

1 AN ACT in relation to criminal law.

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

4 Section 5. The Cannabis Control Act is amended by adding
5 Section 3.5 as follows:

6 (720 ILCS 550/3.5 new)

7 Sec. 3.5. Minimum sentences for cannabis violations.
8 Notwithstanding any provisions of law to the contrary, a
9 person convicted of a violation of this Act shall, if
10 sentenced to a term of imprisonment, be sentenced to any term
11 of imprisonment imposed by the court not to exceed either:
12 (1) the maximum sentence for the classification of the
13 offense that the person was convicted for or (2) the maximum
14 sentence specified in the offense, whichever is greater.

15 Section 10. The Illinois Controlled Substances Act is
16 amended by changing Sections 401 and 402 and adding Section
17 400 as follows:

18 (720 ILCS 570/400 new)

19 Sec. 400. Minimum sentences for controlled substance
20 violations. Notwithstanding any provisions of law to the
21 contrary, a person convicted of a violation of this Act
22 shall, if sentenced to a term of imprisonment, be sentenced
23 to any term of imprisonment imposed by the court not to
24 exceed either: (1) the maximum sentence for the
25 classification of the offense that the person was convicted
26 for or (2) the maximum sentence specified in the offense,
27 whichever is greater.

28 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

1 Sec. 401. Except as authorized by this Act, it is
2 unlawful for any person knowingly to: (i) manufacture or
3 deliver, or possess with intent to manufacture or deliver, a
4 controlled or counterfeit substance or controlled substance
5 analog or (ii) possess any methamphetamine manufacturing
6 chemical listed in paragraph (z-1) of Section 102 with the
7 intent to manufacture methamphetamine or the salt of an
8 optical isomer of methamphetamine or an analog thereof. 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 which is intended for human consumption, other than a
14 controlled substance, that has a chemical structure
15 substantially similar to that of a controlled substance in
16 Schedule I or II, or that was specifically designed to
17 produce an effect substantially similar to that of a
18 controlled substance in Schedule I or II. Examples of
19 chemical classes in which controlled substance analogs are
20 found include, but are not limited to, the following:
21 phenethylamines, N-substituted piperidines, morphinans,
22 ecgonines, quinazolinones, substituted indoles, and
23 arylcycloalkylamines. For purposes of this Act, a controlled
24 substance analog shall be treated in the same manner as the
25 controlled substance to which it is substantially similar.

26 (a) Any person who violates this Section with respect to
27 the following amounts of controlled or counterfeit substances
28 or controlled substance analogs, notwithstanding any of the
29 provisions of subsections (c), (c-5), (d), (d-5), (e), (f),
30 (g) or (h) to the contrary, is guilty of a Class X felony and
31 shall be sentenced to a term of imprisonment as provided in
32 this subsection (a) and fined as provided in subsection (b):

33 (1) (A) ~~not less than 6 years and~~ not more than 30
34 years with respect to 15 grams or more but less than

1 100 grams of a substance containing heroin, or an
2 analog thereof;

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

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

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

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

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

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

26 (D) ~~not-less-than-15-years-and~~ not more than
27 60 years with respect to 900 grams or more of any
28 substance containing cocaine, or an analog thereof;

29 (3) (A) ~~not-less-than-6-years-and~~ not more than 30
30 years with respect to 15 grams or more but less than
31 100 grams of a substance containing morphine, or an
32 analog thereof;

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

1 years with respect to 100 grams or more but less
2 than 400 grams of a substance containing morphine,
3 or an analog thereof;

4 (C) ~~not-less-than-12-years-and~~ not more than
5 50 years with respect to 400 grams or more but less
6 than 900 grams of a substance containing morphine,
7 or an analog thereof;

8 (D) ~~not--less--than-15-years-and~~ not more than
9 60 years with respect to 900 grams or more of a
10 substance containing morphine, or an analog thereof;

11 (4) 200 grams or more of any substance containing
12 peyote, or an analog thereof;

13 (5) 200 grams or more of any substance containing a
14 derivative of barbituric acid or any of the salts of a
15 derivative of barbituric acid, or an analog thereof;

16 (6) 200 grams or more of any substance containing
17 amphetamine or any salt of an optical isomer of
18 amphetamine, or an analog thereof;

19 (6.5) (A) ~~not--less--than-6-years-and~~ not more than
20 30 years with respect to 15 grams or more but less
21 than 100 grams of a substance containing
22 methamphetamine or any salt of an optical isomer of
23 methamphetamine, or an analog thereof;

