



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5531

by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

720 ILCS 570/401	from Ch. 56 1/2, par. 1401
720 ILCS 570/402	from Ch. 56 1/2, par. 1402
720 ILCS 570/414	
730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
740 ILCS 57/15	

Amends the Illinois Controlled Substances Act and the Unified Code of Corrections. Provides that the penalties for the knowing manufacture or delivery, possession with intent to manufacture or deliver, or possession of desomorphine are the same as the penalties for the knowing manufacture or delivery, possession with intent to manufacture or deliver, or possession of heroin (rather than a non-enhanced Class X felony for manufacture or delivery or possession with intent to manufacture or deliver 200 grams or more, a Class 1 felony for manufacture or delivery or possession with intent to manufacture or deliver not less than 50 grams but under 200 grams, and a Class 2 felony for the manufacture or delivery or possession with intent to manufacture or deliver less than 50 grams; a non-enhanced Class 1 felony for possession of 200 grams or more and a Class 4 felony for possession of less than 200 grams). Provides that the immunity from criminal prosecution of a person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an overdose or a person who is experiencing an overdose applies to the possession of less than 3 grams of a substance containing desomorphine. Amends the Drug Dealer Liability Act. Includes "desomorphine" in the definition of "specified illegal drug". Effective immediately.

LRB098 14552 RLC 49325 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Sections 401, 402, and 414 as follows:

6 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

7 Sec. 401. Except as authorized by this Act, it is unlawful
8 for any person knowingly to manufacture or deliver, or possess
9 with intent to manufacture or deliver, a controlled substance
10 other than methamphetamine, a counterfeit substance, or a
11 controlled substance analog. A violation of this Act with
12 respect to each of the controlled substances listed herein
13 constitutes a single and separate violation of this Act. For
14 purposes of this Section, "controlled substance analog" or
15 "analog" means a substance which is intended for human
16 consumption, other than a controlled substance, that has a
17 chemical structure substantially similar to that of a
18 controlled substance in Schedule I or II, or that was
19 specifically designed to produce an effect substantially
20 similar to that of a controlled substance in Schedule I or II.
21 Examples of chemical classes in which controlled substance
22 analogs are found include, but are not limited to, the
23 following: phenethylamines, N-substituted piperidines,

1 morphinans, ecgonines, quinazolinones, substituted indoles,
2 and arylcycloalkylamines. For purposes of this Act, a
3 controlled substance analog shall be treated in the same manner
4 as the controlled substance to which it is substantially
5 similar.

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

13 (1) (A) not less than 6 years and not more than 30
14 years with respect to 15 grams or more but less than
15 100 grams of a substance containing heroin, or an
16 analog thereof;

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

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

25 (D) not less than 15 years and not more than 60
26 years with respect to 900 grams or more of any

1 substance containing heroin, or an analog thereof;

2 (1.1) (A) not less than 6 years and not more than 30
3 years with respect to 15 grams or more but less than
4 100 grams of a substance containing desomorphine, or an
5 analog thereof;

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

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

14 (D) not less than 15 years and not more than 60
15 years with respect to 900 grams or more of any
16 substance containing desomorphine, or an analog
17 thereof;

18 (1.5) (A) not less than 6 years and not more than 30
19 years with respect to 15 grams or more but less than
20 100 grams of a substance containing fentanyl, or an
21 analog thereof;

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

26 (C) not less than 12 years and not more than 50

1 years with respect to 400 grams or more but less than
2 900 grams of a substance containing fentanyl, or an
3 analog thereof;

4 (D) not less than 15 years and not more than 60
5 years with respect to 900 grams or more of a substance
6 containing fentanyl, or an analog thereof;

7 (2) (A) not less than 6 years and not more than 30
8 years with respect to 15 grams or more but less than
9 100 grams of a substance containing cocaine, or an
10 analog thereof;

11 (B) not less than 9 years and not more than 40
12 years with respect to 100 grams or more but less than
13 400 grams of a substance containing cocaine, or an
14 analog thereof;

15 (C) not less than 12 years and not more than 50
16 years with respect to 400 grams or more but less than
17 900 grams of a substance containing cocaine, or an
18 analog thereof;

19 (D) not less than 15 years and not more than 60
20 years with respect to 900 grams or more of any
21 substance containing cocaine, or an analog thereof;

22 (3) (A) not less than 6 years and not more than 30
23 years with respect to 15 grams or more but less than
24 100 grams of a substance containing morphine, or an
25 analog thereof;

26 (B) not less than 9 years and not more than 40

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

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

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

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

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

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

19 (6.5) (blank);

20 (6.6) (blank);

21 (7) (A) not less than 6 years and not more than 30
22 years with respect to: (i) 15 grams or more but less
23 than 100 grams of a substance containing lysergic acid
24 diethylamide (LSD), or an analog thereof, or (ii) 15 or
25 more objects or 15 or more segregated parts of an
26 object or objects but less than 200 objects or 200

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

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

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

25 (D) not less than 15 years and not more than 60
26 years with respect to: (i) 900 grams or more of any

1 substance containing lysergic acid diethylamide (LSD),
2 or an analog thereof, or (ii) 1500 or more objects or
3 1500 or more segregated parts of an object or objects
4 containing in them or having upon them any amount of a
5 substance containing lysergic acid diethylamide (LSD),
6 or an analog thereof;

7 (7.5) (A) not less than 6 years and not more than 30
8 years with respect to: (i) 15 grams or more but less
9 than 100 grams of a substance listed in paragraph (1),
10 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
11 (21), (25), or (26) of subsection (d) of Section 204,
12 or an analog or derivative thereof, or (ii) 15 or more
13 pills, tablets, caplets, capsules, or objects but less
14 than 200 pills, tablets, caplets, capsules, or objects
15 containing in them or having upon them any amounts of
16 any substance listed in paragraph (1), (2), (2.1),
17 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
18 (26) of subsection (d) of Section 204, or an analog or
19 derivative thereof;

20 (B) not less than 9 years and not more than 40
21 years with respect to: (i) 100 grams or more but less
22 than 400 grams of a substance listed in paragraph (1),
23 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
24 (21), (25), or (26) of subsection (d) of Section 204,
25 or an analog or derivative thereof, or (ii) 200 or more
26 pills, tablets, caplets, capsules, or objects but less

1 than 600 pills, tablets, caplets, capsules, or objects
2 containing in them or having upon them any amount of
3 any substance listed in paragraph (1), (2), (2.1),
4 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
5 (26) of subsection (d) of Section 204, or an analog or
6 derivative thereof;

