25 offenses formerly known as rape, deviate sexual assault,
26 indecent liberties with a child, or aggravated indecent

1 liberties with a child where the victim was under the age
2 of 18 years or an offense that is substantially equivalent
3 to those offenses.

4 (W) A violation of Section 24-3.5 of the Criminal Code
5 of 1961 or the Criminal Code of 2012.

6 (X) A violation of subsection (a) of Section 31-1a of
7 the Criminal Code of 1961 or the Criminal Code of 2012.

8 (Y) A conviction for unlawful possession of a firearm
9 by a street gang member when the firearm was loaded or
10 contained firearm ammunition.

11 (Z) A Class 1 felony committed while he or she was
12 serving a term of probation or conditional discharge for a
13 felony.

14 (AA) Theft of property exceeding \$500,000 and not
15 exceeding \$1,000,000 in value.

16 (BB) Laundering of criminally derived property of a
17 value exceeding \$500,000.

18 (CC) Knowingly selling, offering for sale, holding for
19 sale, or using 2,000 or more counterfeit items or
20 counterfeit items having a retail value in the aggregate of
21 \$500,000 or more.

22 (DD) A conviction for aggravated assault under
23 paragraph (6) of subsection (c) of Section 12-2 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 if the
25 firearm is aimed toward the person against whom the firearm
26 is being used.

1 (EE) A conviction for a violation of paragraph (2) of
2 subsection (a) of Section 24-3B of the Criminal Code of
3 2012.

4 (3) (Blank).

5 (4) A minimum term of imprisonment of not less than 10
6 consecutive days or 30 days of community service shall be
7 imposed for a violation of paragraph (c) of Section 6-303 of
8 the Illinois Vehicle Code.

9 (4.1) (Blank).

10 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
11 this subsection (c), a minimum of 100 hours of community
12 service shall be imposed for a second violation of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.3) A minimum term of imprisonment of 30 days or 300
15 hours of community service, as determined by the court, shall
16 be imposed for a second violation of subsection (c) of Section
17 6-303 of the Illinois Vehicle Code.

18 (4.4) Except as provided in paragraphs (4.5), (4.6), and
19 (4.9) of this subsection (c), a minimum term of imprisonment of
20 30 days or 300 hours of community service, as determined by the
21 court, shall be imposed for a third or subsequent violation of
22 Section 6-303 of the Illinois Vehicle Code.

23 (4.5) A minimum term of imprisonment of 30 days shall be
24 imposed for a third violation of subsection (c) of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days
2 shall be imposed for a fourth or subsequent violation of
3 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

4 (4.7) A minimum term of imprisonment of not less than 30
5 consecutive days, or 300 hours of community service, shall be
6 imposed for a violation of subsection (a-5) of Section 6-303 of
7 the Illinois Vehicle Code, as provided in subsection (b-5) of
8 that Section.

9 (4.8) A mandatory prison sentence shall be imposed for a
10 second violation of subsection (a-5) of Section 6-303 of the
11 Illinois Vehicle Code, as provided in subsection (c-5) of that
12 Section. The person's driving privileges shall be revoked for a
13 period of not less than 5 years from the date of his or her
14 release from prison.

15 (4.9) A mandatory prison sentence of not less than 4 and
16 not more than 15 years shall be imposed for a third violation
17 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
18 Code, as provided in subsection (d-2.5) of that Section. The
19 person's driving privileges shall be revoked for the remainder
20 of his or her life.

21 (4.10) A mandatory prison sentence for a Class 1 felony
22 shall be imposed, and the person shall be eligible for an
23 extended term sentence, for a fourth or subsequent violation of
24 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
25 as provided in subsection (d-3.5) of that Section. The person's
26 driving privileges shall be revoked for the remainder of his or

1 her life.

2 (5) The court may sentence a corporation or unincorporated
3 association convicted of any offense to:

4 (A) a period of conditional discharge;

5 (B) a fine;

6 (C) make restitution to the victim under Section 5-5-6
7 of this Code.