24 (B) ~~not-less-than-9-years-and~~ not more than 40
25 years with respect to 100 grams or more but less
26 than 400 grams of a substance containing
27 methamphetamine or any salt of an optical isomer of
28 methamphetamine, or an analog thereof;

29 (C) ~~not-less-than-12-years-and~~ not more than
30 50 years with respect to 400 grams or more but less
31 than 900 grams of a substance containing
32 methamphetamine or any salt of an optical isomer of
33 methamphetamine, or an analog thereof;

34 (D) ~~not--less--than-15-years-and~~ not more than

1 60 years with respect to 900 grams or more of any
2 substance containing methamphetamine or any salt of
3 an optical isomer of methamphetamine, or an analog
4 thereof.

5 (~~6.6~~) (A) ~~not--less--than-6-years-and~~ not more than
6 30 years for the possession of any methamphetamine
7 manufacturing chemical set forth in paragraph (z-1)
8 of Section 102 with intent to manufacture 30 grams
9 or more but less than 150 grams of any substance
10 containing methamphetamine, or salt of any optical
11 isomer of methamphetamine, or an analog thereof;

12 (B) ~~not-less-than-6-years-and~~ not more than 40
13 years for the possession of any methamphetamine
14 manufacturing chemical set forth in paragraph (z-1)
15 of Section 102 with intent to manufacture 150 grams
16 or more but less than 500 grams of any substance
17 containing methamphetamine, or salt of an optical
18 isomer of methamphetamine, or an analog thereof;

19 (C) ~~not-less-than-6-years-and~~ not more than 50
20 years for the possession of any methamphetamine
21 manufacturing chemical set forth in paragraph (z-1)
22 of Section 102 with intent to manufacture 500 grams
23 or more but less than 1200 grams of any substance
24 containing methamphetamine, or salt of an optical
25 isomer of methamphetamine, or an analog thereof;

26 (D) ~~not-less-than-6-years-and~~ not more than 60
27 years for the possession of any methamphetamine
28 manufacturing chemical set forth in paragraph (z-1)
29 of Section 102 with intent to manufacture 1200 grams
30 or more of any substance containing methamphetamine,
31 or salt of an optical isomer of methamphetamine, or
32 an analog thereof;

33 (7) (A) ~~not-less-than-6-years-and~~ not more than 30
34 years with respect to: (i) 15 grams or more but less

1 than 100 grams of a substance containing lysergic
2 acid diethylamide (LSD), or an analog thereof, or
3 (ii) 15 or more objects or 15 or more segregated
4 parts of an object or objects but less than 200
5 objects or 200 segregated parts of an object or
6 objects containing in them or having upon them any
7 amounts of any substance containing lysergic acid
8 diethylamide (LSD), or an analog thereof;

9 (B) ~~not-less-than-9-years-and~~ not more than 40
10 years with respect to: (i) 100 grams or more but
11 less than 400 grams of a substance containing
12 lysergic acid diethylamide (LSD), or an analog
13 thereof, or (ii) 200 or more objects or 200 or more
14 segregated parts of an object or objects but less
15 than 600 objects or less than 600 segregated parts
16 of an object or objects containing in them or having
17 upon them any amount of any substance containing
18 lysergic acid diethylamide (LSD), or an analog
19 thereof;

20 (C) ~~not--less--than-12-years-and~~ not more than
21 50 years with respect to: (i) 400 grams or more but
22 less than 900 grams of a substance containing
23 lysergic acid diethylamide (LSD), or an analog
24 thereof, or (ii) 600 or more objects or 600 or more
25 segregated parts of an object or objects but less
26 than 1500 objects or 1500 segregated parts of an
27 object or objects containing in them or having upon
28 them any amount of any substance containing lysergic
29 acid diethylamide (LSD), or an analog thereof;

30 (D) ~~not--less--than-15-years-and~~ not more than
31 60 years with respect to: (i) 900 grams or more of
32 any substance containing lysergic acid diethylamide
33 (LSD), or an analog thereof, or (ii) 1500 or more
34 objects or 1500 or more segregated parts of an

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

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

17 (B) ~~not-less-than-9-years-and~~ not more than 40
18 years with respect to: (i) 100 grams or more but
19 less than 400 grams of a substance listed in
20 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),
21 (20.1), (21), (25), or (26) of subsection (d) of
22 Section 204, or an analog or derivative thereof, or
23 (ii) 200 or more pills, tablets, caplets, capsules,
24 or objects but less than 600 pills, tablets,
25 caplets, capsules, or objects containing in them or
26 having upon them any amount of any substance listed
27 in paragraph (1), (2), (2.1), (3), (14.1), (19),
28 (20), (20.1), (21), (25), or (26) of subsection (d)
29 of Section 204, or an analog or derivative thereof;

