

HB6112



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6112

Introduced 2/11/2016, by Rep. Avery Bourne

SYNOPSIS AS INTRODUCED:

720 ILCS 570/402

from Ch. 56 1/2, par. 1402

Amends the Illinois Controlled Substances Act. Increases the penalty for the possession of any amounts of cathinone and synthetic cathinone substances (commonly known as bath salts) from a Class 4 felony to a Class X felony.

LRB099 16791 RLC 41137 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 402 as follows:

6 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

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

1 arylcycloalkylamines. For purposes of this Act, a controlled
2 substance analog shall be treated in the same manner as the
3 controlled substance to which it is substantially similar.

4 (a-0.5) Any person who violates this Section with respect
5 to the following controlled or counterfeit substances
6 regardless of amounts, notwithstanding any of the provisions of
7 subsections (c) and (d) to the contrary, is guilty of a Class X
8 felony:

- 9 (1) any amount of 1-[(5-fluoropentyl)-
10 1H-indol-3-yl]-(2-iodophenyl)methanone
11 (Some trade or other names: AM-694);
- 12 (2) any amount of mecloqualone;
- 13 (3) any amount of methaqualone;
- 14 (4) any amount of gamma hydroxybutyric acid;
- 15 (5) any amount of Fenethylline;
- 16 (6) any amount of N-ethylamphetamine;
- 17 (7) any amount of Aminorex (some other names:
18 2-amino-5-phenyl-2-oxazoline; aminoxaphen
19 4-5-dihydro-5-phenyl-2-oxazolamine) and its
20 salts, optical isomers, and salts of optical isomers;
- 21 (8) any amount of Methcathinone (some other names:
22 2-methylamino-1-phenylpropan-1-one;
23 Ephedrone; 2-(methylamino)-propiofenone;
24 alpha-(methylamino)propiofenone; N-methylcathinone;
25 methycathinone; Monomethylpropion; UR 1431) and its
26 salts, optical isomers, and salts of optical

1 isomers);

2 (9) any amount of Cathinone (some trade or other names:

3 2-aminopropiophenone; alpha-aminopropiophenone;

4 2-amino-1-phenyl-propanone; norephedrone);

5 (10) any amount of N,N-dimethylamphetamine (also known

6 as: N,N-alpha-trimethyl-benzeneethanamine;

7 N,N-alpha-trimethylphenethylamine);

8 (11) any amount of (+ or -) cis-4-methylaminorex

9 ((+ or -) cis-4,5-dihydro-4-methyl-4-5

10 -phenyl-2-oxazolamine);

11 (12) any amount of 3,4-Methylenedioxypropylamphetamine (MDPV).

12 (a) Any person who violates this Section with respect to
13 the following controlled or counterfeit substances and
14 amounts, notwithstanding any of the provisions of subsections
15 (c) and (d) to the contrary, is guilty of a Class 1 felony and
16 shall, if sentenced to a term of imprisonment, be sentenced as
17 provided in this subsection (a) and fined as provided in
18 subsection (b):

19 (1) (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 a substance containing heroin;

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 a substance containing heroin;

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 heroin;

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 heroin;

5 (2) (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 cocaine;

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 cocaine;

11 (C) not less than 8 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 cocaine;

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 cocaine;

17 (3) (A) not less than 4 years and not more than 15
18 years with respect to 15 grams or more but less than
19 100 grams of any substance containing morphine;

20 (B) not less than 6 years and not more than 30
21 years with respect to 100 grams or more but less than
22 400 grams of any substance containing morphine;

23 (C) not less than 6 years and not more than 40
24 years with respect to 400 grams or more but less than
25 900 grams of any substance containing morphine;

26 (D) not less than 10 years and not more than 50

1 years with respect to 900 grams or more of any
2 substance containing morphine;

3 (4) 200 grams or more of any substance containing
4 peyote;

5 (5) 200 grams or more of any substance containing a
6 derivative of barbituric acid or any of the salts of a
7 derivative of barbituric acid;

8 (6) 200 grams or more of any substance containing
9 amphetamine or any salt of an optical isomer of
10 amphetamine;

11 (6.5) (blank);

12 (7) (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 containing lysergic
15 acid diethylamide (LSD), or an analog thereof, or (ii)
16 15 or more objects or 15 or more segregated parts of an
17 object or objects but less than 200 objects or 200
18 segregated parts of an object or objects containing in
19 them or having upon them any amount of any substance
20 containing lysergic acid diethylamide (LSD), or an
21 analog thereof;

22 (B) not less than 6 years and not more than 30
23 years with respect to: (i) 100 grams or more but less
24 than 400 grams of any substance containing lysergic
25 acid diethylamide (LSD), or an analog thereof, or (ii)
26 200 or more objects or 200 or more segregated parts of

1 an object or objects but less than 600 objects or less
2 than 600 segregated parts of an object or objects
3 containing in them or having upon them any amount of
4 any substance containing lysergic acid diethylamide
5 (LSD), or an analog thereof;