7 (C) not less than 12 years and not more than 50
8 years with respect to: (i) 400 grams or more but less
9 than 900 grams of a substance listed in paragraph (1),
10 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
11 (21), (25), or (26) of subsection (d) of Section 204,
12 or an analog or derivative thereof, or (ii) 600 or more
13 pills, tablets, caplets, capsules, or objects but less
14 than 1,500 pills, tablets, caplets, capsules, or
15 objects containing in them or having upon them any
16 amount of any substance listed in paragraph (1), (2),
17 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),
18 (25), or (26) of subsection (d) of Section 204, or an
19 analog or derivative thereof;

20 (D) not less than 15 years and not more than 60
21 years with respect to: (i) 900 grams or more of any
22 substance listed in paragraph (1), (2), (2.1), (2.2),
23 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
24 subsection (d) of Section 204, or an analog or
25 derivative thereof, or (ii) 1,500 or more pills,
26 tablets, caplets, capsules, or objects containing in

1 them or having upon them any amount of a substance
2 listed in paragraph (1), (2), (2.1), (2.2), (3),
3 (14.1), (19), (20), (20.1), (21), (25), or (26) of
4 subsection (d) of Section 204, or an analog or
5 derivative thereof;

6 (8) 30 grams or more of any substance containing
7 pentazocine or any of the salts, isomers and salts of
8 isomers of pentazocine, or an analog thereof;

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

12 (10) 30 grams or more of any substance containing
13 phencyclidine or any of the salts, isomers and salts of
14 isomers of phencyclidine (PCP), or an analog thereof;

15 (10.5) 30 grams or more of any substance containing
16 ketamine or any of the salts, isomers and salts of isomers
17 of ketamine, or an analog thereof;

18 (10.6) 100 grams or more of any substance containing
19 hydrocodone, or any of the salts, isomers and salts of
20 isomers of hydrocodone, or an analog thereof;

21 (10.7) 100 grams or more of any substance containing
22 dihydrocodeinone, or any of the salts, isomers and salts of
23 isomers of dihydrocodeinone, or an analog thereof;

24 (10.8) 100 grams or more 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) 100 grams or more of any substance containing
2 oxycodone, or any of the salts, isomers and salts of
3 isomers of oxycodone, or an analog thereof;

4 (11) 200 grams or more of any substance containing any
5 other controlled substance classified in Schedules I or II,
6 or an analog thereof, which is not otherwise included in
7 this subsection.

8 (b) Any person sentenced with respect to violations of
9 paragraph (1), (1.1), (2), (3), (7), or (7.5) of subsection (a)
10 involving 100 grams or more of the controlled substance named
11 therein, may in addition to the penalties provided therein, be
12 fined an amount not more than \$500,000 or the full street value
13 of the controlled or counterfeit substance or controlled
14 substance analog, whichever is greater. The term "street value"
15 shall have the meaning ascribed in Section 110-5 of the Code of
16 Criminal Procedure of 1963. Any person sentenced with respect
17 to any other provision of subsection (a), may in addition to
18 the penalties provided therein, be fined an amount not to
19 exceed \$500,000.

20 (b-1) Excluding violations of this Act when the controlled
21 substance is fentanyl, any person sentenced to a term of
22 imprisonment with respect to violations of Section 401, 401.1,
23 405, 405.1, 405.2, or 407, when the substance containing the
24 controlled substance contains any amount of fentanyl, 3 years
25 shall be added to the term of imprisonment imposed by the
26 court, and the maximum sentence for the offense shall be

1 increased by 3 years.

2 (c) Any person who violates this Section with regard to the
3 following amounts of controlled or counterfeit substances or
4 controlled substance analogs, notwithstanding any of the
5 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
6 to the contrary, is guilty of a Class 1 felony. The fine for
7 violation of this subsection (c) shall not be more than
8 \$250,000:

9 (1) 1 gram or more but less than 15 grams of any
10 substance containing heroin, or an analog thereof;

11 (1.1) 1 gram or more but less than 15 grams of any
12 substance containing desomorphine, or an analog thereof;

13 (1.5) 1 gram or more but less than 15 grams of any
14 substance containing fentanyl, or an analog thereof;

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

17 (3) 10 grams or more but less than 15 grams of any
18 substance containing morphine, or an analog thereof;

19 (4) 50 grams or more but less than 200 grams of any
20 substance containing peyote, or an analog thereof;

21 (5) 50 grams or more but less than 200 grams of any
22 substance containing a derivative of barbituric acid or any
23 of the salts of a derivative of barbituric acid, or an
24 analog thereof;

25 (6) 50 grams or more but less than 200 grams of any
26 substance containing amphetamine or any salt of an optical

1 isomer of amphetamine, or an analog thereof;

2 (6.5) (blank);

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

11 (7.5) (i) 5 grams or more but less than 15 grams of any
12 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
13 (14.1), (19), (20), (20.1), (21), (25), or (26) of
14 subsection (d) of Section 204, or an analog or derivative
15 thereof, or (ii) more than 10 pills, tablets, caplets,
16 capsules, or objects but less than 15 pills, tablets,
17 caplets, capsules, or objects containing in them or having
18 upon them any amount of any substance listed in paragraph
19 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
20 (21), (25), or (26) of subsection (d) of Section 204, or an
21 analog or derivative thereof;

22 (8) 10 grams or more but less than 30 grams of any
23 substance containing pentazocine or any of the salts,
24 isomers and salts of isomers of pentazocine, or an analog
25 thereof;

26 (9) 10 grams or more but less than 30 grams of any

1 substance containing methaqualone or any of the salts,
2 isomers and salts of isomers of methaqualone, or an analog
3 thereof;

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

8 (10.5) 10 grams or more but less than 30 grams of any
9 substance containing ketamine or any of the salts, isomers
10 and salts of isomers of ketamine, or an analog thereof;

11 (10.6) 50 grams or more but less than 100 grams of any
12 substance containing hydrocodone, or any of the salts,
13 isomers and salts of isomers of hydrocodone, or an analog
14 thereof;

15 (10.7) 50 grams or more but less than 100 grams of any
16 substance containing dihydrocodeinone, or any of the
17 salts, isomers and salts of isomers of dihydrocodeinone, or
18 an analog thereof;

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

23 (10.9) 50 grams or more but less than 100 grams of any
24 substance containing oxycodone, or any of the salts,
25 isomers and salts of isomers of oxycodone, or an analog
26 thereof;

1 (11) 50 grams or more but less than 200 grams of any
2 substance containing a substance classified in Schedules I
3 or II, or an analog thereof, which is not otherwise
4 included in this subsection.

5 (c-5) (Blank).