30 (C) ~~not-less-than-12-years-and~~ not more than 50
31 years with respect to: (i) 400 grams or more but
32 less than 900 grams of a substance listed in
33 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),
34 (20.1), (21), (25), or (26) of subsection (d) of

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

9 (D) ~~not-less-than-15-years-and~~ not more than 60
10 years with respect to: (i) 900 grams or more of any
11 substance listed in paragraph (1), (2), (2.1), (3),
12 (14.1), (19), (20), (20.1), (21), (25), or (26) of
13 subsection (d) of Section 204, or an analog or
14 derivative thereof, or (ii) 1,500 or more pills,
15 tablets, caplets, capsules, or objects containing in
16 them or having upon them any amount of a substance
17 listed in paragraph (1), (2), (2.1), (3), (14.1),
18 (19), (20), (20.1), (21), (25), or (26) of
19 subsection (d) of Section 204, or an analog or
20 derivative thereof;

21 (8) 30 grams or more of any substance containing
22 pentazocine or any of the salts, isomers and salts of
23 isomers of pentazocine, or an analog thereof;

24 (9) 30 grams or more of any substance containing
25 methaqualone or any of the salts, isomers and salts of
26 isomers of methaqualone, or an analog thereof;

27 (10) 30 grams or more of any substance
28 containing phencyclidine or any of the salts, isomers
29 and salts of isomers of phencyclidine (PCP), or an
30 analog thereof;

31 (10.5) 30 grams or more of any substance containing
32 ketamine or any of the salts, isomers and salts of
33 isomers of ketamine, or an analog thereof;

34 (11) 200 grams or more of any substance containing

1 any other controlled substance classified in Schedules I
2 or II, or an analog thereof, which is not otherwise
3 included in this subsection.

4 (b) Any person sentenced with respect to violations of
5 paragraph (1), (2), (3), (6.5), (6.6), (7), or (7.5) of
6 subsection (a) involving 100 grams or more of the controlled
7 substance named therein, may in addition to the penalties
8 provided therein, be fined an amount not more than \$500,000
9 or the full street value of the controlled or counterfeit
10 substance or controlled substance analog, whichever is
11 greater. The term "street value" shall have the meaning
12 ascribed in Section 110-5 of the Code of Criminal Procedure
13 of 1963. Any person sentenced with respect to any other
14 provision of subsection (a), may in addition to the penalties
15 provided therein, be fined an amount not to exceed \$500,000.

16 (c) Any person who violates this Section with regard to
17 the following amounts of controlled or counterfeit substances
18 or controlled substance analogs, notwithstanding any of the
19 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
20 to the contrary, is guilty of a Class 1 felony. The fine for
21 violation of this subsection (c) shall not be more than
22 \$250,000:

23 (1) 10 or more grams but less than 15 grams of any
24 substance containing heroin, or an analog thereof;

25 (2) 1 gram or more but less than 15 grams of any
26 substance containing cocaine, or an analog thereof;

27 (3) 10 grams or more but less than 15 grams of any
28 substance containing morphine, or an analog thereof;

29 (4) 50 grams or more but less than 200 grams of any
30 substance containing peyote, or an analog thereof;

31 (5) 50 grams or more but less than 200 grams of any
32 substance containing a derivative of barbituric acid or
33 any of the salts of a derivative of barbituric acid, or
34 an analog thereof;

1 (6) 50 grams or more but less than 200 grams of any
2 substance containing amphetamine or any salt of an
3 optical isomer of amphetamine, or an analog thereof;

4 (6.5) 5 grams or more but less than 15 grams of any
5 substance containing methamphetamine or any salt or
6 optical isomer of methamphetamine, or an analog thereof;

7 (7) (i) 5 grams or more but less than 15 grams of
8 any substance containing lysergic acid diethylamide
9 (LSD), or an analog thereof, or (ii) more than 10 objects
10 or more than 10 segregated parts of an object or objects
11 but less than 15 objects or less than 15 segregated parts
12 of an object containing in them or having upon them any
13 amount of any substance containing lysergic acid
14 diethylamide (LSD), or an analog thereof;