8 (5.1) In addition to any other penalties imposed, and
9 except as provided in paragraph (5.2) or (5.3), a person
10 convicted of violating subsection (c) of Section 11-907 of the
11 Illinois Vehicle Code shall have his or her driver's license,
12 permit, or privileges suspended for at least 90 days but not
13 more than one year, if the violation resulted in damage to the
14 property of another person.

15 (5.2) In addition to any other penalties imposed, and
16 except as provided in paragraph (5.3), a person convicted of
17 violating subsection (c) of Section 11-907 of the Illinois
18 Vehicle Code shall have his or her driver's license, permit, or
19 privileges suspended for at least 180 days but not more than 2
20 years, if the violation resulted in injury to another person.

21 (5.3) In addition to any other penalties imposed, a person
22 convicted of violating subsection (c) of Section 11-907 of the
23 Illinois Vehicle Code shall have his or her driver's license,
24 permit, or privileges suspended for 2 years, if the violation
25 resulted in the death of another person.

26 (5.4) In addition to any other penalties imposed, a person

1 convicted of violating Section 3-707 of the Illinois Vehicle
2 Code shall have his or her driver's license, permit, or
3 privileges suspended for 3 months and until he or she has paid
4 a reinstatement fee of \$100.

5 (5.5) In addition to any other penalties imposed, a person
6 convicted of violating Section 3-707 of the Illinois Vehicle
7 Code during a period in which his or her driver's license,
8 permit, or privileges were suspended for a previous violation
9 of that Section shall have his or her driver's license, permit,
10 or privileges suspended for an additional 6 months after the
11 expiration of the original 3-month suspension and until he or
12 she has paid a reinstatement fee of \$100.

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

16 (9) A defendant convicted of a second or subsequent offense
17 of ritualized abuse of a child may be sentenced to a term of
18 natural life imprisonment.

19 (10) (Blank).

20 (11) The court shall impose a minimum fine of \$1,000 for a
21 first offense and \$2,000 for a second or subsequent offense
22 upon a person convicted of or placed on supervision for battery
23 when the individual harmed was a sports official or coach at
24 any level of competition and the act causing harm to the sports
25 official or coach occurred within an athletic facility or
26 within the immediate vicinity of the athletic facility at which

1 the sports official or coach was an active participant of the
2 athletic contest held at the athletic facility. For the
3 purposes of this paragraph (11), "sports official" means a
4 person at an athletic contest who enforces the rules of the
5 contest, such as an umpire or referee; "athletic facility"
6 means an indoor or outdoor playing field or recreational area
7 where sports activities are conducted; and "coach" means a
8 person recognized as a coach by the sanctioning authority that
9 conducted the sporting event.

10 (12) A person may not receive a disposition of court
11 supervision for a violation of Section 5-16 of the Boat
12 Registration and Safety Act if that person has previously
13 received a disposition of court supervision for a violation of
14 that Section.

15 (13) A person convicted of or placed on court supervision
16 for an assault or aggravated assault when the victim and the
17 offender are family or household members as defined in Section
18 103 of the Illinois Domestic Violence Act of 1986 or convicted
19 of domestic battery or aggravated domestic battery may be
20 required to attend a Partner Abuse Intervention Program under
21 protocols set forth by the Illinois Department of Human
22 Services under such terms and conditions imposed by the court.
23 The costs of such classes shall be paid by the offender.