6 (d) Any person who violates this Section with regard to any
7 other amount of a controlled or counterfeit substance
8 containing dihydrocodeinone or dihydrocodeine or classified in
9 Schedules I or II, or an analog thereof, which is (i) a
10 narcotic drug, (ii) lysergic acid diethylamide (LSD) or an
11 analog thereof, (iii) any substance containing amphetamine or
12 fentanyl or any salt or optical isomer of amphetamine or
13 fentanyl, or an analog thereof, or (iv) any substance
14 containing N-Benzylpiperazine (BZP) or any salt or optical
15 isomer of N-Benzylpiperazine (BZP), or an analog thereof, is
16 guilty of a Class 2 felony. The fine for violation of this
17 subsection (d) shall not be more than \$200,000.

18 (d-5) (Blank).

19 (e) Any person who violates this Section with regard to any
20 other amount of a controlled substance other than
21 methamphetamine or counterfeit substance classified in
22 Schedule I or II, or an analog thereof, which substance is not
23 included under subsection (d) of this Section, is guilty of a
24 Class 3 felony. The fine for violation of this subsection (e)
25 shall not be more than \$150,000.

26 (f) Any person who violates this Section with regard to any

1 other amount of a controlled or counterfeit substance
2 classified in Schedule III is guilty of a Class 3 felony. The
3 fine for violation of this subsection (f) shall not be more
4 than \$125,000.

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

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

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

20 (j) (Blank).

21 (Source: P.A. 96-347, eff. 1-1-10; 97-997, eff. 1-1-13.)

22 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

23 Sec. 402. Except as otherwise authorized by this Act, it is
24 unlawful for any person knowingly to possess a controlled or
25 counterfeit substance or controlled substance analog. A

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

18 (a) Any person who violates this Section with respect to
19 the following controlled or counterfeit substances and
20 amounts, notwithstanding any of the provisions of subsections
21 (c) and (d) to the contrary, is guilty of a Class 1 felony and
22 shall, if sentenced to a term of imprisonment, be sentenced as
23 provided in this subsection (a) and fined as provided in
24 subsection (b):

25 (1) (A) not less than 4 years and not more than 15
26 years with respect to 15 grams or more but less than

1 100 grams of a substance containing heroin;

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

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

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

11 (1.1) (A) not less than 4 years and not more than 15
12 years with respect to 15 grams or more but less than
13 100 grams of a substance containing desomorphine;

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

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

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

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

26 (B) not less than 6 years and not more than 30

1 years with respect to 100 grams or more but less than
2 400 grams of any substance containing cocaine;

3 (C) not less than 8 years and not more than 40
4 years with respect to 400 grams or more but less than
5 900 grams of any substance containing cocaine;

6 (D) not less than 10 years and not more than 50
7 years with respect to 900 grams or more of any
8 substance containing cocaine;

9 (3) (A) not less than 4 years and not more than 15
10 years with respect to 15 grams or more but less than
11 100 grams of any substance containing morphine;

12 (B) not less than 6 years and not more than 30
13 years with respect to 100 grams or more but less than
14 400 grams of any substance containing morphine;

15 (C) not less than 6 years and not more than 40
16 years with respect to 400 grams or more but less than
17 900 grams of any substance containing morphine;

18 (D) not less than 10 years and not more than 50
19 years with respect to 900 grams or more of any
20 substance containing morphine;

21 (4) 200 grams or more of any substance containing
22 peyote;

23 (5) 200 grams or more of any substance containing a
24 derivative of barbituric acid or any of the salts of a
25 derivative of barbituric acid;

26 (6) 200 grams or more of any substance containing

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

3 (6.5) (blank);

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

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

24 (C) not less than 8 years and not more than 40
25 years with respect to: (i) 400 grams or more but less
26 than 900 grams of any substance containing lysergic

1 acid diethylamide (LSD), or an analog thereof, or (ii)
2 600 or more objects or 600 or more segregated parts of
3 an object or objects but less than 1500 objects or 1500
4 segregated parts of an object or objects containing in
5 them or having upon them any amount of any substance
6 containing lysergic acid diethylamide (LSD), or an
7 analog thereof;

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

16 (7.5) (A) not less than 4 years and not more than 15
17 years with respect to: (i) 15 grams or more but less
18 than 100 grams of any substance listed in paragraph
19 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
20 (20.1), (21), (25), or (26) of subsection (d) of
21 Section 204, or an analog or derivative thereof, or
22 (ii) 15 or more pills, tablets, caplets, capsules, or
23 objects but less than 200 pills, tablets, caplets,
24 capsules, or objects containing in them or having upon
25 them any amount of any substance listed in paragraph
26 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),

1 (20.1), (21), (25), or (26) of subsection (d) of
2 Section 204, or an analog or derivative thereof;

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

16 (C) not less than 8 years and not more than 40
17 years with respect to: (i) 400 grams or more but less
18 than 900 grams of any substance listed in paragraph
19 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
20 (20.1), (21), (25), or (26) of subsection (d) of
21 Section 204, or an analog or derivative thereof, or
22 (ii) 600 or more pills, tablets, caplets, capsules, or
23 objects but less than 1,500 pills, tablets, caplets,
24 capsules, or objects containing in them or having upon
25 them any amount of any substance listed in paragraph
26 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),

1 (20.1), (21), (25), or (26) of subsection (d) of
2 Section 204, or an analog or derivative thereof;

3 (D) not less than 10 years and not more than 50
4 years with respect to: (i) 900 grams or more of any
5 substance listed in paragraph (1), (2), (2.1), (2.2),
6 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
7 subsection (d) of Section 204, or an analog or
8 derivative thereof, or (ii) 1,500 or more pills,
9 tablets, caplets, capsules, or objects containing in
10 them or having upon them any amount of a substance
11 listed in paragraph (1), (2), (2.1), (2.2), (3),
12 (14.1), (19), (20), (20.1), (21), (25), or (26) of
13 subsection (d) of Section 204, or an analog or
14 derivative thereof;

15 (8) 30 grams or more of any substance containing
16 pentazocine or any of the salts, isomers and salts of
17 isomers of pentazocine, or an analog thereof;

18 (9) 30 grams or more of any substance containing
19 methaqualone or any of the salts, isomers and salts of
20 isomers of methaqualone;

21 (10) 30 grams or more of any substance containing
22 phencyclidine or any of the salts, isomers and salts of
23 isomers of phencyclidine (PCP);

24 (10.5) 30 grams or more of any substance containing
25 ketamine or any of the salts, isomers and salts of isomers
26 of ketamine;

1 (11) 200 grams or more of any substance containing any
2 substance classified as a narcotic drug in Schedules I or
3 II, or an analog thereof, which is not otherwise included
4 in this subsection.

