

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 Methamphetamine Control and Community  
5 Protection Act is amended by changing Sections 15, 20, 25, 30,  
6 45, and 55 and by adding Section 56 as follows:

7 (720 ILCS 646/15)

8 Sec. 15. Participation in methamphetamine manufacturing.

9 (a) Participation in methamphetamine manufacturing.

10 (1) It is unlawful to knowingly participate in the  
11 manufacture of methamphetamine with the intent that  
12 methamphetamine or a substance containing methamphetamine  
13 be produced.

14 (2) A person who violates paragraph (1) of this  
15 subsection (a) is subject to the following penalties:

16 (A) A person who participates in the manufacture of  
17 less than 15 grams of methamphetamine or a substance  
18 containing methamphetamine is guilty of a Class 1  
19 felony.

20 (B) A person who participates in the manufacture of  
21 15 or more grams but less than 100 grams of  
22 methamphetamine or a substance containing  
23 methamphetamine is guilty of a Class X felony, subject  
24 to a term of imprisonment of not less than 6 years and  
25 not more than 30 years, and subject to a fine not to  
26 exceed \$100,000 or the street value of the  
27 methamphetamine manufactured, whichever is greater.

28 (C) A person who participates in the manufacture of  
29 100 or more grams but less than 400 grams of  
30 methamphetamine or a substance containing  
31 methamphetamine is guilty of a Class X felony, subject  
32 to a term of imprisonment of not less than 9 years and

1 not more than 40 years, and subject to a fine not to  
2 exceed \$200,000 or the street value of the  
3 methamphetamine manufactured, whichever is greater.

4 (D) A person who participates in the manufacture of  
5 400 or more grams but less than 900 grams of  
6 methamphetamine or a substance containing  
7 methamphetamine is guilty of a Class X felony, subject  
8 to a term of imprisonment of not less than 12 years and  
9 not more than 50 years, and subject to a fine not to  
10 exceed \$300,000 or the street value of the  
11 methamphetamine manufactured, whichever is greater.

12 (E) A person who participates in the manufacture of  
13 900 grams or more of methamphetamine or a substance  
14 containing methamphetamine is guilty of a Class X  
15 felony, subject to a term of imprisonment of not less  
16 than 15 years and not more than 60 years, and subject  
17 to a fine not to exceed \$400,000 or the street value of  
18 the methamphetamine, whichever is greater.

19 (b) Aggravated participation in methamphetamine  
20 manufacturing.

21 (1) It is unlawful to engage in aggravated  
22 participation in the manufacture of methamphetamine. A  
23 person engages in aggravated participation in the  
24 manufacture of methamphetamine when the person violates  
25 paragraph (1) of subsection (a) and:

26 (A) the person knowingly does so in a multi-unit  
27 dwelling;

28 (B) the person knowingly does so in a structure or  
29 vehicle where a child under the age of 18, a person  
30 with a disability, or a person 60 years of age or older  
31 who is incapable of adequately providing for his or her  
32 own health and personal care resides, is present, or is  
33 endangered by the manufacture of methamphetamine;

34 (C) the person does so in a structure or vehicle  
35 where a woman the person knows to be pregnant  
36 (including but not limited to the person herself)

1           resides, is present, or is endangered by the  
2           methamphetamine manufacture;

3           (D) the person knowingly does so in a structure or  
4           vehicle protected by one or more firearms, explosive  
5           devices, booby traps, alarm systems, surveillance  
6           systems, guard dogs, or dangerous animals;

7           (E) the methamphetamine manufacturing in which the  
8           person participates is a contributing cause of the  
9           death, serious bodily injury, disability, or  
10          disfigurement of another person, including but not  
11          limited to an emergency service provider;

12          (F) the methamphetamine manufacturing in which the  
13          person participates is a contributing cause of a fire  
14          or explosion that damages property belonging to  
15          another person; or

16          (G) the person knowingly organizes, directs, or  
17          finances the methamphetamine manufacturing or  
18          activities carried out in support of the  
19          methamphetamine manufacturing.

20          (2) A person who violates paragraph (1) of this  
21          subsection (b) is subject to the following penalties:

22           (A) A person who participates in the manufacture of  
23           less than 15 grams of methamphetamine or a substance  
24           containing methamphetamine is guilty of a Class X  
25           felony, subject to a term of imprisonment of not less  
26           than 6 years and not more than 30 years, and subject to  
27           a fine not to exceed \$100,000 or the street value of  
28           the methamphetamine, whichever is greater.

