



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1403

Introduced 2/21/2007, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

720 ILCS 646/15

Amends the Methamphetamine Control and Community Protection Act. Provides that if a person engages in participation in methamphetamine manufacturing and the methamphetamine manufacturing occurs within 1,000 feet of a place of worship, parsonage, or former church facility, the person commits aggravated participation in methamphetamine manufacturing.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 Section 15 as follows:

6 (720 ILCS 646/15)

7 Sec. 15. Participation in methamphetamine manufacturing.

8 (a) Participation in methamphetamine manufacturing.

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

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

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

19 (B) A person who participates in the manufacture of
20 15 or more grams but less than 100 grams of
21 methamphetamine or a substance containing
22 methamphetamine is guilty of a Class X felony, subject
23 to a term of imprisonment of not less than 6 years and

1 not more than 30 years, and subject to a fine not to
2 exceed \$100,000 or the street value of the
3 methamphetamine manufactured, whichever is greater.

4 (C) A person who participates in the manufacture of
5 100 or more grams but less than 400 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 9 years and
9 not more than 40 years, and subject to a fine not to
10 exceed \$200,000 or the street value of the
11 methamphetamine manufactured, whichever is greater.

12 (D) A person who participates in the manufacture of
13 400 or more grams but less than 900 grams of
14 methamphetamine or a substance containing
15 methamphetamine is guilty of a Class X felony, subject
16 to a term of imprisonment of not less than 12 years and
17 not more than 50 years, and subject to a fine not to
18 exceed \$300,000 or the street value of the
19 methamphetamine manufactured, whichever is greater.

20 (E) A person who participates in the manufacture of
21 900 grams or more of methamphetamine or a substance
22 containing methamphetamine is guilty of a Class X
23 felony, subject to a term of imprisonment of not less
24 than 15 years and not more than 60 years, and subject
25 to a fine not to exceed \$400,000 or the street value of
26 the methamphetamine, whichever is greater.

1 (b) Aggravated participation in methamphetamine
2 manufacturing.

3 (1) It is unlawful to engage in aggravated
4 participation in the manufacture of methamphetamine. A
5 person engages in aggravated participation in the
6 manufacture of methamphetamine when the person violates
7 paragraph (1) of subsection (a) and:

8 (A) the person knowingly does so in a multi-unit
9 dwelling;

10 (B) the person knowingly does so in a structure or
11 vehicle where a child under the age of 18, a person
12 with a disability, or a person 60 years of age or older
13 who is incapable of adequately providing for his or her
14 own health and personal care resides, is present, or is
15 endangered by the manufacture of methamphetamine;

16 (C) the person does so in a structure or vehicle
17 where a woman the person knows to be pregnant
18 (including but not limited to the person herself)
19 resides, is present, or is endangered by the
20 methamphetamine manufacture;

21 (D) the person knowingly does so in a structure or
22 vehicle protected by one or more firearms, explosive
23 devices, booby traps, alarm systems, surveillance
24 systems, guard dogs, or dangerous animals;

25 (E) the methamphetamine manufacturing in which the
26 person participates is a contributing cause of the

1 death, serious bodily injury, disability, or
2 disfigurement of another person, including but not
3 limited to an emergency service provider;

4 (F) the methamphetamine manufacturing in which the
5 person participates is a contributing cause of a fire
6 or explosion that damages property belonging to
7 another person; ~~or~~

8 (G) the person knowingly organizes, directs, or
9 finances the methamphetamine manufacturing or
10 activities carried out in support of the
11 methamphetamine manufacturing; or.

12 (H) the methamphetamine manufacturing occurs
13 within 1,000 feet of a place of worship, parsonage, or
14 former church facility.

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

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

24 (B) A person who participates in the manufacture of
25 15 or more grams but less than 100 grams of
26 methamphetamine or a substance containing

1 methamphetamine is guilty of a Class X felony, subject
2 to a term of imprisonment of not less than 9 years and
3 not more than 40 years, and subject to a fine not to
4 exceed \$200,000 or the street value of the
5 methamphetamine, whichever is greater.

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

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

21 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)