5 (b) Any person sentenced with respect to violations of
6 paragraph (1), (1.1), (2), (3), (7), or (7.5) of subsection (a)
7 involving 100 grams or more of the controlled substance named
8 therein, may in addition to the penalties provided therein, be
9 fined an amount not to exceed \$200,000 or the full street value
10 of the controlled or counterfeit substances, whichever is
11 greater. The term "street value" shall have the meaning
12 ascribed in Section 110-5 of the Code of Criminal Procedure of
13 1963. Any person sentenced with respect to any other provision
14 of subsection (a), may in addition to the penalties provided
15 therein, be fined an amount not to exceed \$200,000.

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

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

26 (Source: P.A. 95-331, eff. 8-21-07; 96-347, eff. 1-1-10.)

1 (720 ILCS 570/414)

2 Sec. 414. Overdose; limited immunity from prosecution.

3 (a) For the purposes of this Section, "overdose" means a
4 controlled substance-induced physiological event that results
5 in a life-threatening emergency to the individual who ingested,
6 inhaled, injected or otherwise bodily absorbed a controlled,
7 counterfeit, or look-alike substance or a controlled substance
8 analog.

9 (b) A person who, in good faith, seeks or obtains emergency
10 medical assistance for someone experiencing an overdose shall
11 not be charged or prosecuted for Class 4 felony possession of a
12 controlled, counterfeit, or look-alike substance or a
13 controlled substance analog if evidence for the Class 4 felony
14 possession charge was acquired as a result of the person
15 seeking or obtaining emergency medical assistance and
16 providing the amount of substance recovered is within the
17 amount identified in subsection (d) of this Section.

18 (c) A person who is experiencing an overdose shall not be
19 charged or prosecuted for Class 4 felony possession of a
20 controlled, counterfeit, or look-alike substance or a
21 controlled substance analog if evidence for the Class 4 felony
22 possession charge was acquired as a result of the person
23 seeking or obtaining emergency medical assistance and
24 providing the amount of substance recovered is within the
25 amount identified in subsection (d) of this Section.

1 (d) For the purposes of subsections (b) and (c), the
2 limited immunity shall only apply to a person possessing the
3 following amount:

4 (1) less than 3 grams of a substance containing heroin;

5 (1.1) less than 3 grams of a substance containing
6 desomorphine;

7 (2) less than 3 grams of a substance containing
8 cocaine;

9 (3) less than 3 grams of a substance containing
10 morphine;

11 (4) less than 40 grams of a substance containing
12 peyote;

13 (5) less than 40 grams of a substance containing a
14 derivative of barbituric acid or any of the salts of a
15 derivative of barbituric acid;

16 (6) less than 40 grams of a substance containing
17 amphetamine or any salt of an optical isomer of
18 amphetamine;

19 (7) less than 3 grams of a substance containing
20 lysergic acid diethylamide (LSD), or an analog thereof;

21 (8) less than 6 grams of a substance containing
22 pentazocine or any of the salts, isomers and salts of
23 isomers of pentazocine, or an analog thereof;

24 (9) less than 6 grams of a substance containing
25 methaqualone or any of the salts, isomers and salts of
26 isomers of methaqualone;

1 (10) less than 6 grams of a substance containing
2 phencyclidine or any of the salts, isomers and salts of
3 isomers of phencyclidine (PCP);

4 (11) less than 6 grams of a substance containing
5 ketamine or any of the salts, isomers and salts of isomers
6 of ketamine;

7 (12) less than 40 grams of a substance containing a
8 substance classified as a narcotic drug in Schedules I or
9 II, or an analog thereof, which is not otherwise included
10 in this subsection.

11 (e) The limited immunity described in subsections (b) and
12 (c) of this Section shall not be extended if law enforcement
13 has reasonable suspicion or probable cause to detain, arrest,
14 or search the person described in subsection (b) or (c) of this
15 Section for criminal activity and the reasonable suspicion or
16 probable cause is based on information obtained prior to or
17 independent of the individual described in subsection (b) or
18 (c) taking action to seek or obtain emergency medical
19 assistance and not obtained as a direct result of the action of
20 seeking or obtaining emergency medical assistance. Nothing in
21 this Section is intended to interfere with or prevent the
22 investigation, arrest, or prosecution of any person for the
23 delivery or distribution of cannabis, methamphetamine or other
24 controlled substances, drug-induced homicide, or any other
25 crime.

26 (Source: P.A. 97-678, eff. 6-1-12.)

1 Section 10. The Unified Code of Corrections is amended by
2 changing Section 5-5-3 as follows:

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

4 Sec. 5-5-3. Disposition.

5 (a) (Blank).

6 (b) (Blank).

7 (c) (1) (Blank).

8 (2) A period of probation, a term of periodic
9 imprisonment or conditional discharge shall not be imposed
10 for the following offenses. The court shall sentence the
11 offender to not less than the minimum term of imprisonment
12 set forth in this Code for the following offenses, and may
13 order a fine or restitution or both in conjunction with
14 such term of imprisonment:

15 (A) First degree murder where the death penalty is
16 not imposed.

17 (B) Attempted first degree murder.

18 (C) A Class X felony.

19 (D) A violation of Section 401.1 or 407 of the
20 Illinois Controlled Substances Act, or a violation of
21 subdivision (c)(1.5) or (c)(2) of Section 401 of that
22 Act which relates to more than 5 grams of a substance
23 containing cocaine, fentanyl, or an analog thereof.

24 (D-5) A violation of subdivision (c)(1) or

1 (c) (1.1) of Section 401 of the Illinois Controlled
2 Substances Act which relates to 3 or more grams of a
3 substance containing heroin, desomorphine or an analog
4 thereof.

5 (E) A violation of Section 5.1 or 9 of the Cannabis
6 Control Act.

7 (F) A Class 2 or greater felony if the offender had
8 been convicted of a Class 2 or greater felony,
9 including any state or federal conviction for an
10 offense that contained, at the time it was committed,
11 the same elements as an offense now (the date of the
12 offense committed after the prior Class 2 or greater
13 felony) classified as a Class 2 or greater felony,
14 within 10 years of the date on which the offender
15 committed the offense for which he or she is being
16 sentenced, except as otherwise provided in Section
17 40-10 of the Alcoholism and Other Drug Abuse and
18 Dependency Act.

19 (F-5) A violation of Section 24-1, 24-1.1, or
20 24-1.6 of the Criminal Code of 1961 or the Criminal
21 Code of 2012 for which imprisonment is prescribed in
22 those Sections.

23 (G) Residential burglary, except as otherwise
24 provided in Section 40-10 of the Alcoholism and Other
25 Drug Abuse and Dependency Act.

26 (H) Criminal sexual assault.

1 (I) Aggravated battery of a senior citizen as
2 described in Section 12-4.6 or subdivision (a)(4) of
3 Section 12-3.05 of the Criminal Code of 1961 or the
4 Criminal Code of 2012.

5 (J) A forcible felony if the offense was related to
6 the activities of an organized gang.

