



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0763**

Introduced 2/1/2005, by Rep. Sara Feigenholtz

**SYNOPSIS AS INTRODUCED:**

720 ILCS 570/402

from Ch. 56 1/2, par. 1402

Amends the Illinois Controlled Substances Act. Defines "controlled substance analog" for the purposes of the Section concerning unlawful possession of controlled substances. Provides that the possession of 200 grams or more of a substance not otherwise specified in the unlawful possession of controlled substances provisions of the Act containing an analog of a substance classified as a narcotic drug in Schedule I or II is a Class 1 felony. Effective immediately.

LRB094 05105 RLC 35145 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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

26 (a) Any person who violates this Section with respect to  
27 the following controlled or counterfeit substances and  
28 amounts, notwithstanding any of the provisions of subsections  
29 (c) and (d) to the contrary, is guilty of a Class 1 felony and  
30 shall, if sentenced to a term of imprisonment, be sentenced as  
31 provided in this subsection (a) and fined as provided in  
32 subsection (b):

1 (1) (A) not less than 4 years and not more than 15  
2 years with respect to 15 grams or more but less than  
3 100 grams of a substance containing heroin;

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

7 (C) not less than 8 years and not more than 40  
8 years with respect to 400 grams or more but less than  
9 900 grams of any substance containing heroin;

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

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

16 (B) not less than 6 years and not more than 30  
17 years with respect to 100 grams or more but less than  
18 400 grams of any substance containing cocaine;

19 (C) not less than 8 years and not more than 40  
20 years with respect to 400 grams or more but less than  
21 900 grams of any substance containing cocaine;

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

25 (3) (A) not less than 4 years and not more than 15  
26 years with respect to 15 grams or more but less than  
27 100 grams of any substance containing morphine;

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

31 (C) not less than 6 years and not more than 40  
32 years with respect to 400 grams or more but less than  
33 900 grams of any substance containing morphine;

34 (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) (A) not less than 4 years and not more than 15  
12 years with respect to 15 grams or more but less than  
13 100 grams of a substance containing methamphetamine or  
14 any salt of an optical isomer of methamphetamine;

15 (B) not less than 6 years and not more than 30  
16 years with respect to 100 grams or more but less than  
17 400 grams of a substance containing methamphetamine or  
18 any salt of an optical isomer of methamphetamine;

19 (C) not less than 8 years and not more than 40  
20 years with respect to 400 grams or more but less than  
21 900 grams of a substance containing methamphetamine or  
22 any salt of an optical isomer of methamphetamine;

23 (D) not less than 10 years and not more than 50  
24 years with respect to 900 grams or more of any  
25 substance containing methamphetamine or any salt of an  
26 optical isomer of methamphetamine;

27 (7) (A) not less than 4 years and not more than 15  
28 years with respect to: (i) 15 grams or more but less  
29 than 100 grams of any substance containing lysergic  
30 acid diethylamide (LSD), or an analog thereof, or (ii)  
31 15 or more objects or 15 or more segregated parts of an  
32 object or objects but less than 200 objects or 200  
33 segregated parts of an object or objects containing in  
34 them or having upon them any amount of any substance  
35 containing lysergic acid diethylamide (LSD), or an  
36 analog thereof;

1 (B) not less than 6 years and not more than 30  
2 years with respect to: (i) 100 grams or more but less  
3 than 400 grams of any substance containing lysergic  
4 acid diethylamide (LSD), or an analog thereof, or (ii)  
5 200 or more objects or 200 or more segregated parts of  
6 an object or objects but less than 600 objects or less  
7 than 600 segregated parts of an object or objects  
8 containing in them or having upon them any amount of  
9 any substance containing lysergic acid diethylamide  
10 (LSD), or an analog thereof;

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

21 (D) not less than 10 years and not more than 50  
22 years with respect to: (i) 900 grams or more of any  
23 substance containing lysergic acid diethylamide (LSD),  
24 or an analog thereof, or (ii) 1500 or more objects or  
25 1500 or more segregated parts of an object or objects  
26 containing in them or having upon them any amount of a  
27 substance containing lysergic acid diethylamide (LSD),  
28 or an analog thereof;

