



Sen. William R. Haine

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09400SB2391sam001

LRB094 15742 RLC 55377 a

1 AMENDMENT TO SENATE BILL 2391

2 AMENDMENT NO. _____. Amend Senate Bill 2391 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Methamphetamine Control and Community
5 Protection Act is amended by changing Sections 15, 20, 25, 30,
6 45, and 55 and by adding Section 56 as follows:

7 (720 ILCS 646/15)

8 Sec. 15. Participation in methamphetamine manufacturing.

9 (a) Participation in methamphetamine manufacturing.

10 (1) It is unlawful to knowingly participate in the
11 manufacture of methamphetamine with the intent that
12 methamphetamine or a substance containing methamphetamine
13 be produced.

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

16 (A) A person who participates in the manufacture of
17 less than 15 grams of methamphetamine or a substance
18 containing methamphetamine is guilty of a Class 1
19 felony.

20 (B) A person who participates in the manufacture of
21 15 or more grams but less than 100 grams of
22 methamphetamine or a substance containing
23 methamphetamine is guilty of a Class X felony, subject
24 to a term of imprisonment of not less than 6 years and

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

4 (C) A person who participates in the manufacture of
5 100 or more grams but less than 400 grams of
6 methamphetamine or a substance containing
7 methamphetamine is guilty of a Class X felony, subject
8 to a term of imprisonment of not less than 9 years and
9 not more than 40 years, and subject to a fine not to
10 exceed \$200,000 or the street value of the
11 methamphetamine manufactured, whichever is greater.

12 (D) A person who participates in the manufacture of
13 400 or more grams but less than 900 grams of
14 methamphetamine or a substance containing
15 methamphetamine is guilty of a Class X felony, subject
16 to a term of imprisonment of not less than 12 years and
17 not more than 50 years, and subject to a fine not to
18 exceed \$300,000 or the street value of the
19 methamphetamine manufactured, whichever is greater.

20 (E) A person who participates in the manufacture of
21 900 grams or more of methamphetamine or a substance
22 containing methamphetamine is guilty of a Class X
23 felony, subject to a term of imprisonment of not less
24 than 15 years and not more than 60 years, and subject
25 to a fine not to exceed \$400,000 or the street value of
26 the methamphetamine, whichever is greater.

27 (b) Aggravated participation in methamphetamine
28 manufacturing.

29 (1) It is unlawful to engage in aggravated
30 participation in the manufacture of methamphetamine. A
31 person engages in aggravated participation in the
32 manufacture of methamphetamine when the person violates
33 paragraph (1) of subsection (a) and:

34 (A) the person knowingly does so in a multi-unit

1 dwelling;

2 (B) the person knowingly does so in a structure or
3 vehicle where a child under the age of 18, a person
4 with a disability, or a person 60 years of age or older
5 who is incapable of adequately providing for his or her
6 own health and personal care resides, is present, or is
7 endangered by the manufacture of methamphetamine;

8 (C) the person does so in a structure or vehicle
9 where a woman the person knows to be pregnant
10 (including but not limited to the person herself)
11 resides, is present, or is endangered by the
12 methamphetamine manufacture;

13 (D) the person knowingly does so in a structure or
14 vehicle protected by one or more firearms, explosive
15 devices, booby traps, alarm systems, surveillance
16 systems, guard dogs, or dangerous animals;

17 (E) the methamphetamine manufacturing in which the
18 person participates is a contributing cause of the
19 death, serious bodily injury, disability, or
20 disfigurement of another person, including but not
21 limited to an emergency service provider;

22 (F) the methamphetamine manufacturing in which the
23 person participates is a contributing cause of a fire
24 or explosion that damages property belonging to
25 another person; or

26 (G) the person knowingly organizes, directs, or
27 finances the methamphetamine manufacturing or
28 activities carried out in support of the
29 methamphetamine manufacturing.

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

32 (A) A person who participates in the manufacture of
33 less than 15 grams of methamphetamine or a substance
34 containing methamphetamine is guilty of a Class X

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

5 (B) A person who participates in the manufacture of
6 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 9 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 (C) A person who participates in the manufacture of
14 100 or more grams but less than 400 grams of
15 methamphetamine or a substance containing
16 methamphetamine is guilty of a Class X felony, subject
17 to a term of imprisonment of not less than 12 years and
18 not more than 50 years, and subject to a fine not to
19 exceed \$300,000 or the street value of the
20 methamphetamine, whichever is greater.