7 Before July 1, 1994, for the purposes of this
8 paragraph, "organized gang" means an association of 5
9 or more persons, with an established hierarchy, that
10 encourages members of the association to perpetrate
11 crimes or provides support to the members of the
12 association who do commit crimes.

13 Beginning July 1, 1994, for the purposes of this
14 paragraph, "organized gang" has the meaning ascribed
15 to it in Section 10 of the Illinois Streetgang
16 Terrorism Omnibus Prevention Act.

17 (K) Vehicular hijacking.

18 (L) A second or subsequent conviction for the
19 offense of hate crime when the underlying offense upon
20 which the hate crime is based is felony aggravated
21 assault or felony mob action.

22 (M) A second or subsequent conviction for the
23 offense of institutional vandalism if the damage to the
24 property exceeds \$300.

25 (N) A Class 3 felony violation of paragraph (1) of
26 subsection (a) of Section 2 of the Firearm Owners

1 Identification Card Act.

2 (O) A violation of Section 12-6.1 or 12-6.5 of the
3 Criminal Code of 1961 or the Criminal Code of 2012.

4 (P) A violation of paragraph (1), (2), (3), (4),
5 (5), or (7) of subsection (a) of Section 11-20.1 of the
6 Criminal Code of 1961 or the Criminal Code of 2012.

7 (Q) A violation of subsection (b) or (b-5) of
8 Section 20-1, Section 20-1.2, or Section 20-1.3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012.

10 (R) A violation of Section 24-3A of the Criminal
11 Code of 1961 or the Criminal Code of 2012.

12 (S) (Blank).

13 (T) A second or subsequent violation of the
14 Methamphetamine Control and Community Protection Act.

15 (U) A second or subsequent violation of Section
16 6-303 of the Illinois Vehicle Code committed while his
17 or her driver's license, permit, or privilege was
18 revoked because of a violation of Section 9-3 of the
19 Criminal Code of 1961 or the Criminal Code of 2012,
20 relating to the offense of reckless homicide, or a
21 similar provision of a law of another state.

22 (V) A violation of paragraph (4) of subsection (c)
23 of Section 11-20.1B or paragraph (4) of subsection (c)
24 of Section 11-20.3 of the Criminal Code of 1961, or
25 paragraph (6) of subsection (a) of Section 11-20.1 of
26 the Criminal Code of 2012 when the victim is under 13

1 years of age and the defendant has previously been
2 convicted under the laws of this State or any other
3 state of the offense of child pornography, aggravated
4 child pornography, aggravated criminal sexual abuse,
5 aggravated criminal sexual assault, predatory criminal
6 sexual assault of a child, or any of the offenses
7 formerly known as rape, deviate sexual assault,
8 indecent liberties with a child, or aggravated
9 indecent liberties with a child where the victim was
10 under the age of 18 years or an offense that is
11 substantially equivalent to those offenses.

12 (W) A violation of Section 24-3.5 of the Criminal
13 Code of 1961 or the Criminal Code of 2012.

14 (X) A violation of subsection (a) of Section 31-1a
15 of the Criminal Code of 1961 or the Criminal Code of
16 2012.

17 (Y) A conviction for unlawful possession of a
18 firearm by a street gang member when the firearm was
19 loaded or contained firearm ammunition.

20 (Z) A Class 1 felony committed while he or she was
21 serving a term of probation or conditional discharge
22 for a felony.

23 (AA) Theft of property exceeding \$500,000 and not
24 exceeding \$1,000,000 in value.

25 (BB) Laundering of criminally derived property of
26 a value exceeding \$500,000.

1 (CC) Knowingly selling, offering for sale, holding
2 for sale, or using 2,000 or more counterfeit items or
3 counterfeit items having a retail value in the
4 aggregate of \$500,000 or more.

5 (DD) A conviction for aggravated assault under
6 paragraph (6) of subsection (c) of Section 12-2 of the
7 Criminal Code of 1961 or the Criminal Code of 2012 if
8 the firearm is aimed toward the person against whom the
9 firearm is being used.

10 (3) (Blank).

11 (4) A minimum term of imprisonment of not less than 10
12 consecutive days or 30 days of community service shall be
13 imposed for a violation of paragraph (c) of Section 6-303
14 of the Illinois Vehicle Code.

15 (4.1) (Blank).

16 (4.2) Except as provided in paragraphs (4.3) and (4.8)
17 of this subsection (c), a minimum of 100 hours of community
18 service shall be imposed for a second violation of Section
19 6-303 of the Illinois Vehicle Code.

20 (4.3) A minimum term of imprisonment of 30 days or 300
21 hours of community service, as determined by the court,
22 shall be imposed for a second violation of subsection (c)
23 of Section 6-303 of the Illinois Vehicle Code.

24 (4.4) Except as provided in paragraphs (4.5), (4.6),
25 and (4.9) of this subsection (c), a minimum term of
26 imprisonment of 30 days or 300 hours of community service,

1 as determined by the court, shall be imposed for a third or
2 subsequent violation of Section 6-303 of the Illinois
3 Vehicle Code.

4 (4.5) A minimum term of imprisonment of 30 days shall
5 be imposed for a third violation of subsection (c) of
6 Section 6-303 of the Illinois Vehicle Code.

7 (4.6) Except as provided in paragraph (4.10) of this
8 subsection (c), a minimum term of imprisonment of 180 days
9 shall be imposed for a fourth or subsequent violation of
10 subsection (c) of Section 6-303 of the Illinois Vehicle
11 Code.

12 (4.7) A minimum term of imprisonment of not less than
13 30 consecutive days, or 300 hours of community service,
14 shall be imposed for a violation of subsection (a-5) of
15 Section 6-303 of the Illinois Vehicle Code, as provided in
16 subsection (b-5) of that Section.

17 (4.8) A mandatory prison sentence shall be imposed for
18 a second violation of subsection (a-5) of Section 6-303 of
19 the Illinois Vehicle Code, as provided in subsection (c-5)
20 of that Section. The person's driving privileges shall be
21 revoked for a period of not less than 5 years from the date
22 of his or her release from prison.

23 (4.9) A mandatory prison sentence of not less than 4
24 and not more than 15 years shall be imposed for a third
25 violation of subsection (a-5) of Section 6-303 of the
26 Illinois Vehicle Code, as provided in subsection (d-2.5) of

1 that Section. The person's driving privileges shall be
2 revoked for the remainder of his or her life.

3 (4.10) A mandatory prison sentence for a Class 1 felony
4 shall be imposed, and the person shall be eligible for an
5 extended term sentence, for a fourth or subsequent
6 violation of subsection (a-5) of Section 6-303 of the
7 Illinois Vehicle Code, as provided in subsection (d-3.5) of
8 that Section. The person's driving privileges shall be
9 revoked for the remainder of his or her life.

