

**HOUSE BILL 6595**  
REP. BARBARA FLYNN CURRIE  
CHANGES TO PENALTIES FOR DRUG CRIMES  
CANNABIS CONTROL ACT, CONTROLLED SUBSTANCES ACT, METHAMPHETAMINE ACT

**TOTAL BENEFITS IN REDUCED FISCAL COSTS OVER THREE YEARS: \$372.2 MILLION**  
**TOTAL VICTIMIZATION COSTS FOR PROPOSED CHANGES OVER THREE YEARS: \$13.1 MILLION**

**NET BENEFITS RANGE (BENEFITS MINUS COSTS): \$359.1 MILLION**

Act	Statute Description	Current Costs	Proposed Costs	Current Costs minus Proposed Costs	Victimization Costs	Total Benefits*
Controlled Substances 720 ILCS 570	Possession of Controlled Substance	\$306,544,827	\$230,396,116	\$76,148,712	\$3,310,559	\$72,838,152
	Manufacture/Delivery or Trafficking	\$498,909,795	\$297,523,077	\$201,386,718	\$7,306,292	\$194,080,425
Methamphetamine Control and Community Protection 720 ILCS 646	Possession of Methamphetamine	\$29,531,038	\$15,012,996	\$14,518,042	\$358,899	\$14,159,142
	Manufacture/Delivery or Trafficking	\$89,641,895	\$54,602,072	\$35,039,823	\$1,034,824	\$34,004,999
Cannabis Control 720 ILCS 550	Possession of Cannabis	\$17,306,645	\$9,038,083	\$8,268,563	\$163,127	\$8,105,436
	Manufacture/Delivery or Trafficking	\$65,924,827	\$38,421,597	\$27,503,230	\$827,505	\$26,675,724
Additional Offenses*		\$23,046,489	\$13,715,968	\$9,330,521	\$115,489	\$9,215,032
<b>TOTAL</b>		<b>\$1,030,905,516</b>	<b>\$658,709,909</b>	<b>\$372,195,608</b>	<b>\$13,116,696</b>	<b>\$359,078,912</b>

\* Total Benefits are the costs avoided (Current costs) minus the costs that would have occurred had the legislation been in effect (Proposed costs) and the change in crime due to the policy (Victimization Costs). Victimization costs are the costs of crime borne by the individuals harmed by criminal conduct.

Source: CHRI and IDOC data, SPAC calculations

**POLICY QUESTIONS:** What fiscal and bed-year impact would these changes have on state prisons? What impact would earlier release of these offenders have on victimizations and would those costs outweigh the fiscal benefits?

Broadly, House Bill 6595 ([HB6595](#)) (1) reduces the felony class one level for possession and manufacture and delivery of any substance covered by the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act and (2) amends the Unified Code of Corrections to make certain crimes eligible for probation. This fiscal analysis focuses on the changes to prison admissions and lengths of stay in prison. Additional impacts from cannabis tickets, changes to habitual criminal statutes, and procedural policy changes are not included at this time. A full table of all the changes is in Appendix C on page 16.

SPAC analyzed admissions to and exits from the Illinois Department of Corrections (IDOC) from 2013-2015. These admissions and releases are then used to calculate the cost to the system had the proposed policy been in effect for the past three years. SPAC refined its methodology by adding an estimate of victimization costs and benefits which reflect changes in recidivism rates that are likely to occur if incarceration patterns change and by adding demographic analysis of admissions to IDOC by race, gender and geography (p. 8). SPAC also analyzed the overall arrests, convictions, and sentences for drug offenses using 2013-2015 data from the Criminal History Record Information (CHRI) system.

This bill impacts the current resource use in IDOC by (A) reducing the length of stay for all drug sentences in prison; (B) reducing some felonies to misdemeanors, precluding admission to IDOC; and (C) allowing probation for current-Class X drug offenses which affects the probability of being incarcerated. Combined, these policies decrease the resources used by drug crime offenders in the prison system. These effects are used to calculate the cost to the system had this measure been in effect for the past three fiscal years.

**Table 2. Total Change in Costs over Three Years**

<b>Change in:</b>	<b>Three Year Value of Benefits</b>
Local Detention Costs	<b>\$6,011,519</b>
Local Probation Costs	<b>\$1,075,305</b>
<b>Total Local Costs Added</b>	<b>\$7,086,824</b>
State Prison Benefits	\$379,282,432
<b>Total State Costs Avoided</b>	<b>\$379,282,432</b>
<b>Total Costs Avoided</b>	<b>\$372,195,608</b>
Victim Costs	<b>\$13,116,696</b>
<b>Total Benefits</b>	<b>\$359,078,912</b>

Table 2 shows where the benefits and costs occur in the system. IDOC's prisons would avoid \$379.3 million in costs over three years, whereas local governments would see an increase in county jails and probation caseloads, causing an estimated \$7.1 million in additional costs over three years.

The reduction in prison sentences would also reduce incapacitation and return offenders to their communities at a younger age, both of which are associated with increases in offending. Using Illinois specific data on the recidivism rates and patterns of drug offenders, SPAC estimated this impact would increase victim costs by \$13.1 million over three years.

The total net benefits of HB6595 are \$359.1 million over three years. The total number of people impacted is shown below.

**Table 3. Number of Individuals Impacted by HB 6595**

<b>Act</b>	<b>Statutory Citations</b>	<b>Arrested</b>	<b>Convicted</b>	<b>Admitted to Prison</b>
Controlled Substances	720 ILCS 570 et seq.	83,302	28,632	14,891
Methamphetamine Control and Community Protection	720 ILCS 646 et seq.	5,495	2,858	1,552
Cannabis Control	720 ILCS 550 et seq.	115,660	12,712	1,807
<b>TOTAL</b>		<b>204,457</b>	<b>44,202</b>	<b>18,484</b>

\* The reported numbers are SPAC analysis of state CHRI data. The reported arrests and convictions depend on local jurisdictions accurately reporting their data. Preliminary review shows some jurisdictions may not report misdemeanor convictions and some arrests may be missing. The extent of underreporting is unknown.  
 \* In addition to convictions, some individuals arrested receive withheld judgment dispositions with the opportunity to have the record eliminated after completion of a set term. The reported numbers above are only for final dispositions and do not include 1410 or 710 probation outcomes.

SPAC updates cost figures annually. Beginning this year, SPAC includes both (a) direct personnel costs and salaries, as well as (b) indirect spending on benefits, including pension, healthcare, and workers compensation that are borne by taxpayers but are paid from outside the IDOC budget. Including these

indirect expenses yields a more accurate estimate of taxpayer expenses to operate prisons in Illinois. These costs will be reflected in the per capita costs used when the population impact is sufficient to implicate increased administrative costs.

**Table 4. Proposed Impact on Incarceration Resources**

Act	Statute Description	Number Admitted to Prison over Three Years	Current Average Time Incarcerated	Proposed Average Time Incarcerated	Average Change in Years Incarcerated	Bed-Year Change Over Three Years	Annual Change in Bed-Years
		N	L	L'	L-L'=D	N x D = BY	BY/3 = BY'
Controlled Substances	Possession of Controlled Substance	8,678	1.14	0.63	0.51	4,413	1,471
	Manufacture/Delivery or Trafficking	6,213	2.46	0.90	1.56	9,695	3,232
Methamphetamine Control and Community Protection	Possession of Methamphetamine	536	1.53	0.64	0.89	478	159
	Manufacture/Delivery or Trafficking	1,016	2.50	1.15	1.35	1,374	458
Cannabis Control	Possession of Cannabis	482	1.12	0.67	0.45	218	73
	Manufacture/Delivery or Trafficking	1,325	1.55	0.72	0.83	1,102	367
Additional Offenses		234	* varies by class	* varies by class	--	133	44
<b>TOTAL</b>		<b>18,484</b>				<b>17,413</b>	<b>5,804</b>

Table 4 shows the number of admissions to prison over three years and the expected annual bed-years of resources available due to HB6595. A bed-year is the resources consumed for housing an individual for 365 days within IDOC. The largest bed-year change is a reduction to the controlled substance manufacture and delivery offenses, decreasing the overall incarceration beds required for these offenders by over 3,000 each year.

**METHODOLOGY:** SPAC performed a retrospective analysis of data on arrests, convictions, and sentences for these offenses in fiscal years 2013, 2014, and 2015. This approach will be used while SPAC builds its capacity to produce a reliable population projection. **Importantly, preliminary analysis of the Criminal History Record Information (CHRI) data shows that some counties may not be reporting misdemeanor convictions or felony prison sentences to the State and the extent of the underreporting is unknown** until a data-integrity audit can be completed by the Illinois Criminal Justice Information Authority. SPAC accounted for the lack of felony prison sentences by analyzing IDOC data for FY2013-15. Misdemeanor convictions and sentences, however, are currently unavailable for several large counties. Lacking these data, the impact on local jails and probation departments may be understated. The numbers shown here are based on the best available information, but **the limitations require caution.**

To calculate state spending on these offenses for 2013 through 2015, SPAC analyzed IDOC data on admissions for each felony offense by class and the average length of stay upon exit from IDOC facilities for those offenses. For some offenses, insufficient data on average lengths of stay required aggregation at the felony class level. SPAC used the true per capita cost figure of \$41,052 per inmate, which includes costs for criminal justice employees' health and pension benefits which are carried in the Central Management Services (CMS) budget. This true cost is appropriate when, as here, the population affected is larger than 800 inmates, the equivalent of a housing unit. If the population impact exceeds 800 inmates, SPAC uses the per capita cost of \$41,052, because the effect may involve reallocation of staffing and other resources across the prison system.