29 (7.5) (A) not less than 4 years and not more than 15  
30 years with respect to: (i) 15 grams or more but less  
31 than 100 grams of any substance listed in paragraph  
32 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
33 (25), or (26) of subsection (d) of Section 204, or an  
34 analog or derivative thereof, or (ii) 15 or more pills,  
35 tablets, caplets, capsules, or objects but less than  
36 200 pills, tablets, caplets, capsules, or objects

1 containing in them or having upon them any amount of  
2 any substance listed in paragraph (1), (2), (2.1), (3),  
3 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
4 subsection (d) of Section 204, or an analog or  
5 derivative thereof;

6 (B) not less than 6 years and not more than 30  
7 years with respect to: (i) 100 grams or more but less  
8 than 400 grams of any substance listed in paragraph  
9 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
10 (25), or (26) of subsection (d) of Section 204, or an  
11 analog or derivative thereof, or (ii) 200 or more  
12 pills, tablets, caplets, capsules, or objects but less  
13 than 600 pills, tablets, caplets, capsules, or objects  
14 containing in them or having upon them any amount of  
15 any substance listed in paragraph (1), (2), (2.1), (3),  
16 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
17 subsection (d) of Section 204, or an analog or  
18 derivative thereof;

19 (C) not less than 8 years and not more than 40  
20 years with respect to: (i) 400 grams or more but less  
21 than 900 grams of any substance listed in paragraph  
22 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
23 (25), or (26) of subsection (d) of Section 204, or an  
24 analog or derivative thereof, or (ii) 600 or more  
25 pills, tablets, caplets, capsules, or objects but less  
26 than 1,500 pills, tablets, caplets, capsules, or  
27 objects containing in them or having upon them any  
28 amount of any substance listed in paragraph (1), (2),  
29 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or  
30 (26) of subsection (d) of Section 204, or an analog or  
31 derivative thereof;

32 (D) not less than 10 years and not more than 50  
33 years with respect to: (i) 900 grams or more of any  
34 substance listed in paragraph (1), (2), (2.1), (3),  
35 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
36 subsection (d) of Section 204, or an analog or

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

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

10 (9) 30 grams or more of any substance containing  
11 methaqualone or any of the salts, isomers and salts of  
12 isomers of methaqualone;

13 (10) 30 grams or more of any substance containing  
14 phencyclidine or any of the salts, isomers and salts of  
15 isomers of phencyclidine (PCP);

16 (10.5) 30 grams or more of any substance containing  
17 ketamine or any of the salts, isomers and salts of isomers  
18 of ketamine;

19 (11) 200 grams or more of any substance containing any  
20 substance classified as a narcotic drug in Schedules I or  
21 II, or an analog thereof, which is not otherwise included  
22 in this subsection.

23 (b) Any person sentenced with respect to violations of  
24 paragraph (1), (2), (3), (6.5), (7), or (7.5) of subsection (a)  
25 involving 100 grams or more of the controlled substance named  
26 therein, may in addition to the penalties provided therein, be  
27 fined an amount not to exceed \$200,000 or the full street value  
28 of the controlled or counterfeit substances, whichever is  
29 greater. The term "street value" shall have the meaning  
30 ascribed in Section 110-5 of the Code of Criminal Procedure of  
31 1963. Any person sentenced with respect to any other provision  
32 of subsection (a), may in addition to the penalties provided  
33 therein, be fined an amount not to exceed \$200,000.

34 (c) Any person who violates this Section with regard to an  
35 amount of a controlled or counterfeit substance not set forth  
36 in subsection (a) or (d) is guilty of a Class 4 felony. The

1 fine for a violation punishable under this subsection (c) shall  
2 not be more than \$25,000.

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

8 (Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99;  
9 92-256, eff. 1-1-02.)

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