



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3615

Introduced 2/22/2021, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Provides that drug-induced homicide is a Class 1 felony. Increases the grams of cannabis from 10 to 30 to meet "casual delivery" definition. Increases the amount of cannabis one may possess if not otherwise provided for in the Cannabis Regulation and Tax Act and the Industrial Hemp Act from 10 to 30 grams, and decreases the maximum violation penalty to \$125.00. Reduces the penalty for possession of greater amounts of cannabis. Makes other changes.

LRB102 14145 KMF 19497 b

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 Criminal Code of 2012 is amended by
5 changing Section 9-3.3 as follows:

6 (720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)

7 Sec. 9-3.3. Drug-induced homicide.

8 (a) A person commits drug-induced homicide when he or she
9 violates Section 401 of the Illinois Controlled Substances Act
10 or Section 55 of the Methamphetamine Control and Community
11 Protection Act by unlawfully delivering a controlled substance
12 to another, and any person's death is caused by the injection,
13 inhalation, absorption, or ingestion of any amount of that
14 controlled substance.

15 (a-5) A person commits drug-induced homicide when he or
16 she violates the law of another jurisdiction, which if the
17 violation had been committed in this State could be charged
18 under Section 401 of the Illinois Controlled Substances Act or
19 Section 55 of the Methamphetamine Control and Community
20 Protection Act, by unlawfully delivering a controlled
21 substance to another, and any person's death is caused in this
22 State by the injection, inhalation, absorption, or ingestion
23 of any amount of that controlled substance.

1 (b) Sentence. Drug-induced homicide is a Class 1 * felony.
2 ~~, except:~~

3 ~~(1) A person who commits drug-induced homicide by~~
4 ~~violating subsection (a) or subsection (c) of Section 401~~
5 ~~of the Illinois Controlled Substances Act or Section 55 of~~
6 ~~the Methamphetamine Control and Community Protection Act~~
7 ~~commits a Class X felony for which the defendant shall in~~
8 ~~addition to a sentence authorized by law, be sentenced to~~
9 ~~a term of imprisonment of not less than 15 years and not~~
10 ~~more than 30 years or an extended term of not less than 30~~
11 ~~years and not more than 60 years.~~

12 ~~(2) A person who commits drug-induced homicide by~~
13 ~~violating the law of another jurisdiction, which if the~~
14 ~~violation had been committed in this State could be~~
15 ~~charged under subsection (a) or subsection (c) of Section~~
16 ~~401 of the Illinois Controlled Substances Act or Section~~
17 ~~55 of the Methamphetamine Control and Community Protection~~
18 ~~Act, commits a Class X felony for which the defendant~~
19 ~~shall, in addition to a sentence authorized by law, be~~
20 ~~sentenced to a term of imprisonment of not less than 15~~
21 ~~years and not more than 30 years or an extended term of not~~
22 ~~less than 30 years and not more than 60 years.~~

23 (Source: P.A. 100-404, eff. 1-1-18.)

24 Section 10. The Cannabis Control Act is amended by
25 changing Sections 3, 4, 5, 5.1, 5.2, 7, 8, 10, and 16.2 as

1 follows:

2 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

3 Sec. 3. As used in this Act, unless the context otherwise
4 requires:

5 (a) "Cannabis" includes marihuana, hashish and other
6 substances which are identified as including any parts of the
7 plant Cannabis Sativa, whether growing or not; the seeds
8 thereof, the resin extracted from any part of such plant; and
9 any compound, manufacture, salt, derivative, mixture, or
10 preparation of such plant, its seeds, or resin, including
11 tetrahydrocannabinol (THC) and all other cannabinol
12 derivatives, including its naturally occurring or
13 synthetically produced ingredients, whether produced directly
14 or indirectly by extraction, or independently by means of
15 chemical synthesis or by a combination of extraction and
16 chemical synthesis; but shall not include the mature stalks of
17 such plant, fiber produced from such stalks, oil or cake made
18 from the seeds of such plant, any other compound, manufacture,
19 salt, derivative, mixture, or preparation of such mature
20 stalks (except the resin extracted therefrom), fiber, oil or
21 cake, or the sterilized seed of such plant which is incapable
22 of germination.

23 (b) "Casual delivery" means the delivery of not more than
24 30 ~~10~~ grams of any substance containing cannabis without
25 consideration.

1 (c) "Department" means the Illinois Department of Human
2 Services (as successor to the Department of Alcoholism and
3 Substance Abuse) or its successor agency.

4 (d) "Deliver" or "delivery" means the actual, constructive
5 or attempted transfer of possession of cannabis, with or
6 without consideration, whether or not there is an agency
7 relationship.

8 (e) "Department of State Police" means the Department of
9 State Police of the State of Illinois or its successor agency.

10 (f) "Director" means the Director of the Department of
11 State Police or his designated agent.

12 (g) "Local authorities" means a duly organized State,
13 county, or municipal peace unit or police force.

14 (h) "Manufacture" means the production, preparation,
15 propagation, compounding, conversion or processing of
16 cannabis, either directly or indirectly, by extraction from
17 substances of natural origin, or independently by means of
18 chemical synthesis, or by a combination of extraction and
19 chemical synthesis, and includes any packaging or repackaging
20 of cannabis or labeling of its container, except that this
21 term does not include the preparation, compounding, packaging,
22 or labeling of cannabis as an incident to lawful research,
23 teaching, or chemical analysis and not for sale.

24 (i) "Person" means any individual, corporation, government
25 or governmental subdivision or agency, business trust, estate,
26 trust, partnership or association, or any other entity.

1 (j) "Produce" or "production" means planting, cultivating,
2 tending or harvesting.

3 (k) "State" includes the State of Illinois and any state,
4 district, commonwealth, territory, insular possession thereof,
5 and any area subject to the legal authority of the United
6 States of America.

7 (l) "Subsequent offense" means an offense under this Act,
8 the offender of which, prior to his conviction of the offense,
9 has at any time been convicted under this Act or under any laws
10 of the United States or of any state relating to cannabis, or
11 any controlled substance as defined in the Illinois Controlled
12 Substances Act.

13 (Source: P.A. 100-1091, eff. 8-26-18; 101-593, eff. 12-4-19.)

14 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

15 Sec. 4. Except as otherwise provided in the Cannabis
16 Regulation and Tax Act and the Industrial Hemp Act, it is
17 unlawful for any person knowingly to possess cannabis.

18 Any person who violates this Section with respect to:

19 (a) not more than 30 ~~10~~ grams of any substance
20 containing cannabis is guilty of a civil law violation
21 punishable by a ~~minimum~~ fine not to exceed \$125 ~~of \$100 and~~
22 ~~a maximum fine of \$200~~. The proceeds of the fine shall be
23 payable to the clerk of the circuit court. Within 30 days
24 after the deposit of the fine, the clerk shall distribute
25 the proceeds of the fine as follows:

1 (1) \$10 of the fine to the circuit clerk and \$10 of
2 the fine to the law enforcement agency that issued the
3 citation; the proceeds of each \$10 fine distributed to
4 the circuit clerk and each \$10 fine distributed to the
5 law enforcement agency that issued the citation for
6 the violation shall be used to defer the cost of
7 automatic expungements under paragraph (2.5) of
8 subsection (a) of Section 5.2 of the Criminal
9 Identification Act;

10 (2) \$15 to the county to fund drug addiction
11 services;

12 (3) \$10 to the Office of the State's Attorneys
13 Appellate Prosecutor for use in training programs;

14 (4) \$10 to the State's Attorney; and

15 (5) any remainder of the fine to the law
16 enforcement agency that issued the citation for the
17 violation.

18 With respect to funds designated for the Department of
19 State Police, the moneys shall be remitted by the circuit
20 court clerk to the Department of State Police within one
21 month after receipt for deposit into the State Police
22 Operations Assistance Fund. With respect to funds
23 designated for the Department of Natural Resources, the
24 Department of Natural Resources shall deposit the moneys
25 into the Conservation Police Operations Assistance Fund;

26 (b) (blank); ~~more than 10 grams but not more than 30~~

1 ~~grams of any substance containing cannabis is guilty of a~~
2 ~~Class B misdemeanor;~~

3 (c) more than 30 grams but not more than 500 ~~100~~ grams
4 of any substance containing cannabis is guilty of a Class
5 C ~~A~~ misdemeanor; ~~provided, that if any offense under this~~
6 ~~subsection (c) is a subsequent offense, the offender shall~~
7 ~~be guilty of a Class 4 felony;~~

8 (d) (blank); ~~more than 100 grams but not more than 500~~
9 ~~grams of any substance containing cannabis is guilty of a~~
10 ~~Class 4 felony; provided that if any offense under this~~
11 ~~subsection (d) is a subsequent offense, the offender shall~~
12 ~~be guilty of a Class 3 felony;~~

13 (e) more than 500 grams but not more than 2,000 grams
14 of any substance containing cannabis is guilty of a Class
15 B misdemeanor ~~3 felony;~~

16 (f) more than 2,000 grams but not more than 5,000
17 grams of any substance containing cannabis is guilty of a
18 Class A misdemeanor ~~2 felony;~~

19 (g) more than 5,000 grams of any substance containing
20 cannabis is guilty of a Class 4 ~~±~~ felony.

21 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

22 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

23 Sec. 5. Except as otherwise provided in the Cannabis
24 Regulation and Tax Act and the Industrial Hemp Act, it is
25 unlawful for any person knowingly to manufacture, deliver, or

1 possess with intent to deliver, or manufacture, cannabis. Any
2 person who violates this Section with respect to:

3 (a) not more than 30 ~~2.5~~ grams of any substance
4 containing cannabis is guilty of a Class C ~~B~~ misdemeanor;

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

8 (c) more than 30 ~~10~~ grams but not more than 100 ~~30~~
9 grams of any substance containing cannabis is guilty of a
10 Class B misdemeanor ~~4 felony~~;

11 (d) more than 100 ~~30~~ grams but not more than 500 grams
12 of any substance containing cannabis is guilty of a Class
13 A misdemeanor ~~3 felony~~ for which a fine not to exceed
14 \$50,000 may be imposed;

15 (e) more than 500 grams but not more than 2,000 grams
16 of any substance containing cannabis is guilty of a Class
17 4 ~~2~~ felony for which a fine not to exceed \$100,000 may be
18 imposed;

19 (f) more than 2,000 grams ~~but not more than 5,000~~
20 ~~grams~~ of any substance containing cannabis is guilty of a
21 Class 3 ~~1~~ felony for which a fine not to exceed \$150,000
22 may be imposed;

23 (g) (blank). ~~more than 5,000 grams of any substance~~
24 ~~containing cannabis is guilty of a Class X felony for~~
25 ~~which a fine not to exceed \$200,000 may be imposed.~~

26 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

1 (720 ILCS 550/5.1) (from Ch. 56 1/2, par. 705.1)

2 Sec. 5.1. Cannabis trafficking.

3 (a) Except for purposes authorized by this Act, the
4 Industrial Hemp Act, or the Cannabis Regulation and Tax Act,
5 any person who knowingly brings or causes to be brought into
6 this State for the purpose of manufacture or delivery or with
7 the intent to manufacture or deliver 2,500 grams or more of
8 cannabis in this State or any other state or country is guilty
9 of cannabis trafficking.

10 (a-5) A person convicted of cannabis trafficking shall be
11 sentenced as authorized by Section 5, based upon the amount of
12 the cannabis brought or caused to be brought into this State,
13 if the person at sentencing proves by a preponderance of the
14 evidence that he or she:

15 (1) received little or no compensation from the
16 illegal transport of the cannabis into this State and had
17 minimal knowledge of the scope and structure of the
18 enterprise to manufacture or deliver the cannabis
19 transported; or

20 (2) was not involved in the organization or planning
21 of the enterprise to manufacture or deliver the cannabis
22 transported.

23 (b) Except as otherwise provided in subsection (a-5), a ~~A~~
24 ~~person convicted of cannabis trafficking is guilty of a Class~~
25 ~~1 felony shall be sentenced to a term of imprisonment not less~~

1 ~~than twice the minimum term and fined an amount as authorized~~
2 ~~by subsection (f) or (g) of Section 5 of this Act, based upon~~
3 ~~the amount of cannabis brought or caused to be brought into~~
4 ~~this State, and not more than twice the maximum term of~~
5 ~~imprisonment and fined twice the amount as authorized by~~
6 ~~subsection (f) or (g) of Section 5 of this Act, based upon the~~
7 ~~amount of cannabis brought or caused to be brought into this~~
8 ~~State.~~

9 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

10 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

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

12 (a.01) Any person who violates subsection (f) of Section 5
13 in any school, on the real property comprising any school, or
14 any conveyance owned, leased or contracted by a school to
15 transport students to or from school or a school-related
16 activity, or on any public way within 500 feet of the real
17 property comprising any school, or any conveyance owned,
18 leased or contracted by a school to transport students to or
19 from school or a school-related activity, is guilty of a Class
20 2 felony;

21 (a) Any person who violates subsection (e) of Section 5 in
22 any school, on the real property comprising 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 ~~school-related~~ activity, or on any public way within 500 feet

1 of the real property comprising any school, or in any
2 conveyance owned, leased or contracted by a school to
3 transport students to or from school or a school related
4 activity, and at the time of the violation persons under the
5 age of 18 are present, the offense is committed during school
6 hours, or the offense is committed at times when persons under
7 the age of 18 are reasonably expected to be present in the
8 school, in the conveyance, on the real property, or on the
9 public way, such as when after-school activities are
10 occurring, is guilty of a Class 3 ~~4~~ felony, the fine for which
11 shall not exceed \$200,000;

12 (b) Any person who violates subsection (d) of Section 5 in
13 any school, on the real property comprising any school, or any
14 conveyance owned, leased or contracted by a school to
15 transport students to or from school or a school-related
16 ~~school-related~~ activity, or on any public way within 500 feet
17 of the real property comprising any school, or in any
18 conveyance owned, leased or contracted by a school to
19 transport students to or from school or a ~~school-related~~
20 activity, and at the time of the violation persons under the
21 age of 18 are present, the offense is committed during school
22 hours, or the offense is committed at times when persons under
23 the age of 18 are reasonably expected to be present in the
24 school, in the conveyance, on the real property, or on the
25 public way, such as when after-school activities are
26 occurring, is guilty of a Class 4 ~~2~~ felony, the fine for which