29           (B) A person who participates in the manufacture of  
30           15 or more grams but less than 100 grams of  
31           methamphetamine or a substance containing  
32           methamphetamine is guilty of a Class X felony, subject  
33           to a term of imprisonment of not less than 9 years and  
34           not more than 40 years, and subject to a fine not to  
35           exceed \$200,000 or the street value of the  
36           methamphetamine, whichever is greater.

1 (C) A person who participates in the manufacture of  
2 100 or more grams but less than 400 grams of  
3 methamphetamine or a substance containing  
4 methamphetamine is guilty of a Class X felony, subject  
5 to a term of imprisonment of not less than 12 years and  
6 not more than 50 years, and subject to a fine not to  
7 exceed \$300,000 or the street value of the  
8 methamphetamine, whichever is greater.

9 (D) A person who participates in the manufacture of  
10 400 grams or more of methamphetamine or a substance  
11 containing methamphetamine is guilty of a Class X  
12 felony, subject to a term of imprisonment of not less  
13 than 15 years and not more than 60 years, and subject  
14 to a fine not to exceed \$400,000 or the street value of  
15 the methamphetamine, whichever is greater.

16 (Source: P.A. 94-556, eff. 9-11-05.)

17 (720 ILCS 646/20)

18 Sec. 20. Methamphetamine precursor.

19 (a) Methamphetamine precursor or substance containing any  
20 methamphetamine precursor in standard dosage form.

21 (1) It is unlawful to knowingly possess, procure,  
22 transport, store, or deliver any methamphetamine precursor  
23 or substance containing any methamphetamine precursor in  
24 standard dosage form with the intent that it be used to  
25 manufacture methamphetamine or a substance containing  
26 methamphetamine.

27 (2) A person who violates paragraph (1) of this  
28 subsection (a) is subject to the following penalties:

29 (A) A person who possesses, procures, transports,  
30 stores, or delivers less than 15 grams of  
31 methamphetamine precursor or substance containing any  
32 methamphetamine precursor is guilty of a Class 2  
33 felony.

34 (B) A person who possesses, procures, transports,  
35 stores, or delivers 15 or more grams but less than 30

1           grams of methamphetamine precursor or substance  
2           containing any methamphetamine precursor is guilty of  
3           a Class 1 felony.

4           (C) A person who possesses, procures, transports,  
5           stores, or delivers 30 or more grams but less than 150  
6           grams of methamphetamine precursor or substance  
7           containing any methamphetamine precursor is guilty of  
8           a Class X felony, subject to a term of imprisonment of  
9           not less than 6 years and not more than 30 years, and  
10          subject to a fine not to exceed \$100,000.

11          (D) A person who possesses, procures, transports,  
12          stores, or delivers 150 or more grams but less than 500  
13          grams of methamphetamine precursor or substance  
14          containing any methamphetamine precursor is guilty of  
15          a Class X felony, subject to a term of imprisonment of  
16          not less than 8 years and not more than 40 years, and  
17          subject to a fine not to exceed \$200,000.

18          (E) A person who possesses, procures, transports,  
19          stores, or delivers 500 or more grams of  
20          methamphetamine precursor or substance containing any  
21          methamphetamine precursor is guilty of a Class X  
22          felony, subject to a term of imprisonment of not less  
23          than 10 years and not more than 50 years, and subject  
24          to a fine not to exceed \$300,000.

25          (b) Methamphetamine precursor or substance containing any  
26          methamphetamine precursor in any form other than a standard  
27          dosage form.

28           (1) It is unlawful to knowingly possess, procure,  
29           transport, store, or deliver any methamphetamine precursor  
30           or substance containing any methamphetamine precursor in  
31           any form other than a standard dosage form with the intent  
32           that it be used to manufacture methamphetamine or a  
33           substance containing methamphetamine.

34           (2) A person who violates paragraph (1) of this  
35           subsection (b) is subject to the following penalties:

36           (A) A person who violates paragraph (1) of this

1 subsection (b) with the intent that less than 10 grams  
2 of methamphetamine or a substance containing  
3 methamphetamine be manufactured is guilty of a Class 2  
4 felony.

5 (B) A person who violates paragraph (1) of this  
6 subsection (b) with the intent that 10 or more grams  
7 but less than 20 grams of methamphetamine or a  
8 substance containing methamphetamine be manufactured  
9 is guilty of a Class 1 felony.

10 (C) A person who violates paragraph (1) of this  
11 subsection (b) with the intent that 20 or more grams  
12 but less than 100 grams of methamphetamine or a  
13 substance containing methamphetamine be manufactured  
14 is guilty of a Class X felony, subject to a term of  
15 imprisonment of not less than 6 years and not more than  
16 30 years, and subject to a fine not to exceed \$100,000.

