

HB5886



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5886

by Rep. Katherine Cloonen

SYNOPSIS AS INTRODUCED:

720 ILCS 570/407

from Ch. 56 1/2, par. 1407

Amends the Illinois Controlled Substances Act. Eliminates the discretionary enhanced penalty for a person 18 years of age or over delivering an illegal controlled, counterfeit, or look-alike substance to a person under 18 years of age. Provides for an enhanced penalty for delivering an illegal controlled or counterfeit substance or controlled substance analog in a drug treatment center, on the real property comprising a drug treatment center, or within 1,000 feet of the real property comprising a drug treatment center. Defines "drug treatment center".

LRB099 19181 RLC 43573 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Section 407 as follows:

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

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

15 (B) (Blank).

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

18 (A) subsection (c) of Section 401 by delivering or
19 possessing with intent to deliver a controlled,
20 counterfeit, or look-alike substance in or on, or within
21 1,000 feet of, a truck stop or safety rest area, is guilty
22 of a Class 1 felony, the fine for which shall not exceed
23 \$250,000;

1 (B) subsection (d) of Section 401 by delivering or
2 possessing with intent to deliver a controlled,
3 counterfeit, or look-alike substance in or on, or within
4 1,000 feet of, a truck stop or safety rest area, is guilty
5 of a Class 2 felony, the fine for which shall not exceed
6 \$200,000;

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

13 (D) subsection (f) of Section 401 by delivering or
14 possessing with intent to deliver a controlled,
15 counterfeit, or look-alike substance in or on, or within
16 1,000 feet of, a truck stop or safety rest area, is guilty
17 of a Class 3 felony, the fine for which shall not exceed
18 \$125,000;

19 (E) subsection (g) of Section 401 by delivering or
20 possessing with intent to deliver a controlled,
21 counterfeit, or look-alike substance in or on, or within
22 1,000 feet of, a truck stop or safety rest area, is guilty
23 of a Class 3 felony, the fine for which shall not exceed
24 \$100,000;

25 (F) subsection (h) of Section 401 by delivering or
26 possessing with intent to deliver a controlled,

1 counterfeit, or look-alike substance in or on, or within
2 1,000 feet of, a truck stop or safety rest area, is guilty
3 of a Class 3 felony, the fine for which shall not exceed
4 \$75,000;

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

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

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

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

22 (b) Any person who violates:

23 (1) subsection (c) of Section 401 in any school, or any
24 conveyance owned, leased or contracted by a school to
25 transport students to or from school or a school related
26 activity, or residential property owned, operated or

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

5 (2) subsection (d) of Section 401 in any school, or any
6 conveyance owned, leased or contracted by a school to
7 transport students to or from school or a school related
8 activity, or residential property owned, operated or
9 managed by a public housing agency or leased by a public
10 housing agency as part of a scattered site or mixed-income
11 development, drug treatment center, or public park, on the
12 real property comprising any school or residential
13 property owned, operated or managed by a public housing
14 agency or leased by a public housing agency as part of a
15 scattered site or mixed-income development, drug treatment
16 center, or public park or within 1,000 feet of the real
17 property comprising any school or residential property
18 owned, operated or managed by a public housing agency or
19 leased by a public housing agency as part of a scattered
20 site or mixed-income development, drug treatment center,
21 or public park, on the real property comprising any church,
22 synagogue, or other building, structure, or place used
23 primarily for religious worship, or within 1,000 feet of
24 the real property comprising any church, synagogue, or
25 other building, structure, or place used primarily for
26 religious worship, on the real property comprising any of

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

13 (3) subsection (e) of Section 401 or Subsection (b) of
14 Section 404 in any school, or any conveyance owned, leased
15 or contracted by a school to transport students to or from
16 school or a school related activity, or residential
17 property owned, operated or managed by a public housing
18 agency or leased by a public housing agency as part of a
19 scattered site or mixed-income development, drug treatment
20 center, or public park, on the real property comprising any
21 school or residential property owned, operated or managed
22 by a public housing agency or leased by a public housing
23 agency as part of a scattered site or mixed-income
24 development, drug treatment center, or public park or
25 within 1,000 feet of the real property comprising any
26 school or residential property owned, operated or managed