1 shall not exceed \$100,000;

2 (c) Any person who violates subsection (c) of Section 5
3 with respect to more than 15 grams of any substance containing
4 cannabis in any school, on the real property comprising any
5 school, or any conveyance owned, leased or contracted by a
6 school to transport students to or from school or a
7 school-related ~~school-related~~ activity, or on any public way
8 within 500 feet of the real property comprising any school, or
9 in any conveyance owned, leased or contracted by a school to
10 transport students to or from school or a school-related
11 school-related ~~school-related~~ activity, and at the time of the
12 violation persons under the age of 18 are present, the offense
13 is committed during school hours, or the offense is committed
14 at times when persons under the age of 18 are reasonably
15 expected to be present in the school, in the conveyance, on the
16 real property, or on the public way, such as when after-school
17 activities are occurring, is guilty of a Class A misdemeanor ~~3~~
18 ~~felony~~, the fine for which shall not exceed \$50,000;

19 (d) (Blank); ~~Any person who violates subsection (b) of~~
20 ~~Section 5 in any school, on the real property comprising any~~
21 ~~school, or any conveyance owned, leased or contracted by a~~
22 ~~school to transport students to or from school or a school~~
23 ~~related activity, or on any public way within 500 feet of the~~
24 ~~real property comprising any school, or in any conveyance~~
25 ~~owned, leased or contracted by a school to transport students~~
26 ~~to or from school or a school related activity, and at the time~~

1 ~~of the violation persons under the age of 18 are present, the~~
2 ~~offense is committed during school hours, or the offense is~~
3 ~~committed at times when persons under the age of 18 are~~
4 ~~reasonably expected to be present in the school, in the~~
5 ~~conveyance, on the real property, or on the public way, such as~~
6 ~~when after school activities are occurring, is guilty of a~~
7 ~~Class 4 felony, the fine for which shall not exceed \$25,000.~~

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

23 (f) This Section does not apply to a violation that occurs
24 in or on the grounds of a building that is designated as a
25 school but is no longer operational or active as a school,
26 including a building that is temporarily or permanently closed

1 by a unit of local government.

2 (Source: P.A. 100-3, eff. 1-1-18; 101-429, eff. 8-20-19.)

3 (720 ILCS 550/7) (from Ch. 56 1/2, par. 707)

4 Sec. 7. Delivery of cannabis by a person at least 18 years
5 of age to a person under 18 years of age who is at least 3
6 years his or her junior.

7 (a) Any person who is at least 18 years of age who commits
8 a felony violation of ~~violates~~ Section 5 of this Act by
9 delivering cannabis to a person under 18 years of age who is at
10 least 3 years his junior may, at the discretion of the court,
11 be sentenced to a maximum term of imprisonment that is equal to
12 the maximum term of imprisonment for the underlying offense
13 plus the minimum term of imprisonment for the underlying
14 offense.

15 ~~may be sentenced to imprisonment for a term up to twice the~~
16 ~~maximum term otherwise authorized by Section 5.~~

17 (b) Any person under 18 years of age who violates Section 4
18 or 5 of this Act may be treated by the court in accordance with
19 the Juvenile Court Act of 1987.

20 (Source: P.A. 85-1209.)

21 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

22 Sec. 8. Except as otherwise provided in the Cannabis
23 Regulation and Tax Act and the Industrial Hemp Act, it is
24 unlawful for any person knowingly to produce the Cannabis

1 sativa plant or to possess such plants unless production or
2 possession has been authorized pursuant to the provisions of
3 Section 11 or 15.2 of the Act. Any person who violates this
4 Section with respect to production or possession of:

5 (a) Not more than 5 plants is guilty of a civil
6 violation punishable by a minimum fine of \$100 and a
7 maximum fine of \$200. The proceeds of the fine are payable
8 to the clerk of the circuit court. Within 30 days after the
9 deposit of the fine, the clerk shall distribute the
10 proceeds of the fine as follows:

11 (1) \$10 of the fine to the circuit clerk and \$10 of
12 the fine to the law enforcement agency that issued the
13 citation; the proceeds of each \$10 fine distributed to
14 the circuit clerk and each \$10 fine distributed to the
15 law enforcement agency that issued the citation for
16 the violation shall be used to defer the cost of
17 automatic expungements under paragraph (2.5) of
18 subsection (a) of Section 5.2 of the Criminal
19 Identification Act;

20 (2) \$15 to the county to fund drug addiction
21 services;

22 (3) \$10 to the Office of the State's Attorneys
23 Appellate Prosecutor for use in training programs;

24 (4) \$10 to the State's Attorney; and

25 (5) any remainder of the fine to the law
26 enforcement agency that issued the citation for the

1 violation.

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

10 (b) More than 5, but not more than 20 plants, is guilty
11 of a Class C misdemeanor ~~4 felony~~.

12 (c) More than 20, but not more than 50 plants, is
13 guilty of a Class B misdemeanor ~~3 felony~~.

14 (d) More than 50, but not more than 200 plants, is
15 guilty of a Class A misdemeanor ~~2 felony~~ for which a fine
16 not to exceed \$10,000 ~~\$100,000~~ may be imposed and for
17 which liability for the cost of conducting the
18 investigation and eradicating such plants may be assessed.
19 Compensation for expenses incurred in the enforcement of
20 this provision shall be transmitted to and deposited in
21 the treasurer's office at the level of government
22 represented by the Illinois law enforcement agency whose
23 officers or employees conducted the investigation or
24 caused the arrest or arrests leading to the prosecution,
25 to be subsequently made available to that law enforcement
26 agency as expendable receipts for use in the enforcement

1 of laws regulating controlled substances and cannabis. If
2 such seizure was made by a combination of law enforcement
3 personnel representing different levels of government, the
4 court levying the assessment shall determine the
5 allocation of such assessment. The proceeds of assessment
6 awarded to the State treasury shall be deposited in a
7 special fund known as the Drug Traffic Prevention Fund.

8 (e) More than 200 plants is guilty of a Class 3 ~~4~~
9 felony for which a fine not to exceed \$50,000 ~~\$100,000~~ may
10 be imposed and for which liability for the cost of
11 conducting the investigation and eradicating such plants
12 may be assessed. Compensation for expenses incurred in the
13 enforcement of this provision shall be transmitted to and
14 deposited in the treasurer's office at the level of
15 government represented by the Illinois law enforcement
16 agency whose officers or employees conducted the
17 investigation or caused the arrest or arrests leading to
18 the prosecution, to be subsequently made available to that
19 law enforcement agency as expendable receipts for use in
20 the enforcement of laws regulating controlled substances
21 and cannabis. If such seizure was made by a combination of
22 law enforcement personnel representing different levels of
23 government, the court levying the assessment shall
24 determine the allocation of such assessment. The proceeds
25 of assessment awarded to the State treasury shall be
26 deposited in a special fund known as the Drug Traffic

1 Prevention Fund.

2 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

3 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

4 Sec. 10. (a) Whenever any person ~~who has not previously~~
5 ~~been convicted of any felony offense under this Act or any law~~
6 ~~of the United States or of any State relating to cannabis, or~~
7 ~~controlled substances as defined in the Illinois Controlled~~
8 ~~Substances Act,~~ pleads guilty to or is found guilty of
9 violating Sections 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of
10 this Act, the court may, without entering a judgment and with
11 the consent of such person, sentence him to probation.

12 (b) When a person is placed on probation, the court shall
13 enter an order specifying a period of probation of 24 months,
14 and shall defer further proceedings in the case until the
15 conclusion of the period or until the filing of a petition
16 alleging violation of a term or condition of probation.

17 (c) The conditions of probation shall be that the person:
18 (1) not violate any criminal statute of any jurisdiction; (2)
19 refrain from possession of a firearm or other dangerous
20 weapon; (3) submit to periodic drug testing at a time and in a
21 manner as ordered by the court, but no less than 3 times during
22 the period of the probation, with the cost of the testing to be
23 paid by the probationer; and (4) perform no less than 30 hours
24 of community service, provided community service is available
25 in the jurisdiction and is funded and approved by the county

1 board. The court may give credit toward the fulfillment of
2 community service hours for participation in activities and
3 treatment as determined by court services.

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

6 (1) make a report to and appear in person before or
7 participate with the court or such courts, person, or
8 social service agency as directed by the court in the
9 order of probation;

10 (2) pay a fine and costs;

11 (3) work or pursue a course of study or vocational
12 training;

13 (4) undergo medical or psychiatric treatment; or
14 treatment for drug addiction or alcoholism;

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

17 (6) support his dependents;

18 (7) refrain from possessing a firearm or other
19 dangerous weapon;

20 (7-5) refrain from having in his or her body the
21 presence of any illicit drug prohibited by the Cannabis
22 Control Act, the Illinois Controlled Substances Act, or
23 the Methamphetamine Control and Community Protection Act,
24 unless prescribed by a physician, and submit samples of
25 his or her blood or urine or both for tests to determine
26 the presence of any illicit drug;

1 (8) and in addition, if a minor:
2 (i) reside with his parents or in a foster home;
3 (ii) attend school;
4 (iii) attend a non-residential program for youth;
5 (iv) contribute to his own support at home or in a
6 foster home.

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

10 (f) Upon fulfillment of the terms and conditions of
11 probation, the court shall discharge such person and dismiss
12 the proceedings against him.

13 (g) A disposition of probation is considered to be a
14 conviction for the purposes of imposing the conditions of
15 probation and for appeal, however, discharge and dismissal
16 under this Section is not a conviction for purposes of
17 disqualification or disabilities imposed by law upon
18 conviction of a crime (including the additional penalty
19 imposed for subsequent offenses under Section 4(c), 4(d), 5(c)
20 or 5(d) of this Act).

21 (h) (Blank). ~~A person may not have more than one discharge~~
22 ~~and dismissal under this Section within a 4 year period.~~

23 (i) If a person is convicted of an offense under this Act,
24 the Illinois Controlled Substances Act, or the Methamphetamine
25 Control and Community Protection Act within 5 years subsequent
26 to a discharge and dismissal under this Section, the discharge

1 and dismissal under this Section shall be admissible in the
2 sentencing proceeding for that conviction as a factor in
3 aggravation.

4 (j) Notwithstanding subsection (a), before a person is
5 sentenced to probation under this Section, the court may refer
6 the person to the drug court established in that judicial
7 circuit pursuant to Section 15 of the Drug Court Treatment
8 Act. The drug court team shall evaluate the person's
9 likelihood of successfully completing a sentence of probation
10 under this Section and shall report the results of its
11 evaluation to the court. If the drug court team finds that the
12 person suffers from a substance abuse problem that makes him
13 or her substantially unlikely to successfully complete a
14 sentence of probation under this Section, then the drug court
15 shall set forth its findings in the form of a written order,
16 and the person shall not be sentenced to probation under this
17 Section, but shall be considered for the drug court program.

18 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
19 100-575, eff. 1-8-18.)

20 (720 ILCS 550/16.2)

21 Sec. 16.2. Preservation of cannabis or cannabis sativa
22 plants for laboratory testing.

23 (a) Before or after the trial in a prosecution for a
24 violation of Section 4, 5, 5.1, 5.2, or 8, ~~or 9~~ of this Act, a
25 law enforcement agency or an agent acting on behalf of the law

1 enforcement agency must preserve, subject to a continuous
2 chain of custody, not less than 6,001 grams of any substance
3 containing cannabis and not less than 51 cannabis sativa
4 plants with respect to the offenses enumerated in this
5 subsection (a) and must maintain sufficient documentation to
6 locate that evidence. Excess quantities with respect to the
7 offenses enumerated in this subsection (a) cannot practicably
8 be retained by a law enforcement agency because of its size,
9 bulk, and physical character.

10 (b) The court may before trial transfer excess quantities
11 of any substance containing cannabis or cannabis sativa plants
12 with respect to a prosecution for any offense enumerated in
13 subsection (a) to the sheriff of the county, or may in its
14 discretion transfer such evidence to the Department of State
15 Police, for destruction after notice is given to the
16 defendant's attorney of record or to the defendant if the
17 defendant is proceeding pro se.

18 (c) After a judgment of conviction is entered and the
19 charged quantity is no longer needed for evidentiary purposes
20 with respect to a prosecution for any offense enumerated in
21 subsection (a), the court may transfer any substance
22 containing cannabis or cannabis sativa plants to the sheriff
23 of the county, or may in its discretion transfer such evidence
24 to the Department of State Police, for destruction after
25 notice is given to the defendant's attorney of record or to the
26 defendant if the defendant is proceeding pro se. No evidence

1 shall be disposed of until 30 days after the judgment is
2 entered, and if a notice of appeal is filed, no evidence shall
3 be disposed of until the mandate has been received by the
4 circuit court from the Appellate Court.

5 (Source: P.A. 94-180, eff. 7-12-05.)

6 (720 ILCS 550/9 rep.)