10 (5) The court may sentence a corporation or
11 unincorporated association convicted of any offense to:

12 (A) a period of conditional discharge;

13 (B) a fine;

14 (C) make restitution to the victim under Section
15 5-5-6 of this Code.

16 (5.1) In addition to any other penalties imposed, and
17 except as provided in paragraph (5.2) or (5.3), a person
18 convicted of violating subsection (c) of Section 11-907 of
19 the Illinois Vehicle Code shall have his or her driver's
20 license, permit, or privileges suspended for at least 90
21 days but not more than one year, if the violation resulted
22 in damage to the property of another person.

23 (5.2) In addition to any other penalties imposed, and
24 except as provided in paragraph (5.3), a person convicted
25 of violating subsection (c) of Section 11-907 of the
26 Illinois Vehicle Code shall have his or her driver's

1 license, permit, or privileges suspended for at least 180
2 days but not more than 2 years, if the violation resulted
3 in injury to another person.

4 (5.3) In addition to any other penalties imposed, a
5 person convicted of violating subsection (c) of Section
6 11-907 of the Illinois Vehicle Code shall have his or her
7 driver's license, permit, or privileges suspended for 2
8 years, if the violation resulted in the death of another
9 person.

10 (5.4) In addition to any other penalties imposed, a
11 person convicted of violating Section 3-707 of the Illinois
12 Vehicle Code shall have his or her driver's license,
13 permit, or privileges suspended for 3 months and until he
14 or she has paid a reinstatement fee of \$100.

15 (5.5) In addition to any other penalties imposed, a
16 person convicted of violating Section 3-707 of the Illinois
17 Vehicle Code during a period in which his or her driver's
18 license, permit, or privileges were suspended for a
19 previous violation of that Section shall have his or her
20 driver's license, permit, or privileges suspended for an
21 additional 6 months after the expiration of the original
22 3-month suspension and until he or she has paid a
23 reinstatement fee of \$100.

24 (6) (Blank).

25 (7) (Blank).

26 (8) (Blank).

1 (9) A defendant convicted of a second or subsequent
2 offense of ritualized abuse of a child may be sentenced to
3 a term of natural life imprisonment.

4 (10) (Blank).

5 (11) The court shall impose a minimum fine of \$1,000
6 for a first offense and \$2,000 for a second or subsequent
7 offense upon a person convicted of or placed on supervision
8 for battery when the individual harmed was a sports
9 official or coach at any level of competition and the act
10 causing harm to the sports official or coach occurred
11 within an athletic facility or within the immediate
12 vicinity of the athletic facility at which the sports
13 official or coach was an active participant of the athletic
14 contest held at the athletic facility. For the purposes of
15 this paragraph (11), "sports official" means a person at an
16 athletic contest who enforces the rules of the contest,
17 such as an umpire or referee; "athletic facility" means an
18 indoor or outdoor playing field or recreational area where
19 sports activities are conducted; and "coach" means a person
20 recognized as a coach by the sanctioning authority that
21 conducted the sporting event.

22 (12) A person may not receive a disposition of court
23 supervision for a violation of Section 5-16 of the Boat
24 Registration and Safety Act if that person has previously
25 received a disposition of court supervision for a violation
26 of that Section.

1 (13) A person convicted of or placed on court
2 supervision for an assault or aggravated assault when the
3 victim and the offender are family or household members as
4 defined in Section 103 of the Illinois Domestic Violence
5 Act of 1986 or convicted of domestic battery or aggravated
6 domestic battery may be required to attend a Partner Abuse
7 Intervention Program under protocols set forth by the
8 Illinois Department of Human Services under such terms and
9 conditions imposed by the court. The costs of such classes
10 shall be paid by the offender.

11 (d) In any case in which a sentence originally imposed is
12 vacated, the case shall be remanded to the trial court. The
13 trial court shall hold a hearing under Section 5-4-1 of the
14 Unified Code of Corrections which may include evidence of the
15 defendant's life, moral character and occupation during the
16 time since the original sentence was passed. The trial court
17 shall then impose sentence upon the defendant. The trial court
18 may impose any sentence which could have been imposed at the
19 original trial subject to Section 5-5-4 of the Unified Code of
20 Corrections. If a sentence is vacated on appeal or on
21 collateral attack due to the failure of the trier of fact at
22 trial to determine beyond a reasonable doubt the existence of a
23 fact (other than a prior conviction) necessary to increase the
24 punishment for the offense beyond the statutory maximum
25 otherwise applicable, either the defendant may be re-sentenced
26 to a term within the range otherwise provided or, if the State

1 files notice of its intention to again seek the extended
2 sentence, the defendant shall be afforded a new trial.

3 (e) In cases where prosecution for aggravated criminal
4 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
5 Code of 1961 or the Criminal Code of 2012 results in conviction
6 of a defendant who was a family member of the victim at the
7 time of the commission of the offense, the court shall consider
8 the safety and welfare of the victim and may impose a sentence
9 of probation only where:

10 (1) the court finds (A) or (B) or both are appropriate:

11 (A) the defendant is willing to undergo a court
12 approved counseling program for a minimum duration of 2
13 years; or

14 (B) the defendant is willing to participate in a
15 court approved plan including but not limited to the
16 defendant's:

17 (i) removal from the household;

18 (ii) restricted contact with the victim;

19 (iii) continued financial support of the
20 family;

21 (iv) restitution for harm done to the victim;

22 and

23 (v) compliance with any other measures that
24 the court may deem appropriate; and

25 (2) the court orders the defendant to pay for the
26 victim's counseling services, to the extent that the court

1 finds, after considering the defendant's income and
2 assets, that the defendant is financially capable of paying
3 for such services, if the victim was under 18 years of age
4 at the time the offense was committed and requires
5 counseling as a result of the offense.

6 Probation may be revoked or modified pursuant to Section
7 5-6-4; except where the court determines at the hearing that
8 the defendant violated a condition of his or her probation
9 restricting contact with the victim or other family members or
10 commits another offense with the victim or other family
11 members, the court shall revoke the defendant's probation and
12 impose a term of imprisonment.

13 For the purposes of this Section, "family member" and
14 "victim" shall have the meanings ascribed to them in Section
15 11-0.1 of the Criminal Code of 2012.

16 (f) (Blank).