For local costs, SPAC surveyed county jails on marginal costs. The responses provided a statewide average marginal cost of \$15,749 per person that incorporates Cook County, suburban counties, and

counties across the state. The Administrative Office of the Illinois Courts (AOIC) calculated the cost of probation based on risk level. The \$1,900 per person per year is the average of these annual costs. To calculate the cost of pretrial detention, local supervision (probation), and misdemeanor jail sentences, SPAC examined the CHRI data for time served (pretrial detention) and the sentence lengths ordered by the court for jail or probation terms. Some of these costs would also have been affected had the measure been in effect for these three years. All costs were inflated using the federal Bureau of Labor Statistics CPI inflation index to reflect the present value.

SPAC estimates victimization costs and benefits in two ways. First, as the average age of offenders exiting IDOC decreases, their likelihood of recidivating generally increases. Second, some crimes are delayed because offenders are incapacitated in state prisons, creating the benefit of longer time periods without victimization by that offender. This methodology is a reasonable approximation of the dollar value of the change in timing of victimizations due to incarcerating drug offenders in IDOC.

As SPAC builds its capability for estimating costs and benefits to other stakeholders—the judicial system, probation systems, and communities—SPAC will include impact on these areas and constituencies in its analysis of proposed legislation.

#### **LIMITATIONS AND ASSUMPTIONS:**

- SPAC does not include the local costs for detaining individuals who are arrested but not convicted or given a withheld judgment.
- SPAC did not estimate the effects on probation due to decreased felony classifications and, potentially, shorter probation sentences. SPAC focused this analysis on the most resource intensive cases affected by the proposal: those individuals admitted to prison.
- This analysis excludes the cost of state supervision during mandatory supervised release. For many offenses, the MSR period may be shorter due to the lower felony class imposed. MSR is not imposed if the felony offense is reduced to a misdemeanor. Because of insufficient data on average MSR terms, these MSR costs avoided are excluded from this analysis.
- Over three years, 8 of the 18,484 admissions to prison were excluded from the analysis due to insufficient data on the specific offenses for those admissions.
- Due to insufficient data, 234 admissions lacked sufficient data for analysis at the offense level. The reason for missing data may be data entry error, incorrect codes used, or simply that few admissions were recorded under these specific offenses. These offenses were grouped together by felony class for analysis of the impact of changing sentence ranges. In total, these admissions were less than \$8 million in costs avoided.
- For offenses made eligible for probation by this proposal, SPAC assumes that approximately one third would receive probation. This estimate is from an analysis of CHRI that showed approximately 33% of Class 1 felons received probation. The percentage increased for each lower felony class, which means SPAC's estimate may underestimate the additional costs for local probation departments and underestimate the costs avoided for IDOC.
- Based on information from past probation studies, SPAC estimated that the average length of supervision on probation was two years. SPAC uses the average cost of probation, \$1,900 per offender per year. Drug offenders, however, may be sentenced to more expensive supervision environments, including drug treatment, drug courts, and intensive supervision. These additional costs are not included.
- For a few offenses, the weight of the drugs determined the size of the reduced penalty. SPAC used weight amounts from seizures by the Chicago Police Department from 2009 to 2013 to determine the percent of seizures that would fall within the new weight categories. The CPD data were compared to the National Incident Based Reporting System (NIBRS) data from 2013 and found to be consistent. For methamphetamines, SPAC uses cocaine seizures as an approximation because the typical personal use amounts for each drug are the same.
- SPAC counts offenders only under their most serious offense. Some offenders may have second or third offenses that would affect their sentencing.

- Additional impacts from procedural changes to the criminal and corrections codes are not included. For example:
  - Possession of less than an ounce of cannabis becomes a ticketable offense under this proposal. The revenue generated and the administrative costs of this portion of the proposal are not included. For estimates of petty offense revenue from other cannabis revisions, please see SPAC’s website for past fiscal impact analyses:
    - <http://www.icjia.state.il.us/spac/index.cfm?metasection=publications>
  - Third-strike habitual criminal sentence. Due to time limitations, SPAC was unable to complete the impact on the corrections population of making drug offenses ineligible for consideration under the habitual criminal provisions of the Code of Corrections.
  - Some extended terms are eliminated. The cost implications of this reform are included as part of the expected average lengths of stay. However, the true impact depends upon prosecutorial and judicial decisions about sentencing as some extended terms would be discretionary.
- For purposes of this report, “extended terms” is defined as any sentence range that is beyond the statutory range for the felony class, including longer sentences designated in the offense statute. These sentences are sometimes referred to “Super Class X” or “Super Class 1.”
- The capital costs of buildings and prison beds are not included.

### **IMPACTS OF PROPOSED LEGISLATION:**

The following pages describe the impacted areas that the proposed sentencing changes would have had on the Illinois criminal justice system. First, a narrative section describes each impact and how SPAC estimated the dollar value of the impact. Second, several appendices display in greater detail the calculations and the changes analyzed for proposal.

#### **IMPACTS OF PROPOSED LEGISLATION ON STATE PRISONS:**

**\$379,282,432**

Avoided costs over three years.

This is the estimated total costs to IDOC that would have been avoided had these policies been in place from 2013 through 2015. This estimate uses the true per capita cost of \$41,052 per inmate that includes staff salaries and off-budget benefits paid by Illinois taxpayers. The avoided costs are due to reduced sentences and earlier release from prison. Some costs avoided are caused by the reduction of felony offenses to misdemeanors for which a prison sentence cannot be imposed. SPAC did not include the costs avoided for IDOC's Parole Division.

#### **IMPACTS OF PROPOSED LEGISLATION ON COUNTY JAILS:**

**-\$6,011,519**

Additional costs over three years.

Jails would see a change in their average daily population due to some felony offenses becoming misdemeanors, which would allow judges to require additional jail time after sentencing. Many of these reductions depend on the weight of drugs held by the offender. SPAC estimates the percent eligible for the misdemeanor offense using both Chicago Police Department and national data. The change of possession of a controlled substance from a Class 4 felony to a Class A misdemeanor was estimated to be the largest increase in costs for county jails. The statewide impact uses the estimated jail detention cost of \$15,749 per inmate per year. SPAC assumed that pretrial detention would not change under this proposal.

#### **IMPACTS OF PROPOSED LEGISLATION ON COUNTY PROBATION:**

**-\$1,075,305**

Additional costs over three years.

As a general rule, probation costs significantly less than prison. For this analysis, SPAC used \$1,900 per individual per year as the average cost of probation based on information provided by the Administrative Office of the Illinois Courts (AOIC) for fiscal year 2013. Statewide, costs are increased due to more offenders being eligible for probation and sentenced to probation rather than sentenced to prison. SPAC conservatively assumes one out of every three Class X drug offenders would have been sentenced to probation under the proposal. This estimate is based on the current percent of probation sentences for Class 1 felonies. SPAC did not include the increases in probation sentences as other felony classes are lowered. Further, due to lack of data on how judges would sentence individuals after the change, SPAC also did not include any specialty programming costs, such as drug courts or drug treatment.

#### **IMPACTS OF PROPOSED LEGISLATION ON VICTIMS AND COMMUNITIES:**

**-\$13,116,696**

Additional costs over three years.

Diverting offenders from prison and reducing length of stay through the proposed changes to penalties shortens the incapacitation of these offenders which will produce victimization costs, *i.e.*, recidivism events, that offset the IDOC costs avoided. Using data on the recidivism rates and types of crimes committed by people convicted of each category of offense, SPAC estimates the total dollar value of

victimization costs due to a shorter incapacitation period for these offenders. SPAC calculates the incapacitation effect in two ways:

1. Offenders may age out—because the average age at exit would be younger, the recidivism rate may be slightly higher as younger felons generally recidivate more (*Recidivism Benefits* in Table 5 below). Here, negative victim benefits are additional victimizations and associated victim costs. SPAC reviewed historical data from IDOC and from the state’s Criminal History Record Information (CHRI) to find recidivism rates at each age from 18 through 60 and applied these recidivism rates and trends to the age offenders would have exited prison had the bill been in effect.<sup>1</sup> The SPAC Victimization Supplement fully explains this methodology:  
[http://www.icjia.state.il.us/spac/pdf/Victimization\\_Supplement\\_0415.pdf](http://www.icjia.state.il.us/spac/pdf/Victimization_Supplement_0415.pdf)
  - Using Illinois data, SPAC calculated the victim effects due to changes in recidivism for three age groups: those offenders under 27, who have falling recidivism rates with increased age; those offenders between 28 and 36 with rising recidivism rates; and those offenders older than 37, who exhibit gradual reductions in recidivism rates. Because these age groups’ recidivism rates changed consistently across crime types, felony classes, and gender, SPAC found these methods reasonable for calculating changes in recidivism due to sentencing changes.
2. Crimes are delayed because offenders are incapacitated meaning crimes occur later or earlier due to the timing of the offenders’ release (*Incapacitation Benefits* in Table 5). Because a dollar not stolen today is worth more than a dollar stolen tomorrow, crime delays create benefits to crime victims. This effect is referred to as the social discount rate. SPAC applied a 3% discount rate to victimizations under the different incapacitation lengths to estimate the possible benefit of delayed crime.

SPAC’s methodology assumes there is a correlative effect between age and timing of recidivism due to incarceration/incapacitation. More research is necessary to determine further victim impacts and causal relationships between incarceration and victimization.

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<sup>1</sup> These impacts were measured against the national dollar values of index crimes. The dollar values include both tangible (medical and employment losses, property losses) and intangible (pain and suffering) costs, following the best national research completed in 2010.