7 Section 15. The Cannabis Control Act is amended by
8 repealing Section 9.

9 Section 20. The Illinois Controlled Substances Act is
10 amended by changing Sections 401, 401.1, 402, 404, 405.2, 407,
11 407.1, 407.2, and 410 as follows:

12 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

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

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

20 (a) Any person who violates this Section with respect to
21 the following amounts of controlled or counterfeit substances
22 or controlled substance analogs, notwithstanding any of the
23 provisions of subsections (c), (d), ~~(e)~~, (f), (g) or (h) to the
24 contrary, ~~is guilty of a Class X felony~~ and shall be sentenced
25 for the class of offense to a term of imprisonment as provided
26 in this subsection (a) and fined as provided in subsection

1 (b) :

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

6 (B) a Class 1 felony ~~not less than 9 years and not more~~
7 ~~than 40 years~~ with respect to 100 grams or more but less
8 than 900 ~~400~~ grams of a substance containing heroin, or an
9 analog thereof;

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

14 (D) a Class 1 felony for which the person, if
15 sentenced to a term of imprisonment, shall be sentenced to
16 not less than 4 ~~15~~ years and not more than 30 ~~60~~ years with
17 respect to 900 grams or more of any substance containing
18 heroin, or an analog thereof;

19 (1.5) (A) a Class 2 felony ~~not less than 6 years and not~~
20 ~~more than 30 years~~ with respect to 15 grams or more but
21 less than 100 grams of a substance containing fentanyl, or
22 an analog thereof;

23 (B) a Class 1 felony ~~not less than 9 years and not more~~
24 ~~than 40 years~~ with respect to 900 ~~100~~ grams or more but
25 less than 400 grams of a substance containing fentanyl, or
26 an analog thereof;

1 (C) (blank); ~~not less than 12 years and not more than~~
2 ~~50 years with respect to 400 grams or more but less than~~
3 ~~900 grams of a substance containing fentanyl, or an analog~~
4 ~~thereof;~~

5 (D) a Class 1 felony for which the person, if
6 sentenced to a term of imprisonment, shall be sentenced to
7 not less than 4 ~~15~~ years and not more than 30 ~~60~~ years with
8 respect to 900 grams or more of a substance containing
9 fentanyl, or an analog thereof;

10 (2) (A) a Class 2 felony ~~not less than 6 years and not~~
11 ~~more than 30 years~~ with respect to 15 grams or more but
12 less than 100 grams of a substance containing cocaine, or
13 an analog thereof;

14 (B) a Class 1 felony ~~not less than 9 years and not more~~
15 ~~than 40 years~~ with respect to 100 grams or more but less
16 than 900 ~~400~~ grams of a substance containing cocaine, or
17 an analog thereof;

18 (C) (blank); ~~not less than 12 years and not more than~~
19 ~~50 years with respect to 400 grams or more but less than~~
20 ~~900 grams of a substance containing cocaine, or an analog~~
21 ~~thereof;~~

22 (D) a Class 1 felony for which the person, if
23 sentenced to a term of imprisonment, shall be sentenced to
24 not less than 4 ~~15~~ years and not more than 30 ~~60~~ years with
25 respect to 900 grams or more of any substance containing
26 cocaine, or an analog thereof;

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

5 (B) a Class 1 felony ~~not less than 9 years and not more~~
6 ~~than 40 years~~ with respect to 100 grams or more but less
7 than 900 ~~400~~ grams of a substance containing morphine, or
8 an analog thereof;

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

13 (D) a Class 1 felony for which the person, if
14 sentenced to a term of imprisonment, shall be sentenced to
15 not less than 4 ~~15~~ years and not more than 30 ~~60~~ years with
16 respect to 900 grams or more of a substance containing
17 morphine, or an analog thereof;

18 (4) a Class 1 felony with respect to 200 grams or more
19 of any substance containing peyote, or an analog thereof;

20 (5) a Class 1 felony with respect to 200 grams or more
21 of any substance containing a derivative of barbituric
22 acid or any of the salts of a derivative of barbituric
23 acid, or an analog thereof;

24 (6) a Class 1 felony with respect to 200 grams or more
25 of any substance containing amphetamine or any salt of an
26 optical isomer of amphetamine, or an analog thereof;

1 (6.5) (blank);

2 (6.6) (blank);

3 (7) (A) a Class 2 felony ~~not less than 6 years~~ and not
4 more than 30 years with respect to: (i) 15 grams or more
5 but less than 100 grams of a substance containing lysergic
6 acid diethylamide (LSD), or an analog thereof, or (ii) 15
7 or more objects or 15 or more segregated parts of an object
8 or objects but less than 200 objects or 200 segregated
9 parts of an object or objects containing in them or having
10 upon them any amounts of any substance containing lysergic
11 acid diethylamide (LSD), or an analog thereof;

12 (B) a Class 1 felony ~~not less than 9 years~~ and not more
13 than 40 years with respect to: (i) 100 grams or more but
14 less than 900 ~~400~~ grams of a substance containing lysergic
15 acid diethylamide (LSD), or an analog thereof, or (ii) 200
16 or more objects or 200 or more segregated parts of an
17 object or objects but less than 1500 ~~600~~ objects or less
18 than 1500 ~~600~~ segregated parts of an object or objects
19 containing in them or having upon them any amount of any
20 substance containing lysergic acid diethylamide (LSD), or
21 an analog thereof;

22 (C) (blank); ~~not less than 12 years and not more than~~
23 ~~50 years with respect to: (i) 400 grams or more but less~~
24 ~~than 900 grams of a substance containing lysergic acid~~
25 ~~diethylamide (LSD), or an analog thereof, or (ii) 600 or~~
26 ~~more objects or 600 or more segregated parts of an object~~

1 ~~or objects but less than 1500 objects or 1500 segregated~~
2 ~~parts of an object or objects containing in them or having~~
3 ~~upon them any amount of any substance containing lysergic~~
4 ~~acid diethylamide (LSD), or an analog thereof;~~

5 (D) a Class 1 felony for which the person, if
6 sentenced to a term of imprisonment, shall be sentenced to
7 not less than 4 ~~15~~ years and not more than 30 ~~60~~ years with
8 respect to: (i) 900 grams or more of any substance
9 containing lysergic acid diethylamide (LSD), or an analog
10 thereof, or (ii) 1500 or more objects or 1500 or more
11 segregated parts of an object or objects containing in
12 them or having upon them any amount of a substance
13 containing lysergic acid diethylamide (LSD), or an analog
14 thereof;

15 (7.5) (A) a Class 2 felony ~~not less than 6 years and not~~
16 ~~more than 30 years~~ with respect to: (i) 15 grams or more
17 but less than 100 grams of a substance listed in paragraph
18 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
19 (21), (25), or (26) of subsection (d) of Section 204, or an
20 analog or derivative thereof, or (ii) 15 or more pills,
21 tablets, caplets, capsules, or objects but less than 200
22 pills, tablets, caplets, capsules, or objects containing
23 in them or having upon them any amounts of any substance
24 listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1),
25 (19), (20), (20.1), (21), (25), or (26) of subsection (d)
26 of Section 204, or an analog or derivative thereof;

1 (B) a Class 1 felony ~~not less than 9 years and not more~~
2 ~~than 40 years~~ with respect to: (i) 100 grams or more but
3 less than 400 grams of a substance listed in paragraph
4 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
5 (21), (25), or (26) of subsection (d) of Section 204, or an
6 analog or derivative thereof, or (ii) 200 or more pills,
7 tablets, caplets, capsules, or objects but less than 600
8 pills, tablets, caplets, capsules, or objects containing
9 in them or having upon them any amount of any substance
10 listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1),
11 (19), (20), (20.1), (21), (25), or (26) of subsection (d)
12 of Section 204, or an analog or derivative thereof;

13 (C) a Class 1 felony for which the person, if
14 sentenced to a term of imprisonment, shall be sentenced to
15 not less than 4 ~~12~~ years and not more than 30 ~~50~~ years with
16 respect to: (i) 400 grams or more ~~but less than 900 grams~~
17 of a 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 derivative
20 thereof, or (ii) 600 or more pills, tablets, caplets,
21 capsules, or objects ~~but less than 1,500 pills, tablets,~~
22 ~~caplets, capsules, or objects~~ containing in them or having
23 upon them any amount of any substance listed in paragraph
24 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
25 (21), (25), or (26) of subsection (d) of Section 204, or an
26 analog or derivative thereof;

1 (D) (blank); ~~not less than 15 years and not more than~~
2 ~~60 years with respect to: (i) 900 grams or more of any~~
3 ~~substance listed in paragraph (1), (2), (2.1), (2.2), (3),~~
4 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
5 ~~subsection (d) of Section 204, or an analog or derivative~~
6 ~~thereof, or (ii) 1,500 or more pills, tablets, caplets,~~
7 ~~capsules, or objects containing in them or having upon~~
8 ~~them any amount of a substance listed in paragraph (1),~~
9 ~~(2), (2.1), (2.2), (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;~~

12 (8) a Class 1 felony with respect to 30 grams or more
13 of any substance containing pentazocine or any of the
14 salts, isomers and salts of isomers of pentazocine, or an
15 analog thereof;

16 (9) a Class 1 felony with respect to 30 grams or more
17 of any substance containing methaqualone or any of the
18 salts, isomers and salts of isomers of methaqualone, or an
19 analog thereof;

20 (10) a Class 1 felony with respect to 30 grams or more
21 of any substance containing phencyclidine or any of the
22 salts, isomers and salts of isomers of phencyclidine
23 (PCP), or an analog thereof;

24 (10.5) a Class 1 felony with respect to 30 grams or
25 more of any substance containing ketamine or any of the
26 salts, isomers and salts of isomers of ketamine, or an

1 analog thereof;

2 (10.6) a Class 1 felony with respect to 100 grams or
3 more of any substance containing hydrocodone, or any of
4 the salts, isomers and salts of isomers of hydrocodone, or
5 an analog thereof;

6 (10.7) (blank);

7 (10.8) a Class 1 felony with respect to 100 grams or
8 more of any substance containing dihydrocodeine, or any of
9 the salts, isomers and salts of isomers of dihydrocodeine,
10 or an analog thereof;

11 (10.9) a Class 1 felony with respect to 100 grams or
12 more of any substance containing oxycodone, or any of the
13 salts, isomers and salts of isomers of oxycodone, or an
14 analog thereof;

15 (11) a Class 1 felony with respect to 200 grams or more
16 of any substance containing any other controlled substance
17 classified in Schedules I or II, or an analog thereof,
18 which is not otherwise included in this subsection.

19 (b) Any person sentenced with respect to violations of
20 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
21 involving 100 grams or more of the controlled substance named
22 therein, may in addition to the penalties provided therein, be
23 fined an amount not more than \$500,000 or the full street value
24 of the controlled or counterfeit substance or controlled
25 substance analog, whichever is greater. The term "street
26 value" shall have the meaning ascribed in Section 110-5 of the

1 Code of Criminal Procedure of 1963. Any person sentenced with
2 respect to any other provision of subsection (a), may in
3 addition to the penalties provided therein, be fined an amount
4 not to exceed \$500,000.

5 (b-1) Excluding violations of this Act when the controlled
6 substance is fentanyl, any person sentenced to a term of
7 imprisonment with respect to violations of Section 401, 401.1,
8 405, 405.1, 405.2, or 407, when it is proven that the person
9 knew or should have known that the substance containing the
10 controlled substance contained ~~contains~~ any amount of
11 fentanyl, a term of imprisonment not to exceed 3 years may, at
12 the discretion of the court, ~~shall~~ be added to the term of
13 imprisonment imposed by the court, and the maximum sentence
14 for the offense, if the additional term is imposed, shall be
15 increased by that period of time not to exceed 3 years.

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, shall be sentenced for the class of offense as
21 provided in this subsection (c) is guilty of a Class 1 felony.
22 ~~The fine for violation of this subsection (c) shall not be more~~
23 ~~than \$250,000:~~

24 (1) a Class 3 felony with respect to 1 gram or more but
25 less than 15 grams of any substance containing heroin, or
26 an analog thereof;

1 (1.5) a Class 3 felony with respect to 1 gram or more
2 but less than 15 grams of any substance containing
3 fentanyl, or an analog thereof;

4 (2) a Class 3 felony with respect to 1 gram or more but
5 less than 15 grams of any substance containing cocaine, or
6 an analog thereof;

7 (3) a Class 3 felony with respect to ~~10~~ grams or more
8 but less than 15 grams of any substance containing
9 morphine, or an analog thereof;

10 (4) a Class 2 felony with respect to 50 grams or more
11 but less than 200 grams of any substance containing
12 peyote, or an analog thereof;

13 (4.5) a Class 3 felony with respect to 10 grams or more
14 but less than 50 grams of any substance containing peyote,
15 or an analog thereof;

16 (5) a Class 2 felony with respect to 50 grams or more
17 but less than 200 grams of any substance containing a
18 derivative of barbituric acid or any of the salts of a
19 derivative of barbituric acid, or an analog thereof;

20 (5.5) a Class 3 felony with respect to 10 grams or more
21 but less than 50 grams of any substance containing a
22 derivative of barbituric acid or any of the salts of a
23 derivative of barbituric acid, or an analog thereof;

24 (6) a Class 2 felony with respect to 50 grams or more
25 but less than 200 grams of any substance containing
26 amphetamine or any salt of an optical isomer of

1 amphetamine, or an analog thereof;

2 (6.1) a Class 3 felony with respect to 10 grams or more
3 but less than 50 grams of any substance containing
4 amphetamine or any salt of an optical isomer of
5 amphetamine, or an analog thereof;

6 (6.5) (blank);

7 (7) a Class 3 felony with respect to (i) 5 grams or
8 more but less than 15 grams of any substance containing
9 lysergic acid diethylamide (LSD), or an analog thereof, or
10 (ii) more than 10 objects or more than 10 segregated parts
11 of an object or objects but less than 15 objects or less
12 than 15 segregated parts of an object containing in them
13 or having upon them any amount of any substance containing
14 lysergic acid diethylamide (LSD), or an analog thereof;

15 (7.5) a Class 3 felony with respect to (i) 5 grams or
16 more but less than 15 grams of any substance listed in
17 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
18 (20.1), (21), (25), or (26) of subsection (d) of Section
19 204, or an analog or derivative thereof, or (ii) more than
20 10 pills, tablets, caplets, capsules, or objects but less
21 than 15 pills, tablets, caplets, capsules, or objects
22 containing in them or having upon them any amount of any
23 substance 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 derivative
26 thereof;

1 (8) a Class 2 felony with respect to 10 grams or more
2 but less than 30 grams of any substance containing
3 pentazocine or any of the salts, isomers and salts of
4 isomers of pentazocine, or an analog thereof;

5 (8.5) a Class 3 felony with respect to 5 grams or more
6 but less than 10 grams of pentazocine, or an analog
7 thereof;

8 (9) a Class 2 felony with respect to 10 grams or more
9 but less than 30 grams of any substance containing
10 methaqualone or any of the salts, isomers and salts of
11 isomers of methaqualone, or an analog thereof;

12 (9.5) a Class 3 felony with respect to 5 grams or more
13 but less than 10 grams of any substance containing
14 methaqualone or any of the salts, isomers and salts of
15 isomers of methaqualone, or an analog thereof;