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of the

1 Unified Code of Corrections which may include evidence of the
2 defendant's life, moral character and occupation during the
3 time since the original sentence was passed. The trial court
4 shall then impose sentence upon the defendant. The trial court
5 may impose any sentence which could have been imposed at the
6 original trial subject to Section 5-5-4 of the Unified Code of
7 Corrections. If a sentence is vacated on appeal or on
8 collateral attack due to the failure of the trier of fact at
9 trial to determine beyond a reasonable doubt the existence of a
10 fact (other than a prior conviction) necessary to increase the
11 punishment for the offense beyond the statutory maximum
12 otherwise applicable, either the defendant may be re-sentenced
13 to a term within the range otherwise provided or, if the State
14 files notice of its intention to again seek the extended
15 sentence, the defendant shall be afforded a new trial.

16 (e) In cases where prosecution for aggravated criminal
17 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
18 Code of 1961 or the Criminal Code of 2012 results in conviction
19 of a defendant who was a family member of the victim at the
20 time of the commission of the offense, the court shall consider
21 the safety and welfare of the victim and may impose a sentence
22 of probation only where:

23 (1) the court finds (A) or (B) or both are appropriate:

24 (A) the defendant is willing to undergo a court
25 approved counseling program for a minimum duration of 2
26 years; or

1 (B) the defendant is willing to participate in a
2 court approved plan including but not limited to the
3 defendant's:

4 (i) removal from the household;

5 (ii) restricted contact with the victim;

6 (iii) continued financial support of the
7 family;

8 (iv) restitution for harm done to the victim;

9 and

10 (v) compliance with any other measures that
11 the court may deem appropriate; and

12 (2) the court orders the defendant to pay for the
13 victim's counseling services, to the extent that the court
14 finds, after considering the defendant's income and
15 assets, that the defendant is financially capable of paying
16 for such services, if the victim was under 18 years of age
17 at the time the offense was committed and requires
18 counseling as a result of the offense.

19 Probation may be revoked or modified pursuant to Section
20 5-6-4; except where the court determines at the hearing that
21 the defendant violated a condition of his or her probation
22 restricting contact with the victim or other family members or
23 commits another offense with the victim or other family
24 members, the court shall revoke the defendant's probation and
25 impose a term of imprisonment.

26 For the purposes of this Section, "family member" and

1 "victim" shall have the meanings ascribed to them in Section
2 11-0.1 of the Criminal Code of 2012.

3 (f) (Blank).

4 (g) Whenever a defendant is convicted of an offense under
5 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
6 11-14.3, 11-14.4 except for an offense that involves keeping a
7 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
8 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
9 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, the defendant shall undergo medical
11 testing to determine whether the defendant has any sexually
12 transmissible disease, including a test for infection with
13 human immunodeficiency virus (HIV) or any other identified
14 causative agent of acquired immunodeficiency syndrome (AIDS).
15 Any such medical test shall be performed only by appropriately
16 licensed medical practitioners and may include an analysis of
17 any bodily fluids as well as an examination of the defendant's
18 person. Except as otherwise provided by law, the results of
19 such test shall be kept strictly confidential by all medical
20 personnel involved in the testing and must be personally
21 delivered in a sealed envelope to the judge of the court in
22 which the conviction was entered for the judge's inspection in
23 camera. Acting in accordance with the best interests of the
24 victim and the public, the judge shall have the discretion to
25 determine to whom, if anyone, the results of the testing may be
26 revealed. The court shall notify the defendant of the test

1 results. The court shall also notify the victim if requested by
2 the victim, and if the victim is under the age of 15 and if
3 requested by the victim's parents or legal guardian, the court
4 shall notify the victim's parents or legal guardian of the test
5 results. The court shall provide information on the
6 availability of HIV testing and counseling at Department of
7 Public Health facilities to all parties to whom the results of
8 the testing are revealed and shall direct the State's Attorney
9 to provide the information to the victim when possible. A
10 State's Attorney may petition the court to obtain the results
11 of any HIV test administered under this Section, and the court
12 shall grant the disclosure if the State's Attorney shows it is
13 relevant in order to prosecute a charge of criminal
14 transmission of HIV under Section 12-5.01 or 12-16.2 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 against the
16 defendant. The court shall order that the cost of any such test
17 shall be paid by the county and may be taxed as costs against
18 the convicted defendant.

