

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 Section 402 as follows:

6 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

7 Sec. 402. Except as otherwise authorized by this Act, it is
8 unlawful for any person knowingly to possess a controlled or
9 counterfeit substance. A violation of this Act with respect to
10 each of the controlled substances listed herein constitutes a
11 single and separate violation of this Act. For purposes of this
12 Section, "controlled substance analog" or "analog" means a
13 substance which is intended for human consumption, other than a
14 controlled substance, that has a chemical structure
15 substantially similar to that of a controlled substance in
16 Schedule I or II, or that was specifically designed to produce
17 an effect substantially similar to that of a controlled
18 substance in Schedule I or II. Examples of chemical classes in
19 which controlled substance analogs are found include, but are
20 not limited to, the following: phenethylamines, N-substituted
21 piperidines, morphinans, ecgonines, quinazolinones,
22 substituted indoles, and arylcycloalkylamines. For purposes of
23 this Act, a controlled substance analog shall be treated in the
24 same manner as the controlled substance to which it is
25 substantially similar.

26 (a) Any person who violates this Section with respect to
27 the following controlled or counterfeit substances and
28 amounts, notwithstanding any of the provisions of subsections
29 (c) and (d) to the contrary, is guilty of a Class 1 felony and
30 shall, if sentenced to a term of imprisonment, be sentenced as
31 provided in this subsection (a) and fined as provided in
32 subsection (b):

1 (1) (A) not less than 4 years and not more than 15
2 years with respect to 15 grams or more but less than
3 100 grams of a substance containing heroin;

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

7 (C) not less than 8 years and not more than 40
8 years with respect to 400 grams or more but less than
9 900 grams of any substance containing heroin;

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

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

16 (B) not less than 6 years and not more than 30
17 years with respect to 100 grams or more but less than
18 400 grams of any substance containing cocaine;

19 (C) not less than 8 years and not more than 40
20 years with respect to 400 grams or more but less than
21 900 grams of any substance containing cocaine;

22 (D) not less than 10 years and not more than 50
23 years with respect to 900 grams or more of any
24 substance containing cocaine;

25 (3) (A) not less than 4 years and not more than 15
26 years with respect to 15 grams or more but less than
27 100 grams of any substance containing morphine;

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

31 (C) not less than 6 years and not more than 40
32 years with respect to 400 grams or more but less than
33 900 grams of any substance containing morphine;

34 (D) not less than 10 years and not more than 50

1 years with respect to 900 grams or more of any
2 substance containing morphine;

3 (4) 200 grams or more of any substance containing
4 peyote;

5 (5) 200 grams or more of any substance containing a
6 derivative of barbituric acid or any of the salts of a
7 derivative of barbituric acid;

8 (6) 200 grams or more of any substance containing
9 amphetamine or any salt of an optical isomer of
10 amphetamine;

11 (6.5) (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 methamphetamine or
14 any salt of an optical isomer of methamphetamine;

15 (B) not less than 6 years and not more than 30
16 years with respect to 100 grams or more but less than
17 400 grams of a substance containing methamphetamine or
18 any salt of an optical isomer of methamphetamine;

19 (C) not less than 8 years and not more than 40
20 years with respect to 400 grams or more but less than
21 900 grams of a substance containing methamphetamine or
22 any salt of an optical isomer of methamphetamine;

23 (D) not less than 10 years and not more than 50
24 years with respect to 900 grams or more of any
25 substance containing methamphetamine or any salt of an
26 optical isomer of methamphetamine;

27 (7) (A) not less than 4 years and not more than 15
28 years with respect to: (i) 15 grams or more but less
29 than 100 grams of any substance containing lysergic
30 acid diethylamide (LSD), or an analog thereof, or (ii)
31 15 or more objects or 15 or more segregated parts of an
32 object or objects but less than 200 objects or 200
33 segregated parts of an object or objects containing in
34 them or having upon them any amount of any substance
35 containing lysergic acid diethylamide (LSD), or an
36 analog thereof;

1 (B) not less than 6 years and not more than 30
2 years with respect to: (i) 100 grams or more but less
3 than 400 grams of any substance containing lysergic
4 acid diethylamide (LSD), or an analog thereof, or (ii)
5 200 or more objects or 200 or more segregated parts of
6 an object or objects but less than 600 objects or less
7 than 600 segregated parts of an object or objects
8 containing in them or having upon them any amount of
9 any substance containing lysergic acid diethylamide
10 (LSD), or an analog thereof;