16 (10) a Class 2 felony with respect to 10 grams or more
17 but less than 30 grams of any substance containing
18 phencyclidine or any of the salts, isomers and salts of
19 isomers of phencyclidine (PCP), or an analog thereof;

20 (10.1) a Class 3 felony with respect to 5 grams or more
21 but less than 10 grams of any substance containing
22 phencyclidine or any of the salts, isomers and salts of
23 isomers of phencyclidine (PCP), or an analog thereof;

24 (10.5) a Class 2 felony with respect to 10 grams or
25 more but less than 30 grams of any substance containing
26 ketamine or any of the salts, isomers and salts of isomers

1 of ketamine, or an analog thereof;

2 (10.5-1) a Class 3 felony with respect to 5 grams or
3 more but less than 10 grams of any substance containing
4 ketamine or any of the salts, isomers and salts of isomers
5 of ketamine, or an analog thereof;

6 (10.6) a Class 2 felony with respect to 50 grams or
7 more but less than 100 grams of any substance containing
8 hydrocodone, or any of the salts, isomers and salts of
9 isomers of hydrocodone, or an analog thereof;

10 (10.6-1) a Class 3 felony with respect to 10 grams or
11 more but less than 50 grams of any substance containing
12 hydrocodone, or any of the salts, isomers and salts of
13 isomers of hydrocodone, or an analog thereof;

14 (10.7) (blank);

15 (10.7-1) a Class 3 felony with respect to 10 grams or
16 more but less than 50 grams of any substance containing
17 dihydrocodeinone, or any of the salts, isomers and salts
18 of isomers of dihydrocodeinone, or an analog thereof;

19 (10.8) a Class 2 felony with respect to 50 grams or
20 more but less than 100 grams of any substance containing
21 dihydrocodeine, or any of the salts, isomers and salts of
22 isomers of dihydrocodeine, or an analog thereof;

23 (10.8-1) a Class 3 felony with respect to 10 grams or
24 more but less than 50 grams of any substance containing
25 dihydrocodeine, or any of the salts, isomers and salts of
26 isomers of dihydrocodeine, or an analog thereof;

1 (10.9) a Class 2 felony with respect to 50 grams or
2 more but less than 100 grams of any substance containing
3 oxycodone, or any of the salts, isomers and salts of
4 isomers of oxycodone, or an analog thereof;

5 (10.9-1) a Class 3 felony with respect to 10 grams or
6 more but less than 50 grams of any substance containing
7 oxycodone, or any of the salts, isomers and salts of
8 isomers of oxycodone, or an analog thereof;

9 (11) a Class 2 felony with respect to 50 grams or more
10 but less than 200 grams of any substance containing a
11 substance classified in Schedules I or II, or an analog
12 thereof, which is not otherwise included in this
13 subsection (c).

14 (11.1) a Class 3 felony with respect to 10 grams or
15 more but less than 50 grams of any substance containing a
16 substance classified in Schedules I or II, or an analog
17 thereof, which is not otherwise included in this
18 subsection (c);

19 (c-5) (Blank).

20 (d) Any person who violates this Section with regard to
21 any other amount of a controlled or counterfeit substance
22 ~~containing dihydrocodeine or~~ classified in Schedules I or II,
23 or an analog thereof, which is not otherwise included in
24 subsection (a), (b), or (c), which is (i) a narcotic drug, (ii)
25 ~~lysergic acid diethylamide (LSD) or an analog thereof, (iii)~~
26 ~~any substance containing amphetamine or fentanyl or any salt~~

1 ~~or optical isomer of amphetamine or fentanyl, or an analog~~
2 ~~thereof, or (iv) any substance containing N-Benzylpiperazine~~
3 ~~(BZP) or any salt or optical isomer of N-Benzylpiperazine~~
4 ~~(BZP), or an analog thereof, is guilty of a Class 4 ~~2~~ felony.~~
5 ~~The fine for violation of this subsection (d) shall not be more~~
6 ~~than \$200,000.~~

7 (d-5) (Blank).

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

15 (f) Any person who violates this Section with regard to 10
16 grams or more ~~any other amount~~ of a controlled or counterfeit
17 substance classified in Schedule III, which is not otherwise
18 included in subsection (a), (b), or (c), is guilty of a Class 3
19 felony. ~~The fine for violation of this subsection (f) shall~~
20 ~~not be more than \$125,000.~~

21 (f-1) Any person who violates this Section with regard to
22 any other amount of a controlled or counterfeit substance
23 classified in Schedule III which is not otherwise included in
24 subsection (a), (b), or (c), is guilty of a Class 4 felony.

25 (g) Any person who violates this Section with regard to 10
26 grams or more ~~any other amount~~ of a controlled or counterfeit

1 substance classified in Schedule IV is guilty of a Class 3
2 felony. ~~The fine for violation of this subsection (g) shall~~
3 ~~not be more than \$100,000.~~

4 (g-1) Any person who violates this Section with regard to
5 any other amount of a controlled or counterfeit substance
6 classified in Schedule IV which is not otherwise included in
7 subsection (a), (b), or (c), is guilty of a Class 4 felony.

8 (h) Any person who violates this Section with regard to 10
9 grams or more ~~any other amount~~ of a controlled or counterfeit
10 substance classified in Schedule V, which is not otherwise
11 included in subsection (a), (b), or (c), is guilty of a Class 3
12 felony. ~~The fine for violation of this subsection (h) shall~~
13 ~~not be more than \$75,000.~~

14 (h-1) Any person who violates this Section with regard to
15 any other amount of a controlled or counterfeit substance
16 classified in Schedule V, which is not otherwise included in
17 subsection (a), (b), or (c), is guilty of a Class 4 felony.

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

23 (j) (Blank).

24 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17;
25 100-368, eff. 1-1-18.)

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

2 Sec. 401.1. Controlled Substance Trafficking.

3 (a) Except for purposes as authorized by this Act, any
4 person who knowingly brings or causes to be brought into this
5 State 400 grams or more of a controlled substance or 600 or
6 more objects or 600 or more segregated parts of an object or
7 objects containing in them or having upon them any amounts of
8 any substance containing lysergic acid diethylamide (LSD), or
9 an analog thereof or 600 or more pills, tablets, caplets,
10 capsules, or objects containing in them or having upon them
11 any amount of any substance listed in paragraph (1), (2),
12 (2.1), (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 for the purpose of manufacture or delivery
15 or with the intent to manufacture or deliver a controlled
16 substance other than methamphetamine or counterfeit substance
17 in this or any other state or country is guilty of controlled
18 substance trafficking.

19 (b) Except as otherwise provided in subsection (b-5), a ~~A~~
20 person convicted of controlled substance trafficking shall be
21 sentenced for the class of an offense that is one class higher
22 than the amount authorized by Section 401 of this Act for the
23 manufacture or delivery, or possession with intent to
24 manufacture or deliver, based upon the amount of controlled or
25 counterfeit substance brought or caused to be brought into
26 this State. If the sentence for the underlying offense under

1 Section 401 of this Act is a Class 1 felony for which the
2 offender may be sentenced to a term of imprisonment of not less
3 than 6 years and not more than 30 years, the penalty for
4 controlled substance trafficking is a Class 1 felony for which
5 the person may be sentenced to a term of imprisonment of at
6 least 9 years and not more than 40 years ~~to a term of~~
7 ~~imprisonment not less than twice the minimum term and fined an~~
8 ~~amount as authorized by Section 401 of this Act, based upon the~~
9 ~~amount of controlled or counterfeit substance brought or~~
10 ~~caused to be brought into this State, and not more than twice~~
11 ~~the maximum term of imprisonment and fined twice the amount as~~
12 ~~authorized by Section 401 of this Act, based upon the amount of~~
13 ~~controlled or counterfeit substance brought or caused to be~~
14 ~~brought into this State.~~

15 (b-5) A person convicted of controlled substance
16 trafficking shall be sentenced as authorized by Section 401,
17 based upon the amount of the controlled or counterfeit
18 substance brought or caused to be brought into this State, if
19 the person at sentencing proves by a preponderance of the
20 evidence that he or she:

21 (1) received little or no compensation from the
22 illegal transport of the substance into this State and had
23 minimal knowledge of the scope and structure of the
24 enterprise to manufacture or deliver the illegal substance
25 transported; or

26 (2) was not involved in the organization or planning

1 of the enterprise to manufacture or deliver the illegal
2 substance transported.

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

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

9 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

10 Sec. 402. Except as otherwise authorized by this Act, it
11 is unlawful for any person knowingly to possess a controlled
12 or counterfeit substance or controlled substance analog. A
13 violation of this Act with respect to each of the controlled
14 substances listed herein constitutes a single and separate
15 violation of this Act. For purposes of this Section,
16 "controlled substance analog" or "analog" means a substance,
17 other than a controlled substance, which is not approved by
18 the United States Food and Drug Administration or, if
19 approved, is not dispensed or possessed in accordance with
20 State or federal law, and that has a chemical structure
21 substantially similar to that of a controlled substance in
22 Schedule I or II, or that was specifically designed to produce
23 an effect substantially similar to that of a controlled
24 substance in Schedule I or II. Examples of chemical classes in
25 which controlled substance analogs are found include, but are

1 not limited to, the following: phenethylamines, N-substituted
2 piperidines, morphinans, ecgonines, quinazolinones,
3 substituted indoles, and arylcycloalkylamines. For purposes of
4 this Act, a controlled substance analog shall be treated in
5 the same manner as the controlled substance to which it is
6 substantially similar.

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

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

17 (B) a Class 2 felony ~~not less than 6 years and not~~
18 ~~more than 30 years~~ with respect to 100 grams or more
19 but less than 400 grams of a substance containing
20 heroin;

21 (C) a Class 1 felony ~~not less than 8 years and not~~
22 ~~more than 40 years~~ with respect to 400 grams or more
23 ~~but less than 900 grams~~ of any substance containing
24 heroin;

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

1 ~~substance containing heroin;~~

2 (1.5) (A) a Class 3 felony with respect to 15 grams or
3 more but less than 100 grams of a substance containing
4 fentanyl;

5 (B) a Class 2 felony with respect to 100 grams or
6 more but less than 400 grams of a substance containing
7 fentanyl;

8 (C) a Class 1 felony with respect to 400 grams or
9 more of a substance containing fentanyl;

10 (2) (A) a Class 3 felony ~~not less than 4 years and not~~
11 ~~more than 15 years~~ with respect to 15 grams or more but
12 less than 100 grams of any substance containing
13 cocaine;

14 (B) a Class 2 felony ~~not less than 6 years and not~~
15 ~~more than 30 years~~ with respect to 100 grams or more
16 but less than 400 grams of any substance containing
17 cocaine;

18 (C) a Class 1 felony ~~not less than 8 years and not~~
19 ~~more than 40 years~~ with respect to 400 grams or more
20 ~~but less than 900 grams~~ of any substance containing
21 cocaine;

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

25 (3) (A) a Class 3 felony ~~not less than 4 years and not~~
26 ~~more than 15 years~~ with respect to 15 grams or more but

1 less than 100 grams of any substance containing
2 morphine;

3 (B) a Class 2 felony ~~not less than 6 years and not~~
4 ~~more than 30 years~~ with respect to 100 grams or more
5 but less than 400 grams of any substance containing
6 morphine;

7 (C) a Class 1 felony ~~not less than 6 years and not~~
8 ~~more than 40 years~~ with respect to 400 grams or more
9 ~~but less than 900 grams~~ of any substance containing
10 morphine;

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

14 (4) a Class 2 felony with respect to 200 grams or more
15 of any substance containing peyote;

16 (4.5) a Class 4 felony with respect to 15 grams or more
17 but less than 200 grams of a substance containing peyote;

18 (5) a Class 2 felony with respect to 200 grams or more
19 of any substance containing a derivative of barbituric
20 acid or any of the salts of a derivative of barbituric
21 acid;

22 (5.5) a Class 4 felony with respect to 15 grams or more
23 but less than 200 grams of a substance containing a
24 derivative of barbituric acid or any of the salts of a
25 derivative of barbituric acid;

26 (6) a Class 2 felony with respect to 200 grams or more

1 of any substance containing amphetamine or any salt of an
2 optical isomer of amphetamine;

3 (6.1) a Class 4 felony with respect to 15 grams or more
4 but less than 200 grams of a substance containing
5 amphetamine or any salt of an optical isomer of
6 amphetamine;

7 (6.5) (blank);

8 (7) (A) a Class 3 felony ~~not less than 4 years and not~~
9 ~~more than 15 years~~ with respect to: (i) 15 grams or
10 more but less than 100 grams of any substance
11 containing lysergic acid diethylamide (LSD), or an
12 analog thereof, or (ii) 15 or more objects or 15 or
13 more segregated parts of an object or objects but less
14 than 200 objects or 200 segregated parts of an object
15 or objects containing in them or having upon them any
16 amount of any substance containing lysergic acid
17 diethylamide (LSD), or an analog thereof;

18 (B) a Class 2 felony ~~not less than 6 years and not~~
19 ~~more than 30 years~~ with respect to: (i) 100 grams or
20 more but less than 400 grams of any substance
21 containing lysergic acid diethylamide (LSD), or an
22 analog thereof, or (ii) 200 or more objects or 200 or
23 more segregated parts of an object or objects but less
24 than 600 objects or less than 600 segregated parts of
25 an object or objects containing in them or having upon
26 them any amount of any substance containing lysergic

1 acid diethylamide (LSD), or an analog thereof;

2 (C) a Class 1 felony ~~not less than 8 years and not~~
3 ~~more than 40 years~~ with respect to: (i) 400 grams or
4 more ~~but less than 900 grams~~ of any substance
5 containing lysergic acid diethylamide (LSD), or an
6 analog thereof, or (ii) 600 or more objects or 600 or
7 more segregated parts of an object or objects ~~but less~~
8 ~~than 1500 objects or 1500 segregated parts of an~~
9 ~~object or objects~~ containing in them or having upon
10 them any amount of any substance containing lysergic
11 acid diethylamide (LSD), or an analog thereof;