19 (g-5) When an inmate is tested for an airborne communicable
20 disease, as determined by the Illinois Department of Public
21 Health including but not limited to tuberculosis, the results
22 of the test shall be personally delivered by the warden or his
23 or her designee in a sealed envelope to the judge of the court
24 in which the inmate must appear for the judge's inspection in
25 camera if requested by the judge. Acting in accordance with the
26 best interests of those in the courtroom, the judge shall have

1 the discretion to determine what if any precautions need to be
2 taken to prevent transmission of the disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense under
4 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
5 defendant shall undergo medical testing to determine whether
6 the defendant has been exposed to human immunodeficiency virus
7 (HIV) or any other identified causative agent of acquired
8 immunodeficiency syndrome (AIDS). Except as otherwise provided
9 by law, the results of such test shall be kept strictly
10 confidential by all medical personnel involved in the testing
11 and must be personally delivered in a sealed envelope to the
12 judge of the court in which the conviction was entered for the
13 judge's inspection in camera. Acting in accordance with the
14 best interests of the public, the judge shall have the
15 discretion to determine to whom, if anyone, the results of the
16 testing may be revealed. The court shall notify the defendant
17 of a positive test showing an infection with the human
18 immunodeficiency virus (HIV). The court shall provide
19 information on the availability of HIV testing and counseling
20 at Department of Public Health facilities to all parties to
21 whom the results of the testing are revealed and shall direct
22 the State's Attorney to provide the information to the victim
23 when possible. A State's Attorney may petition the court to
24 obtain the results of any HIV test administered under this
25 Section, and the court shall grant the disclosure if the
26 State's Attorney shows it is relevant in order to prosecute a

1 charge of criminal transmission of HIV under Section 12-5.01 or
2 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
3 2012 against the defendant. The court shall order that the cost
4 of any such test shall be paid by the county and may be taxed as
5 costs against the convicted defendant.

6 (i) All fines and penalties imposed under this Section for
7 any violation of Chapters 3, 4, 6, and 11 of the Illinois
8 Vehicle Code, or a similar provision of a local ordinance, and
9 any violation of the Child Passenger Protection Act, or a
10 similar provision of a local ordinance, shall be collected and
11 disbursed by the circuit clerk as provided under Section 27.5
12 of the Clerks of Courts Act.

13 (j) In cases when prosecution for any violation of Section
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
15 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
17 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
18 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
19 Code of 2012, any violation of the Illinois Controlled
20 Substances Act, any violation of the Cannabis Control Act, or
21 any violation of the Methamphetamine Control and Community
22 Protection Act results in conviction, a disposition of court
23 supervision, or an order of probation granted under Section 10
24 of the Cannabis Control Act, Section 410 of the Illinois
25 Controlled Substances Act, or Section 70 of the Methamphetamine
26 Control and Community Protection Act of a defendant, the court

1 shall determine whether the defendant is employed by a facility
2 or center as defined under the Child Care Act of 1969, a public
3 or private elementary or secondary school, or otherwise works
4 with children under 18 years of age on a daily basis. When a
5 defendant is so employed, the court shall order the Clerk of
6 the Court to send a copy of the judgment of conviction or order
7 of supervision or probation to the defendant's employer by
8 certified mail. If the employer of the defendant is a school,
9 the Clerk of the Court shall direct the mailing of a copy of
10 the judgment of conviction or order of supervision or probation
11 to the appropriate regional superintendent of schools. The
12 regional superintendent of schools shall notify the State Board
13 of Education of any notification under this subsection.