17 (D) A person who violates paragraph (1) of this  
18 subsection (b) with the intent that 100 or more grams  
19 but less than 350 grams of methamphetamine or a  
20 substance containing methamphetamine be manufactured  
21 is guilty of a Class X felony, subject to a term of  
22 imprisonment of not less than 8 years and not more than  
23 40 years, and subject to a fine not to exceed \$200,000.

24 (E) A person who violates paragraph (1) of this  
25 subsection (b) with the intent that 350 or more grams  
26 of methamphetamine or a substance containing  
27 methamphetamine be manufactured is guilty of a Class X  
28 felony, subject to a term of imprisonment of not less  
29 than 10 years and not more than 50 years, and subject  
30 to a fine not to exceed \$300,000.

31 (c) Rule of evidence. The presence of any methamphetamine  
32 precursor in a sealed, factory imprinted container, including,  
33 but not limited to, a bottle, box, package, or blister pack, at  
34 the time of seizure by law enforcement, is prima facie evidence  
35 that the methamphetamine precursor located within the  
36 container is in fact the material so described and in the

1 amount listed on the container. The factory imprinted container  
2 is admissible for a violation of this Act for purposes of  
3 proving the contents of the container.

4 (Source: P.A. 94-556, eff. 9-11-05.)

5 (720 ILCS 646/25)

6 Sec. 25. Anhydrous ammonia.

7 (a) Possession, procurement, transportation, storage, or  
8 delivery of anhydrous ammonia with the intent that it be used  
9 to manufacture methamphetamine.

10 (1) It is unlawful to knowingly engage in the  
11 possession, procurement, transportation, storage, or  
12 delivery of anhydrous ammonia or to attempt to engage in  
13 any of these activities or to assist another in engaging in  
14 any of these activities with the intent that the anhydrous  
15 ammonia be used to manufacture methamphetamine.

16 (2) A person who violates paragraph (1) of this  
17 subsection (a) is guilty of a Class 1 felony.

18 (b) Aggravated possession, procurement, transportation,  
19 storage, or delivery of anhydrous ammonia with the intent that  
20 it be used to manufacture methamphetamine.

21 (1) It is unlawful to knowingly engage in the  
22 aggravated possession, procurement, transportation,  
23 storage, or delivery of anhydrous ammonia with the intent  
24 that it be used to manufacture methamphetamine. A person  
25 commits this offense when the person engages in the  
26 possession, procurement, transportation, storage, or  
27 delivery of anhydrous ammonia or attempts to engage in any  
28 of these activities or assists another in engaging in any  
29 of these activities with the intent that the anhydrous  
30 ammonia be used to manufacture methamphetamine and:

31 (A) the person knowingly does so in a multi-unit  
32 dwelling;

33 (B) the person knowingly does so in a structure or  
34 vehicle where a child under the age of 18, or a person  
35 with a disability, or a person who is 60 years of age

1 or older who is incapable of adequately providing for  
2 his or her own health and personal care resides, is  
3 present, or is endangered by the anhydrous ammonia;

4 (C) the person's possession, procurement,  
5 transportation, storage, or delivery of anhydrous  
6 ammonia is a contributing cause of the death, serious  
7 bodily injury, disability, or disfigurement of another  
8 person; or

9 (D) the person's possession, procurement,  
10 transportation, storage, or delivery of anhydrous  
11 ammonia is a contributing cause of a fire or explosion  
12 that damages property belonging to another person.

13 (2) A person who violates paragraph (1) of this  
14 subsection (b) is guilty of a Class X felony, subject to a  
15 term of imprisonment of not less than 6 years and not more  
16 than 30 years, and subject to a fine not to exceed  
17 \$100,000.

18 (c) Possession, procurement, transportation, storage, or  
19 delivery of anhydrous ammonia in an unauthorized container.

20 (1) It is unlawful to knowingly possess, procure,  
21 transport, store, or deliver anhydrous ammonia in an  
22 unauthorized container.

23 (2) A person who violates paragraph (1) of this  
24 subsection (c) is guilty of a Class 3 felony.

25 (3) Affirmative defense. It is an affirmative defense  
26 that the person charged possessed, procured, transported,  
27 stored, or delivered anhydrous ammonia in a manner that  
28 substantially complied with the rules governing anhydrous  
29 ammonia equipment found in 8 Illinois Administrative Code  
30 Section 215, in 92 Illinois Administrative Code Sections  
31 171 through 180, or in any provision of the Code of Federal  
32 Regulations incorporated by reference into these Sections  
33 of the Illinois Administrative Code.

34 (d) Tampering with anhydrous ammonia equipment.