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

20 (7.5) (A) a Class 3 felony ~~not less than 4 years and~~
21 ~~not more than 15 years~~ with respect to: (i) 15 grams or
22 more but less than 100 grams of any substance listed in
23 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
24 (20), (20.1), (21), (25), or (26) of subsection (d) of
25 Section 204, or an analog or derivative thereof, or
26 (ii) 15 or more pills, tablets, caplets, capsules, or

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

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

20 (C) a Class 1 felony ~~not less than 8 years and not~~
21 ~~more than 40 years~~ with respect to: (i) 400 grams or
22 more ~~but less than 900 grams~~ of any substance listed in
23 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
24 (20), (20.1), (21), (25), or (26) of subsection (d) of
25 Section 204, or an analog or derivative thereof, or
26 (ii) 600 or more pills, tablets, caplets, capsules, or

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

7 (D) (blank) ~~not less than 10 years and not more~~
8 ~~than 50 years with respect to: (i) 900 grams or more of~~
9 ~~any substance listed in paragraph (1), (2), (2.1),~~
10 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~
11 ~~(26) of subsection (d) of Section 204, or an analog or~~
12 ~~derivative thereof, or (ii) 1,500 or more pills,~~
13 ~~tablets, caplets, capsules, or objects containing in~~
14 ~~them or having upon them any amount of a substance~~
15 ~~listed in paragraph (1), (2), (2.1), (2.2), (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 (8) a Class 2 felony with respect to 30 grams or more
20 of any substance containing pentazocine or any of the
21 salts, isomers and salts of isomers of pentazocine, or an
22 analog thereof;

23 (8.5) a Class 4 felony with respect to 15 grams or more
24 but less than 30 grams of a substance containing
25 pentazocine or any of the salts, isomers and salts of
26 isomers of pentazocine, or an analog thereof;

1 (9) a Class 2 felony with respect to 30 grams or more
2 of any substance containing methaqualone or any of the
3 salts, isomers and salts of isomers of methaqualone;

4 (9.5) a Class 4 felony with respect to 15 grams or more
5 but less than 30 grams of a substance containing
6 methaqualone or any of the salts, isomers and salts of
7 isomers of methaqualone;

8 (10) a Class 2 felony with respect to 30 grams or more
9 of any substance containing phencyclidine or any of the
10 salts, isomers and salts of isomers of phencyclidine
11 (PCP);

12 (10.1) a Class 4 felony with respect to 15 grams or
13 more but less than 30 grams of a substance containing
14 phencyclidine or any of the salts, isomers and salts of
15 isomers of phencyclidine (PCP);

16 (10.5) a Class 2 felony with respect to 30 grams or
17 more of any substance containing ketamine or any of the
18 salts, isomers and salts of isomers of ketamine;

19 (10.6) a Class 4 felony with respect to 15 grams or
20 more but less than 30 grams of any substance containing
21 ketamine or any of the salts, isomers and salts of isomers
22 of ketamine;

23 (11) a Class 2 felony with respect to 200 grams or more
24 of any substance containing any substance classified as a
25 narcotic drug in Schedules I or II, or an analog thereof,
26 which is not otherwise included in this subsection; -

1 (12) a Class 3 felony with respect to 15 grams or more
2 but less than 200 grams of any substance containing any
3 substance classified as a narcotic drug in Schedules I or
4 II, or an analog thereof, which is not otherwise included
5 in this subsection.

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

17 (c) Any person who violates this Section with regard to an
18 amount of a controlled substance other than methamphetamine or
19 counterfeit substance not set forth in subsection (a) or (d)
20 is guilty of a Class A misdemeanor ~~4 felony~~. The fine for a
21 violation punishable under this subsection (c) shall not be
22 more than \$2,500 ~~\$25,000~~.

23 (d) Any person who violates this Section with regard to
24 any amount of anabolic steroid is guilty of a Class C
25 misdemeanor for the first offense and a Class B misdemeanor
26 for a subsequent offense committed within 2 years of a prior

1 conviction.

2 (Source: P.A. 99-371, eff. 1-1-16; 100-368, eff. 1-1-18.)

3 (720 ILCS 570/404) (from Ch. 56 1/2, par. 1404)

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

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

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

13 (3) "Manufacture" means the producing, preparing,
14 compounding, processing, encapsulating, packaging,
15 repackaging, labeling or relabeling of a look-alike
16 substance.

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

22 (c) ~~(Blank) It is unlawful for any person knowingly to~~
23 ~~possess a look-alike substance. Any person who violates this~~
24 ~~subsection (c) is guilty of a petty offense. Any person~~
25 ~~convicted of a subsequent offense under this subsection (c)~~

1 ~~shall be guilty of a Class C misdemeanor.~~

2 (d) In any prosecution brought under this Section, it is
3 not a defense to a violation of this Section that the defendant
4 believed the look-alike substance actually to be a controlled
5 substance.

6 (e) Nothing in this Section applies to:

7 (1) The manufacture, processing, packaging,
8 distribution or sale of noncontrolled substances to
9 licensed medical practitioners for use as placebos in
10 professional practice or research.

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

13 (3) The retention of production samples of
14 noncontrolled substances produced prior to the effective
15 date of this amendatory Act of 1982, where such samples
16 are required by federal law.

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

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

23 (720 ILCS 570/405.2)

24 Sec. 405.2. Streetgang criminal drug conspiracy.

25 (a) Any person who engages in a streetgang criminal drug

1 conspiracy, as defined in this Section, is guilty of an
2 offense that is one class higher than the underlying offense
3 under subsection (a) or (c) of Section 401 of this Act or under
4 the Methamphetamine Control and Community Protection Act
5 except Section 60 of that Act. If the sentence for the
6 underlying offense is a term of imprisonment of not less than 4
7 years and not more than 30 years, the penalty for streetgang
8 criminal drug conspiracy is a Class 1 felony for which the
9 person may be sentenced to a term of imprisonment of not less
10 than 4 years and not more than 40 years. ~~a Class X felony for~~
11 ~~which the offender shall be sentenced to a term of~~
12 ~~imprisonment as follows:~~

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

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

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

19 (i) he or she violates any of the provisions of
20 subsection (a) or (c) of Section 401 of this Act or any
21 provision of the Methamphetamine Control and Community
22 Protection Act except Section 60 of that Act; and

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

25 (iii) such conspiracy is in furtherance of the
26 activities of an organized gang as defined in the Illinois

1 Streetgang Terrorism Omnibus Prevention Act; and

2 (iv) he or she occupies a position of organizer, a
3 supervising person, or any other position of management
4 with those persons identified in clause (ii) of this
5 subsection (a).

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

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

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

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

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

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

25 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

1 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
2 violates any subsection of Section 401 or subsection (b) of
3 Section 404 by delivering a controlled, counterfeit or
4 look-alike substance to a person under 18 years of age may, at
5 the discretion of the court, be sentenced to a maximum term of
6 imprisonment that is equal to the maximum term of imprisonment
7 for the underlying offense plus the minimum term of
8 imprisonment for the underlying offense ~~may be sentenced to~~
9 ~~imprisonment for a term up to twice the maximum term and fined~~
10 ~~an amount up to twice that amount otherwise authorized by the~~
11 ~~pertinent subsection of Section 401 and Subsection (b) of~~
12 ~~Section 404.~~

13 (B) (Blank).

14 (2) (Blank). ~~Except as provided in paragraph (3) of this~~
15 ~~subsection, any person who violates:~~

16 ~~(A) subsection (c) of Section 401 by delivering or~~
17 ~~possessing with intent to deliver a controlled,~~
18 ~~counterfeit, or look alike substance in or on, or within~~
19 ~~500 feet of, a truck stop or safety rest area, is guilty of~~
20 ~~a Class 1 felony, the fine for which shall not exceed~~
21 ~~\$250,000;~~

22 ~~(B) subsection (d) of Section 401 by delivering or~~
23 ~~possessing with intent to deliver a controlled,~~
24 ~~counterfeit, or look alike substance in or on, or within~~
25 ~~500 feet of, a truck stop or safety rest area, is guilty of~~
26 ~~a Class 2 felony, the fine for which shall not exceed~~

1 ~~\$200,000;~~

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

8 ~~(D) subsection (f) of Section 401 by delivering or~~
9 ~~possessing with intent to deliver a controlled,~~
10 ~~counterfeit, or look alike substance in or on, or within~~
11 ~~500 feet of, a truck stop or safety rest area, is guilty of~~
12 ~~a Class 3 felony, the fine for which shall not exceed~~
13 ~~\$125,000;~~

14 ~~(E) subsection (g) of Section 401 by delivering or~~
15 ~~possessing with intent to deliver a controlled,~~
16 ~~counterfeit, or look alike substance in or on, or within~~
17 ~~500 feet of, a truck stop or safety rest area, is guilty of~~
18 ~~a Class 3 felony, the fine for which shall not exceed~~
19 ~~\$100,000;~~

20 ~~(F) subsection (h) of Section 401 by delivering or~~
21 ~~possessing with intent to deliver a controlled,~~
22 ~~counterfeit, or look-alike substance in or on, or within~~
23 ~~500 feet of, a truck stop or safety rest area, is guilty of~~
24 ~~a Class 3 felony, the fine for which shall not exceed~~
25 ~~\$75,000;~~

26 (3) (Blank). Any person who violates paragraph (2) of this

1 ~~subsection (a) by delivering or possessing with intent to~~
2 ~~deliver a controlled, counterfeit, or look-alike substance in~~
3 ~~or on, or within 500 feet of a truck stop or a safety rest~~
4 ~~area, following a prior conviction or convictions of paragraph~~
5 ~~(2) of this subsection (a) may be sentenced to a term of~~
6 ~~imprisonment up to 2 times the maximum term and fined an amount~~
7 ~~up to 2 times the amount otherwise authorized by Section 401.~~

8 (4) (Blank). ~~For the purposes of this subsection (a):~~

9 ~~(A) "Safety rest area" means a roadside facility~~
10 ~~removed from the roadway with parking and facilities~~
11 ~~designed for motorists' rest, comfort, and information~~
12 ~~needs; and~~

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

17 (b) Any person who violates any subsection of Section 401
18 or subsection (b) of Section 404 in any school, or any
19 conveyance owned, leased or contracted by a school to
20 transport students to or from school or a school-related
21 activity, or public park, on the real property comprising any
22 school, or within 500 feet of the real property comprising any
23 school, while persons under 18 years of age are present,
24 during school hours, or at times when persons under 18 years of
25 age are reasonably expected to be present, shall be sentenced
26 to a class of offense that is one class higher than the

1 sentence otherwise authorized by the pertinent subsection of
2 Section 401 or subsection (b) of Section 404. If the sentence
3 otherwise authorized by the pertinent subsection of Section
4 401 or subsection (b) of Section 404 is a Class 1 felony for
5 which the person may be sentenced to a term of imprisonment of
6 not less than 2 years and not more than 15 years, the penalty
7 for an offense under this Section is a Class 1 felony for which
8 the person may be sentenced to a term of imprisonment of not
9 less than 4 years and not more than 30 years. If the sentence
10 otherwise authorized by the pertinent subsection of Section
11 401 or subsection (b) of Section 404 is a Class 1 felony for
12 which the person may be sentenced to a term of imprisonment of
13 not less than 4 years and not more than 30 years, the penalty
14 for an offense under this Section is a Class 1 felony for which
15 the person may be sentenced to a term of imprisonment of not
16 less than 9 years and not more than 40 years.†

17 ~~(1) subsection (c) of Section 401 in any school, on or~~
18 ~~within 500 feet of the real property comprising any~~
19 ~~school, or in any conveyance owned, leased or contracted~~
20 ~~by a school to transport students to or from school or a~~
21 ~~school related activity, and at the time of the violation~~
22 ~~persons under the age of 18 are present, the offense is~~
23 ~~committed during school hours, or the offense is committed~~
24 ~~at times when persons under the age of 18 are reasonably~~
25 ~~expected to be present in the school, in the conveyance,~~
26 ~~or on the real property, such as when after school~~

1 ~~activities are occurring, or in any public park or on or~~
2 ~~within 500 feet of the real property comprising any public~~
3 ~~park, on the real property comprising any church,~~
4 ~~synagogue, or other building, structure, or place used~~
5 ~~primarily for religious worship, or within 500 feet of the~~
6 ~~real property comprising any church, synagogue, or other~~
7 ~~building, structure, or place used primarily for religious~~
8 ~~worship, on the real property comprising any of the~~
9 ~~following places, buildings, or structures used primarily~~
10 ~~for housing or providing space for activities for senior~~
11 ~~citizens: nursing homes, assisted living centers, senior~~
12 ~~citizen housing complexes, or senior centers oriented~~
13 ~~toward daytime activities, or within 500 feet of the real~~
14 ~~property comprising any of the following places,~~
15 ~~buildings, or structures used primarily for housing or~~
16 ~~providing space for activities for senior citizens:~~
17 ~~nursing homes, assisted living centers, senior citizen~~
18 ~~housing complexes, or senior centers oriented toward~~
19 ~~daytime activities and at the time of the violation~~
20 ~~persons are present or reasonably expected to be present~~
21 ~~in the church, synagogue, or other building, structure, or~~
22 ~~place used primarily for religious worship during worship~~
23 ~~services, or in buildings or structures used primarily for~~
24 ~~housing or providing space for activities for senior~~
25 ~~citizens: nursing homes, assisted living centers, senior~~
26 ~~citizen housing complexes, or senior centers oriented~~

1 ~~toward daytime activities during the hours these places,~~
2 ~~buildings, or structures are open for those activities, or~~
3 ~~on the real property is guilty of a Class X felony, the~~
4 ~~fine for which shall not exceed \$500,000;~~

5 ~~(2) subsection (d) of Section 401 in any school, on or~~
6 ~~within 500 feet of the real property comprising any~~
7 ~~school, or in any conveyance owned, leased or contracted~~
8 ~~by a school to transport students to or from school or a~~
9 ~~school related activity, and at the time of the violation~~
10 ~~persons under the age of 18 are present, the offense is~~
11 ~~committed during school hours, or the offense is committed~~
12 ~~at times when persons under the age of 18 are reasonably~~
13 ~~expected to be present in the school, in the conveyance,~~
14 ~~or on the real property, such as when after school~~
15 ~~activities are occurring, or in any public park or on or~~
16 ~~within 500 feet of the real property comprising any public~~
17 ~~park, on the real property comprising any church,~~
18 ~~synagogue, or other building, structure, or place used~~
19 ~~primarily for religious worship, or within 500 feet of the~~
20 ~~real property comprising any church, synagogue, or other~~
21 ~~building, structure, or place used primarily for religious~~
22 ~~worship, on the real property comprising any of the~~
23 ~~following places, buildings, or structures used primarily~~
24 ~~for housing or providing space for activities for senior~~
25 ~~citizens: nursing homes, assisted living centers, senior~~
26 ~~citizen housing complexes, or senior centers oriented~~