6 (C) not less than 8 years and not more than 40
7 years with respect to: (i) 400 grams or more but less
8 than 900 grams of any substance containing lysergic
9 acid diethylamide (LSD), or an analog thereof, or (ii)
10 600 or more objects or 600 or more segregated parts of
11 an object or objects but less than 1500 objects or 1500
12 segregated parts of an object or objects containing in
13 them or having upon them any amount of any substance
14 containing lysergic acid diethylamide (LSD), or an
15 analog thereof;

16 (D) not less than 10 years and not more than 50
17 years with respect to: (i) 900 grams or more of any
18 substance containing lysergic acid diethylamide (LSD),
19 or an analog thereof, or (ii) 1500 or more objects or
20 1500 or more segregated parts of an object or objects
21 containing in them or having upon them any amount of a
22 substance containing lysergic acid diethylamide (LSD),
23 or an analog thereof;

24 (7.5) (A) not less than 4 years and not more than 15
25 years with respect to: (i) 15 grams or more but less
26 than 100 grams of any substance listed in paragraph

1 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
2 (20.1), (21), (25), or (26) of subsection (d) of
3 Section 204, or an analog or derivative thereof, or
4 (ii) 15 or more pills, tablets, caplets, capsules, or
5 objects but less than 200 pills, tablets, caplets,
6 capsules, or objects containing in them or having upon
7 them any amount of any substance listed in paragraph
8 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
9 (20.1), (21), (25), or (26) of subsection (d) of
10 Section 204, or an analog or derivative thereof;

11 (B) not less than 6 years and not more than 30
12 years with respect to: (i) 100 grams or more but less
13 than 400 grams of any substance listed in paragraph
14 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
15 (20.1), (21), (25), or (26) of subsection (d) of
16 Section 204, or an analog or derivative thereof, or
17 (ii) 200 or more pills, tablets, caplets, capsules, or
18 objects but less than 600 pills, tablets, caplets,
19 capsules, or objects containing in them or having upon
20 them any amount of any substance listed in paragraph
21 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
22 (20.1), (21), (25), or (26) of subsection (d) of
23 Section 204, or an analog or derivative thereof;

24 (C) not less than 8 years and not more than 40
25 years with respect to: (i) 400 grams or more but less
26 than 900 grams of any substance listed in paragraph

1 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
2 (20.1), (21), (25), or (26) of subsection (d) of
3 Section 204, or an analog or derivative thereof, or
4 (ii) 600 or more pills, tablets, caplets, capsules, or
5 objects but less than 1,500 pills, tablets, caplets,
6 capsules, or objects containing in them or having upon
7 them any amount of any substance listed in paragraph
8 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
9 (20.1), (21), (25), or (26) of subsection (d) of
10 Section 204, or an analog or derivative thereof;

11 (D) not less than 10 years and not more than 50
12 years with respect to: (i) 900 grams or more of any
13 substance listed in paragraph (1), (2), (2.1), (2.2),
14 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
15 subsection (d) of Section 204, or an analog or
16 derivative thereof, or (ii) 1,500 or more pills,
17 tablets, caplets, capsules, or objects containing in
18 them or having upon them any amount of a substance
19 listed in paragraph (1), (2), (2.1), (2.2), (3),
20 (14.1), (19), (20), (20.1), (21), (25), or (26) of
21 subsection (d) of Section 204, or an analog or
22 derivative thereof;

23 (8) 30 grams or more of any substance containing
24 pentazocine or any of the salts, isomers and salts of
25 isomers of pentazocine, or an analog thereof;

26 (9) 30 grams or more of any substance containing

1 methaqualone or any of the salts, isomers and salts of
2 isomers of methaqualone;

3 (10) 30 grams or more of any substance containing
4 phencyclidine or any of the salts, isomers and salts of
5 isomers of phencyclidine (PCP);

6 (10.5) 30 grams or more of any substance containing
7 ketamine or any of the salts, isomers and salts of isomers
8 of ketamine;

9 (11) 200 grams or more of any substance containing any
10 substance classified as a narcotic drug in Schedules I or
11 II, or an analog thereof, which is not otherwise included
12 in this subsection.

13 (b) Any person sentenced with respect to violations of
14 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
15 involving 100 grams or more of the controlled substance named
16 therein, may in addition to the penalties provided therein, be
17 fined an amount not to exceed \$200,000 or the full street value
18 of the controlled or counterfeit substances, whichever is
19 greater. The term "street value" shall have the meaning
20 ascribed in Section 110-5 of the Code of Criminal Procedure of
21 1963. Any person sentenced with respect to any other provision
22 of subsection (a), may in addition to the penalties provided
23 therein, be fined an amount not to exceed \$200,000.

24 (c) Any person who violates this Section with regard to an
25 amount of a controlled substance other than methamphetamine or
26 counterfeit substance not set forth in subsection (a-0.5), (a),

1 or (d) is guilty of a Class 4 felony. The fine for a violation
2 punishable under this subsection (c) shall not be more than
3 \$25,000.

4 (d) Any person who violates this Section with regard to any
5 amount of anabolic steroid is guilty of a Class C misdemeanor
6 for the first offense and a Class B misdemeanor for a
7 subsequent offense committed within 2 years of a prior
8 conviction.

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