



Rep. Katherine Cloonen

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LRB099 19181 RLC 46514 a

1 AMENDMENT TO HOUSE BILL 5886

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5886 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Controlled Substances Act is  
5 amended by changing Section 407 as follows:

6 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

7 Sec. 407. (a) (1) (A) Any person 18 years of age or over who  
8 violates any subsection of Section 401 or subsection (b) of  
9 Section 404 by delivering a controlled, counterfeit or  
10 look-alike substance to a person under 18 years of age may be  
11 sentenced to imprisonment for a term up to twice the maximum  
12 term and fined an amount up to twice that amount otherwise  
13 authorized by the pertinent subsection of Section 401 and  
14 Subsection (b) of Section 404.

15 (B) (Blank).

16 (2) Except as provided in paragraph (3) of this subsection,

1 any person who violates:

2 (A) subsection (c) of Section 401 by delivering or  
3 possessing with intent to deliver a controlled,  
4 counterfeit, or look-alike substance in or on, or within  
5 1,000 feet of, a truck stop or safety rest area, is guilty  
6 of a Class 1 felony, the fine for which shall not exceed  
7 \$250,000;

8 (B) subsection (d) of Section 401 by delivering or  
9 possessing with intent to deliver a controlled,  
10 counterfeit, or look-alike substance in or on, or within  
11 1,000 feet of, a truck stop or safety rest area, is guilty  
12 of a Class 2 felony, the fine for which shall not exceed  
13 \$200,000;

14 (C) subsection (e) of Section 401 or subsection (b) of  
15 Section 404 by delivering or possessing with intent to  
16 deliver a controlled, counterfeit, or look-alike substance  
17 in or on, or within 1,000 feet of, a truck stop or safety  
18 rest area, is guilty of a Class 3 felony, the fine for  
19 which shall not exceed \$150,000;

20 (D) subsection (f) of Section 401 by delivering or  
21 possessing with intent to deliver a controlled,  
22 counterfeit, or look-alike substance in or on, or within  
23 1,000 feet of, a truck stop or safety rest area, is guilty  
24 of a Class 3 felony, the fine for which shall not exceed  
25 \$125,000;

26 (E) subsection (g) of Section 401 by delivering or

1       possessing with intent to deliver a controlled,  
2       counterfeit, or look-alike substance in or on, or within  
3       1,000 feet of, a truck stop or safety rest area, is guilty  
4       of a Class 3 felony, the fine for which shall not exceed  
5       \$100,000;

6       (F) subsection (h) of Section 401 by delivering or  
7       possessing with intent to deliver a controlled,  
8       counterfeit, or look-alike substance in or on, or within  
9       1,000 feet of, a truck stop or safety rest area, is guilty  
10      of a Class 3 felony, the fine for which shall not exceed  
11      \$75,000;

12      (3) Any person who violates paragraph (2) of this  
13      subsection (a) by delivering or possessing with intent to  
14      deliver a controlled, counterfeit, or look-alike substance in  
15      or on, or within 1,000 feet of a truck stop or a safety rest  
16      area, following a prior conviction or convictions of paragraph  
17      (2) of this subsection (a) may be sentenced to a term of  
18      imprisonment up to 2 times the maximum term and fined an amount  
19      up to 2 times the amount otherwise authorized by Section 401.

20      (4) For the purposes of this subsection (a):

21      (A) "Safety rest area" means a roadside facility  
22      removed from the roadway with parking and facilities  
23      designed for motorists' rest, comfort, and information  
24      needs; and

25      (B) "Truck stop" means any facility (and its parking  
26      areas) used to provide fuel or service, or both, to any

1 commercial motor vehicle as defined in Section 18b-101 of  
2 the Illinois Vehicle Code.

3 (b) Any person who violates:

4 (1) subsection (c) of Section 401 in any school, or any  
5 conveyance owned, leased or contracted by a school to  
6 transport students to or from school or a school related  
7 activity, or residential property owned, operated or  
8 managed by a public housing agency or leased by a public  
9 housing agency as part of a scattered site or mixed-income  
10 development, drug treatment center, or public park, on the  
11 real property comprising any school or residential  
12 property owned, operated or managed by a public housing  
13 agency or leased by a public housing agency as part of a  
14 scattered site or mixed-income development, drug treatment  
15 center, or public park or within 1,000 feet of the real  
16 property comprising any school or residential property  
17 owned, operated or managed by a public housing agency or  
18 leased by a public housing agency as part of a scattered  
19 site or mixed-income development, drug treatment center,  
20 or public park, on the real property comprising any church,  
21 synagogue, or other building, structure, or place used  
22 primarily for religious worship, or within 1,000 feet of  
23 the real property comprising any church, synagogue, or  
24 other building, structure, or place used primarily for  
25 religious worship, on the real property comprising any of  
26 the following places, buildings, or structures used