17 (g) Whenever a defendant is convicted of an offense under
18 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
19 11-14.3, 11-14.4 except for an offense that involves keeping a
20 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
21 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
22 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, the defendant shall undergo medical
24 testing to determine whether the defendant has any sexually
25 transmissible disease, including a test for infection with
26 human immunodeficiency virus (HIV) or any other identified

1 causative agent of acquired immunodeficiency syndrome (AIDS).
2 Any such medical test shall be performed only by appropriately
3 licensed medical practitioners and may include an analysis of
4 any bodily fluids as well as an examination of the defendant's
5 person. Except as otherwise provided by law, the results of
6 such test shall be kept strictly confidential by all medical
7 personnel involved in the testing and must be personally
8 delivered in a sealed envelope to the judge of the court in
9 which the conviction was entered for the judge's inspection in
10 camera. Acting in accordance with the best interests of the
11 victim and the public, the judge shall have the discretion to
12 determine to whom, if anyone, the results of the testing may be
13 revealed. The court shall notify the defendant of the test
14 results. The court shall also notify the victim if requested by
15 the victim, and if the victim is under the age of 15 and if
16 requested by the victim's parents or legal guardian, the court
17 shall notify the victim's parents or legal guardian of the test
18 results. The court shall provide information on the
19 availability of HIV testing and counseling at Department of
20 Public Health facilities to all parties to whom the results of
21 the testing are revealed and shall direct the State's Attorney
22 to provide the information to the victim when possible. A
23 State's Attorney may petition the court to obtain the results
24 of any HIV test administered under this Section, and the court
25 shall grant the disclosure if the State's Attorney shows it is
26 relevant in order to prosecute a charge of criminal

1 transmission of HIV under Section 12-5.01 or 12-16.2 of the
2 Criminal Code of 1961 or the Criminal Code of 2012 against the
3 defendant. The court shall order that the cost of any such test
4 shall be paid by the county and may be taxed as costs against
5 the convicted defendant.

6 (g-5) When an inmate is tested for an airborne communicable
7 disease, as determined by the Illinois Department of Public
8 Health including but not limited to tuberculosis, the results
9 of the test shall be personally delivered by the warden or his
10 or her designee in a sealed envelope to the judge of the court
11 in which the inmate must appear for the judge's inspection in
12 camera if requested by the judge. Acting in accordance with the
13 best interests of those in the courtroom, the judge shall have
14 the discretion to determine what if any precautions need to be
15 taken to prevent transmission of the disease in the courtroom.

16 (h) Whenever a defendant is convicted of an offense under
17 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
18 defendant shall undergo medical testing to determine whether
19 the defendant has been exposed to human immunodeficiency virus
20 (HIV) or any other identified causative agent of acquired
21 immunodeficiency syndrome (AIDS). Except as otherwise provided
22 by law, the results of such test shall be kept strictly
23 confidential by all medical personnel involved in the testing
24 and must be personally delivered in a sealed envelope to the
25 judge of the court in which the conviction was entered for the
26 judge's inspection in camera. Acting in accordance with the

1 best interests of the public, the judge shall have the
2 discretion to determine to whom, if anyone, the results of the
3 testing may be revealed. The court shall notify the defendant
4 of a positive test showing an infection with the human
5 immunodeficiency virus (HIV). The court shall provide
6 information on the availability of HIV testing and counseling
7 at Department of Public Health facilities to all parties to
8 whom the results of the testing are revealed and shall direct
9 the State's Attorney to provide the information to the victim
10 when possible. A State's Attorney may petition the court to
11 obtain the results of any HIV test administered under this
12 Section, and the court shall grant the disclosure if the
13 State's Attorney shows it is relevant in order to prosecute a
14 charge of criminal transmission of HIV under Section 12-5.01 or
15 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
16 2012 against the defendant. The court shall order that the cost
17 of any such test shall be paid by the county and may be taxed as
18 costs against the convicted defendant.

19 (i) All fines and penalties imposed under this Section for
20 any violation of Chapters 3, 4, 6, and 11 of the Illinois
21 Vehicle Code, or a similar provision of a local ordinance, and
22 any violation of the Child Passenger Protection Act, or a
23 similar provision of a local ordinance, shall be collected and
24 disbursed by the circuit clerk as provided under Section 27.5
25 of the Clerks of Courts Act.

26 (j) In cases when prosecution for any violation of Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
2 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
3 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
4 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
5 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, any violation of the Illinois Controlled
7 Substances Act, any violation of the Cannabis Control Act, or
8 any violation of the Methamphetamine Control and Community
9 Protection Act results in conviction, a disposition of court
10 supervision, or an order of probation granted under Section 10
11 of the Cannabis Control Act, Section 410 of the Illinois
12 Controlled Substance Act, or Section 70 of the Methamphetamine
13 Control and Community Protection Act of a defendant, the court
14 shall determine whether the defendant is employed by a facility
15 or center as defined under the Child Care Act of 1969, a public
16 or private elementary or secondary school, or otherwise works
17 with children under 18 years of age on a daily basis. When a
18 defendant is so employed, the court shall order the Clerk of
19 the Court to send a copy of the judgment of conviction or order
20 of supervision or probation to the defendant's employer by
21 certified mail. If the employer of the defendant is a school,
22 the Clerk of the Court shall direct the mailing of a copy of
23 the judgment of conviction or order of supervision or probation
24 to the appropriate regional superintendent of schools. The
25 regional superintendent of schools shall notify the State Board
26 of Education of any notification under this subsection.

1 (j-5) A defendant at least 17 years of age who is convicted
2 of a felony and who has not been previously convicted of a
3 misdemeanor or felony and who is sentenced to a term of
4 imprisonment in the Illinois Department of Corrections shall as
5 a condition of his or her sentence be required by the court to
6 attend educational courses designed to prepare the defendant
7 for a high school diploma and to work toward a high school
8 diploma or to work toward passing the high school level Test of
9 General Educational Development (GED) or to work toward
10 completing a vocational training program offered by the
11 Department of Corrections. If a defendant fails to complete the
12 educational training required by his or her sentence during the
13 term of incarceration, the Prisoner Review Board shall, as a
14 condition of mandatory supervised release, require the
15 defendant, at his or her own expense, to pursue a course of
16 study toward a high school diploma or passage of the GED test.
17 The Prisoner Review Board shall revoke the mandatory supervised
18 release of a defendant who wilfully fails to comply with this
19 subsection (j-5) upon his or her release from confinement in a
20 penal institution while serving a mandatory supervised release
21 term; however, the inability of the defendant after making a
22 good faith effort to obtain financial aid or pay for the
23 educational training shall not be deemed a wilful failure to
24 comply. The Prisoner Review Board shall recommit the defendant
25 whose mandatory supervised release term has been revoked under
26 this subsection (j-5) as provided in Section 3-3-9. This

1 subsection (j-5) does not apply to a defendant who has a high
2 school diploma or has successfully passed the GED test. This
3 subsection (j-5) does not apply to a defendant who is
4 determined by the court to be developmentally disabled or
5 otherwise mentally incapable of completing the educational or
6 vocational program.

7 (k) (Blank).