14 (j-5) A defendant at least 17 years of age who is convicted
15 of a felony and who has not been previously convicted of a
16 misdemeanor or felony and who is sentenced to a term of
17 imprisonment in the Illinois Department of Corrections shall as
18 a condition of his or her sentence be required by the court to
19 attend educational courses designed to prepare the defendant
20 for a high school diploma and to work toward a high school
21 diploma or to work toward passing high school equivalency
22 testing or to work toward completing a vocational training
23 program offered by the Department of Corrections. If a
24 defendant fails to complete the educational training required
25 by his or her sentence during the term of incarceration, the
26 Prisoner Review Board shall, as a condition of mandatory

1 supervised release, require the defendant, at his or her own
2 expense, to pursue a course of study toward a high school
3 diploma or passage of high school equivalency testing. The
4 Prisoner Review Board shall revoke the mandatory supervised
5 release of a defendant who wilfully fails to comply with this
6 subsection (j-5) upon his or her release from confinement in a
7 penal institution while serving a mandatory supervised release
8 term; however, the inability of the defendant after making a
9 good faith effort to obtain financial aid or pay for the
10 educational training shall not be deemed a wilful failure to
11 comply. The Prisoner Review Board shall recommit the defendant
12 whose mandatory supervised release term has been revoked under
13 this subsection (j-5) as provided in Section 3-3-9. This
14 subsection (j-5) does not apply to a defendant who has a high
15 school diploma or has successfully passed high school
16 equivalency testing. This subsection (j-5) does not apply to a
17 defendant who is determined by the court to be a person with a
18 developmental disability or otherwise mentally incapable of
19 completing the educational or vocational program.

20 (k) (Blank).

21 (l) (A) Except as provided in paragraph (C) of subsection
22 (l), whenever a defendant, who is an alien as defined by the
23 Immigration and Nationality Act, is convicted of any felony or
24 misdemeanor offense, the court after sentencing the defendant
25 may, upon motion of the State's Attorney, hold sentence in
26 abeyance and remand the defendant to the custody of the

1 Attorney General of the United States or his or her designated
2 agent to be deported when:

3 (1) a final order of deportation has been issued
4 against the defendant pursuant to proceedings under the
5 Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not
7 deprecate the seriousness of the defendant's conduct and
8 would not be inconsistent with the ends of justice.

9 Otherwise, the defendant shall be sentenced as provided in
10 this Chapter V.

11 (B) If the defendant has already been sentenced for a
12 felony or misdemeanor offense, or has been placed on probation
13 under Section 10 of the Cannabis Control Act, Section 410 of
14 the Illinois Controlled Substances Act, or Section 70 of the
15 Methamphetamine Control and Community Protection Act, the
16 court may, upon motion of the State's Attorney to suspend the
17 sentence imposed, commit the defendant to the custody of the
18 Attorney General of the United States or his or her designated
19 agent when:

20 (1) a final order of deportation has been issued
21 against the defendant pursuant to proceedings under the
22 Immigration and Nationality Act, and

23 (2) the deportation of the defendant would not
24 deprecate the seriousness of the defendant's conduct and
25 would not be inconsistent with the ends of justice.

26 (C) This subsection (1) does not apply to offenders who are

1 subject to the provisions of paragraph (2) of subsection (a) of
2 Section 3-6-3.

3 (D) Upon motion of the State's Attorney, if a defendant
4 sentenced under this Section returns to the jurisdiction of the
5 United States, the defendant shall be recommitted to the
6 custody of the county from which he or she was sentenced.
7 Thereafter, the defendant shall be brought before the
8 sentencing court, which may impose any sentence that was
9 available under Section 5-5-3 at the time of initial
10 sentencing. In addition, the defendant shall not be eligible
11 for additional sentence credit for good conduct as provided
12 under Section 3-6-3.

13 (m) A person convicted of criminal defacement of property
14 under Section 21-1.3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, in which the property damage exceeds
16 \$300 and the property damaged is a school building, shall be
17 ordered to perform community service that may include cleanup,
18 removal, or painting over the defacement.