21 (D) A person who participates in the manufacture of
22 400 grams or more of methamphetamine or a substance
23 containing methamphetamine is guilty of a Class X
24 felony, subject to a term of imprisonment of not less
25 than 15 years and not more than 60 years, and subject
26 to a fine not to exceed \$400,000 or the street value of
27 the methamphetamine, whichever is greater.

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

29 (720 ILCS 646/20)

30 Sec. 20. Methamphetamine precursor.

31 (a) Methamphetamine precursor or substance containing any
32 methamphetamine precursor in standard dosage form.

33 (1) It is unlawful to knowingly possess, procure,

1 transport, store, or deliver any methamphetamine precursor
2 or substance containing any methamphetamine precursor in
3 standard dosage form with the intent that it be used to
4 manufacture methamphetamine or a substance containing
5 methamphetamine.

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

8 (A) A person who possesses, procures, transports,
9 stores, or delivers less than 15 grams of
10 methamphetamine precursor or substance containing any
11 methamphetamine precursor is guilty of a Class 2
12 felony.

13 (B) A person who possesses, procures, transports,
14 stores, or delivers 15 or more grams but less than 30
15 grams of methamphetamine precursor or substance
16 containing any methamphetamine precursor is guilty of
17 a Class 1 felony.

18 (C) A person who possesses, procures, transports,
19 stores, or delivers 30 or more grams but less than 150
20 grams of methamphetamine precursor or substance
21 containing any methamphetamine precursor is guilty of
22 a Class X felony, subject to a term of imprisonment of
23 not less than 6 years and not more than 30 years, and
24 subject to a fine not to exceed \$100,000.

25 (D) A person who possesses, procures, transports,
26 stores, or delivers 150 or more grams but less than 500
27 grams of methamphetamine precursor or substance
28 containing any methamphetamine precursor is guilty of
29 a Class X felony, subject to a term of imprisonment of
30 not less than 8 years and not more than 40 years, and
31 subject to a fine not to exceed \$200,000.

32 (E) A person who possesses, procures, transports,
33 stores, or delivers 500 or more grams of
34 methamphetamine precursor or substance containing any

1 methamphetamine precursor is guilty of a Class X
2 felony, subject to a term of imprisonment of not less
3 than 10 years and not more than 50 years, and subject
4 to a fine not to exceed \$300,000.

5 (b) Methamphetamine precursor or substance containing any
6 methamphetamine precursor in any form other than a standard
7 dosage form.

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

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

16 (A) A person who violates paragraph (1) of this
17 subsection (b) with the intent that less than 10 grams
18 of methamphetamine or a substance containing
19 methamphetamine be manufactured is guilty of a Class 2
20 felony.

21 (B) A person who violates paragraph (1) of this
22 subsection (b) with the intent that 10 or more grams
23 but less than 20 grams of methamphetamine or a
24 substance containing methamphetamine be manufactured
25 is guilty of a Class 1 felony.

26 (C) A person who violates paragraph (1) of this
27 subsection (b) with the intent that 20 or more grams
28 but less than 100 grams of methamphetamine or a
29 substance containing methamphetamine be manufactured
30 is guilty of a Class X felony, subject to a term of
31 imprisonment of not less than 6 years and not more than
32 30 years, and subject to a fine not to exceed \$100,000.

33 (D) A person who violates paragraph (1) of this
34 subsection (b) with the intent that 100 or more grams

1 but less than 350 grams of methamphetamine or a
2 substance containing methamphetamine be manufactured
3 is guilty of a Class X felony, subject to a term of
4 imprisonment of not less than 8 years and not more than
5 40 years, and subject to a fine not to exceed \$200,000.

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

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

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

23 (720 ILCS 646/25)

24 Sec. 25. Anhydrous ammonia.

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

28 (1) It is unlawful to knowingly engage in the
29 possession, procurement, transportation, storage, or
30 delivery of anhydrous ammonia or to attempt to engage in
31 any of these activities or to assist another in engaging in
32 any of these activities with the intent that the anhydrous
33 ammonia be used to manufacture methamphetamine.