**Table 5. Increased Recidivism and Higher Victimization Costs**

		First Year Victimization Costs	Three Years Victimization Costs	Recidivism Costs	Incapacitation Costs	Total Victimization Costs
Controlled Substances	Possession of Controlled Substance	\$7,342	\$35,901	\$2,345,535	\$965,024	\$3,310,559
	Manufacture/Delivery or Trafficking			\$5,152,861	\$2,153,432	\$7,306,292
Methamphetamine Control and Community Protection	Possession of Methamphetamine			\$253,859	\$105,040	\$358,899
	Manufacture/Delivery or Trafficking			\$730,488	\$304,336	\$1,034,824
Cannabis Control	Possession of Cannabis			\$115,604	\$47,523	\$163,127
	Manufacture/Delivery or Trafficking			\$585,470	\$242,036	\$827,505
Additional Offenses*				\$85,335	\$30,154	\$115,489
<b>TOTAL</b>		<b>\$7,342</b>	<b>\$35,901</b>	<b>\$9,269,151</b>	<b>\$3,847,544</b>	<b>\$13,116,696</b>

**DEMOGRAPHIC IMPACT OF PROPOSED LEGISLATION:**

National research indicates that drug use occurs at nearly equivalent rates among different racial and ethnic groups.<sup>2</sup> Despite similar drug use patterns, the demographics of individuals arrested and prosecuted pursuant to the Cannabis Control Act is not representative of the Illinois general population, nor is it consistent with the drug use habits established by the national research. The tables below illustrate the racial composition of arrests, convictions, and IDOC admissions for the past three years.<sup>3</sup> The other category includes all admissions where the reported race of the individual was neither Black nor White.

**Table 6. Demographics of Arrest**

Controlled Substances Act					Methamphetamine Control and Community Protection Act					Cannabis Control Act				
Arrest Year	Black	White	Other	Total Arrests	Arrest Year	Black	White	Other	Total Arrests	Arrest Year	Black	White	Other	Total Arrests
2012	57%	42%	1%	28,608	2012	4%	94%	2%	1,376	2012	57%	42%	1%	44,698
2013	58%	41%	1%	29,541	2013	4%	94%	1%	1,577	2013	57%	42%	1%	43,517
2014	56%	42%	2%	27,310	2014	3%	95%	1%	1,801	2014	54%	44%	2%	38,740
2015	53%	35%	11%	26,451	2015	3%	93%	3%	2,117	2015	53%	32%	15%	33,403
<b>Average</b>	<b>56%</b>	<b>40%</b>	<b>4%</b>		<b>Average</b>	<b>4%</b>	<b>94%</b>	<b>2%</b>		<b>Average</b>	<b>55%</b>	<b>40%</b>	<b>5%</b>	
<b>Total</b>	<b>62,755</b>	<b>45,084</b>	<b>4,071</b>	<b>111,910</b>	<b>Total</b>	<b>251</b>	<b>6,470</b>	<b>150</b>	<b>6,871</b>	<b>Total</b>	<b>88,691</b>	<b>64,382</b>	<b>7,285</b>	<b>160,358</b>

**Table 7. Demographics of Convictions**

Controlled Substances Act					Methamphetamine Control and Community Protection Act					Cannabis Control Act				
Conviction Year	Black	White	Other	Total Convictions	Conviction Year	Black	White	Other	Total Convictions	Conviction Year	Black	White	Other	Total Convictions
2012	62%	36%	1%	11,313	2012	3%	97%		799	2012	48%	50%	2%	5,207
2013	62%	37%	1%	9,267	2013	4%	96%		819	2013	49%	49%	2%	4,779
2014	62%	37%	1%	10,278	2014	3%	97%		1,002	2014	50%	48%	2%	4,317
2015	61%	35%	4%	9,087	2015	3%	97%		1,037	2015	46%	48%	6%	3,616
<b>Average</b>	<b>62%</b>	<b>36%</b>	<b>2%</b>		<b>Average</b>	<b>4%</b>	<b>96%</b>			<b>Average</b>	<b>49%</b>	<b>49%</b>	<b>3%</b>	
<b>Total</b>	<b>24,648</b>	<b>14,537</b>	<b>760</b>	<b>39,945</b>	<b>Total</b>	<b>128</b>	<b>3,529</b>		<b>3,657</b>	<b>Total</b>	<b>8,693</b>	<b>8,732</b>	<b>494</b>	<b>17,919</b>

<sup>2</sup> SAMHSA, Center for Behavioral Health Statistics and Quality, National Survey on Drug Use and Health, 2011 and 2012.

<sup>3</sup> Please note that some CHRI data on arrests and convictions may be missing. The data presented are the best available to SPAC, as recorded by statewide administrative data systems.

**Table 8. Three Years Admissions to Prison by Race**

Act	Statute Description	Black	White	Other	Total
Controlled Substances	Possession of Controlled Substance	6,193	1,855	630	8,678
		71%	21%	7%	100%
	Manufacture/Delivery or Trafficking	4,746	845	622	6,213
		76%	14%	10%	100%
Methamphetamine Control and Community Protection	Possession of Methamphetamine	14	512	10	536
		3%	96%	2%	100%
	Manufacture/Delivery or Trafficking	31	965	20	1,016
		3%	95%	2%	100%
Cannabis Control	Possession of Cannabis	288	110	84	482
		60%	23%	17%	100%
	Manufacture/Delivery or Trafficking	767	363	195	1,325
		58%	27%	15%	100%
Additional Offenses		60	159	35	254
		24%	63%	14%	100%
<b>Total</b>		<b>12,099</b>	<b>4,809</b>	<b>1,596</b>	<b>18,504</b>
		65%	26%	9%	100%

\* Source: SPAC analysis of IDOC data. Please note: totals differ from cases analyzed due to data limitations for completing the full fiscal analysis. Every drug offense admission is listed in Table 6.

The following tables show admissions to prison by gender and geography.

**Table 9. Three Years Admissions to Prison by Gender**

Act	Statute Description	Male	Female	Total
Controlled Substances	Possession of Controlled Substance	7,623	1,055	8,678
		88%	12%	100%
	Manufacture/Delivery or Trafficking	5,598	615	6,213
		90%	10%	100%
Methamphetamine Control and Community Protection	Possession of Methamphetamine	390	146	536
		73%	27%	100%
	Manufacture/Delivery or Trafficking	824	192	1,016
		81%	19%	100%
Cannabis Control	Possession of Cannabis	462	20	482
		96%	4%	100%
	Manufacture/Delivery or Trafficking	1,271	54	1,325
		96%	4%	100%
Additional Offenses		217	37	254
		85%	15%	100%
<b>Total</b>		<b>16,385</b>	<b>2,119</b>	<b>18,504</b>
		89%	11%	100%

**Table 10. Three Years Admissions to Prison by Geography**

Act	Statute Description	Cook	Collar	Urban	Rural	Total
Controlled Substances	Possession of Controlled Substance	6,225	921	829	702	8,677
		72%	11%	10%	8%	100%
	Manufacture/Delivery or Trafficking	3,561	808	1,135	709	6,213
		57%	13%	18%	11%	100%
Methamphetamine Control and Community Protection	Possession of Methamphetamine	12	10	84	430	536
		2%	2%	16%	80%	100%
	Manufacture/Delivery or Trafficking	13	16	220	766	1,015
		1%	2%	22%	75%	100%
Cannabis Control	Possession of Cannabis	276	64	56	86	482
		57%	13%	12%	18%	100%
	Manufacture/Delivery or Trafficking	567	194	270	294	1,325
		43%	15%	20%	22%	100%
Additional Offenses		39	39	115	60	253
		15%	15%	45%	24%	100%
<b>Total</b>		<b>10,693</b>	<b>2,052</b>	<b>2,709</b>	<b>3,047</b>	<b>18,501</b>
		58%	11%	15%	16%	100%

*Note:* three cases did not have geographic data for analysis. They are excluded from Table 10.

**OTHER UNKNOWN IMPACTS OF PROPOSED LEGISLATION:  
LAW ENFORCEMENT AND THE JUDICIAL SYSTEM.**

Due to insufficient data, SPAC was unable to reliably estimate the impact of this proposal on either law enforcement activities or the judicial system.

**Appendix A. Example of Calculation Methodology**

**Table A.1. Calculation Example**

Description of Crime				Current Cost Analysis				HB6595's Cost Analysis		
Statute	Offense	Current Felony Class	New Felony Class	Total Admissions FY13-15	Percent with Higher Weight	Average Jail Time Served	Average IDOC Time Served	New Sentence Imposed	New Jail Time Served	New IDOC Time Served
				N	W	J	T	S	J'	S/2 = T'
720 ILCS 570/402(c)	Possession of a Controlled Substance	Class 4	Class 4 or Class A, depending on weight	8,153	69%	0.41 years	0.65 years	1.06 years	0.50 years	0.65 years

In the above example, most of the possession of controlled substance offenders will still serve 0.65 years in prison (69% are still eligible for the felony crime, according to SPAC analysis of CPD and NIBRS data). Multiplying the number of offenders admitted to prison (N), the average IDOC time served (T), and the true per capita costs of prison (\$41,052) results in the current cost for this offense under the current system: \$217.7 million for IDOC. The same equation with the new sentence and the weight adjustment results in the cost under HB6595 ( $N \times W \times T' \times \$41,052 = \$147.7$  million for IDOC). The difference, a decrease of \$70 million, is the predicted costs avoided for IDOC over three years for that offense.