1 ~~toward daytime activities, or within 500 feet of the real~~
2 ~~property comprising any of the following places,~~
3 ~~buildings, or structures used primarily for housing or~~
4 ~~providing space for activities for senior citizens:~~
5 ~~nursing homes, assisted living centers, senior citizen~~
6 ~~housing complexes, or senior centers oriented toward~~
7 ~~daytime activities and at the time of the violation~~
8 ~~persons are present or reasonably expected to be present~~
9 ~~in the church, synagogue, or other building, structure, or~~
10 ~~place used primarily for religious worship during worship~~
11 ~~services, or in buildings or structures used primarily for~~
12 ~~housing or providing space for activities for senior~~
13 ~~citizens: nursing homes, assisted living centers, senior~~
14 ~~citizen housing complexes, or senior centers oriented~~
15 ~~toward daytime activities during the hours those places,~~
16 ~~buildings, or structures are open for those activities, or~~
17 ~~on the real property is guilty of a Class 1 felony, the~~
18 ~~fine for which shall not exceed \$250,000;~~

19 ~~(3) subsection (c) of Section 401 or Subsection (b) of~~
20 ~~Section 404 in any school, on or within 500 feet of the~~
21 ~~real property comprising any school, or in any conveyance~~
22 ~~owned, leased or contracted by a school to transport~~
23 ~~students to or from school or a school related activity,~~
24 ~~and at the time of the violation persons under the age of~~
25 ~~18 are present, the offense is committed during school~~
26 ~~hours, or the offense is committed at times when persons~~

1 ~~under the age of 18 are reasonably expected to be present~~
2 ~~in the school, in the conveyance, or on the real property,~~
3 ~~such as when after school activities are occurring, or in~~
4 ~~any public park or on or within 500 feet of the real~~
5 ~~property comprising any public park, on the real property~~
6 ~~comprising any church, synagogue, or other building,~~
7 ~~structure, or place used primarily for religious worship,~~
8 ~~or within 500 feet of the real property comprising any~~
9 ~~church, synagogue, or other building, structure, or place~~
10 ~~used primarily for religious worship, on the real property~~
11 ~~comprising any of the following places, buildings, or~~
12 ~~structures used primarily for housing or providing space~~
13 ~~for activities for senior citizens: nursing homes,~~
14 ~~assisted living centers, senior citizen housing complexes,~~
15 ~~or senior centers oriented toward daytime activities, or~~
16 ~~within 500 feet of the real property comprising any of the~~
17 ~~following places, buildings, or structures used primarily~~
18 ~~for housing or providing space for activities for senior~~
19 ~~citizens: nursing homes, assisted living centers, senior~~
20 ~~citizen housing complexes, or senior centers oriented~~
21 ~~toward daytime activities and at the time of the violation~~
22 ~~persons are present or reasonably expected to be present~~
23 ~~in the church, synagogue, or other building, structure, or~~
24 ~~place used primarily for religious worship during worship~~
25 ~~services, or in buildings or structures used primarily for~~
26 ~~housing or providing space for activities for senior~~

1 ~~citizens: nursing homes, assisted living centers, senior~~
2 ~~citizen housing complexes, or senior centers oriented~~
3 ~~toward daytime activities during the hours those places,~~
4 ~~buildings, or structures are open for those activities, or~~
5 ~~on the real property is guilty of a Class 2 felony, the~~
6 ~~fine for which shall not exceed \$200,000;~~

7 ~~(4) subsection (f) of Section 401 in any school, on or~~
8 ~~within 500 feet of the real property comprising any~~
9 ~~school, or in any conveyance owned, leased or contracted~~
10 ~~by a school to transport students to or from school or a~~
11 ~~school related activity, and at the time of the violation~~
12 ~~persons under the age of 18 are present, the offense is~~
13 ~~committed during school hours, or the offense is committed~~
14 ~~at times when persons under the age of 18 are reasonably~~
15 ~~expected to be present in the school, in the conveyance,~~
16 ~~or on the real property, such as when after school~~
17 ~~activities are occurring, or in any public park or on or~~
18 ~~within 500 feet of the real property comprising any public~~
19 ~~park, on the real property comprising any church,~~
20 ~~synagogue, or other building, structure, or place used~~
21 ~~primarily for religious worship, or within 500 feet of the~~
22 ~~real property comprising any church, synagogue, or other~~
23 ~~building, structure, or place used primarily for religious~~
24 ~~worship, on the real property comprising any of the~~
25 ~~following places, buildings, or structures used primarily~~
26 ~~for housing or providing space for activities for senior~~

1 ~~citizens: nursing homes, assisted living centers, senior~~
2 ~~citizen housing complexes, or senior centers oriented~~
3 ~~toward daytime activities, or within 500 feet of the real~~
4 ~~property comprising any of the following places,~~
5 ~~buildings, or structures used primarily for housing or~~
6 ~~providing space for activities for senior citizens:~~
7 ~~nursing homes, assisted living centers, senior citizen~~
8 ~~housing complexes, or senior centers oriented toward~~
9 ~~daytime activities and at the time of the violation~~
10 ~~persons are present or reasonably expected to be present~~
11 ~~in the church, synagogue, or other building, structure, or~~
12 ~~place used primarily for religious worship during worship~~
13 ~~services, or in buildings or structures used primarily for~~
14 ~~housing or providing space for activities for senior~~
15 ~~citizens: nursing homes, assisted living centers, senior~~
16 ~~citizen housing complexes, or senior centers oriented~~
17 ~~toward daytime activities during the hours those places,~~
18 ~~buildings, or structures are open for those activities, or~~
19 ~~on the real property is guilty of a Class 2 felony, the~~
20 ~~fine for which shall not exceed \$150,000;~~

21 ~~(5) subsection (g) of Section 401 in any school, on or~~
22 ~~within 500 feet of the real property comprising any~~
23 ~~school, or in any conveyance owned, leased or contracted~~
24 ~~by a school to transport students to or from school or a~~
25 ~~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~~
2 ~~at times when persons under the age of 18 are reasonably~~
3 ~~expected to be present in the school, in the conveyance,~~
4 ~~or on the real property, such as when after school~~
5 ~~activities are occurring, or in any public park or on or~~
6 ~~within 500 feet of the real property comprising any public~~
7 ~~park, on the real property comprising any church,~~
8 ~~synagogue, or other building, structure, or place used~~
9 ~~primarily for religious worship, or within 500 feet of the~~
10 ~~real property comprising any church, synagogue, or other~~
11 ~~building, structure, or place used primarily for religious~~
12 ~~worship, on the real property comprising any of the~~
13 ~~following places, buildings, or structures used primarily~~
14 ~~for housing or providing space for activities for senior~~
15 ~~citizens: nursing homes, assisted living centers, senior~~
16 ~~citizen housing complexes, or senior centers oriented~~
17 ~~toward daytime activities, or within 500 feet of 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 and at the time of the violation~~
24 ~~persons are present or reasonably expected to be present~~
25 ~~in the church, synagogue, or other building, structure, or~~
26 ~~place used primarily for religious worship during worship~~

1 ~~services, or in buildings or structures used primarily for~~
2 ~~housing or providing space for activities for senior~~
3 ~~citizens: nursing homes, assisted living centers, senior~~
4 ~~citizen housing complexes, or senior centers oriented~~
5 ~~toward daytime activities during the hours those places,~~
6 ~~buildings, or structures are open for those activities, or~~
7 ~~on the real property is guilty of a Class 2 felony, the~~
8 ~~fine for which shall not exceed \$125,000;~~

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

~~following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 500 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities and at the time of the violation persons are present or reasonably expected to be present in the church, synagogue, or other building, structure, or place used primarily for religious worship during worship services, or in buildings or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities during the hours those places, buildings, or structures are open for those activities, or on the real property is guilty of a Class 2 felony, the fine for which shall not exceed \$100,000.~~

(c) (Blank). ~~Regarding penalties prescribed in subsection (b) for violations committed in a school or on or within 500 feet of school property, the time of day and time of year at the time of the offense is irrelevant.~~

1 (Source: P.A. 100-3, eff. 1-1-18.)

2 (720 ILCS 570/407.1) (from Ch. 56 1/2, par. 1407.1)

3 Sec. 407.1. Any person 18 years of age or over who violates
4 any subsection of Section 401 or ~~Section 404 or Section 405~~
5 by using, engaging or employing a person under 18 years of age
6 to deliver a controlled, counterfeit or look-alike substance
7 may, at the discretion of the court, be sentenced to a maximum
8 term of imprisonment that is equal to the maximum term of
9 imprisonment for the underlying offense plus the minimum term
10 of imprisonment for the underlying offense ~~for a term up to~~
11 ~~three times the maximum amount authorized by the pertinent~~
12 ~~subsection of Section 401, Section 404 or Section 405.~~

13 (Source: P.A. 91-297, eff. 1-1-00.)

14 (720 ILCS 570/407.2) (from Ch. 56 1/2, par. 1407.2)

15 Sec. 407.2. Delivery of a controlled substance to a
16 pregnant woman.

17 (a) Any person who violates any subsection ~~(a)~~ of Section
18 401 of this Act by delivering a controlled substance to a woman
19 he knows to be pregnant may, at the discretion of the court, be
20 sentenced to a maximum term of imprisonment that is equal to
21 the maximum term of imprisonment for the underlying offense
22 plus the minimum term of imprisonment for the underlying
23 offense ~~a term twice the maximum amount authorized by Section~~
24 ~~401 of this Act.~~

1 (b) (Blank). ~~Any person who delivers an amount of a~~
2 ~~controlled substance set forth in subsections (c) and (d) of~~
3 ~~Section 401 of this Act to a woman he knows to be pregnant~~
4 ~~commits a Class 1 felony. The fine for a violation of this~~
5 ~~subsection (b) shall not be more than \$250,000.~~

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

7 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

8 Sec. 410. (a) Whenever any person ~~who has not previously~~
9 ~~been convicted of any felony offense under this Act or any law~~
10 ~~of the United States or of any State relating to cannabis or~~
11 ~~controlled substances,~~ pleads guilty to or is found guilty of
12 possession of a controlled or counterfeit substance under
13 subsection (c) of Section 402 or of unauthorized possession of
14 prescription form under Section 406.2, the court, without
15 entering a judgment and with the consent of such person, may
16 sentence him or her to probation.

17 (b) When a person is placed on probation, the court shall
18 enter an order specifying a period of probation of 24 months
19 and shall defer further proceedings in the case until the
20 conclusion of the period or until the filing of a petition
21 alleging violation of a term or condition of probation.

22 (c) The conditions of probation shall be that the person:
23 (1) not violate any criminal statute of any jurisdiction; (2)
24 refrain from possessing a firearm or other dangerous weapon;
25 (3) submit to periodic drug testing at a time and in a manner

1 as ordered by the court, but no less than 3 times during the
2 period of the probation, with the cost of the testing to be
3 paid by the probationer; and (4) perform no less than 30 hours
4 of community service, provided community service is available
5 in the jurisdiction and is funded and approved by the county
6 board. The court may give credit toward the fulfillment of
7 community service hours for participation in activities and
8 treatment as determined by court services.

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

11 (1) make a report to and appear in person before or
12 participate with the court or such courts, person, or
13 social service agency as directed by the court in the
14 order of probation;

15 (2) pay a fine and costs;

16 (3) work or pursue a course of study or vocational
17 training;

18 (4) undergo medical or psychiatric treatment; or
19 treatment or rehabilitation approved by the Illinois
20 Department of Human Services;

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

23 (6) support his or her dependents;

24 (6-5) refrain from having in his or her body the
25 presence of any illicit drug prohibited by the Cannabis
26 Control Act, the Illinois Controlled Substances Act, or

1 the Methamphetamine Control and Community Protection Act,
2 unless prescribed by a physician, and submit samples of
3 his or her blood or urine or both for tests to determine
4 the presence of any illicit drug;

5 (7) and in addition, if a minor:

6 (i) reside with his or her parents or in a foster
7 home;

8 (ii) attend school;

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

10 (iv) contribute to his or her own support at home
11 or in a foster home.

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

15 (f) Upon fulfillment of the terms and conditions of
16 probation, the court shall discharge the person and dismiss
17 the proceedings against him or her.

18 (g) A disposition of probation is considered to be a
19 conviction for the purposes of imposing the conditions of
20 probation and for appeal, however, discharge and dismissal
21 under this Section is not a conviction for purposes of this Act
22 or for purposes of disqualifications or disabilities imposed
23 by law upon conviction of a crime.

24 (h) (Blank). ~~A person may not have more than one discharge~~
25 ~~and dismissal under this Section within a 4-year period.~~

26 (i) If a person is convicted of an offense under this Act,

1 the Cannabis Control Act, or the Methamphetamine Control and
2 Community Protection Act within 5 years subsequent to a
3 discharge and dismissal under this Section, the discharge and
4 dismissal under this Section shall be admissible in the
5 sentencing proceeding for that conviction as evidence in
6 aggravation.

7 (j) Notwithstanding subsection (a), before a person is
8 sentenced to probation under this Section, the court may refer
9 the person to the drug court established in that judicial
10 circuit pursuant to Section 15 of the Drug Court Treatment
11 Act. The drug court team shall evaluate the person's
12 likelihood of successfully completing a sentence of probation
13 under this Section and shall report the results of its
14 evaluation to the court. If the drug court team finds that the
15 person suffers from a substance abuse problem that makes him
16 or her substantially unlikely to successfully complete a
17 sentence of probation under this Section, then the drug court
18 shall set forth its findings in the form of a written order,
19 and the person shall not be sentenced to probation under this
20 Section, but shall be considered for the drug court program.