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

22 (4) subsection (f) of Section 401 in any school, or any
23 conveyance owned, leased or contracted by a school to
24 transport students to or from school or a school related
25 activity, or residential property owned, operated or
26 managed by a public housing agency or leased by a public

1 housing agency as part of a scattered site or mixed-income
2 development, drug treatment center, or public park, on the
3 real property comprising any school or residential
4 property owned, operated or managed by a public housing
5 agency or leased by a public housing agency as part of a
6 scattered site or mixed-income development, drug treatment
7 center, or public park or within 1,000 feet of the real
8 property comprising any school or residential property
9 owned, operated or managed by a public housing agency or
10 leased by a public housing agency as part of a scattered
11 site or mixed-income development, drug treatment center,
12 or public park, on the real property comprising any church,
13 synagogue, or other building, structure, or place used
14 primarily for religious worship, or within 1,000 feet of
15 the real property comprising any church, synagogue, or
16 other building, structure, or place used primarily for
17 religious worship, on the real property comprising any of
18 the following places, buildings, or structures used
19 primarily for housing or providing space for activities for
20 senior citizens: nursing homes, assisted-living centers,
21 senior citizen housing complexes, or senior centers
22 oriented toward daytime activities, or within 1,000 feet of
23 the real property comprising any of the following places,
24 buildings, or structures used primarily for housing or
25 providing space for activities for senior citizens:
26 nursing homes, assisted-living centers, senior citizen

1 housing complexes, or senior centers oriented toward
2 daytime activities is guilty of a Class 2 felony, the fine
3 for which shall not exceed \$150,000;

4 (5) subsection (g) of Section 401 in any school, or any
5 conveyance owned, leased or contracted by a school to
6 transport students to or from school or a school related
7 activity, 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, drug treatment center, or public park, on the
11 real property comprising any school or residential
12 property owned, operated or managed by a public housing
13 agency or leased by a public housing agency as part of a
14 scattered site or mixed-income development, drug treatment
15 center, or public park or within 1,000 feet of the real
16 property comprising any school or residential property
17 owned, operated or managed by a public housing agency or
18 leased by a public housing agency as part of a scattered
19 site or mixed-income development, drug treatment center,
20 or public park, on the real property comprising any church,
21 synagogue, or other building, structure, or place used
22 primarily for religious worship, or within 1,000 feet of
23 the real property comprising any church, synagogue, or
24 other building, structure, or place used primarily for
25 religious worship, on the real property comprising any of
26 the following places, buildings, or structures used

1 primarily for housing or providing space for activities for
2 senior citizens: nursing homes, assisted-living centers,
3 senior citizen housing complexes, or senior centers
4 oriented toward daytime activities, or within 1,000 feet of
5 the real 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 felony, the fine
11 for which shall not exceed \$125,000;

12 (6) subsection (h) of Section 401 in any school, or any
13 conveyance owned, leased or contracted by a school to
14 transport students to or from school or a school related
15 activity, 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, drug treatment center, or public park, on the
19 real property comprising any school or residential
20 property owned, operated or managed by a public housing
21 agency or leased by a public housing agency as part of a
22 scattered site or mixed-income development, drug treatment
23 center, or public park or within 1,000 feet of the real
24 property comprising any school or residential property
25 owned, operated or managed by a public housing agency or
26 leased by a public housing agency as part of a scattered

1 site or mixed-income development, drug treatment center,
2 or public park, on the real property comprising any church,
3 synagogue, or other building, structure, or place used
4 primarily for religious worship, or within 1,000 feet of
5 the real property comprising any church, synagogue, or
6 other building, structure, or place used primarily for
7 religious worship, on the real property comprising any of
8 the following places, buildings, or structures used
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10 senior citizens: nursing homes, assisted-living centers,
11 senior citizen housing complexes, or senior centers
12 oriented toward daytime activities, or within 1,000 feet of
13 the real 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 2 felony, the fine
19 for which shall not exceed \$100,000.

20 As used in this subsection (b), "drug treatment center"
21 means an establishment that provides comprehensive treatment
22 and intervention treatment to adults or youth who suffer from
23 the disease of addiction.

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

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

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