



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2391

Introduced 1/18/2006, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

720 ILCS 646/55
720 ILCS 646/56 new

Amends the Methamphetamine Control and Community Protection Act. Creates the offense of methamphetamine trafficking. Provides that a person commits the offense when he or she knowingly brings, or causes to be brought, into this State anhydrous ammonia or a methamphetamine precursor for the purpose of manufacture or delivery or with the intent to manufacture or deliver methamphetamine that is not authorized by the Act. Provides that a person convicted of the offense shall be sentenced to a term of imprisonment of not less than twice the minimum term and not more than twice the maximum term of imprisonment based upon the amount of methamphetamine or methamphetamine precursor or anhydrous ammonia brought or caused to be brought into this State. Effective immediately.

LRB094 15742 RLC 50955 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Methamphetamine Control and Community
5 Protection Act is amended by changing Section 55 and by adding
6 Section 56 as follows:

7 (720 ILCS 646/55)

8 Sec. 55. Methamphetamine delivery.

9 (a) Delivery or possession with intent to deliver
10 methamphetamine or a substance containing methamphetamine.

11 (1) It is unlawful knowingly to engage in the delivery
12 or possession with intent to deliver methamphetamine or a
13 substance containing methamphetamine.

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

16 (A) A person who delivers or possesses with intent
17 to deliver less than 5 grams of methamphetamine or a
18 substance containing methamphetamine is guilty of a
19 Class 2 felony.

20 (B) A person who delivers or possesses with intent
21 to deliver 5 or more grams but less than 15 grams of
22 methamphetamine or a substance containing
23 methamphetamine is guilty of a Class 1 felony.

24 (C) A person who delivers or possesses with intent
25 to deliver 15 or more grams but less than 100 grams of
26 methamphetamine or a substance containing
27 methamphetamine is guilty of a Class X felony, subject
28 to a term of imprisonment of not less than 6 years and
29 not more than 30 years, and subject to a fine not to
30 exceed \$100,000 or the street value of the
31 methamphetamine, whichever is greater.

32 (D) A person who delivers or possesses with intent

1 to deliver 100 or more grams but less than 400 grams of
2 methamphetamine or a substance containing
3 methamphetamine is guilty of a Class X felony, subject
4 to a term of imprisonment of not less than 9 years and
5 not more than 40 years, and subject to a fine not to
6 exceed \$200,000 or the street value of the
7 methamphetamine, whichever is greater.

8 (E) A person who delivers or possesses with intent
9 to deliver 400 or more grams but less than 900 grams of
10 methamphetamine or a substance containing
11 methamphetamine is guilty of a Class X felony, subject
12 to a term of imprisonment of not less than 12 years and
13 not more than 50 years, and subject to a fine not to
14 exceed \$300,000 or the street value of the
15 methamphetamine, whichever is greater.

16 (F) A person who delivers or possesses with intent
17 to deliver 900 or more grams of methamphetamine or a
18 substance containing methamphetamine is guilty of a
19 Class X felony, subject to a term of imprisonment of
20 not less than 15 years and not more than 60 years, and
21 subject to a fine not to exceed \$400,000 or the street
22 value of the methamphetamine, whichever is greater.

23 (b) Aggravated delivery or possession with intent to
24 deliver methamphetamine or a substance containing
25 methamphetamine.

26 (1) It is unlawful to engage in the aggravated delivery
27 or possession with intent to deliver methamphetamine or a
28 substance containing methamphetamine. A person engages in
29 the aggravated delivery or possession with intent to
30 deliver methamphetamine or a substance containing
31 methamphetamine when the person violates paragraph (1) of
32 subsection (a) of this Section and:

33 (A) the person is at least 18 years of age and
34 knowingly delivers or possesses with intent to deliver
35 the methamphetamine or substance containing
36 methamphetamine to a person under 18 years of age;

1 (B) the person is at least 18 years of age and
2 knowingly uses, engages, employs, or causes another
3 person to use, engage, or employ a person under 18
4 years of age to deliver the methamphetamine or
5 substance containing methamphetamine;

6 (C) the person knowingly delivers or possesses
7 with intent to deliver the methamphetamine or
8 substance containing methamphetamine in any structure
9 or vehicle protected by one or more firearms, explosive
10 devices, booby traps, alarm systems, surveillance
11 systems, guard dogs, or dangerous animals;

12 (D) the person knowingly delivers or possesses
13 with intent to deliver the methamphetamine or
14 substance containing methamphetamine in any school, on
15 any real property comprising any school, or in any
16 conveyance owned, leased, or contracted by a school to
17 transport students to or from school or a
18 school-related activity;

19 (E) the person delivers or causes another person to
20 deliver the methamphetamine or substance containing
21 methamphetamine to a woman that the person knows to be
22 pregnant; or

23 (F) (blank) ~~the person knowingly brings or causes~~
24 ~~another to bring the methamphetamine or substance~~
25 ~~containing methamphetamine into Illinois from a~~
26 ~~location outside of Illinois.~~

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

29 (A) A person who delivers or possesses with intent
30 to deliver less than 5 grams of methamphetamine or a
31 substance containing methamphetamine is guilty of a
32 Class 1 felony.

33 (B) A person who delivers or possesses with intent
34 to deliver 5 or more grams but less than 15 grams of
35 methamphetamine or a substance containing
36 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. 94-556, eff. 9-11-05.)

21 (720 ILCS 646/56 new)

22 Sec. 56. Methamphetamine trafficking.

23 (a) Except for purposes as authorized by this Act, any
24 person who knowingly brings, or causes to be brought, into this
25 State anhydrous ammonia or a methamphetamine precursor for the
26 purpose of manufacture or delivery or with the intent to
27 manufacture or deliver methamphetamine is guilty of
28 methamphetamine trafficking.

29 (b) A person convicted of methamphetamine trafficking
30 shall be sentenced to a term of imprisonment of not less than
31 twice the minimum term and not more than twice the maximum term
32 of imprisonment based upon the amount of methamphetamine or
33 methamphetamine precursor brought or caused to be brought into
34 this State.

35 (c) A person convicted of methamphetamine trafficking

1 based upon anhydrous ammonia under paragraph (1) of subsection
2 (a) of Section 25 of this Act shall be sentenced to a term of
3 imprisonment of not less than twice the minimum term and not
4 more than twice the maximum term of imprisonment provided in
5 paragraph (1) of subsection (a) of Section 25 of this Act.

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