21 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
22 100-575, eff. 1-8-18.)

23 (720 ILCS 570/405 rep.)

24 (720 ILCS 570/405.1 rep.)

25 (720 ILCS 570/408 rep.)

1 Section 25. The Illinois Controlled Substances Act is
2 amended by repealing Sections 405, 405.1, and 408.

3 Section 30. The Drug Paraphernalia Control Act is amended
4 by changing Section 3.5 as follows:

5 (720 ILCS 600/3.5)

6 Sec. 3.5. Possession of drug paraphernalia.

7 (a) A person who knowingly possesses an item of drug
8 paraphernalia with the intent to use it in ingesting,
9 inhaling, or otherwise introducing a controlled substance into
10 the human body, or in preparing a controlled substance for
11 that use, is guilty of a Class B ~~A~~ misdemeanor ~~for which the~~
12 ~~court shall impose a minimum fine of \$750 in addition to any~~
13 ~~other penalty prescribed for a Class A misdemeanor.~~ This
14 subsection (a) does not apply to a person who is legally
15 authorized to possess hypodermic syringes or needles under the
16 Hypodermic Syringes and Needles Act.

17 (b) In determining intent under subsection (a), the trier
18 of fact may take into consideration the proximity of the
19 controlled substances to drug paraphernalia or the presence of
20 a controlled substance on the drug paraphernalia.

21 (Source: P.A. 101-593, eff. 12-4-19.)

22 Section 35. The Methamphetamine Control and Community
23 Protection Act is amended by changing Sections 15, 20, 25, 30,

1 35, 40, 45, 50, 55, 56, 60, and 70 and by adding Sections 55.1,
2 55.2, 55.3, 55.4, and 55.5 as follows:

3 (720 ILCS 646/15)

4 Sec. 15. Participation in methamphetamine manufacturing.

5 (a) Participation in methamphetamine manufacturing.

6 (1) It is unlawful to knowingly participate in the
7 manufacture of methamphetamine with the intent that
8 methamphetamine or a substance containing methamphetamine
9 be produced.

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

12 (A) A person who participates in the manufacture
13 of less than 15 grams of methamphetamine or a
14 substance containing methamphetamine is guilty of a
15 Class 2 ~~±~~ felony.

16 (B) A person who participates in the manufacture
17 of 15 or more grams but less than 100 grams of
18 methamphetamine or a substance containing
19 methamphetamine is guilty of a Class 1 ~~*~~ felony,
20 ~~subject to a term of imprisonment of not less than 6~~
21 ~~years and not more than 30 years,~~ and subject to a fine
22 not to exceed \$100,000 or the street value of the
23 methamphetamine manufactured, whichever is greater.

24 (C) A person who participates in the manufacture
25 of 100 or more grams but less than 400 grams of

1 methamphetamine or a substance containing
2 methamphetamine is guilty of a Class 1 ~~✖~~ felony, for
3 which the person may be sentenced ~~subject~~ to a term of
4 imprisonment of not less than 4 ~~9~~ years and not more
5 than 30 ~~40~~ years, and subject to a fine not to exceed
6 \$200,000 or the street value of the methamphetamine
7 manufactured, whichever is greater.

8 (D) A person who participates in the manufacture
9 of 400 or more grams but less than 900 grams of
10 methamphetamine or a substance containing
11 methamphetamine is guilty of a Class 1 ~~✖~~ felony, for
12 which the person may be sentenced ~~subject~~ to a term of
13 imprisonment of not less than 4 ~~12~~ years and not more
14 than 30 ~~50~~ years, and subject to a fine not to exceed
15 \$300,000 or the street value of the methamphetamine
16 manufactured, whichever is greater.

17 (E) A person who participates in the manufacture
18 of 900 grams or more of methamphetamine or a substance
19 containing methamphetamine is guilty of a Class 1 ~~✖~~
20 felony, for which the person may be sentenced ~~subject~~
21 to a term of imprisonment of not less than 4 ~~15~~ years
22 and not more than 30 ~~60~~ years, and subject to a fine
23 not to exceed \$400,000 or the street value of the
24 methamphetamine, whichever is greater.

25 (b) Aggravated participation in methamphetamine
26 manufacturing.

1 (1) It is unlawful to engage in aggravated
2 participation in the manufacture of methamphetamine. A
3 person engages in aggravated participation in the
4 manufacture of methamphetamine when the person violates
5 paragraph (1) of subsection (a) and:

6 (A) the person knowingly does so in a multi-unit
7 dwelling;

8 (B) the person knowingly does so in a structure or
9 vehicle where a child under the age of 18, a person
10 with a disability, or a person 60 years of age or older
11 who is incapable of adequately providing for his or
12 her own health and personal care resides, is present,
13 or is endangered by the manufacture of
14 methamphetamine;

15 (C) the person does so in a structure or vehicle
16 where a woman the person knows to be pregnant
17 (including but not limited to the person herself)
18 resides, is present, or is endangered by the
19 methamphetamine manufacture;

20 (D) the person knowingly does so in a structure or
21 vehicle protected by one or more ~~firearms,~~ explosive
22 devices, booby traps, ~~alarm systems, surveillance~~
23 ~~systems, guard dogs,~~ or dangerous animals;

24 (E) the methamphetamine manufacturing in which the
25 person participates is a contributing cause of the
26 death, serious bodily injury, disability, or

1 disfigurement of another person, including but not
2 limited to an emergency service provider;

3 (F) the methamphetamine manufacturing in which the
4 person participates is a contributing cause of a fire
5 or explosion that damages property belonging to
6 another person;

7 (G) the person knowingly organizes, directs, or
8 finances the methamphetamine manufacturing or
9 activities carried out in support of the
10 methamphetamine manufacturing; or

11 (H) the methamphetamine manufacturing occurs
12 within 500 feet of a place of worship or parsonage, or
13 within 500 feet of the real property comprising any
14 school at a time when children, clergy, patrons,
15 staff, or other persons are present or any activity
16 sanctioned by the place of worship or parsonage or
17 school is taking place.

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

20 (A) A person who participates in the manufacture
21 of less than 15 grams of methamphetamine or a
22 substance containing methamphetamine is guilty of a
23 Class 1 * felony, ~~subject to a term of imprisonment of~~
24 ~~not less than 6 years and not more than 30 years,~~ and
25 subject to a fine not to exceed \$100,000 or the street
26 value of the methamphetamine, whichever is greater.

1 (B) A person who participates in the manufacture
2 of 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, for
5 which the person may be sentenced ~~subject~~ to a term of
6 imprisonment of not less than 4 ~~9~~ years and not more
7 than 30 ~~40~~ years, and subject to a fine not to exceed
8 \$200,000 or the street value of the methamphetamine,
9 whichever is greater.

10 (C) A person who participates in the manufacture
11 of 100 or more grams but less than 400 grams of
12 methamphetamine or a substance containing
13 methamphetamine is guilty of a Class 1 ~~*~~ felony, for
14 which the person may be sentenced ~~subject~~ to a term of
15 imprisonment of not less than 4 ~~12~~ years and not more
16 than 30 ~~50~~ years, and subject to a fine not to exceed
17 \$300,000 or the street value of the methamphetamine,
18 whichever is greater.

19 (D) A person who participates in the manufacture
20 of 400 grams or more of methamphetamine or a substance
21 containing methamphetamine is guilty of a Class 1 ~~*~~
22 felony, for which the person may be sentenced ~~subject~~
23 to a term of imprisonment of not less than 4 ~~15~~ years
24 and not more than 30 ~~60~~ years, and subject to a fine
25 not to exceed \$400,000 or the street value of the
26 methamphetamine, whichever is greater.

1 (Source: P.A. 100-3, eff. 1-1-18.)

2 (720 ILCS 646/20)

3 Sec. 20. Methamphetamine precursor.

4 (a) Methamphetamine precursor or substance containing any
5 methamphetamine precursor ~~in standard dosage form~~.

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

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

14 (A) A person who possesses, procures, transports,
15 stores, or delivers less than 15 grams of
16 methamphetamine precursor or substance containing any
17 methamphetamine precursor is guilty of a Class 4 ~~2~~
18 felony.

19 (B) A person who possesses, procures, transports,
20 stores, or delivers 15 or more grams but less than 30
21 grams of methamphetamine precursor or substance
22 containing any methamphetamine precursor is guilty of
23 a Class 3 ~~4~~ felony.

24 (C) A person who possesses, procures, transports,
25 stores, or delivers 30 or more grams but less than 150

1 grams of methamphetamine precursor or substance
2 containing any methamphetamine precursor is guilty of
3 a Class 2 * felony, ~~subject to a term of imprisonment~~
4 ~~of not less than 6 years and not more than 30 years,~~
5 and subject to a fine not to exceed \$100,000.

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

13 (E) A person who possesses, procures, transports,
14 stores, or delivers 500 or more grams of
15 methamphetamine precursor or substance containing any
16 methamphetamine precursor is guilty of a Class 1 *
17 felony, for which the person may be sentenced ~~subject~~
18 to a term of imprisonment of not less than 4 ~~10~~ years
19 and not more than 30 ~~50~~ years, and subject to a fine
20 not to exceed \$300,000.

21 (b) (Blank). ~~Methamphetamine precursor or substance~~
22 ~~containing any methamphetamine precursor in any form other~~
23 ~~than a standard dosage form.~~

24 ~~(1) It is unlawful to knowingly possess, procure,~~
25 ~~transport, store, or deliver any methamphetamine precursor~~
26 ~~or substance containing any methamphetamine precursor in~~

1 ~~any form other than a standard dosage form with the intent~~
2 ~~that it be used to manufacture methamphetamine or a~~
3 ~~substance containing methamphetamine.~~

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

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

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

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

23 ~~(D) A person who violates paragraph (1) of this~~
24 ~~subsection (b) with the intent that 100 or more grams~~
25 ~~but less than 350 grams of methamphetamine or a~~
26 ~~substance containing methamphetamine be manufactured~~

1 ~~is guilty of a Class X felony, subject to a term of~~
2 ~~imprisonment of not less than 8 years and not more than~~
3 ~~40 years, and subject to a fine not to exceed \$200,000.~~

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

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

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

21 (720 ILCS 646/25)

22 Sec. 25. Anhydrous ammonia.

23 (a) Possession, procurement, transportation, storage, or
24 delivery of anhydrous ammonia with the intent that it be used
25 to manufacture methamphetamine.

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

7 (2) A person who violates paragraph (1) of this
8 subsection (a) is guilty of a Class 2 ± felony.

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

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

22 (A) the person knowingly does so in a multi-unit
23 dwelling;

24 (B) the person knowingly does so in a structure or
25 vehicle where a child under the age of 18, or a person
26 with a disability, or a person who is 60 years of age

1 or older who is incapable of adequately providing for
2 his or her own health and personal care resides, is
3 present, or is endangered by the anhydrous ammonia;

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

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

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

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

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

23 (1.5) (Blank) ~~It is unlawful to attempt to possess,~~
24 ~~procure, transport, store, or deliver anhydrous ammonia in~~
25 ~~an unauthorized container.~~

26 (2) A person who violates paragraph (1) of this

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

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

13 (d) Tampering with anhydrous ammonia equipment.

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

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

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

23 (C) vents or attempts to vent anhydrous ammonia
24 into the environment.

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

1 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06;
2 95-690, eff. 1-1-08.)

3 (720 ILCS 646/30)

4 Sec. 30. Methamphetamine manufacturing material.

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

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

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

14 (720 ILCS 646/35)

15 Sec. 35. Use of property.

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

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

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

23 (720 ILCS 646/40)

1 Sec. 40. Protection of methamphetamine manufacturing.

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

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

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

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

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

15 (720 ILCS 646/45)

16 Sec. 45. Methamphetamine manufacturing waste.

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

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

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

24 (720 ILCS 646/50)

1 Sec. 50. Methamphetamine-related child endangerment.

2 (a) Methamphetamine-related child endangerment.

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

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

11 (b) Aggravated methamphetamine-related child
12 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
17 this subsection (a) of this Section and the child
18 experiences death, great bodily harm, disability, or
19 disfigurement as a result of the methamphetamine-related
20 child endangerment.

21 (2) A person who violates paragraph (1) of this
22 subsection (b) is guilty of a Class 1 ~~2~~ felony, ~~subject to~~
23 ~~a term of imprisonment of not less than 6 years and not~~
24 ~~more than 30 years,~~ and subject to a fine not to exceed
25 \$100,000.

26 (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 one gram ~~5 grams~~ of
12 methamphetamine or a substance containing
13 methamphetamine is guilty of a Class 4 ~~2~~ felony.

14 (B) A person who delivers or possesses with intent
15 to deliver one ~~5~~ or more grams but less than 15 grams
16 of methamphetamine or a substance containing
17 methamphetamine is guilty of a Class 3 ~~4~~ 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 2 ~~*~~ 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, for which the person may be sentenced
21 ~~subject~~ to a term of imprisonment of not less than 4 ~~15~~
22 years and not more than 30 ~~60~~ years, and subject to a
23 fine not to exceed \$400,000 or the street value of the
24 methamphetamine, whichever is greater.

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

1 ~~methamphetamine.~~

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

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

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

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

25 ~~(D) the person knowingly delivers or possesses~~
26 ~~with intent to deliver the methamphetamine or~~

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

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

16 ~~(F) (blank).~~

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

19 ~~(A) A person who delivers or possesses with intent~~
20 ~~to deliver less than 5 grams of methamphetamine or a~~
21 ~~substance containing methamphetamine is guilty of a~~
22 ~~Class 1 felony.~~

23 ~~(B) A person who delivers or possesses with intent~~
24 ~~to deliver 5 or more grams but less than 15 grams of~~
25 ~~methamphetamine or a substance containing~~
26 ~~methamphetamine is guilty of a Class X felony, subject~~

1 ~~to a term of imprisonment of not less than 6 years and~~
2 ~~not more than 30 years, and subject to a fine not to~~
3 ~~exceed \$100,000 or the street value of the~~
4 ~~methamphetamine, whichever is greater.~~

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

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

20 (Source: P.A. 100-3, eff. 1-1-18.)