1 primarily for housing or providing space for activities for  
2 senior citizens: nursing homes, assisted-living centers,  
3 senior citizen housing complexes, or senior centers  
4 oriented toward daytime activities, or within 1,000 feet of  
5 the real property comprising any of the following places,  
6 buildings, or structures used primarily for housing or  
7 providing space for activities for senior citizens:  
8 nursing homes, assisted-living centers, senior citizen  
9 housing complexes, or senior centers oriented toward  
10 daytime activities is guilty of a Class X felony, the fine  
11 for which shall not exceed \$500,000;

12 (2) subsection (d) of Section 401 in any school, or any  
13 conveyance owned, leased or contracted by a school to  
14 transport students to or from school or a school related  
15 activity, or residential property owned, operated or  
16 managed by a public housing agency or leased by a public  
17 housing agency as part of a scattered site or mixed-income  
18 development, drug treatment center, or public park, on the  
19 real property comprising any school or residential  
20 property owned, operated or managed by a public housing  
21 agency or leased by a public housing agency as part of a  
22 scattered site or mixed-income development, drug treatment  
23 center, or public park or within 1,000 feet of the real  
24 property comprising any school or residential property  
25 owned, operated or managed by a public housing agency or  
26 leased by a public housing agency as part of a scattered

1 site or mixed-income development, drug treatment center,  
2 or public park, on the real property comprising any church,  
3 synagogue, or other building, structure, or place used  
4 primarily for religious worship, or within 1,000 feet of  
5 the real property comprising any church, synagogue, or  
6 other building, structure, or place used primarily for  
7 religious worship, on the real property comprising any of  
8 the following places, buildings, or structures used  
9 primarily for housing or providing space for activities for  
10 senior citizens: nursing homes, assisted-living centers,  
11 senior citizen housing complexes, or senior centers  
12 oriented toward daytime activities, or within 1,000 feet of  
13 the real property comprising any of the following places,  
14 buildings, or structures used primarily for housing or  
15 providing space for activities for senior citizens:  
16 nursing homes, assisted-living centers, senior citizen  
17 housing complexes, or senior centers oriented toward  
18 daytime activities is guilty of a Class 1 felony, the fine  
19 for which shall not exceed \$250,000;

20 (3) subsection (e) of Section 401 or Subsection (b) of  
21 Section 404 in any school, or any conveyance owned, leased  
22 or contracted by a school to transport students to or from  
23 school or a school related activity, or residential  
24 property owned, operated or managed by a public housing  
25 agency or leased by a public housing agency as part of a  
26 scattered site or mixed-income development, drug treatment

1        center, or public park, on the real property comprising any  
2        school or residential property owned, operated or managed  
3        by a public housing agency or leased by a public housing  
4        agency as part of a scattered site or mixed-income  
5        development, drug treatment center, or public park or  
6        within 1,000 feet of the real property comprising any  
7        school or residential property owned, operated or managed  
8        by a public housing agency or leased by a public housing  
9        agency as part of a scattered site or mixed-income  
10       development, drug treatment center, or public park, on the  
11       real property comprising any church, synagogue, or other  
12       building, structure, or place used primarily for religious  
13       worship, or within 1,000 feet of the real property  
14       comprising any church, synagogue, or other building,  
15       structure, or place used primarily for religious worship,  
16       on the real property comprising any of the following  
17       places, buildings, or structures used primarily for  
18       housing or providing space for activities for senior  
19       citizens: nursing homes, assisted-living centers, senior  
20       citizen housing complexes, or senior centers oriented  
21       toward daytime activities, or within 1,000 feet of the real  
22       property comprising any of the following places,  
23       buildings, or structures used primarily for housing or  
24       providing space for activities for senior citizens:  
25       nursing homes, assisted-living centers, senior citizen  
26       housing complexes, or senior centers oriented toward

1 daytime activities is guilty of a Class 2 felony, the fine  
2 for which shall not exceed \$200,000;