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

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

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

16 (A) the person knowingly does so in a multi-unit
17 dwelling;

18 (B) the person knowingly does so in a structure or
19 vehicle where a child under the age of 18, or a person
20 with a disability, or a person who is 60 years of age
21 or older who is incapable of adequately providing for
22 his or her own health and personal care resides, is
23 present, or is endangered by the anhydrous ammonia;

24 (C) the person's possession, procurement,
25 transportation, storage, or delivery of anhydrous
26 ammonia is a contributing cause of the death, serious
27 bodily injury, disability, or disfigurement of another
28 person; or

29 (D) the person's possession, procurement,
30 transportation, storage, or delivery of anhydrous
31 ammonia is a contributing cause of a fire or explosion
32 that damages property belonging to another person.

33 (2) A person who violates paragraph (1) of this
34 subsection (b) is guilty of a Class X felony, subject to a

1 term of imprisonment of not less than 6 years and not more
2 than 30 years, and subject to a fine not to exceed
3 \$100,000.

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

6 (1) It is unlawful to knowingly possess, procure,
7 transport, store, or deliver anhydrous ammonia in an
8 unauthorized container.

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

11 (3) Affirmative defense. It is an affirmative defense
12 that the person charged possessed, procured, transported,
13 stored, or delivered anhydrous ammonia in a manner that
14 substantially complied with the rules governing anhydrous
15 ammonia equipment found in 8 Illinois Administrative Code
16 Section 215, in 92 Illinois Administrative Code Sections
17 171 through 180, or in any provision of the Code of Federal
18 Regulations incorporated by reference into these Sections
19 of the Illinois Administrative Code.

20 (d) Tampering with anhydrous ammonia equipment.

21 (1) It is unlawful to knowingly tamper with anhydrous
22 ammonia equipment. A person tampers with anhydrous ammonia
23 equipment when, without authorization from the lawful
24 owner, the person:

25 (A) removes or attempts to remove anhydrous
26 ammonia from the anhydrous ammonia equipment used by
27 the lawful owner;

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

30 (C) vents or attempts to vent anhydrous ammonia
31 into the environment.

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

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

1 (720 ILCS 646/30)

2 Sec. 30. Methamphetamine manufacturing material.

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

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

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

12 (720 ILCS 646/45)

13 Sec. 45. Methamphetamine manufacturing waste.

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

18 (b) A person who violates subsection (a) of this Section is
19 guilty of a Class 2 felony.

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

21 (720 ILCS 646/55)

22 Sec. 55. Methamphetamine delivery.

23 (a) Delivery or possession with intent to deliver
24 methamphetamine or a substance containing methamphetamine.

25 (1) It is unlawful knowingly to engage in the delivery
26 or possession with intent to deliver methamphetamine or a
27 substance containing methamphetamine.

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

30 (A) A person who delivers or possesses with intent
31 to deliver less than 5 grams of methamphetamine or a

1 substance containing methamphetamine is guilty of a
2 Class 2 felony.

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

7 (C) A person who delivers or possesses with intent
8 to deliver 15 or more grams but less than 100 grams of
9 methamphetamine or a substance containing
10 methamphetamine is guilty of a Class X felony, subject
11 to a term of imprisonment of not less than 6 years and
12 not more than 30 years, and subject to a fine not to
13 exceed \$100,000 or the street value of the
14 methamphetamine, whichever is greater.

15 (D) A person who delivers or possesses with intent
16 to deliver 100 or more grams but less than 400 grams of
17 methamphetamine or a substance containing
18 methamphetamine is guilty of a Class X felony, subject
19 to a term of imprisonment of not less than 9 years and
20 not more than 40 years, and subject to a fine not to
21 exceed \$200,000 or the street value of the
22 methamphetamine, whichever is greater.

23 (E) A person who delivers or possesses with intent
24 to deliver 400 or more grams but less than 900 grams of
25 methamphetamine or a substance containing
26 methamphetamine is guilty of a Class X felony, subject
27 to a term of imprisonment of not less than 12 years and
28 not more than 50 years, and subject to a fine not to
29 exceed \$300,000 or the street value of the
30 methamphetamine, whichever is greater.

31 (F) A person who delivers or possesses with intent
32 to deliver 900 or more grams of methamphetamine or a
33 substance containing methamphetamine is guilty of a
34 Class X felony, subject to a term of imprisonment of

1 not less than 15 years and not more than 60 years, and
2 subject to a fine not to exceed \$400,000 or the street
3 value of the methamphetamine, whichever is greater.