21 (720 ILCS 646/55.1 new)

22 Sec. 55.1. Methamphetamine delivery by a person at least
23 18 years of age to a person under 18 years of age. Any person
24 who is at least 18 years of age who violates any subsection of
25 Section 55 by delivering methamphetamine or substance

1 containing methamphetamine to a person under 18 years of age
2 may, at the discretion of the court, be sentenced to a maximum
3 term of imprisonment that is equal to the maximum term of
4 imprisonment for the underlying offense plus the minimum term
5 of imprisonment for the underlying offense.

6 (720 ILCS 646/55.2 new)

7 Sec. 55.2. Employing person under 18 years of age to
8 deliver methamphetamine. Any person who is at least 18 years
9 of age who violates any subsection of Section 55 by using,
10 engaging, or employing, or causing another person to use,
11 engage, or employ a person under 18 years of age to deliver
12 methamphetamine or substance containing methamphetamine may,
13 at the discretion of the court, be sentenced to a maximum term
14 of imprisonment that is equal to the maximum term of
15 imprisonment for the underlying offense plus the minimum term
16 of imprisonment for the underlying offense.

17 (720 ILCS 646/55.3 new)

18 Sec. 55.3. Delivery of methamphetamine or possession with
19 intent to deliver methamphetamine-protected structure or
20 vehicle. Any person who violates any subsection of Section 55
21 by knowingly delivering or possessing with intent to deliver
22 methamphetamine or substance containing methamphetamine in any
23 structure or vehicle protected by one or more explosive
24 devices, booby traps, or dangerous animals may, at the

1 discretion of the court, be sentenced to a maximum term of
2 imprisonment that is equal to the maximum term of imprisonment
3 for the underlying offense plus the minimum term of
4 imprisonment for the underlying offense.

5 (720 ILCS 646/55.4 new)

6 Sec. 55.4. Methamphetamine delivery or possession with
7 intent to deliver methamphetamine on school grounds. Any
8 person who violates any subsection of Section 55 by delivering
9 or possessing with intent to deliver methamphetamine or
10 substance containing methamphetamine in any school, on any
11 real property comprising any school, or in any conveyance
12 owned, leased, or contracted by a school to transport students
13 to or from school or a school-related activity shall be
14 sentenced to a class of offense that is one class higher than
15 the sentence otherwise authorized by the pertinent subsection
16 of Section 55. If the sentence otherwise authorized by the
17 pertinent subsection of Section 55 is a Class 1 felony for
18 which the person may be sentenced to a term of imprisonment of
19 not less than 4 years and not more than 15 years, the penalty
20 for an offense under this Section is a Class 1 felony for which
21 the person may be sentenced to a term of imprisonment of not
22 less than 4 years and not more than 30 years. If the sentence
23 otherwise authorized by the pertinent subsection of Section 55
24 is a Class 1 felony for which the person may be sentenced to a
25 term of imprisonment of not less than 4 years and not more than

1 30 years, the penalty for an offense under this Section is a
2 Class 1 felony for which the person may be sentenced to a term
3 of imprisonment of not less than 4 years and not more than 40
4 years.

5 (720 ILCS 646/55.5 new)

6 Sec. 55.5. Methamphetamine delivery to pregnant woman. Any
7 person who violates any subsection of Section 55 by delivering
8 or causing to be delivered methamphetamine or substance
9 containing methamphetamine to a woman that the person knows to
10 be pregnant may, at the discretion of the court, be sentenced
11 to a maximum term of imprisonment that is equal to the maximum
12 term of imprisonment for the underlying offense plus the
13 minimum term of imprisonment for the underlying offense.

14 (720 ILCS 646/56)

15 Sec. 56. Methamphetamine trafficking.

16 (a) Except for purposes as authorized by this Act, any
17 person who knowingly brings, or causes to be brought, into
18 this State 400 grams or more of methamphetamine or 500 grams or
19 more of ~~7, anhydrous ammonia, or~~ a methamphetamine precursor or
20 any amount of anhydrous ammonia for the purpose of manufacture
21 or delivery of methamphetamine or with the intent to
22 manufacture or deliver methamphetamine is guilty of
23 methamphetamine trafficking.

24 (a-5) A person convicted of methamphetamine trafficking

1 shall be sentenced as authorized by Section 55 of this Act,
2 based upon the amount of the methamphetamine brought or caused
3 to be brought into this State, if the person at sentencing
4 proves by a preponderance of the evidence that he or she:

5 (1) received little or no compensation from the
6 illegal transport of the methamphetamine into this State
7 and had minimal knowledge of the scope and structure of
8 the enterprise to manufacture or deliver the
9 methamphetamine transported; or

10 (2) was not involved in the organization or planning
11 of the enterprise to manufacture or deliver the
12 methamphetamine transported.

13 (b) Except as otherwise provided in subsection (a-5), a ~~A~~
14 person convicted of methamphetamine trafficking shall be
15 sentenced to a term of imprisonment of not less than twice the
16 minimum term and not more than twice the maximum term of
17 imprisonment based upon the amount of methamphetamine brought
18 or caused to be brought into this State, as provided in
19 subsection (a) of Section 55 of this Act that is one class
20 higher than the underlying offense. If the underlying offense
21 is a Class 1 felony for which the offender may be sentenced to
22 a term of imprisonment of not less than 4 years and not more
23 than 30 years, the penalty for methamphetamine trafficking is
24 a Class 1 felony for which the person may be sentenced to a
25 term of imprisonment of not less 4 years and not more than 40
26 years.

1 (c) (Blank) ~~A person convicted of methamphetamine~~
2 ~~trafficking based upon a methamphetamine precursor shall be~~
3 ~~sentenced to a term of imprisonment of not less than twice the~~
4 ~~minimum term and not more than twice the maximum term of~~
5 ~~imprisonment based upon the amount of methamphetamine~~
6 ~~precursor provided in subsection (a) or (b) of Section 20 of~~
7 ~~this Act brought or caused to be brought into this State.~~

8 (d) A person convicted of methamphetamine trafficking
9 based upon anhydrous ammonia under paragraph (1) of subsection
10 (a) of Section 25 of this Act is guilty of a Class 1 felony
11 ~~shall be sentenced to a term of imprisonment of not less than~~
12 ~~twice the minimum term and not more than twice the maximum term~~
13 ~~of imprisonment provided in paragraph (1) of subsection (a) of~~
14 ~~Section 25 of this Act.~~

15 (Source: P.A. 94-830, eff. 6-5-06.)

16 (720 ILCS 646/60)

17 Sec. 60. Methamphetamine possession.

18 (a) It is unlawful knowingly to possess methamphetamine or
19 a substance containing methamphetamine.

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

22 (1) A person who possesses less than 15 ~~5~~ grams of
23 methamphetamine or a substance containing methamphetamine
24 is guilty of a Class A misdemeanor ~~3 felony~~.

25 (2) (Blank). ~~A person who possesses 5 or more grams~~

1 ~~but less than 15 grams of methamphetamine or a substance~~
2 ~~containing methamphetamine is guilty of a Class 2 felony.~~

3 (3) A person who possesses 15 or more grams but less
4 than 100 grams of methamphetamine or a substance
5 containing methamphetamine is guilty of a Class 3 ~~±~~
6 felony.

7 (4) A person who possesses 100 or more grams but less
8 than 400 grams of methamphetamine or a substance
9 containing methamphetamine is guilty of a Class 2 ~~*~~
10 felony, ~~subject to a term of imprisonment of not less than~~
11 ~~6 years and not more than 30 years,~~ and subject to a fine
12 not to exceed \$100,000.

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

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

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

25 (720 ILCS 646/70)

1 Sec. 70. Probation.

2 (a) Whenever any person ~~who has not previously been~~
3 ~~convicted of any felony offense under this Act, the Illinois~~
4 ~~Controlled Substances Act, the Cannabis Control Act, or any~~
5 ~~law of the United States or of any state relating to cannabis~~
6 ~~or controlled substances,~~ pleads guilty to or is found guilty
7 of possession of less than 15 grams of methamphetamine under
8 paragraph (1) or (2) of subsection (b) of Section 60 of this
9 Act, the court, without entering a judgment and with the
10 consent of the person, may sentence him or her to probation.

11 (b) When a person is placed on probation, the court shall
12 enter an order specifying a period of probation of 24 months
13 and shall defer further proceedings in the case until the
14 conclusion of the period or until the filing of a petition
15 alleging violation of a term or condition of probation.

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

17 (1) not violate any criminal statute of any
18 jurisdiction;

19 (2) refrain from possessing a firearm or other
20 dangerous weapon;

21 (3) submit to periodic drug testing at a time and in a
22 manner as ordered by the court, but no less than 3 times
23 during the period of the probation, with the cost of the
24 testing to be paid by the probationer; and

25 (4) perform no less than 30 hours of community
26 service, if community service is available in the

1 jurisdiction and is funded and approved by the county
2 board. The court may give credit toward the fulfillment of
3 community service hours for participation in activities
4 and treatment as determined by court services.

5 (d) The court may, in addition to other conditions,
6 require that the person take one or more of the following
7 actions:

8 (1) make a report to and appear in person before or
9 participate with the court or such courts, person, or
10 social service agency as directed by the court in the
11 order of probation;

12 (2) pay a fine and costs;

13 (3) work or pursue a course of study or vocational
14 training;

15 (4) undergo medical or psychiatric treatment; or
16 treatment or rehabilitation approved by the Illinois
17 Department of Human Services;

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

20 (6) support his or her dependents;

21 (7) refrain from having in his or her body the
22 presence of any illicit drug prohibited by this Act, the
23 Cannabis Control Act, or the Illinois Controlled
24 Substances Act, unless prescribed by a physician, and
25 submit samples of his or her blood or urine or both for
26 tests to determine the presence of any illicit drug; or

1 (8) if a minor:

2 (i) reside with his or her parents or in a foster
3 home;

4 (ii) attend school;

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

6 or

7 (iv) contribute to his or her own support at home
8 or in a foster home.

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

12 (f) Upon fulfillment of the terms and conditions of
13 probation, the court shall discharge the person and dismiss
14 the proceedings against the person.

15 (g) A disposition of probation is considered to be a
16 conviction for the purposes of imposing the conditions of
17 probation and for appeal, however, discharge and dismissal
18 under this Section is not a conviction for purposes of this Act
19 or for purposes of disqualifications or disabilities imposed
20 by law upon conviction of a crime.

21 (h) (Blank). ~~A person may not have more than one discharge~~
22 ~~and dismissal under this Section within a 4 year period.~~

23 (i) If a person is convicted of an offense under this Act,
24 the Cannabis Control Act, or the Illinois Controlled
25 Substances Act within 5 years subsequent to a discharge and
26 dismissal under this Section, the discharge and dismissal

1 under this Section are admissible in the sentencing proceeding
2 for that conviction as evidence in aggravation.

3 (j) Notwithstanding subsection (a), before a person is
4 sentenced to probation under this Section, the court may refer
5 the person to the drug court established in that judicial
6 circuit pursuant to Section 15 of the Drug Court Treatment
7 Act. The drug court team shall evaluate the person's
8 likelihood of successfully completing a sentence of probation
9 under this Section and shall report the results of its
10 evaluation to the court. If the drug court team finds that the
11 person suffers from a substance abuse problem that makes him
12 or her substantially unlikely to successfully complete a
13 sentence of probation under this Section, then the drug court
14 shall set forth its findings in the form of a written order,
15 and the person shall not be sentenced to probation under this
16 Section, but shall be considered for the drug court program.

17 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
18 100-575, eff. 1-8-18.)

19 (720 ILCS 646/65 rep.)

20 (720 ILCS 646/100 rep.)

21 Section 40. The Methamphetamine Control and Community
22 Protection Act is amended by repealing Sections 65 and 100.

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Statutes amended in order of appearance

3	720 ILCS 5/9-3.3	from Ch. 38, par. 9-3.3
4	720 ILCS 550/3	from Ch. 56 1/2, par. 703
5	720 ILCS 550/4	from Ch. 56 1/2, par. 704
6	720 ILCS 550/5	from Ch. 56 1/2, par. 705
7	720 ILCS 550/5.1	from Ch. 56 1/2, par. 705.1
8	720 ILCS 550/5.2	from Ch. 56 1/2, par. 705.2
9	720 ILCS 550/7	from Ch. 56 1/2, par. 707
10	720 ILCS 550/8	from Ch. 56 1/2, par. 708
11	720 ILCS 550/10	from Ch. 56 1/2, par. 710
12	720 ILCS 550/16.2	
13	720 ILCS 550/9 rep.	
14	720 ILCS 570/401	from Ch. 56 1/2, par. 1401
15	720 ILCS 570/401.1	from Ch. 56 1/2, par. 1401.1
16	720 ILCS 570/402	from Ch. 56 1/2, par. 1402
17	720 ILCS 570/404	from Ch. 56 1/2, par. 1404
18	720 ILCS 570/405.2	
19	720 ILCS 570/407	from Ch. 56 1/2, par. 1407
20	720 ILCS 570/407.1	from Ch. 56 1/2, par. 1407.1
21	720 ILCS 570/407.2	from Ch. 56 1/2, par. 1407.2
22	720 ILCS 570/410	from Ch. 56 1/2, par. 1410
23	720 ILCS 570/405 rep.	
24	720 ILCS 570/405.1 rep.	
25	720 ILCS 570/408 rep.	

- 1 720 ILCS 600/3.5
- 2 720 ILCS 646/15
- 3 720 ILCS 646/20
- 4 720 ILCS 646/25
- 5 720 ILCS 646/30
- 6 720 ILCS 646/35
- 7 720 ILCS 646/40
- 8 720 ILCS 646/45
- 9 720 ILCS 646/50
- 10 720 ILCS 646/55
- 11 720 ILCS 646/55.1 new
- 12 720 ILCS 646/55.2 new
- 13 720 ILCS 646/55.3 new
- 14 720 ILCS 646/55.4 new
- 15 720 ILCS 646/55.5 new
- 16 720 ILCS 646/56
- 17 720 ILCS 646/60
- 18 720 ILCS 646/70
- 19 720 ILCS 646/65 rep.
- 20 720 ILCS 646/100 rep.