The same methodology is used for every felony drug offense and for jail time served (\$53 million in current jail costs and  $(N \times 1 - W \times J' \times \$15,749)$  \$56 million for proposed jail costs). An additional step is used when an offense is made eligible for probation. By adding the current costs and proposed costs for each felony offense, SPAC is able to estimate the expected impact for HB6595.

The full results are shown below in Table A.2.

**Table A.2. Results of Calculations**

Statute Description		Change in Local Detention Costs	Change in Local Supervision Costs	Total Change in Local Costs	Change in State Prison Costs	Total Change in State Costs	Victimization Benefits	Total Benefits
Controlled Substances	Possession of Controlled Substance	-\$3,593,731	\$0	-\$3,593,731	\$79,742,443	\$79,742,443	-\$3,310,559	\$72,838,152
	Manufacture/Delivery or Trafficking	-\$42,807	-\$764,940	-\$807,747	\$202,194,464	\$202,194,464	-\$7,306,292	\$194,080,425
Methamphetamine Control and Community Protection	Possession of Methamphetamine	-\$381,762	-\$21,318	-\$403,080	\$14,921,121	\$14,921,121	-\$358,899	\$14,159,142
	Manufacture/Delivery or Trafficking	-\$28,429	-\$119,130	-\$147,559	\$35,187,382	\$35,187,382	-\$1,034,824	\$34,004,999
Cannabis Control	Possession of Cannabis	-\$1,098,683	\$0	-\$1,098,683	\$9,367,245	\$9,367,245	-\$163,127	\$8,105,436
	Manufacture/Delivery or Trafficking	-\$866,108	-\$116,622	-\$982,730	\$28,485,960	\$28,485,960	-\$827,505	\$26,675,724
Additional Offenses*		\$0	-\$53,295	-\$53,295	\$9,383,816	\$9,383,816	-\$115,489	\$9,215,032
<b>TOTAL</b>		<b>-\$6,011,519</b>	<b>-\$1,075,305</b>	<b>-\$7,086,824</b>	<b>\$379,282,432</b>	<b>\$379,282,432</b>	<b>-\$13,116,696</b>	<b>\$359,078,912</b>

\* Local Detention costs are jail costs for the average length of pretrial detention credit days for these offenders and increases in misdemeanor sentences requiring jail incarceration.

\* Local Supervision costs are the costs of probation for the average length of sentence given.

\* State Supervision costs are mandatory supervised release (formerly parole) expenses for IDOC. For this analysis, these costs are excluded.

\* Victimization Benefits are the expected value of reducing sentence lengths for offenders who recidivate and create costs to victims.

**Appendix B. Victimization Costs**

The overall victimization costs are shown in Table 5 on page 8. The calculations supporting this estimate are below.

**Table B.1. Controlled Substances Act: Possession**

Recidivism Benefits	Age Groups for Offenders	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year Older	Net Difference in Years	Predicted Recidivism Rate Change	Ratio of Conviction Rate to Recidivism Rate	Three Year Victimization Costs per Offender	Victimization Benefits
		P	$N \times P = N'$	K	$L' - L = D$	$K \times D = E$	(Convictions : Recidivism) = Z	V3	$N' \times E \times Z \times V3$
	18 to 27	36.9%	3,205	-2.1%	-0.51	1.1%	1.65	-\$35,901	-\$2,027,787.46
	28 to 36	28.6%	2,480	0.3%	-0.51	-0.2%	1.65	-\$35,901	\$224,134.76
	37 to 50	29.6%	2,570	-0.7%	-0.51	0.4%	1.65	-\$35,901	-\$541,882.32
	<b>Total</b>	<b>100%</b>	<b>8,678</b>						<b>-\$2,345,535</b>

Incapacitation Benefits	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	One Year Victimization Costs per Offender	Net Present Value of Victimization Costs under Proposal (3% discount rate)	Net Present Value of Changes in Length of Stay	Number of Offenders	Victimization Benefits
	L	L'	$L' - L = D$	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	1.14	0.63	-0.51	-\$7,342	-\$7,453	-\$111	8,678	-\$965,024
							<b>Total</b>	<b>-\$965,024</b>

<b>Total Victimization Benefits</b>	<b>-\$3,310,559</b>
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**Table B.2. Controlled Substances Act: Manufacture and Delivery**

Recidivism Benefits	Age Groups for Offenders	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year Older	Net Difference in Years	Predicted Recidivism Rate Change	Ratio of Conviction Rate to Recidivism Rate	Three Year Victimization Costs per Offender	Victimization Benefits
		P	$N \times P = N'$	K	$L' - L = D$	$K \times D = E$	(Convictions : Recidivism) = Z	V3	$N' \times E \times Z \times V3$
	18 to 27	36.9%	2,295	-2.1%	-1.56	3.3%	1.65	-\$35,901	-\$4,454,807.10
	28 to 36	28.6%	1,776	0.3%	-1.56	-0.5%	1.65	-\$35,901	\$492,397.33
	37 to 50	29.6%	1,840	-0.7%	-1.56	1.1%	1.65	-\$35,901	-\$1,190,450.81
	<b>Total</b>	<b>100%</b>	<b>6,213</b>						<b>-\$5,152,861</b>

Incapacitation Benefits	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	One Year Victimization Costs per Offender	Net Present Value of Victimization Costs under Proposal (3% discount rate)	Net Present Value of Changes in Length of Stay	Number of Offenders	Victimization Benefits
	L	L'	$L' - L = D$	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	2.46	0.90	-1.56	-\$7,342	-\$7,689	-\$347	6,213	-\$2,153,432
							<b>Total</b>	<b>-\$2,153,432</b>

<b>Total Victimization Benefits</b>	<b>-\$7,306,292</b>
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Note: The ratio of conviction rate to recidivism rate (Z) is a SPAC calculation that converts changes in recidivism to a number of convictions. This ratio is important to translate changes in recidivism to convictions that can be associated with SPAC's victimization costs methodology. A more thorough explanation can be found in SPAC's Victimization Supplement:

- [http://www.icjia.state.il.us/spac/pdf/Victimization\\_Supplement\\_0415.pdf](http://www.icjia.state.il.us/spac/pdf/Victimization_Supplement_0415.pdf).

**Table B.3. Methamphetamine Control and Community Protection Act: Possession**

Recidivism Benefits	Age Groups for Offenders	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year Older	Net Difference in Years	Predicted Recidivism Rate Change	Ratio of Conviction Rate to Recidivism Rate	Three Year Victimization Costs per Offender	Victimization Benefits
		P	$N \times P = N'$	K	$L' - L = D$	$K \times D = E$	(Convictions : Recidivism) = Z	V3	$N' \times E \times Z \times V3$
	18 to 27	36.9%	198	-2.1%	-0.89	1.9%	1.65	-\$35,901	-\$219,469.25
	28 to 36	28.6%	153	0.3%	-0.89	-0.3%	1.65	-\$35,901	\$24,258.31
	37 to 50	29.6%	159	-0.7%	-0.89	0.6%	1.65	-\$35,901	-\$58,648.41
	<b>Total</b>	<b>100%</b>	<b>536</b>						<b>-\$253,859</b>

Incapacitation Benefits	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	One Year Victimization Costs per Offender	Net Present Value of Victimization Costs under Proposal (3% discount rate)	Net Present Value of Changes in Length of Stay	Number of Offenders	Victimization Benefits
	L	L'	$L' - L = D$	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	1.53	0.64	-0.89	-\$7,342	-\$7,538	-\$196	536	-\$105,040
							<b>Total</b>	<b>-\$105,040</b>

<b>Total Victimization Benefits</b>	<b>-\$358,899</b>
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**Table B.4. Methamphetamine Control and Community Protection Act: Manufacture and Delivery**

Recidivism Benefits	Age Groups for Offenders	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year Older	Net Difference in Years	Predicted Recidivism Rate Change	Ratio of Conviction Rate to Recidivism Rate	Three Year Victimization Costs per Offender	Victimization Benefits
		P	$N \times P = N'$	K	$L' - L = D$	$K \times D = E$	(Convictions : Recidivism) = Z	V3	$N' \times E \times Z \times V3$
	18 to 27	36.9%	375	-2.1%	-1.35	2.8%	1.65	-\$35,901	-\$631,529.47
	28 to 36	28.6%	290	0.3%	-1.35	-0.4%	1.65	-\$35,901	\$69,804.02
	37 to 50	29.6%	301	-0.7%	-1.35	0.9%	1.65	-\$35,901	-\$168,762.59
	<b>Total</b>	<b>100%</b>	<b>1,016</b>						<b>-\$730,488</b>

Incapacitation Benefits	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	One Year Victimization Costs per Offender	Net Present Value of Victimization Costs under Proposal (3% discount rate)	Net Present Value of Changes in Length of Stay	Number of Offenders	Victimization Benefits
	L	L'	$L' - L = D$	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	2.50	1.15	-1.35	-\$7,342	-\$7,642	-\$300	1,016	-\$304,336
							<b>Total</b>	<b>-\$304,336</b>

<b>Total Victimization Benefits</b>	<b>-\$1,034,824</b>
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**Table B.5. Cannabis Control Act: Possession**