3 (4) subsection (f) of Section 401 in any school, or any  
4 conveyance owned, leased or contracted by a school to  
5 transport students to or from school or a school related  
6 activity, or residential property owned, operated or  
7 managed by a public housing agency or leased by a public  
8 housing agency as part of a scattered site or mixed-income  
9 development, drug treatment center, or public park, on the  
10 real property comprising any school or residential  
11 property owned, operated or managed by a public housing  
12 agency or leased by a public housing agency as part of a  
13 scattered site or mixed-income development, drug treatment  
14 center, or public park or within 1,000 feet of the real  
15 property comprising any school or residential property  
16 owned, operated or managed by a public housing agency or  
17 leased by a public housing agency as part of a scattered  
18 site or mixed-income development, drug treatment center,  
19 or public park, on the real property comprising any church,  
20 synagogue, or other building, structure, or place used  
21 primarily for religious worship, or within 1,000 feet of  
22 the real property comprising any church, synagogue, or  
23 other building, structure, or place used primarily for  
24 religious worship, on the real property comprising any of  
25 the following places, buildings, or structures used  
26 primarily for housing or providing space for activities for



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2 senior citizen housing complexes, or senior centers  
3 oriented toward daytime activities, or within 1,000 feet of  
4 the real property comprising any of the following places,  
5 buildings, or structures used primarily for housing or  
6 providing space for activities for senior citizens:  
7 nursing homes, assisted-living centers, senior citizen  
8 housing complexes, or senior centers oriented toward  
9 daytime activities is guilty of a Class 2 felony, the fine  
10 for which shall not exceed \$150,000;

11 (5) subsection (g) of Section 401 in any school, or any  
12 conveyance owned, leased or contracted by a school to  
13 transport students to or from school or a school related  
14 activity, or residential property owned, operated or  
15 managed by a public housing agency or leased by a public  
16 housing agency as part of a scattered site or mixed-income  
17 development, drug treatment center, or public park, on the  
18 real property comprising any school or residential  
19 property owned, operated or managed by a public housing  
20 agency or leased by a public housing agency as part of a  
21 scattered site or mixed-income development, drug treatment  
22 center, or public park or within 1,000 feet of the real  
23 property comprising any school or residential property  
24 owned, operated or managed by a public housing agency or  
25 leased by a public housing agency as part of a scattered  
26 site or mixed-income development, drug treatment center,

1 or public park, on the real property comprising any church,  
2 synagogue, or other building, structure, or place used  
3 primarily for religious worship, or within 1,000 feet of  
4 the real property comprising any church, synagogue, or  
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7 the following places, buildings, or structures used  
8 primarily for housing or providing space for activities for  
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10 senior citizen housing complexes, or senior centers  
11 oriented toward daytime activities, or within 1,000 feet of  
12 the real property comprising any of the following places,  
13 buildings, or structures used primarily for housing or  
14 providing space for activities for senior citizens:  
15 nursing homes, assisted-living centers, senior citizen  
16 housing complexes, or senior centers oriented toward  
17 daytime activities is guilty of a Class 2 felony, the fine  
18 for which shall not exceed \$125,000;

19 (6) subsection (h) of Section 401 in any school, or any  
20 conveyance owned, leased or contracted by a school to  
21 transport students to or from school or a school related  
22 activity, or residential property owned, operated or  
23 managed by a public housing agency or leased by a public  
24 housing agency as part of a scattered site or mixed-income  
25 development, drug treatment center, or public park, on the  
26 real property comprising any school or residential

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2 agency or leased by a public housing agency as part of a  
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8 site or mixed-income development, drug treatment center,  
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12 the real property comprising any church, synagogue, or  
13 other building, structure, or place used primarily for  
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19 oriented toward daytime activities, or within 1,000 feet of  
20 the real property comprising any of the following places,  
21 buildings, or structures used primarily for housing or  
22 providing space for activities for senior citizens:  
23 nursing homes, assisted-living centers, senior citizen  
24 housing complexes, or senior centers oriented toward  
25 daytime activities is guilty of a Class 2 felony, the fine  
26 for which shall not exceed \$100,000.

1       As used in this subsection (b), "drug treatment center"  
2 means an establishment that provides comprehensive treatment  
3 and intervention treatment to adults or youth who suffer from  
4 the disease of addiction.

5       (c) Regarding penalties prescribed in subsection (b) for  
6 violations committed in a school or on or within 1,000 feet of  
7 school property, the time of day, time of year and whether  
8 classes were currently in session at the time of the offense is  
9 irrelevant.

10       (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)".