19 (n) The court may sentence a person convicted of a
20 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
21 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
22 of 1961 or the Criminal Code of 2012 (i) to an impact
23 incarceration program if the person is otherwise eligible for
24 that program under Section 5-8-1.1, (ii) to community service,
25 or (iii) if the person is an addict or alcoholic, as defined in
26 the Alcoholism and Other Drug Abuse and Dependency Act, to a

1 substance or alcohol abuse program licensed under that Act.

2 (o) Whenever a person is convicted of a sex offense as
3 defined in Section 2 of the Sex Offender Registration Act, the
4 defendant's driver's license or permit shall be subject to
5 renewal on an annual basis in accordance with the provisions of
6 license renewal established by the Secretary of State.

7 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
8 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)

9 (730 ILCS 5/5-8-8)

10 (Section scheduled to be repealed on December 31, 2020)

11 Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

12 (a) Creation. There is created under the jurisdiction of
13 the Governor the Illinois Sentencing Policy Advisory Council,
14 hereinafter referred to as the Council.

15 (b) Purposes and goals. The purpose of the Council is to
16 review sentencing policies and practices and examine how these
17 policies and practices impact the criminal justice system as a
18 whole in the State of Illinois. In carrying out its duties, the
19 Council shall be mindful of and aim to achieve the purposes of
20 sentencing in Illinois, which are set out in Section 1-1-2 of
21 this Code:

22 (1) prescribe sanctions proportionate to the
23 seriousness of the offenses and permit the recognition of
24 differences in rehabilitation possibilities among
25 individual offenders;

- 1 (2) forbid and prevent the commission of offenses;
- 2 (3) prevent arbitrary or oppressive treatment of
3 persons adjudicated offenders or delinquents; and
- 4 (4) restore offenders to useful citizenship.
- 5 (c) Council composition.
- 6 (1) The Council shall consist of the following members:
- 7 (A) the President of the Senate, or his or her
8 designee;
- 9 (B) the Minority Leader of the Senate, or his or
10 her designee;
- 11 (C) the Speaker of the House, or his or her
12 designee;
- 13 (D) the Minority Leader of the House, or his or her
14 designee;
- 15 (E) the Governor, or his or her designee;
- 16 (F) the Attorney General, or his or her designee;
- 17 (G) two retired judges, who may have been circuit,
18 appellate, or supreme court judges; retired judges
19 shall be selected by the members of the Council
20 designated in clauses (c) (1) (A) through (L);
- 21 (G-5) (blank);
- 22 (H) the Cook County State's Attorney, or his or her
23 designee;
- 24 (I) the Cook County Public Defender, or his or her
25 designee;
- 26 (J) a State's Attorney not from Cook County,

1 appointed by the State's Attorney's Appellate
2 Prosecutor;

3 (K) the State Appellate Defender, or his or her
4 designee;

5 (L) the Director of the Administrative Office of
6 the Illinois Courts, or his or her designee;

7 (M) a victim of a violent felony or a
8 representative of a crime victims' organization,
9 selected by the members of the Council designated in
10 clauses (c) (1) (A) through (L);

11 (N) a representative of a community-based
12 organization, selected by the members of the Council
13 designated in clauses (c) (1) (A) through (L);

14 (O) a criminal justice academic researcher, to be
15 selected by the members of the Council designated in
16 clauses (c) (1) (A) through (L);

17 (P) a representative of law enforcement from a unit
18 of local government to be selected by the members of
19 the Council designated in clauses (c) (1) (A) through
20 (L);

21 (Q) a sheriff selected by the members of the
22 Council designated in clauses (c) (1) (A) through (L);
23 and

24 (R) ex-officio members shall include:

25 (i) the Director of Corrections, or his or her
26 designee;

1 (ii) the Chair of the Prisoner Review Board, or
2 his or her designee;

3 (iii) the Director of the Illinois State
4 Police, or his or her designee; and

5 (iv) the Director of the Illinois Criminal
6 Justice Information Authority, or his or her
7 designee.