Recidivism Benefits	Age Groups for Offenders	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year Older	Net Difference in Years	Predicted Recidivism Rate Change	Ratio of Conviction Rate to Recidivism Rate	Three Year Victimization Costs per Offender	Victimization Benefits
	P	$N \times P = N'$	K	$L' - L = D$	$K \times D = E$	$(\text{Convictions} : \text{Recidivism}) = Z$	V3	$N' \times E \times Z \times V3$	
	18 to 27	36.9%	178	-2.1%	-0.45	0.9%	1.65	-\$35,901	-\$99,943.51
	28 to 36	28.6%	138	0.3%	-0.45	-0.1%	1.65	-\$35,901	\$11,046.92
	37 to 50	29.6%	143	-0.7%	-0.45	0.3%	1.65	-\$35,901	-\$26,707.74
	<b>Total</b>	<b>100%</b>	<b>482</b>						<b>-\$115,604</b>

Incapacitation Benefits	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	One Year Victimization Costs per Offender	Net Present Value of Victimization Costs under Proposal (3% discount rate)	Net Present Value of Changes in Length of Stay	Number of Offenders	Victimization Benefits
	L	L'	$L' - L = D$	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	1.12	0.67	-0.45	-\$7,342	-\$7,441	-\$99	482	-\$47,523
							<b>Total</b>	<b>-\$47,523</b>

<b>Total Victimization Benefits</b>	<b>-\$163,127</b>
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**Table B.6. Cannabis Control Act: Manufacture and Delivery**

Recidivism Benefits	Age Groups for Offenders	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year Older	Net Difference in Years	Predicted Recidivism Rate Change	Ratio of Conviction Rate to Recidivism Rate	Three Year Victimization Costs per Offender	Victimization Benefits
	P	$N \times P = N'$	K	$L' - L = D$	$K \times D = E$	$(\text{Convictions} : \text{Recidivism}) = Z$	V3	$N' \times E \times Z \times V3$	
	18 to 27	36.9%	489	-2.1%	-0.83	1.7%	1.65	-\$35,901	-\$506,156.49
	28 to 36	28.6%	379	0.3%	-0.83	-0.2%	1.65	-\$35,901	\$55,946.33
	37 to 50	29.6%	392	-0.7%	-0.83	0.6%	1.65	-\$35,901	-\$135,259.37
	<b>Total</b>	<b>100%</b>	<b>1,325</b>						<b>-\$585,470</b>

Incapacitation Benefits	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	One Year Victimization Costs per Offender	Net Present Value of Victimization Costs under Proposal (3% discount rate)	Net Present Value of Changes in Length of Stay	Number of Offenders	Victimization Benefits
	L	L'	$L' - L = D$	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	1.55	0.72	-0.83	-\$7,342	-\$7,525	-\$183	1,325	-\$242,036
							<b>Total</b>	<b>-\$242,036</b>

<b>Total Victimization Benefits</b>	<b>-\$827,505</b>
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**Table B.7. Additional Offenses**

Recidivism Benefits	Age Groups for Offenders	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year Older	Net Difference in Years	Predicted Recidivism Rate Change	Ratio of Conviction Rate to Recidivism Rate	Three Year Victimization Costs per Offender	Victimization Benefits
	P	$N \times P = N'$	K	$L' - L = D$	$K \times D = E$	$(\text{Convictions} : \text{Recidivism}) = Z$	V3	$N' \times E \times Z \times V3$	
	18 to 27	36.9%	86	-2.1%	-0.69	1.4%	1.65	-\$35,901	-\$73,774.38
	28 to 36	28.6%	67	0.3%	-0.69	-0.2%	1.65	-\$35,901	\$8,154.41
	37 to 50	29.6%	69	-0.7%	-0.69	0.5%	1.65	-\$35,901	-\$19,714.61
	<b>Total</b>	<b>100%</b>	<b>234</b>						<b>-\$85,335</b>

Incapacitation Benefits	Category of Change	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	One Year Victimization Costs per Offender	Net Present Value of Victimization Costs under Proposal (3% discount rate)	Net Present Value of Changes in Length of Stay	Number of Offenders	Victimization Benefits
	L	L'	$L' - L = D$	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$	
	Super Class X to Super Class 1	2.84	3.80	0.96	-\$7,342	-\$7,136	\$206	19	\$3,911
	Super Class X to Class 1	5.21	1.86	-3.35	-\$7,342	-\$8,106	-\$764	7	-\$5,347
	Class X to Class 1	4.41	1.86	-2.55	-\$7,342	-\$7,917	-\$575	37	-\$21,263
	Class X to Class 2	0.94	1.43	0.49	-\$7,342	-\$7,236	\$106	27	\$2,857
	Class 1 to Class 2	1.31	1.31	0.00	-\$7,342	-\$7,342	\$0	29	\$0
	Class 1 to Class 3	1.69	1.05	-0.64	-\$7,342	-\$7,482	-\$140	42	-\$5,869
	Class 2 to Class 3	1.19	1.05	-0.14	-\$7,342	-\$7,373	-\$31	36	-\$1,120
	Class 2 to Class 4	1.30	0.64	-0.66	-\$7,342	-\$7,487	-\$145	9	-\$1,302
	Class 3 to Class 4	0.93	0.64	-0.29	-\$7,342	-\$7,405	-\$63	32	-\$2,020
	<b>Total</b>							<b>234</b>	<b>-\$30,154</b>

<b>Total Victimization Benefits</b>	-\$115,489
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**Appendix C. Tables of HB6595’s Changes**

**Revisions**

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Unless otherwise specified, the incarceration terms for the felony and misdemeanor classes follow the standard terms specified by the Illinois Uniform Code of Corrections (*730 ILCS 5 Section 5-4.5 et seq.*).

*Standard Incarceration Terms for Crimes in Illinois*

**Table C.1. Average Terms**

	<b>Class</b>	<b>Jail or Prison Term</b>	<b>Probation Term</b>	<b>Mandatory Supervised Release Term<sup>1</sup></b>
Misdemeanor	Class C	Up to 30 days (jail)	Up to 2 years	--
Misdemeanor	Class B	Up to 6 months (jail)	Up to 2 years	--
Misdemeanor	Class A	Under 1 year (jail)	Up to 2 years	--
Felony	Class 4	1-3 years (prison)	Up to 2.5 years	1 year
Felony	Class 3	2-5 years (prison)	Up to 2.5 years	1 year
Felony	Class 2	3-7 years (prison)	Up to 4 years	2 years
Felony	Class 1	4-15 years (prison)	Up to 4 years	2 years
Felony	Class X	6-30 years (prison)	Nonprobationable	3 years

<sup>1</sup> Mandatory supervised release (MSR) is mandatory community supervision, formerly known as parole, for felons released from prison. Some crimes, such as some sex offenses, receive extended supervision terms up to natural life.

*Cannabis Control Act*

**Table C.2. Cannabis Possession**

Cannabis Amounts		Possession 720 ILCS 550/4	
		Current Law	Proposed
<b>Under 2.5 grams (a)</b>		<i>Class C</i>	<i>Civil Law Violation (\$125)</i>
<b>2.5-10 grams (b)</b>		<i>Class B</i>	
<b>10-30 grams (c) (first or second offense)</b>		<i>Class A or Class 4</i>	
<b>30-500 grams (d)</b>	First offense	<i>Class 4</i>	<i>Class A</i>
	Second offense	<i>Class 3</i>	
<b>500-2,000 grams (e)</b>		<i>Class 3</i>	<i>Class 4</i>
<b>2,000-5,000 grams (f)</b>		<i>Class 2</i>	<i>Class 3</i>
<b>Over 5,000 grams (g)</b>		<i>Class 1</i>	<i>Class 2</i>

**Table DC.3. Cannabis Possession**

Cannabis Amounts	Manufacture and Delivery 720 ILCS 550/5		Manufacture and Delivery within <del>1,000</del> 500 <sup>a</sup> feet 720 ILCS 550/5.2	
	Current Law	Proposed	Current Law	Proposed
<b>Under 2.5 grams (a)</b>	<i>Class B</i>	<i>Class B</i>	<i>Class A</i>	<i>Location not a factor.</i>
<b>2.5-10 grams (b)</b>	<i>Class A</i>		<i>Class 4</i>	
<b>10-30 grams (c)</b>	<i>Class 4</i>	<i>Class A</i>	<i>Class 3</i>	<i>Class 4<sup>b</sup></i>
<b>30-500 grams (d)</b>	<i>Class 3</i>	<i>Class 4</i>	<i>Class 2</i>	<i>Class 3</i>
<b>500-2,000 grams (e)</b>	<i>Class 2</i>	<i>Class 3</i>	<i>Class 1</i>	<i>Class 2</i>
<b>2,000-5,000 grams (f)</b>	<i>Class 1</i>	<i>Class 2</i>	<i>Location not a factor.</i>	<i>Class 1</i>
<b>Over 5,000 grams (g)</b>	<i>Class X</i>			

<sup>a</sup> 1,000 feet reduced to 500 feet of a school or related property.  
<sup>b</sup> Only with respect to 15 grams or more.

**New: 720 ILCS 550/5.1, Cannabis Trafficking** – instead of applying Class 1 penalties if the offender travelled across state lines with more than 2,500 grams, the proposal applies cannabis manufacture and delivery penalties unless the individual proves at sentencing that (1) he or she received little or no compensation and had minimal knowledge of the scope of the transportation or (2) he or she was not involved in the organization or planning of the transportation, manufacture, or delivery.

**720 ILCS 550/5.2, Cannabis Manufacture and Delivery within Distance of School** – see Table C.3.

**New: 720 ILCS 550/7, Delivery of Controlled Substance to People under 18** – amends the penalties for delivery to an individual under 18 years old from twice the maximum for the underlying crime to a term equal to the minimum plus the maximum term for the underlying offense. For example, cannabis delivery under subsection (f) (2,000 to 5,000 grams) is a Class 1 felony with a sentence range of 4 to 15 years. Under current law the offender may be sentenced up to 30 years, twice the maximum, if delivering to a minor. Under this proposal the maximum would be 19 years, the sum of 4 and 15.