35 (1) It is unlawful to knowingly tamper with anhydrous  
36 ammonia equipment. A person tampers with anhydrous ammonia

1 equipment when, without authorization from the lawful  
2 owner, the person:

3 (A) removes or attempts to remove anhydrous  
4 ammonia from the anhydrous ammonia equipment used by  
5 the lawful owner;

6 (B) damages or attempts to damage the anhydrous  
7 ammonia equipment used by the lawful owner; or

8 (C) vents or attempts to vent anhydrous ammonia  
9 into the environment.

10 (2) A person who violates paragraph (1) of this  
11 subsection (d) is guilty of a Class 3 felony.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 (720 ILCS 646/30)

14 Sec. 30. Methamphetamine manufacturing material.

15 (a) It is unlawful to knowingly engage in the possession,  
16 procurement, transportation, storage, or delivery of any  
17 methamphetamine manufacturing material, other than a  
18 methamphetamine precursor, substance containing a  
19 methamphetamine precursor, or anhydrous ammonia, with the  
20 intent that it be used to manufacture methamphetamine.

21 (b) A person who violates subsection (a) of this Section is  
22 guilty of a Class 2 felony.

23 (Source: P.A. 94-556, eff. 9-11-05.)

24 (720 ILCS 646/45)

25 Sec. 45. Methamphetamine manufacturing waste.

26 (a) It is unlawful to knowingly burn, place in a trash  
27 receptacle, or dispose of methamphetamine manufacturing waste,  
28 knowing that the waste was used in the manufacturing of  
29 methamphetamine.

30 (b) A person who violates subsection (a) of this Section is  
31 guilty of a Class 2 felony.

32 (Source: P.A. 94-556, eff. 9-11-05.)

33 (720 ILCS 646/55)

1           Sec. 55. Methamphetamine delivery.

2           (a) Delivery or possession with intent to deliver  
3 methamphetamine or a substance containing methamphetamine.

4           (1) It is unlawful knowingly to engage in the delivery  
5 or possession with intent to deliver methamphetamine or a  
6 substance containing methamphetamine.

7           (2) A person who violates paragraph (1) of this  
8 subsection (a) is subject to the following penalties:

9           (A) A person who delivers or possesses with intent  
10 to deliver less than 5 grams of methamphetamine or a  
11 substance containing methamphetamine is guilty of a  
12 Class 2 felony.

13           (B) A person who delivers or possesses with intent  
14 to deliver 5 or more grams but less than 15 grams of  
15 methamphetamine or a substance containing  
16 methamphetamine is guilty of a Class 1 felony.

17           (C) A person who delivers or possesses with intent  
18 to deliver 15 or more grams but less than 100 grams of  
19 methamphetamine or a substance containing  
20 methamphetamine is guilty of a Class X felony, subject  
21 to a term of imprisonment of not less than 6 years and  
22 not more than 30 years, and subject to a fine not to  
23 exceed \$100,000 or the street value of the  
24 methamphetamine, whichever is greater.

25           (D) A person who delivers or possesses with intent  
26 to deliver 100 or more grams but less than 400 grams of  
27 methamphetamine or a substance containing  
28 methamphetamine is guilty of a Class X felony, subject  
29 to a term of imprisonment of not less than 9 years and  
30 not more than 40 years, and subject to a fine not to  
31 exceed \$200,000 or the street value of the  
32 methamphetamine, whichever is greater.

33           (E) A person who delivers or possesses with intent  
34 to deliver 400 or more grams but less than 900 grams of  
35 methamphetamine or a substance containing  
36 methamphetamine is guilty of a Class X felony, subject

1 to a term of imprisonment of not less than 12 years and  
2 not more than 50 years, and subject to a fine not to  
3 exceed \$300,000 or the street value of the  
4 methamphetamine, whichever is greater.

5 (F) A person who delivers or possesses with intent  
6 to deliver 900 or more grams of methamphetamine or a  
7 substance containing methamphetamine is guilty of a  
8 Class X felony, subject to a term of imprisonment of  
9 not less than 15 years and not more than 60 years, and  
10 subject to a fine not to exceed \$400,000 or the street  
11 value of the methamphetamine, whichever is greater.

12 (b) Aggravated delivery or possession with intent to  
13 deliver methamphetamine or a substance containing  
14 methamphetamine.