15 (7.5) (i) 5 grams or more but less than 15 grams of
16 any substance listed in paragraph (1), (2), (2.1), (3),
17 (14.1), (19), (20), (20.1), (21), (25), or (26) of
18 subsection (d) of Section 204, or an analog or derivative
19 thereof, or (ii) more than 10 pills, tablets, caplets,
20 capsules, or objects but less than 15 pills, tablets,
21 caplets, capsules, or objects containing in them or
22 having upon them any amount of any substance listed in
23 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),
24 (20.1), (21), (25), or (26) of subsection (d) of Section
25 204, or an analog or derivative thereof;

26 (8) 10 grams or more but less than 30 grams of any
27 substance containing pentazocine or any of the salts,
28 isomers and salts of isomers of pentazocine, or an analog
29 thereof;

30 (9) 10 grams or more but less than 30 grams of any
31 substance containing methaqualone or any of the salts,
32 isomers and salts of isomers of methaqualone, or an
33 analog thereof;

34 (10) 10 grams or more but less than 30 grams of any

1 substance containing phencyclidine or any of the salts,
2 isomers and salts of isomers of phencyclidine (PCP), or
3 an analog thereof;

4 (10.5) 10 grams or more but less than 30 grams of
5 any substance containing ketamine or any of the salts,
6 isomers and salts of isomers of ketamine, or an analog
7 thereof;

8 (11) 50 grams or more but less than 200 grams of
9 any substance containing a substance classified in
10 Schedules I or II, or an analog thereof, which is not
11 otherwise included in this subsection.

12 (c-5) Any person who violates this Section with regard
13 to possession of any methamphetamine manufacturing chemical
14 set forth in paragraph (z-1) of Section 102 with intent to
15 manufacture 15 grams or more but less than 30 grams of
16 methamphetamine, or salt of an optical isomer of
17 methamphetamine or any analog thereof, is guilty of a Class 1
18 felony. The fine for violation of this subsection (c-5)
19 shall not be more than \$250,000.

20 (d) Any person who violates this Section with regard to
21 any other amount of a controlled or counterfeit substance
22 classified in Schedules I or II, or an analog thereof, which
23 is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD)
24 or an analog thereof, or (iii) any substance containing
25 amphetamine or methamphetamine or any salt or optical isomer
26 of amphetamine or methamphetamine, or an analog thereof, is
27 guilty of a Class 2 felony. The fine for violation of this
28 subsection (d) shall not be more than \$200,000.

29 (d-5) Any person who violates this Section with regard
30 to possession of any methamphetamine manufacturing chemical
31 set forth in paragraph (z-1) of Section 102 with intent to
32 manufacture less than 15 grams of methamphetamine, or salt of
33 an optical isomer of methamphetamine or any analog thereof,
34 is guilty of a Class 2 felony. The fine for violation of

1 this subsection (d-5) shall not be more than \$200,000.

2 (e) Any person who violates this Section with regard to
3 any other amount of a controlled or counterfeit substance
4 classified in Schedule I or II, or an analog thereof, which
5 substance is not included under subsection (d) of this
6 Section, is guilty of a Class 3 felony. The fine for
7 violation of this subsection (e) shall not be more than
8 \$150,000.

9 (f) Any person who violates this Section with regard to
10 any other amount of a controlled or counterfeit substance
11 classified in Schedule III is guilty of a Class 3 felony. The
12 fine for violation of this subsection (f) shall not be more
13 than \$125,000.

14 (g) Any person who violates this Section with regard to
15 any other amount of a controlled or counterfeit substance
16 classified in Schedule IV is guilty of a Class 3 felony. The
17 fine for violation of this subsection (g) shall not be more
18 than \$100,000.

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

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

29 (Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99;
30 91-403, eff. 1-1-00; 92-16, eff. 6-28-01; 92-256, eff.
31 1-1-02.)

32 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

33 Sec. 402. Except as otherwise authorized by this Act, it

1 is unlawful for any person knowingly to possess a controlled
2 or counterfeit substance. A violation of this Act with
3 respect to each of the controlled substances listed herein
4 constitutes a single and separate violation of this Act.