**Table C.4. Cannabis Plants**

Cannabis Amounts	Cannabis Plants 720 ILCS 550/8	
	Current Law	Proposed
<b>Not more than 5 plants (a)</b>	<i>Class A</i>	<i>Class B</i>
<b>6 to 20 plants (b)</b>	<i>Class 4</i>	<i>Class A</i>
<b>21 to 50 plants (c)</b>	<i>Class 3</i>	<i>Class 4</i>
<b>51 to 200 plants(d)</b>	<i>Class 2</i>	<i>Class 3</i>
<b>More than 200 plants (e)</b>	<i>Class 1</i>	<i>Class 2</i>

**Repealed: 720 ILCS 550/9, Criminal Cannabis Conspiracy** – removes the crime of a calculated criminal cannabis conspiracy.

*Controlled Substances Act*

**Manufacture, Delivery, or Possession with Intent**

**Table C.5. Manufacture, Delivery, or Possession with Intent of a Controlled Substance**

Drug Amounts Specifically Described: 720 ILCS 570/401		Manufacture and Deliver 720 ILCS 570/401		Trafficking 720 ILCS 570/401.1		Streetgang Drug Conspiracy 720 ILCS 570/405.2		Persons under 18, School etc. 720 ILCS 570/407		
		Current Law	Proposed	Current Law	Proposed	Current Law	Proposed	Current Law	Proposed (formerly (A))	Proposed (formerly (B))
Any amount below the specified amounts of any Controlled Substance	<b>(d) any other amount</b>	<i>Class 2</i>	<i>Class 4</i>	<i>Twice minimum</i>				<i>Class 1</i>	<i>Class 4 (up to 4 years extended term)</i>	<i>Class 3</i>
Heroin	<b>(c)(1) 1-15 grams</b>	<i>Class 1</i>	<i>Class 3</i>	<i>Twice minimum</i>		<i>Class X (10-30 extended term)</i>	<i>Class 2</i>	<i>Class X</i>	<i>Class 2</i>	
	<b>(a)(1)(A) 15-100 grams</b>	<i>Class X</i>	<i>Class 2</i>	“ “		<i>Class X (15-60 extended term)</i>	<i>Class 1</i>	<i>Up to 60 years extended term</i>	<i>Class 2 (up to 10 years extended term)</i>	
	<b>(a)(1)(B) 100-400 grams</b>	<i>Class X (9-40 extended term)</i>	<i>Class 1</i>	“ “		<i>Class X (15-60 extended term)</i>	<i>Class 1 (6-30 extended term)</i>	<i>Up to 80 years extended term</i>	<i>Class 1 (up to 19 years extended term)</i>	
	<b>(a)(1)(C) 400-900 grams</b>	<i>Class X (12-50 extended term)</i>		<i>24 years minimum</i>	<i>Class 1 (6-30 extended term)</i>	<i>Class X (15-60 extended term)</i>		<i>Up to 100 years extended term</i>	<i>Class 1 (up to 19 years extended term)</i>	
	<b>(a)(1)(D) 900 or more grams</b>	<i>Class X (15-60 extended term)</i>	<i>Class 1 (6-30 extended term)</i>	<i>30 years minimum</i>	<i>Class 1 (9-40 extended term)</i>	<i>Class X (15-60 extended term)</i>	<i>Class 1 (9-40 extended term)</i>	<i>Up to 120 years extended term</i>	<i>Class 1 (up to 36 years extended term)</i>	
Fentanyl	<b>(c)(1.5) 1-15 grams</b>	<i>Class 1</i>	<i>Class 3</i>	<i>Twice minimum</i>		<i>Class X (10-30 extended term)</i>	<i>Class 2</i>			
	<b>(a)(1.5)(A) 15-100 grams</b>	<i>Class X</i>	<i>Class 2</i>	“ “		<i>Class X (15-60 extended term)</i>	<i>Class 1</i>			
	<b>(a)(1.5)(B) 100-400 grams</b>	<i>Class X (9-40 extended term)</i>	<i>Class 1</i>	<i>Twice minimum</i>		<i>Class X (15-60 extended term)</i>	<i>Class 1 (6-30 extended term)</i>			
	<b>(a)(1.5)(C) 400-900 grams</b>	<i>Class X (12-50 extended term)</i>		<i>24 years minimum</i>	<i>Class 1 (6-30 extended term)</i>	<i>Class X (15-60 extended term)</i>				
	<b>(a)(1.5)(D) 900 or more grams</b>	<i>Class X (15-60 extended term)</i>	<i>Class 1 (6-30 extended term)</i>	<i>30 years minimum</i>	<i>Class 1 (9-40 extended term)</i>	<i>Class X (15-60 extended term)</i>	<i>Class 1 (9-40 extended term)</i>			

**Extended terms** are indicated as the felony classification and the range of authorized prison terms. These sentences are sometimes referred to “Super Class X” or “Super Class 1.”

**Ditto marks** (“ “) indicate the penalty is the same as the cell directly above.

**Dashes** (-) are used when the crime is not specifically defined in the current law. The catchall offenses would apply instead, for example, 720 ILCS 570/401(e), which defines the penalties for any other Schedule I or II drug not otherwise specified in the law.

		Manufacture and Deliver 720 ILCS 570/401		Trafficking 720 ILCS 570/401.1		Streetgang Drug Conspiracy 720 ILCS 570/405.2		Persons under 18, School etc. 720 ILCS 570/407		
Drug Amounts Specifically Described: 720 ILCS 570/401		Current Law	Proposed	Current Law	Proposed	Current Law	Proposed	Current Law	Proposed (formerly (A))	Proposed (formerly (B))
Cocaine	(c)(2) 1-15 grams	Class 1	Class 3	Twice minimum		Class X (10-30 extended term)	Class 2			
	(a)(2)(A) 15-100 grams	Class X	Class 2	“ “		Class X (15-60 extended term)	Class 1			
	(a)(2)(B) 100-400 grams	Class X (9-40 extended term)	Class 1	“ “		Class X (15-60 extended term)	Class 1 (6-30 extended term)			
	(a)(2)(C) 400-900 grams	Class X (12-50 extended term)		24 years minimum	Class 1 (6-30 extended term)	Class X (15-60 extended term)				
	(a)(2)(D) 900 or more grams	Class X (15-60 extended term)	Class 1 (6-30 extended term)	30 years minimum	Class 1 (9-40 years)	Class X (15-60 extended term)	Class 1 (9-40 extended term)			
Morphine	(c)(3) 5-10 grams	--	Class 3	Twice minimum		Class X (10-30 extended term)	Class 2			
	(c)(3) 10-15 grams	Class 1		“ “		Class X (10-30 extended term)				
	(a)(3)(A) 15-100 grams	Class X	Class 2	“ “		Class X (15-60 extended term)	Class 1			
	(a)(3)(B) 100-400 grams	Class X (9-40 extended term)	Class 1	“ “		Class X (15-60 extended term)	Class 1 (6-30 extended term)			
	(a)(3)(C) 400-900 grams	Class X (12-50 extended term)		24 years minimum	Class 1 (6-30 extended term)	Class X (15-60 extended term)				
	(a)(3)(D) 900 or more grams	Class X (15-60 extended term)	Class 1 (6-30 extended term)	30 years minimum	Class 1 (9-40 extended term)	Class X (15-60 extended term)	Class 1 (9-40 extended term)			
Peyote	(c)(4.5) 10-50 grams	--	Class 3	Twice minimum		Class X (10-30 extended term)	Class 2			
	(c)(4) 50-200 grams	Class 1	Class 2	“ “		Class X (10-30 extended term)	Class 1			
	(a)(4) 200 or more grams	Class X	Class 1	12 years minimum	Class 1 (6-30 extended term) <sup>b</sup>	Class X (15-60 extended term)	Class 1 (6-30 extended term)			

		Manufacture and Deliver 720 ILCS 570/401		Trafficking 720 ILCS 570/401.1		Streetgang Drug Conspiracy 720 ILCS 570/405.2		Persons under 18, School etc. 720 ILCS 570/407		
Drug Amounts Specifically Described: 720 ILCS 570/401		Current Law	Proposed	Current Law	Proposed	Current Law	Proposed	Current Law	Proposed (formerly (A))	Proposed (formerly (B))
Barbituric acid	(c)(5.5) 10-50 grams	--	Class 3	Twice minimum		Class X (10-30 extended term)	Class 2			
	(c)(5) 50-200 grams	Class 1	Class 2	“ “		Class X (10-30 extended term)	Class 1			
	(a)(5) 200 or more grams	Class X	Class 1	12 years minimum	Class 1 (6-30 extended term) <sup>b</sup>	Class X (15-60 extended term)	Class 1 (6-30 extended term)			
Amphetamine or any optical isomer salt thereof	(c)(6.1) 10-50 grams	--	Class 3	Twice minimum		Class X (10-30 extended term)	Class 2			
	(c)(6) 50-200 grams	Class 1	Class 2	“ “		Class X (10-30 extended term)	Class 1			
	(a)(6) 200 or more grams	Class X	Class 1	12 years minimum	Class 1 (6-30 extended term) <sup>b</sup>	Class X (15-60 extended term)	Class 1 (6-30 extended term)			
Lysergic acid diethylamide (LSD)	(c)(6) 5-15 grams or 10-15 objects containing LSD	Class 1	Class 3	Twice minimum		Class X (10-30 extended term)	Class 2			
	(a)(7)(A) 15-100 grams or 15-200 objects containing LSD	Class X	Class 2	“ “		Class X (15-60 extended term)	Class 1			
	(a)(7)(B) 100-400 grams or 200-600 objects containing LSD	Class X (9-40 extended term)	Class 1	“ “		Class X (15-60 extended term)	Class 1 (6-30 extended term)			
	(a)(7)(C) 400-900 grams or 600-1,500 objects containing LSD	Class X (12-50 extended term)		24 years minimum	Class 1 (6-30 extended term)	Class X (15-60 extended term)				
(a)(7)(D) 900 or more grams or more than 1,500 objects containing LSD	Class X (15-60 extended term)	Class 1 (6-30 extended term)	30 years minimum	Class 1 (9-40 extended term)	Class X (15-60 extended term)	Class 1 (9-40 extended term)				

