



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0356

Introduced 1/21/2005, by Rep. Sidney H. Mathias

#### SYNOPSIS AS INTRODUCED:

720 ILCS 570/407.3 new

Amends the Illinois Controlled Substances Act. Creates the offense of use of a child to commit a controlled substance offense. Provides that a person commits the offense when he or she is 17 years of age or over and commits a felony delivery or felony attempted delivery of a controlled substance in violation of the Act and, as part of that criminal transaction, knowingly uses a child under 17 years of age to effectuate the felony delivery or felony attempted delivery of the controlled substance. Provides that the penalty is a Class 4 felony. Effective immediately.

LRB094 03752 RLC 33761 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT in relation to 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 adding Section 407.3 as follows:

6 (720 ILCS 570/407.3 new)

7 Sec. 407.3. Use of a child to commit a controlled substance  
8 offense.

9 (a) In this Section:

10 "Child" means a person less than 17 years of age.

11 "Uses a child to effectuate the felony delivery or felony  
12 attempted delivery of the controlled substance" means conduct  
13 by which the defendant: (1) conceals the controlled substance  
14 on or about the body or person of the child for the purpose of  
15 effectuating the criminal delivery or attempted delivery of the  
16 controlled substance to a third person; or (2) directs, forces  
17 or otherwise requires the child to deliver or attempt to  
18 deliver or offer direct assistance to the defendant in  
19 delivering or attempting to deliver the controlled substance to  
20 a third person.

21 (b) A person commits the offense of use of a child to  
22 commit a controlled substance offense when he or she is 17  
23 years of age or over and commits a felony delivery or felony  
24 attempted delivery of a controlled substance in violation of  
25 this Act and, as part of that criminal transaction, knowingly  
26 uses a child to effectuate the felony delivery or felony  
27 attempted delivery of the controlled substance.

28 (c) Sentence. Use of a child to commit a controlled  
29 substance offense is a Class 4 felony.

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.