5 (a) Any person who violates this Section with respect to
6 the following controlled or counterfeit substances and
7 amounts, notwithstanding any of the provisions of subsections
8 (c) and (d) to the contrary, is guilty of a Class 1 felony
9 and shall, if sentenced to a term of imprisonment, be
10 sentenced as provided in this subsection (a) and fined as
11 provided in subsection (b):

12 (1) (A) ~~not-less-than-4-years-and~~ not more than 15
13 years with respect to 15 grams or more but less than
14 100 grams of a substance containing heroin;

15 (B) ~~not-less-than-6-years-and~~ not more than 30
16 years with respect to 100 grams or more but less
17 than 400 grams of a substance containing heroin;

18 (C) ~~not-less-than-8-years-and~~ not more than 40
19 years with respect to 400 grams or more but less
20 than 900 grams of any substance containing heroin;

21 (D) ~~not--less--than-10-years-and~~ not more than
22 50 years with respect to 900 grams or more of any
23 substance containing heroin;

24 (2) (A) ~~not--less-than-4-years-and~~ not more than 15
25 years with respect to 15 grams or more but less than
26 100 grams of any substance containing cocaine;

27 (B) ~~not-less-than-6-years-and~~ not more than 30
28 years with respect to 100 grams or more but less
29 than 400 grams of any substance containing cocaine;

30 (C) ~~not-less-than-8-years-and~~ not more than 40
31 years with respect to 400 grams or more but less
32 than 900 grams of any substance containing cocaine;

33 (D) ~~not-less-than-10-years-and~~ not more than
34 50 years with respect to 900 grams or more of any

1 substance containing cocaine;

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

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

8 (C) ~~not-less-than-6-years-and~~ not more than 40
9 years with respect to 400 grams or more but less
10 than 900 grams of any substance containing morphine;

11 (D) ~~not--less--than-10-years-and~~ not more than
12 50 years with respect to 900 grams or more of any
13 substance containing morphine;

14 (4) 200 grams or more of any substance containing
15 peyote;

16 (5) 200 grams or more of any substance containing a
17 derivative of barbituric acid or any of the salts of a
18 derivative of barbituric acid;

19 (6) 200 grams or more of any substance containing
20 amphetamine or any salt of an optical isomer of
21 amphetamine;

22 (6.5) (A) ~~not--less-than-4-years-and~~ not more than
23 15 years with respect to 15 grams or more but less
24 than 100 grams of a substance containing
25 methamphetamine or any salt of an optical isomer of
26 methamphetamine;

27 (B) ~~not-less-than-6-years-and~~ not more than 30
28 years with respect to 100 grams or more but less
29 than 400 grams of a substance containing
30 methamphetamine or any salt of an optical isomer of
31 methamphetamine;

32 (C) ~~not-less-than-8-years-and~~ not more than 40
33 years with respect to 400 grams or more but less
34 than 900 grams of a substance containing

1 methamphetamine or any salt of an optical isomer of
2 methamphetamine;

3 (D) ~~not-less-than-10-years-and~~ not more than
4 50 years with respect to 900 grams or more of any
5 substance containing methamphetamine or any salt of
6 an optical isomer of methamphetamine;

7 (7) (A) ~~not--less-than-4-years-and~~ not more than 15
8 years with respect to: (i) 15 grams or more but less
9 than 100 grams of any substance containing lysergic
10 acid diethylamide (LSD), or an analog thereof, or
11 (ii) 15 or more objects or 15 or more segregated
12 parts of an object or objects but less than 200
13 objects or 200 segregated parts of an object or
14 objects containing in them or having upon them any
15 amount of any substance containing lysergic acid
16 diethylamide (LSD), or an analog thereof;

17 (B) ~~not-less-than-6-years-and~~ not more than 30
18 years with respect to: (i) 100 grams or more but
19 less than 400 grams of any substance containing
20 lysergic acid diethylamide (LSD), or an analog
21 thereof, or (ii) 200 or more objects or 200 or more
22 segregated parts of an object or objects but less
23 than 600 objects or less than 600 segregated parts
24 of an object or objects containing in them or having
25 upon them any amount of any substance containing
26 lysergic acid diethylamide (LSD), or an analog
27 thereof;

28 (C) ~~not-less-than-8-years-and~~ not more than 40
29 years with respect to: (i) 400 grams or more but
30 less than 900 grams of any substance containing
31 lysergic acid diethylamide (LSD), or an analog
32 thereof, or (ii) 600 or more objects or 600 or more
33 segregated parts of an object or objects but less
34 than 1500 objects or 1500 segregated parts of an

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

4 (D) ~~not--less--than-10-years-and~~ not more than
5 50 years with respect to: (i) 900 grams or more of
6 any substance containing lysergic acid diethylamide
7 (LSD), or an analog thereof, or (ii) 1500 or more
8 objects or 1500 or more segregated parts of an
9 object or objects containing in them or having upon
10 them any amount of a substance containing lysergic
11 acid diethylamide (LSD), 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), (3), (14.1), (19), (20), (20.1),
16 (21), (25), or (26) of subsection (d) of Section
17 204, or an analog or derivative thereof, or (ii) 15
18 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
21 upon them any amount of any substance listed in
22 paragraph (1), (2), (2.1), (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
27 less than 400 grams of any substance listed in
28 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),
29 (20.1), (21), (25), or (26) of subsection (d) of
30 Section 204, or an analog or derivative thereof, or
31 (ii) 200 or more pills, tablets, caplets, capsules,
32 or objects but less than 600 pills, tablets,
33 caplets, capsules, or objects containing in them or
34 having upon them any amount of any substance listed