		Manufacture and Deliver 720 ILCS 570/401		Trafficking 720 ILCS 570/401.1		Streetgang Drug Conspiracy 720 ILCS 570/405.2		Persons under 18, School etc. 720 ILCS 570/407		
Drug Amounts Specifically Described: 720 ILCS 570/401		Current Law	Proposed	Current Law	Proposed	Current Law	Proposed	Current Law	Proposed (formerly (A))	Proposed (formerly (B))
Other Drugs	(c)(7.5) 5-15 grams Or 10-15 objects containing controlled substance	Class 1	Class 3	Twice minimum		Class X (10-30 extended term)	Class 2			
	(a)(7.5)(A) 15-100 grams or 15-200 objects containing controlled substance	Class X	Class 2	“ “		Class X (15-60 extended term)	Class 1			
	(a)(7.5)(B) 100-400 grams or 200-600 objects containing controlled substance	Class X (9-40 extended term)	Class 1	“ “		Class X (15-60 extended term)	Class 1 (6-30 extended term)			
	(a)(7.5)(C) 400-900 grams or 600-1,500 objects containing controlled substance	Class X (12-50 extended term)	Class 1 (6-30 extended term)	24 years minimum	Class 1 (6-30 extended term)	Class X (15-60 extended term)	Class 1 (9-40 extended term)			
	(a)(7.5)(D) 900 or more grams or more than 1,500 objects containing controlled substance	Class X (15-60 extended term)		30 years minimum	Class 1 (9-40 extended term)	Class X (15-60 extended term)				
Pentazocine, methaqualone, phencyclidine (PCP), ketamine, or any salts or isomers thereof	(c)(8.5), (9.5), (10.1), or (10.5-1) <sup>a</sup> 5-10 grams	--	Class 3	Twice minimum		Class X (10-30 extended term)	Class 2			
	(c)(8), (9), (10), or (10.5) 10-30 grams	Class 1	Class 2	“ “		Class X (10-30 extended term)	Class 1			
	(a)(8), (9), (10), or (10.5) 30 grams or more	Class X	Class 1	12 years minimum	Class 1 (6-30 extended term) <sup>b</sup>	Class X (15-60 extended term)	Class 1 (6-30 extended term)			

		Manufacture and Deliver 720 ILCS 570/401		Trafficking 720 ILCS 570/401.1		Streetgang Drug Conspiracy 720 ILCS 570/405.2		Persons under 18, School etc. 720 ILCS 570/407		
Drug Amounts Specifically Described: 720 ILCS 570/401		Current Law	Proposed	Current Law	Proposed	Current Law	Proposed	Current Law	Proposed (formerly (A))	Proposed (formerly (B))
Hydrocodone, dihydrocodeinone, oxycodone, or any salts or isomers thereof	(c)(10.6-1), (10.7-1), (10.8-1), or (10.9-1) 10-50 grams	--	Class 3	Twice minimum		Class X (10-30 extended term)	Class 2			
	(c)(10.6), (10.7), (10.8), or (10.9) 50-100 grams	Class 1	Class 2	“ “		Class X (10-30 extended term)	Class 1			
	(a)(10.6), (10.7), (10.8), or (10.9), 100 grams or more	Class X	Class 1	12 years minimum	Class 1 (6-30 extended term) <sup>b</sup>	Class X (15-60 extended term)	Class 1 (6-30 extended term)			
Any other Schedule I or Schedule II substance not otherwise included	(e) (new: (d)) less than 10 grams	Class 3	Class 4					Class 2		Class 3
	(e) (new: (c)(11.1)) 10-50 grams	Class 3	Class 3	Twice minimum		Class X (10-30 extended term)	Class 2	Class 2		Class 2
	(c)(11) 50-200 grams	Class 1	Class 2	“ “		Class X (10-30 extended term)	Class 1			
	(a)(11) 200 grams or more	Class X	Class 1	12 years minimum	Class 1 (6-30 extended term) <sup>b</sup>	Class X (15-60 extended term)	Class 1 (6-30 extended term)			
Any other Schedule III substance not otherwise included	(f-1) less than 10 grams	Class 3	Class 4	“ “						
	(f) 10 grams or more	Class 3	Class 3	“ “						
Any other Schedule IV substance not otherwise included	(g-1) less than 10 grams	Class 3	Class 4	“ “						
	(g) 10 grams or more	Class 3	Class 3	“ “						
Any other Schedule V substance not otherwise included	(h-1) less than 10 grams	Class 3	Class 4	“ “						
	(h) 10 grams or more	Class 3	Class 3	“ “						
720 ILCS 570/404 Look-Alike Substance	(b) any look-alike substance	Class 3	Class 4							

<sup>a</sup> 720 ILCS 570/401(c)(10.1) and (10.5-1) are amended to cover the amounts of 1 to 10 grams.

<sup>b</sup> 720 ILCS 570/401.1(b) applies to only trafficking of more than 400 grams of the controlled substance.

**New: 720 ILCS 570/401(b-1), Manufacture and Delivery of Fentanyl** – Under current law the judge must add three years to any Controlled Substance violation if the drug contained any amount of fentanyl.

This provision is amended to make the three year enhancement discretionary and may be imposed only if the offender knew or should have known fentanyl was present in the drugs. The enhancement does not apply to any fentanyl manufacturing or delivery offense (720 ILCS 570/401(c)(1.5) or (a)(1.5)).

**720 ILCS 570/401.1, Trafficking of a Controlled Substance** – see Table C.5.

**New: 720 ILCS 570/401.1(b-5), Trafficking of a Controlled Substance** – adds weight parameters for the charge of trafficking; specifies a new enhanced term range; and applies manufacture and delivery penalties rather than controlled substance trafficking penalties if the individual proves at sentencing that (1) he or she received little or no compensation and had minimal knowledge of the scope of the transportation or (2) he or she was not involved in the organization or planning of the transportation, manufacture, or delivery.

Possession

**Table C.6. Possession of a Controlled Substance**

		Possession 720 ILCS 570/402	
Drug Amounts Specifically Described: 720 ILCS 570/402		Current Law	Proposed
Any other amount	(d) any amount under 1 gram	Class 4	Class A
	(d) any amount over 1 gram but less than the specified amount		Class 4
Heroin	(a)(1)(A) 15-100 grams	Class 1	Class 3
	(a)(1)(B) 100-400 grams	Class 1 (6-30 extended term)	Class 2
	(a)(1)(C) 400-900 grams	Class 1 (8-40 extended term)	Class 1
	(a)(1)(D) 900 or more grams	Class 1 (10-50 extended term)	
Cocaine	(a)(2)(A) 15-100 grams	Class 1	Class 3
	(a)(2)(B) 100-400 grams	Class 1 (6-30 extended term)	Class 2
	(a)(2)(C) 400-900 grams	Class 1 (8-40 extended term)	Class 1
	(a)(2)(D) 900 or more grams	Class 1 (10-50 extended term)	
Morphine	(a)(3)(A) 15-100 grams	Class 1	Class 3
	(a)(3)(B) 100-400 grams	Class 1 (6-30 extended term)	Class 2
	(a)(3)(C) 400-900 grams	Class 1 (6-40 extended term)	Class 1
	(a)(3)(D) 900 or more grams	Class 1 (10-50 extended term)	

		<b>Possession 720 ILCS 570/402</b>		
Drug Amounts Specifically Described: 720 ILCS 570/402		Current Law	Proposed	
Peyote	<b>(a)(4) 200 or more grams</b>	<i>Class 1</i>	<i>Class 2</i>	
Barbituric acid	<b>(a)(5) 200 or more grams</b>	<i>Class 1</i>	<i>Class 2</i>	
Amphetamine or any optical isomer salt thereof	<b>(a)(6) 200 or more grams</b>	<i>Class 1</i>	<i>Class 2</i>	
Lysergic acid diethylamide (LSD)	<b>(a)(7)(A) 15-100 grams or 15-200 objects containing LSD</b>	<i>Class 1</i>	<i>Class 3</i>	
	<b>(a)(7)(B) 100-400 grams or 200-600 objects containing LSD</b>	<i>Class 1</i> <i>(6-30 extended term)</i>	<i>Class 2</i>	
	<b>(a)(7)(C) 400-900 grams or 600-1,500 objects containing LSD</b>	<i>Class 1</i> <i>(8-40 extended term)</i>	<i>Class 1</i>	
	<b>(a)(7)(D) 900 or more grams or more than 1,500 objects containing LSD</b>	<i>Class 1</i> <i>(10-50 extended term)</i>		
Other Drugs	<b>(a)(7.5)(A) 15-100 grams or 15-200 objects containing controlled substance</b>	<i>Class 1</i>	<i>Class 3</i>	
	<b>(a)(7.5)(B) 100-400 grams or 200-600 objects containing controlled substance</b>	<i>Class 1</i> <i>(6-30 extended term)</i>	<i>Class 2</i>	
	<b>(a)(7.5)(C) 400-900 grams or 600-1,500 objects containing controlled substance</b>	<i>Class 1</i> <i>(8-40 extended term)</i>	<i>Class 1</i>	
	<b>(a)(7.5)(D) 900 or more grams or more than 1,500 objects containing controlled substance</b>	<i>Class 1</i> <i>(10-50 extended term)</i>		
Pentazocine, methaqualone, phencyclidine (PCP), ketamine, or any salts or isomers thereof	<b>(a)(8), (9), (10), or (10.5) 30 grams or more</b>	<i>Class 1</i>	<i>Class 2</i>	
Any other Schedule I or Schedule II substance not otherwise included	<b>(a)(11) 200 grams or more</b>	<i>Class 1</i>	<i>Class 2</i>	
<b>Possession of a Look-Alike Substance 720 ILCS 570/404</b>				
<b>720 ILCS 570/404</b> Look-Alike Substance	<b>(c) any look-alike substance</b>	First offense	<i>Petty offense</i>	<i>Deleted</i>
		Second offense	<i>Class C</i>	
Anabolic Steroid	<b>(d) any anabolic steroid</b>	First offense	<i>Class C</i>	<i>Class C</i>
		Second offense	<i>Class B</i>	<i>Class B</i>