15 (1) It is unlawful to engage in the aggravated delivery  
16 or possession with intent to deliver methamphetamine or a  
17 substance containing methamphetamine. A person engages in  
18 the aggravated delivery or possession with intent to  
19 deliver methamphetamine or a substance containing  
20 methamphetamine when the person violates paragraph (1) of  
21 subsection (a) of this Section and:

22 (A) the person is at least 18 years of age and  
23 knowingly delivers or possesses with intent to deliver  
24 the methamphetamine or substance containing  
25 methamphetamine to a person under 18 years of age;

26 (B) the person is at least 18 years of age and  
27 knowingly uses, engages, employs, or causes another  
28 person to use, engage, or employ a person under 18  
29 years of age to deliver the methamphetamine or  
30 substance containing methamphetamine;

31 (C) the person knowingly delivers or possesses  
32 with intent to deliver the methamphetamine or  
33 substance containing methamphetamine in any structure  
34 or vehicle protected by one or more firearms, explosive  
35 devices, booby traps, alarm systems, surveillance  
36 systems, guard dogs, or dangerous animals;

1 (D) the person knowingly delivers or possesses  
2 with intent to deliver the methamphetamine or  
3 substance containing methamphetamine in any school, on  
4 any real property comprising any school, or in any  
5 conveyance owned, leased, or contracted by a school to  
6 transport students to or from school or a  
7 school-related activity;

8 (E) the person delivers or causes another person to  
9 deliver the methamphetamine or substance containing  
10 methamphetamine to a woman that the person knows to be  
11 pregnant; or

12 (F) (blank) ~~the person knowingly brings or causes~~  
13 ~~another to bring the methamphetamine or substance~~  
14 ~~containing methamphetamine into Illinois from a~~  
15 ~~location outside of Illinois.~~

16 (2) A person who violates paragraph (1) of this  
17 subsection (b) is subject to the following penalties:

18 (A) A person who delivers or possesses with intent  
19 to deliver less than 5 grams of methamphetamine or a  
20 substance containing methamphetamine is guilty of a  
21 Class 1 felony.

22 (B) A person who delivers or possesses with intent  
23 to deliver 5 or more grams but less than 15 grams of  
24 methamphetamine or a substance containing  
25 methamphetamine is guilty of a Class X felony, subject  
26 to a term of imprisonment of not less than 6 years and  
27 not more than 30 years, and subject to a fine not to  
28 exceed \$100,000 or the street value of the  
29 methamphetamine, whichever is greater.

30 (C) A person who delivers or possesses with intent  
31 to deliver 15 or more grams but less than 100 grams of  
32 methamphetamine or a substance containing  
33 methamphetamine is guilty of a Class X felony, subject  
34 to a term of imprisonment of not less than 8 years and  
35 not more than 40 years, and subject to a fine not to  
36 exceed \$200,000 or the street value of the

1 methamphetamine, whichever is greater.

2 (D) A person who delivers or possesses with intent  
3 to deliver 100 or more grams of methamphetamine or a  
4 substance containing methamphetamine is guilty of a  
5 Class X felony, subject to a term of imprisonment of  
6 not less than 10 years and not more than 50 years, and  
7 subject to a fine not to exceed \$300,000 or the street  
8 value of the methamphetamine, whichever is greater.

9 (Source: P.A. 94-556, eff. 9-11-05.)

10 (720 ILCS 646/56 new)

11 Sec. 56. Methamphetamine trafficking.

12 (a) Except for purposes as authorized by this Act, any  
13 person who knowingly brings, or causes to be brought, into this  
14 State methamphetamine, anhydrous ammonia, or a methamphetamine  
15 precursor for the purpose of manufacture or delivery of  
16 methamphetamine or with the intent to manufacture or deliver  
17 methamphetamine is guilty of methamphetamine trafficking.

18 (b) A person convicted of methamphetamine trafficking  
19 shall be sentenced to a term of imprisonment of not less than  
20 twice the minimum term and not more than twice the maximum term  
21 of imprisonment based upon the amount of methamphetamine  
22 brought or caused to be brought into this State, as provided in  
23 subsection (a) of Section 55 of this Act.

24 (c) A person convicted of methamphetamine trafficking  
25 based upon a methamphetamine precursor shall be sentenced to a  
26 term of imprisonment of not less than twice the minimum term  
27 and not more than twice the maximum term of imprisonment based  
28 upon the amount of methamphetamine precursor provided in  
29 subsection (a) or (b) of Section 20 of this Act brought or  
30 caused to be brought into this State.

31 (d) A person convicted of methamphetamine trafficking  
32 based upon anhydrous ammonia under paragraph (1) of subsection  
33 (a) of Section 25 of this Act shall be sentenced to a term of  
34 imprisonment of not less than twice the minimum term and not  
35 more than twice the maximum term of imprisonment provided in

1 paragraph (1) of subsection (a) of Section 25 of this Act.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.