1 in paragraph (1), (2), (2.1), (3), (14.1), (19),
2 (20), (20.1), (21), (25), or (26) of subsection (d)
3 of Section 204, or an analog or derivative thereof;

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

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

29 (8) 30 grams or more of any substance containing
30 pentazocine or any of the salts, isomers and salts of
31 isomers of pentazocine, or an analog thereof;

32 (9) 30 grams or more of any substance containing
33 methaqualone or any of the salts, isomers and salts of
34 isomers of methaqualone;

1 (10) 30 grams or more of any substance containing
2 phencyclidine or any of the salts, isomers and salts of
3 isomers of phencyclidine (PCP);

4 (10.5) 30 grams or more of any substance containing
5 ketamine or any of the salts, isomers and salts of
6 isomers of ketamine;

7 (11) 200 grams or more of any substance containing
8 any substance classified as a narcotic drug in Schedules
9 I or II which is not otherwise included in this
10 subsection.

11 (b) Any person sentenced with respect to violations of
12 paragraph (1), (2), (3), (6.5), (7), or (7.5) of subsection
13 (a) involving 100 grams or more of the controlled substance
14 named therein, may in addition to the penalties provided
15 therein, be fined an amount not to exceed \$200,000 or the
16 full street value of the controlled or counterfeit
17 substances, whichever is greater. The term "street value"
18 shall have the meaning ascribed in Section 110-5 of the Code
19 of Criminal Procedure of 1963. Any person sentenced with
20 respect to any other provision of subsection (a), may in
21 addition to the penalties provided therein, be fined an
22 amount not to exceed \$200,000.

23 (c) Any person who violates this Section with regard to
24 an amount of a controlled or counterfeit substance not set
25 forth in subsection (a) or (d) is guilty of a Class 4 felony.
26 The fine for a violation punishable under this subsection (c)
27 shall not be more than \$25,000.

28 (d) Any person who violates this Section with regard to
29 any amount of anabolic steroid is guilty of a Class C
30 misdemeanor for the first offense and a Class B misdemeanor
31 for a subsequent offense committed within 2 years of a prior
32 conviction.

33 (Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99;
34 92-256, eff. 1-1-02.)

1 Section 15. The Unified Code of Corrections is amended
2 by changing Section 5-8-1 as follows:

3 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

4 Sec. 5-8-1. Sentence of Imprisonment for Felony.

5 (a) Except as otherwise provided in the statute defining
6 the offense and in subsection (a-5), a sentence of
7 imprisonment for a felony shall be a determinate sentence set
8 by the court under this Section, according to the following
9 limitations:

10 (1) for first degree murder,

11 (a) a term shall be not less than 20 years and
12 not more than 60 years, or

13 (b) if a trier of fact finds beyond a
14 reasonable doubt that the murder was accompanied by
15 exceptionally brutal or heinous behavior indicative
16 of wanton cruelty or, except as set forth in
17 subsection (a)(1)(c) of this Section, that any of
18 the aggravating factors listed in subsection (b) of
19 Section 9-1 of the Criminal Code of 1961 are
20 present, the court may sentence the defendant to a
21 term of natural life imprisonment, or

22 (c) the court shall sentence the defendant to
23 a term of natural life imprisonment when the death
24 penalty is not imposed if the defendant,

25 (i) has previously been convicted of
26 first degree murder under any state or federal
27 law, or

28 (ii) is a person who, at the time of the
29 commission of the murder, had attained the age
30 of 17 or more and is found guilty of murdering
31 an individual under 12 years of age; or,
32 irrespective of the defendant's age at the time
33 of the commission of the offense, is found

1 guilty of murdering more than one victim, or

2 (iii) is found guilty of murdering a
3 peace officer or fireman when the peace officer
4 or fireman was killed in the course of
5 performing his official duties, or to prevent
6 the peace officer or fireman from performing
7 his official duties, or in retaliation for the
8 peace officer or fireman performing his
9 official duties, and the defendant knew or
10 should have known that the murdered individual
11 was a peace officer or fireman, or