4 (b) Aggravated delivery or possession with intent to
5 deliver methamphetamine or a substance containing
6 methamphetamine.

7 (1) It is unlawful to engage in the aggravated delivery
8 or possession with intent to deliver methamphetamine or a
9 substance containing methamphetamine. A person engages in
10 the aggravated delivery or possession with intent to
11 deliver methamphetamine or a substance containing
12 methamphetamine when the person violates paragraph (1) of
13 subsection (a) of this Section and:

14 (A) the person is at least 18 years of age and
15 knowingly delivers or possesses with intent to deliver
16 the methamphetamine or substance containing
17 methamphetamine to a person under 18 years of age;

18 (B) the person is at least 18 years of age and
19 knowingly uses, engages, employs, or causes another
20 person to use, engage, or employ a person under 18
21 years of age to deliver the methamphetamine or
22 substance containing methamphetamine;

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

29 (D) the person knowingly delivers or possesses
30 with intent to deliver the methamphetamine or
31 substance containing methamphetamine in any school, on
32 any real property comprising any school, or in any
33 conveyance owned, leased, or contracted by a school to
34 transport students to or from school or a

1 school-related activity;

2 (E) the person delivers or causes another person to
3 deliver the methamphetamine or substance containing
4 methamphetamine to a woman that the person knows to be
5 pregnant; or

6 (F) (blank) ~~the person knowingly brings or causes~~
7 ~~another to bring the methamphetamine or substance~~
8 ~~containing methamphetamine into Illinois from a~~
9 ~~location outside of Illinois.~~

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

12 (A) A person who delivers or possesses with intent
13 to deliver less than 5 grams of methamphetamine or a
14 substance containing methamphetamine is guilty of a
15 Class 1 felony.

16 (B) A person who delivers or possesses with intent
17 to deliver 5 or more grams but less than 15 grams of
18 methamphetamine or a substance containing
19 methamphetamine is guilty of a Class X felony, subject
20 to a term of imprisonment of not less than 6 years and
21 not more than 30 years, and subject to a fine not to
22 exceed \$100,000 or the street value of the
23 methamphetamine, whichever is greater.

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 8 years and
29 not more than 40 years, and subject to a fine not to
30 exceed \$200,000 or the street value of the
31 methamphetamine, whichever is greater.

32 (D) A person who delivers or possesses with intent
33 to deliver 100 or more grams of methamphetamine or a
34 substance containing methamphetamine is guilty of a

1 Class X felony, subject to a term of imprisonment of
2 not less than 10 years and not more than 50 years, and
3 subject to a fine not to exceed \$300,000 or the street
4 value of the methamphetamine, whichever is greater.

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

6 (720 ILCS 646/56 new)

7 Sec. 56. Methamphetamine trafficking.

8 (a) Except for purposes as authorized by this Act, any
9 person who knowingly brings, or causes to be brought, into this
10 State methamphetamine, anhydrous ammonia, or a methamphetamine
11 precursor for the purpose of manufacture or delivery of
12 methamphetamine or with the intent to manufacture or deliver
13 methamphetamine is guilty of methamphetamine trafficking.

14 (b) A person convicted of methamphetamine trafficking
15 shall be sentenced to a term of imprisonment of not less than
16 twice the minimum term and not more than twice the maximum term
17 of imprisonment based upon the amount of methamphetamine
18 brought or caused to be brought into this State, as provided in
19 subsection (a) of Section 55 of this Act.

20 (c) A person convicted of methamphetamine trafficking
21 based upon a methamphetamine precursor shall be sentenced to a
22 term of imprisonment of not less than twice the minimum term
23 and not more than twice the maximum term of imprisonment based
24 upon the amount of methamphetamine precursor provided in
25 subsection (a) or (b) of Section 20 of this Act brought or
26 caused to brought into this State.

27 (d) A person convicted of methamphetamine trafficking
28 based upon anhydrous ammonia under paragraph (1) of subsection
29 (a) of Section 25 of this Act shall be sentenced to a term of
30 imprisonment of not less than twice the minimum term and not
31 more than twice the maximum term of imprisonment provided in
32 paragraph (1) of subsection (a) of Section 25 of this Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".