8 (l) (A) Except as provided in paragraph (C) of subsection
9 (l), whenever a defendant, who is an alien as defined by
10 the Immigration and Nationality Act, is convicted of any
11 felony or misdemeanor offense, the court after sentencing
12 the defendant may, upon motion of the State's Attorney,
13 hold sentence in abeyance and remand the defendant to the
14 custody of the Attorney General of the United States or his
15 or her designated agent to be deported when:

16 (1) a final order of deportation has been issued
17 against the defendant pursuant to proceedings under
18 the Immigration and Nationality Act, and

19 (2) the deportation of the defendant would not
20 deprecate the seriousness of the defendant's conduct
21 and would not be inconsistent with the ends of justice.

22 Otherwise, the defendant shall be sentenced as
23 provided in this Chapter V.

24 (B) If the defendant has already been sentenced for a
25 felony or misdemeanor offense, or has been placed on
26 probation under Section 10 of the Cannabis Control Act,

1 Section 410 of the Illinois Controlled Substances Act, or
2 Section 70 of the Methamphetamine Control and Community
3 Protection Act, the court may, upon motion of the State's
4 Attorney to suspend the sentence imposed, commit the
5 defendant to the custody of the Attorney General of the
6 United States or his or her designated agent when:

7 (1) a final order of deportation has been issued
8 against the defendant pursuant to proceedings under
9 the Immigration and Nationality Act, and

10 (2) the deportation of the defendant would not
11 deprecate the seriousness of the defendant's conduct
12 and would not be inconsistent with the ends of justice.

13 (C) This subsection (1) does not apply to offenders who
14 are subject to the provisions of paragraph (2) of
15 subsection (a) of Section 3-6-3.

16 (D) Upon motion of the State's Attorney, if a defendant
17 sentenced under this Section returns to the jurisdiction of
18 the United States, the defendant shall be recommitted to
19 the custody of the county from which he or she was
20 sentenced. Thereafter, the defendant shall be brought
21 before the sentencing court, which may impose any sentence
22 that was available under Section 5-5-3 at the time of
23 initial sentencing. In addition, the defendant shall not be
24 eligible for additional sentence credit for good conduct as
25 provided under Section 3-6-3.

26 (m) A person convicted of criminal defacement of property

1 under Section 21-1.3 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, in which the property damage exceeds
3 \$300 and the property damaged is a school building, shall be
4 ordered to perform community service that may include cleanup,
5 removal, or painting over the defacement.

6 (n) The court may sentence a person convicted of a
7 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
8 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
9 of 1961 or the Criminal Code of 2012 (i) to an impact
10 incarceration program if the person is otherwise eligible for
11 that program under Section 5-8-1.1, (ii) to community service,
12 or (iii) if the person is an addict or alcoholic, as defined in
13 the Alcoholism and Other Drug Abuse and Dependency Act, to a
14 substance or alcohol abuse program licensed under that Act.

15 (o) Whenever a person is convicted of a sex offense as
16 defined in Section 2 of the Sex Offender Registration Act, the
17 defendant's driver's license or permit shall be subject to
18 renewal on an annual basis in accordance with the provisions of
19 license renewal established by the Secretary of State.

20 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
21 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
22 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
23 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
24 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
25 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
26 eff. 1-25-13.)

1 Section 15. The Drug Dealer Liability Act is amended by
2 changing Section 15 as follows:

3 (740 ILCS 57/15)

4 Sec. 15. Definitions. As used in this Act:

5 "Illegal drug" means a drug whose distribution is a
6 violation of State law.

7 "Illegal drug market" means the support system of illegal
8 drug related operations, from production to retail sales,
9 through which an illegal drug reaches the user.

10 "Illegal drug market target community" is the area
11 described under Section 40.

12 "Individual drug user" means the individual whose illegal
13 drug use is the basis of an action brought under this Act.

14 "Level 1 offense" means possession of one-fourth ounce or
15 more, but less than 4 ounces, or distribution of less than one
16 ounce of a specified illegal drug, or possession of one pound
17 or 25 plants or more, but less than 4 pounds or 50 plants, or
18 distribution of less than one pound of marijuana.

19 "Level 2 offense" means possession of 4 ounces or more, but
20 less than 8 ounces, or distribution of one ounce or more, but
21 less than 2 ounces, of a specified illegal drug, or possession
22 of 4 pounds or more or 50 plants or more, but less than 8 pounds
23 or 75 plants, or distribution of more than one pound, but less
24 than 5 pounds, of marijuana.

1 "Level 3 offense" means possession of 8 ounces or more, but
2 less than 16 ounces, or distribution of 2 ounces or more, but
3 less than 4 ounces, of a specified illegal drug or possession
4 of 8 pounds or more or 75 plants or more, but less than 16
5 pounds or 100 plants, or distribution of more than 5 pounds,
6 but less than 10 pounds, of marijuana.

7 "Level 4 offense" means possession of 16 ounces or more or
8 distribution of 4 ounces or more of a specified illegal drug or
9 possession of 16 pounds or more or 100 plants or more or
10 distribution of 10 pounds or more of marijuana.

11 "Participate in the illegal drug market" means to
12 distribute, possess with an intent to distribute, commit an act
13 intended to facilitate the marketing or distribution of, or
14 agree to distribute, possess with an intent to distribute, or
15 commit an act intended to facilitate the marketing and
16 distribution of an illegal drug. "Participate in the illegal
17 drug market" does not include the purchase or receipt of an
18 illegal drug for personal use only.

19 "Person" means an individual, governmental entity,
20 corporation, firm, trust, partnership, or incorporated or
21 unincorporated association, existing under or authorized by
22 the laws of this State, another state, or a foreign country.

23 "Period of illegal drug use" means, in relation to the
24 individual drug user, the time of the individual's first use of
25 an illegal drug to the accrual of the cause of action. The
26 period of illegal drug use is presumed to commence 2 years

1 before the cause of action accrues unless the defendant proves
2 otherwise by clear and convincing evidence.

3 "Place of illegal drug activity" means, in relation to the
4 individual drug user, each Illinois Representative District in
5 which the individual possesses or uses an illegal drug or in
6 which the individual resides, attends school, or is employed
7 during the period of the individual's illegal drug use, unless
8 the defendant proves otherwise by clear and convincing
9 evidence.

10 "Place of participation" means, in relation to a defendant
11 in an action brought under this Act, each Illinois
12 Representative District in which the person participates in the
13 illegal drug market or in which the person resides, attends
14 school, or is employed during the period of the person's
15 participation in the illegal drug market.

16 "Specified illegal drug" means cocaine, heroin,
17 desomorphine, or methamphetamine and any other drug the
18 distribution of which is a violation of State law.

19 (Source: P.A. 89-293, eff. 1-1-96.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.