12 (iv) is found guilty of murdering an
13 employee of an institution or facility of the
14 Department of Corrections, or any similar local
15 correctional agency, when the employee was
16 killed in the course of performing his official
17 duties, or to prevent the employee from
18 performing his official duties, or in
19 retaliation for the employee performing his
20 official duties, or

21 (v) is found guilty of murdering an
22 emergency medical technician - ambulance,
23 emergency medical technician - intermediate,
24 emergency medical technician - paramedic,
25 ambulance driver or other medical assistance or
26 first aid person while employed by a
27 municipality or other governmental unit when
28 the person was killed in the course of
29 performing official duties or to prevent the
30 person from performing official duties or in
31 retaliation for performing official duties and
32 the defendant knew or should have known that
33 the murdered individual was an emergency
34 medical technician - ambulance, emergency

1 medical technician - intermediate, emergency
 2 medical technician - paramedic, ambulance
 3 driver, or other medical assistant or first aid
 4 personnel, or

5 (vi) is a person who, at the time of the
 6 commission of the murder, had not attained the
 7 age of 17, and is found guilty of murdering a
 8 person under 12 years of age and the murder is
 9 committed during the course of aggravated
 10 criminal sexual assault, criminal sexual
 11 assault, or aggravated kidnaping, or

12 (vii) is found guilty of first degree
 13 murder and the murder was committed by reason
 14 of any person's activity as a community
 15 policing volunteer or to prevent any person
 16 from engaging in activity as a community
 17 policing volunteer. For the purpose of this
 18 Section, "community policing volunteer" has the
 19 meaning ascribed to it in Section 2-3.5 of the
 20 Criminal Code of 1961.

21 For purposes of clause (v), "emergency medical
 22 technician - ambulance", "emergency medical
 23 technician - intermediate", "emergency medical
 24 technician - paramedic", have the meanings ascribed
 25 to them in the Emergency Medical Services (EMS)
 26 Systems Act.

27 (d) (i) if the person committed the offense
 28 while armed with a firearm, 15 years shall be
 29 added to the term of imprisonment imposed by
 30 the court;

31 (ii) if, during the commission of the
 32 offense, the person personally discharged a
 33 firearm, 20 years shall be added to the term of
 34 imprisonment imposed by the court;

1 (iii) if, during the commission of the
2 offense, the person personally discharged a
3 firearm that proximately caused great bodily
4 harm, permanent disability, permanent
5 disfigurement, or death to another person, 25
6 years or up to a term of natural life shall be
7 added to the term of imprisonment imposed by
8 the court.

9 (1.5) for second degree murder, a term shall be not
10 less than 4 years and not more than 20 years;

11 (2) for a person adjudged a habitual criminal under
12 Article 33B of the Criminal Code of 1961, as amended, the
13 sentence shall be a term of natural life imprisonment;

14 (2.5) for a person convicted under the
15 circumstances described in paragraph (3) of subsection
16 (b) of Section 12-13, paragraph (2) of subsection (d) of
17 Section 12-14, paragraph (1.2) of subsection (b) of
18 Section 12-14.1, or paragraph (2) of subsection (b) of
19 Section 12-14.1 of the Criminal Code of 1961, the
20 sentence shall be a term of natural life imprisonment;

21 (3) except as otherwise provided in the statute
22 defining the offense, for a Class X felony, the sentence
23 shall be not less than 6 years and not more than 30
24 years;

25 (4) for a Class 1 felony, other than second degree
26 murder, the sentence shall be not less than 4 years and
27 not more than 15 years;

28 (5) for a Class 2 felony, the sentence shall be not
29 less than 3 years and not more than 7 years;

30 (6) for a Class 3 felony, the sentence shall be not
31 less than 2 years and not more than 5 years;

32 (7) for a Class 4 felony, the sentence shall be not
33 less than 1 year and not more than 3 years.

34 (a-5) Notwithstanding any provision of law to the

1 contrary, a person convicted of a violation of the Illinois
2 Controlled Substances Act or the Cannabis Control Act shall,
3 if sentenced to a term of imprisonment, be sentenced to any
4 term of imprisonment imposed by the court not to exceed
5 either: (1) the maximum sentence for the classification of
6 the offense that the person was convicted for or (2) the
7 maximum sentence specified in the offense, whichever is
8 greater.

9 (b) The sentencing judge in each felony conviction shall
10 set forth his reasons for imposing the particular sentence he
11 enters in the case, as provided in Section 5-4-1 of this
12 Code. Those reasons may include any mitigating or
13 aggravating factors specified in this Code, or the lack of
14 any such circumstances, as well as any other such factors as
15 the judge shall set forth on the record that are consistent
16 with the purposes and principles of sentencing set out in
17 this Code.