8 (1.5) The Chair and Vice Chair shall be elected from
9 among its members by a majority of the members of the
10 Council.

11 (2) Members of the Council who serve because of their
12 public office or position, or those who are designated as
13 members by such officials, shall serve only as long as they
14 hold such office or position.

15 (3) Council members shall serve without compensation
16 but shall be reimbursed for travel and per diem expenses
17 incurred in their work for the Council.

18 (4) The Council may exercise any power, perform any
19 function, take any action, or do anything in furtherance of
20 its purposes and goals upon the appointment of a quorum of
21 its members. The term of office of each member of the
22 Council ends on the date of repeal of this amendatory Act
23 of the 96th General Assembly.

24 (d) Duties. The Council shall perform, as resources permit,
25 duties including:

26 (1) Collect and analyze information including

1 sentencing data, crime trends, and existing correctional
2 resources to support legislative and executive action
3 affecting the use of correctional resources on the State
4 and local levels.

5 (2) Prepare criminal justice population projections
6 annually, including correctional and community-based
7 supervision populations.

8 (3) Analyze data relevant to proposed sentencing
9 legislation and its effect on current policies or
10 practices, and provide information to support
11 evidence-based sentencing.

12 (4) Ensure that adequate resources and facilities are
13 available for carrying out sentences imposed on offenders
14 and that rational priorities are established for the use of
15 those resources. To do so, the Council shall prepare
16 criminal justice resource statements, identifying the
17 fiscal and practical effects of proposed criminal
18 sentencing legislation, including, but not limited to, the
19 correctional population, court processes, and county or
20 local government resources.

21 (4.5) Study and conduct a thorough analysis of
22 sentencing under Section 5-4.5-110 of this Code. The
23 Sentencing Policy Advisory Council shall provide annual
24 reports to the Governor and General Assembly, including the
25 total number of persons sentenced under Section 5-4.5-110
26 of this Code, the total number of departures from sentences

1 under Section 5-4.5-110 of this Code, and an analysis of
2 trends in sentencing and departures. On or before December
3 31, 2022, the Sentencing Policy Advisory Council shall
4 provide a report to the Governor and General Assembly on
5 the effectiveness of sentencing under Section 5-4.5-110 of
6 this Code, including recommendations on whether sentencing
7 under Section 5-4.5-110 of this Code should be adjusted or
8 continued.

9 (5) Perform such other studies or tasks pertaining to
10 sentencing policies as may be requested by the Governor or
11 the Illinois General Assembly.

12 (6) Perform such other functions as may be required by
13 law or as are necessary to carry out the purposes and goals
14 of the Council prescribed in subsection (b).

15 (7) Publish a report on the trends in sentencing for
16 offenders described in subsection (b-1) of Section 5-4-1 of
17 this Code, the impact of the trends on the prison and
18 probation populations, and any changes in the racial
19 composition of the prison and probation populations that
20 can be attributed to the changes made by adding subsection
21 (b-1) of Section 5-4-1 to this Code by Public Act 99-861
22 ~~this amendatory Act of the 99th General Assembly.~~

23 (e) Authority.

24 (1) The Council shall have the power to perform the
25 functions necessary to carry out its duties, purposes and
26 goals under this Act. In so doing, the Council shall

1 utilize information and analysis developed by the Illinois
2 Criminal Justice Information Authority, the Administrative
3 Office of the Illinois Courts, and the Illinois Department
4 of Corrections.

5 (2) Upon request from the Council, each executive
6 agency and department of State and local government shall
7 provide information and records to the Council in the
8 execution of its duties.

9 (f) Report. The Council shall report in writing annually to
10 the General Assembly, the Illinois Supreme Court, and the
11 Governor.

12 (g) This Section is repealed on December 31, 2020.

13 (Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15;
14 99-533, eff. 7-8-16; 99-861, eff. 1-1-17; revised 9-6-16.)".