

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

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

1 subsection (b):

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

5 (B) not less than 6 years and not more than 30
6 years with respect to 100 grams or more but less than
7 400 grams of a substance containing heroin;

8 (C) not less than 8 years and not more than 40
9 years with respect to 400 grams or more but less than
10 900 grams of any substance containing heroin;

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

14 (2) (A) not less than 4 years and not more than 15
15 years with respect to 15 grams or more but less than
16 100 grams of any substance containing cocaine;

17 (B) not less than 6 years and not more than 30
18 years with respect to 100 grams or more but less than
19 400 grams of any substance containing cocaine;

20 (C) not less than 8 years and not more than 40
21 years with respect to 400 grams or more but less than
22 900 grams of any substance containing cocaine;

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 cocaine;

26 (3) (A) not less than 4 years and not more than 15
27 years with respect to 15 grams or more but less than
28 100 grams of any substance containing morphine;

29 (B) not less than 6 years and not more than 30
30 years with respect to 100 grams or more but less than
31 400 grams of any substance containing morphine;

32 (C) not less than 6 years and not more than 40
33 years with respect to 400 grams or more but less than
34 900 grams of any substance containing morphine;

1 (D) not less than 10 years and not more than 50
2 years with respect to 900 grams or more of any
3 substance containing morphine;

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

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

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

12 (6.5) (A) not less than 4 years and not more than 15
13 years with respect to 15 grams or more but less than
14 100 grams of a substance containing methamphetamine or
15 any salt of an optical isomer of methamphetamine;

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 a substance containing methamphetamine or
19 any salt of an optical isomer of methamphetamine;

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

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

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

1 analog thereof;

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

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

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

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

1 200 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), (3),
4 (14.1), (19), (20), (20.1), (21), (25), or (26) of
5 subsection (d) of Section 204, or an analog or
6 derivative thereof;

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

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

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

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

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

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

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

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

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

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

35 (c) Any person who violates this Section with regard to an
36 amount of a controlled or counterfeit substance not set forth

1 in subsection (a) or (d) is guilty of a Class 4 felony. The
2 fine for a violation punishable under this subsection (c) shall
3 not be more than \$25,000.

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

9 (Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99;
10 92-256, eff. 1-1-02.)

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