11 (C) not less than 8 years and not more than 40
12 years with respect to: (i) 400 grams or more but less
13 than 900 grams of any substance containing lysergic
14 acid diethylamide (LSD), or an analog thereof, or (ii)
15 600 or more objects or 600 or more segregated parts of
16 an object or objects but less than 1500 objects or 1500
17 segregated parts of an object or objects containing in
18 them or having upon them any amount of any substance
19 containing lysergic acid diethylamide (LSD), or an
20 analog thereof;

21 (D) not less than 10 years and not more than 50
22 years with respect to: (i) 900 grams or more of any
23 substance containing lysergic acid diethylamide (LSD),
24 or an analog thereof, or (ii) 1500 or more objects or
25 1500 or more segregated parts of an object or objects
26 containing in them or having upon them any amount of a
27 substance containing lysergic acid diethylamide (LSD),
28 or an analog thereof;

29 (7.5) (A) not less than 4 years and not more than 15
30 years with respect to: (i) 15 grams or more but less
31 than 100 grams of any substance listed in paragraph
32 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
33 (25), or (26) of subsection (d) of Section 204, or an
34 analog or derivative thereof, or (ii) 15 or more pills,
35 tablets, caplets, capsules, or objects but less than
36 200 pills, tablets, caplets, capsules, or objects

1 containing in them or having upon them any amount of
2 any substance listed in paragraph (1), (2), (2.1), (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 (B) not less than 6 years and not more than 30
7 years with respect to: (i) 100 grams or more but less
8 than 400 grams of any substance listed in paragraph
9 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
10 (25), or (26) of subsection (d) of Section 204, or an
11 analog or derivative thereof, or (ii) 200 or more
12 pills, tablets, caplets, capsules, or objects but less
13 than 600 pills, tablets, caplets, capsules, or objects
14 containing in them or having upon them any amount of
15 any substance listed in paragraph (1), (2), (2.1), (3),
16 (14.1), (19), (20), (20.1), (21), (25), or (26) of
17 subsection (d) of Section 204, or an analog or
18 derivative thereof;

19 (C) not less than 8 years and not more than 40
20 years with respect to: (i) 400 grams or more but less
21 than 900 grams of any substance listed in paragraph
22 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
23 (25), or (26) of subsection (d) of Section 204, or an
24 analog or derivative thereof, or (ii) 600 or more
25 pills, tablets, caplets, capsules, or objects but less
26 than 1,500 pills, tablets, caplets, capsules, or
27 objects containing in them or having upon them any
28 amount of any substance listed in paragraph (1), (2),
29 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or
30 (26) of subsection (d) of Section 204, or an analog or
31 derivative thereof;

32 (D) not less than 10 years and not more than 50
33 years with respect to: (i) 900 grams or more of any
34 substance listed in paragraph (1), (2), (2.1), (3),
35 (14.1), (19), (20), (20.1), (21), (25), or (26) of
36 subsection (d) of Section 204, or an analog or

1 derivative thereof, or (ii) 1,500 or more pills,
2 tablets, caplets, capsules, or objects containing in
3 them or having upon them any amount of a substance
4 listed in paragraph (1), (2), (2.1), (3), (14.1), (19),
5 (20), (20.1), (21), (25), or (26) of subsection (d) of
6 Section 204, or an analog or derivative thereof;

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

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

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

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

19 (11) 200 grams or more of any substance containing any
20 substance classified as a narcotic drug in Schedules I or
21 II, or an analog thereof, which is not otherwise included
22 in this subsection.

23 (b) Any person sentenced with respect to violations of
24 paragraph (1), (2), (3), (6.5), (7), or (7.5) of subsection (a)
25 involving 100 grams or more of the controlled substance named
26 therein, may in addition to the penalties provided therein, be
27 fined an amount not to exceed \$200,000 or the full street value
28 of the controlled or counterfeit substances, whichever is
29 greater. The term "street value" shall have the meaning
30 ascribed in Section 110-5 of the Code of Criminal Procedure of
31 1963. Any person sentenced with respect to any other provision
32 of subsection (a), may in addition to the penalties provided
33 therein, be fined an amount not to exceed \$200,000.

34 (c) Any person who violates this Section with regard to an
35 amount of a controlled or counterfeit substance not set forth
36 in subsection (a) or (d) is guilty of a Class 4 felony. The

1 fine for a violation punishable under this subsection (c) shall
2 not be more than \$25,000.

3 (d) Any person who violates this Section with regard to any
4 amount of anabolic steroid is guilty of a Class C misdemeanor
5 for the first offense and a Class B misdemeanor for a
6 subsequent offense committed within 2 years of a prior
7 conviction.

8 (Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99;
9 92-256, eff. 1-1-02.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.