18 (c) A motion to reduce a sentence may be made, or the
19 court may reduce a sentence without motion, within 30 days
20 after the sentence is imposed. A defendant's challenge to
21 the correctness of a sentence or to any aspect of the
22 sentencing hearing shall be made by a written motion filed
23 within 30 days following the imposition of sentence.
24 However, the court may not increase a sentence once it is
25 imposed.

26 If a motion filed pursuant to this subsection is timely
27 filed within 30 days after the sentence is imposed, the
28 proponent of the motion shall exercise due diligence in
29 seeking a determination on the motion and the court shall
30 thereafter decide such motion within a reasonable time.

31 If a motion filed pursuant to this subsection is timely
32 filed within 30 days after the sentence is imposed, then for
33 purposes of perfecting an appeal, a final judgment shall not
34 be considered to have been entered until the motion to reduce

1 a sentence has been decided by order entered by the trial
2 court.

3 A motion filed pursuant to this subsection shall not be
4 considered to have been timely filed unless it is filed with
5 the circuit court clerk within 30 days after the sentence is
6 imposed together with a notice of motion, which notice of
7 motion shall set the motion on the court's calendar on a date
8 certain within a reasonable time after the date of filing.

9 (d) Except where a term of natural life is imposed,
10 every sentence shall include as though written therein a term
11 in addition to the term of imprisonment. For those sentenced
12 under the law in effect prior to February 1, 1978, such term
13 shall be identified as a parole term. For those sentenced on
14 or after February 1, 1978, such term shall be identified as a
15 mandatory supervised release term. Subject to earlier
16 termination under Section 3-3-8, the parole or mandatory
17 supervised release term shall be as follows:

18 (1) for first degree murder or a Class X felony, 3
19 years;

20 (2) for a Class 1 felony or a Class 2 felony, 2
21 years;

22 (3) for a Class 3 felony or a Class 4 felony, 1
23 year;

24 (4) if the victim is under 18 years of age, for a
25 second or subsequent offense of criminal sexual assault
26 or aggravated criminal sexual assault, 5 years, at least
27 the first 2 years of which the defendant shall serve in
28 an electronic home detention program under Article 8A of
29 Chapter V of this Code;

30 (5) if the victim is under 18 years of age, for a
31 second or subsequent offense of aggravated criminal
32 sexual abuse or felony criminal sexual abuse, 4 years, at
33 least the first 2 years of which the defendant shall
34 serve in an electronic home detention program under

1 Article 8A of Chapter V of this Code.

2 (e) A defendant who has a previous and unexpired
3 sentence of imprisonment imposed by another state or by any
4 district court of the United States and who, after sentence
5 for a crime in Illinois, must return to serve the unexpired
6 prior sentence may have his sentence by the Illinois court
7 ordered to be concurrent with the prior sentence in the other
8 state. The court may order that any time served on the
9 unexpired portion of the sentence in the other state, prior
10 to his return to Illinois, shall be credited on his Illinois
11 sentence. The other state shall be furnished with a copy of
12 the order imposing sentence which shall provide that, when
13 the offender is released from confinement of the other state,
14 whether by parole or by termination of sentence, the offender
15 shall be transferred by the Sheriff of the committing county
16 to the Illinois Department of Corrections. The court shall
17 cause the Department of Corrections to be notified of such
18 sentence at the time of commitment and to be provided with
19 copies of all records regarding the sentence.

20 (f) A defendant who has a previous and unexpired
21 sentence of imprisonment imposed by an Illinois circuit court
22 for a crime in this State and who is subsequently sentenced
23 to a term of imprisonment by another state or by any district
24 court of the United States and who has served a term of
25 imprisonment imposed by the other state or district court of
26 the United States, and must return to serve the unexpired
27 prior sentence imposed by the Illinois Circuit Court may
28 apply to the court which imposed sentence to have his
29 sentence reduced.

30 The circuit court may order that any time served on the
31 sentence imposed by the other state or district court of the
32 United States be credited on his Illinois sentence. Such
33 application for reduction of a sentence under this
34 subsection (f) shall be made within 30 days after the

1 defendant has completed the sentence imposed by the other
2 state or district court of the United States.

3 (Source: P.A. 91-279, eff. 1-1-00; 91-404, eff. 1-1-00;
4 91-953, eff. 2-23-01; 92-16, eff. 6-28-01.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.