**720 ILCS 570/404, Possession of a Look-Alike Substance** – see Table C.6.

**720 ILCS 570/405.2, Streetgang Drug Conspiracy** – see Table C.5.

**New: 720 ILCS 570/407, Delivery of Controlled Substance to People under 18** – see Table C.5. HB6595 amends the code so any offender over 18 who faces manufacture and delivery penalties for delivery to an individual under 18 years old and violates any part of Sections 401 or 404 may receive a sentence equal to the maximum sentence plus the minimum sentence. Also revises:

- When the crime occurs on school grounds, on a school bus, public park, or within 500 feet of a school during school hours and with students present, Subsection (b) applies a similar enhancement as Section 405.2 for all of penalties within Sections 401 or 404 by increasing the felony one level except for Class 1 felonies for which an extended term is specified.
- HB6595 also removes additional enhancements for possession with intent on or within 1,000 feet of a truck stop or safety rest area.
- This bill also removes additional enhancements for possession with intent in public housing, religious house of worship, or senior housing.

**New: 720 ILCS 570/407.1, Delivery of Controlled Substance Employing People under 18** – any offender over 18 who uses under 18-year old agents to manufacture and deliver controlled substances may receive a sentence equal to the maximum sentence plus the minimum sentence rather than a term of up to three times the maximum.

**New: 720 ILCS 570/407.2, Delivery of Controlled Substance to a Pregnant Woman** – amends the penalty from three times the maximum term to a term that is equal to the maximum plus the minimum terms for the underlying offense at the discretion of the court.

*Methamphetamine Control and Community Protection Act*

Manufacture or Transportation of Methamphetamine

**Table C.7.** Manufacture or Transportation of Methamphetamines

		<b>Manufacture</b> 720 ILCS 646	
Drug Amounts Specifically Described		Current Law	Proposed
Participation in Manufacture (Section 15(a))	(a)(2)(A) less than 15 grams	<i>Class 1</i>	<i>Class 2</i>
	(a)(2)(B) 15-100 grams	<i>Class X</i>	<i>Class 1</i>
	(a)(2)(C) 100-400 grams	<i>Class X</i> <i>(9-40 extended term)</i>	<i>Class 1</i> <i>(6-30 extended term)</i>
	(a)(2)(D) 400-900 grams	<i>Class X</i> <i>(12-50 extended term)</i>	
	(a)(2)(E) 900 or more grams	<i>Class X</i> <i>(15-60 extended term)</i>	
Aggravated Participation <sup>a</sup> (Section 15(b))	(b)(2)(A) less than 15 grams	<i>Class X</i>	<i>Class 1</i>
	(b)(2)(B) 15-100 grams	<i>Class X</i> <i>(9-40 extended term)</i>	<i>Class 1</i> <i>(6-30 extended term)</i>
	(b)(2)(C) 100-400 grams	<i>Class X</i> <i>(12-50 extended term)</i>	
	(b)(2)(D) more than 400 grams	<i>Class X</i> <i>(15-60 extended term)</i>	
Methamphetamine Precursor (Section 20) <sup>b</sup>	(a)(2)(A) less than 15 grams	<i>Class 2</i>	<i>Class 4</i>
	(a)(2)(B) 15-30 grams	<i>Class 1</i>	<i>Class 3</i>
	(a)(2)(C) 30-150 grams	<i>Class X</i>	<i>Class 2</i>
	(a)(2)(D) 150-500 grams	<i>Class X</i> <i>(8-40 extended term)</i>	<i>Class 1</i>
	(a)(2)(E) more than 500 grams	<i>Class X</i> <i>(10-50 extended term)</i>	<i>Class 1</i> <i>(6-30 extended term)</i>

		<b>Manufacture</b> 720 ILCS 646	
Drug Amounts Specifically Described		Current Law	Proposed
Anhydrous Ammonia (Section 25) <sup>c</sup>	<b>(a)(2) any ammonia for manufacture</b>	<i>Class 1</i>	<i>Class 2</i>
	<b>(b)(2) aggravated ammonia for manufacture</b>	<i>Class X</i>	<i>Class 1</i>
	<b>(c)(2) unauthorized ammonia storage<sup>c</sup></b>	<i>Class 3</i>	<i>Class 4</i>
	<b>(d)(2) tampering with ammonia equipment</b>	<i>Class 3</i>	<i>Class 3</i>
Methamphetamine Manufacturing Material (Section 30)	<b>(b) possession of any other manufacturing material</b>	<i>Class 2</i>	<i>Class 3</i>
Use of Property for Meth (Section 35)	<b>(b) possession of any other manufacturing material</b>	<i>Class 2</i>	<i>Class 3</i>
Protection of Meth Manufacturing (Section 40)	<b>(b) any lookout or security for manufacturing</b>	<i>Class 2</i>	<i>Class 3</i>
Waste of Methamphetamine Materials (Section 45)	<b>(b) any disposal of other manufacturing material</b>	<i>Class 2</i>	<i>Class 3</i>
Methamphetamine-related Child Endangerment (Section 50)	<b>(a)(2) knowingly endangers child</b>	<i>Class 2</i>	<i>Class 2</i>
	<b>(b)(2) child experiences death, great bodily harm, disability, or disfigurement</b>	<i>Class X</i>	<i>Class 1</i>
<p><sup>a</sup> 720 ILCS 646/15(a), <i>aggravated participation in manufacturing</i>, is amended by removing the aggravating factor of protection by firearms, alarm systems, surveillance systems, or guard dogs.</p> <p><sup>b</sup> 720 ILCS 646/20(b) <i>enhanced penalties for possession or transportation of methamphetamine precursors in non-standard dosage form</i>, are removed.</p> <p><sup>c</sup> 720 ILCS 646/56, <i>trafficking of anhydrous ammonia</i>, which is transportation of ammonia across state lines, can elevate this crime to methamphetamine trafficking; current law has the penalty of between twice the minimum and twice the maximum, the proposal is to make this crime one class higher than the underlying offense.</p>			

Delivery or Sale of Methamphetamine

**Table C.8. Manufacture or Transportation of Methamphetamines**

Drug Amounts Specifically Described		Delivery 720 ILCS 646/55(a)		Aggravated Delivery 720 ILCS 646/55(b) <sup>a</sup>		Aggravated Delivery at or near a School 720 ILCS 646/55(b) <sup>a</sup>		Trafficking 720 ILCS 646/56 <sup>b</sup>	
		Current Law	Proposed	Current Law	Proposed	Current Law	Proposed	Current Law	Proposed
(a)(2)(A)	Under 1 gram	Class 2	Class 4	Class 1	Class 4 (1-4 extended term)	Class 1	Class 3	Class 2 (6-14 extended term)	--
	1-5 grams				Class 3 (2-7 extended term)				--
(a)(2)(B) 5-15 grams		Class 1	Class 3	Class X	Class X	Class X	Class 2	Class 1 (8-30 extended term)	--
(a)(2)(C) 15-100 grams		Class X	Class 2	Class X (8-40 extended term)	Class 2 (3-10 extended term)	Class X (8-40 extended term)	Class 1	Class X (12-60 extended term)	--
(a)(2)(D) 100-400 grams		Class X (9-40 extended term)	Class 1	Class X (10-50 extended term)	Class 1 (4-19 extended term)	Class X (10-50 extended term)	Class 1 (6-30 extended term)	Class X (18-80 extended term)	--
(a)(2)(E) 400-900 grams		Class X (12-50 extended term)	Class 1	Class X (10-50 extended term)	Class 1 (4-19 extended term)	Class X (10-50 extended term)	Class 1 (6-30 extended term)	Class X (24-100 extended term)	Class 1 (6-30 extended term)
(a)(2)(F) 900 or more grams		Class X (15-60 extended term)	Class 1 (6-30 extended term)	Class X (10-50 extended term)	Class 1 (6-36 extended term)	Class X (10-50 extended term)	Class 1 (9-40 extended term)	Class X (30-120 extended term)	Class 1 (9-40 extended term)

<sup>a</sup> 720 ILCS 646/55(b), aggravated delivery of methamphetamine, which is delivery of meth (a) to an individual under 18, (b) employing a person under 18 in the delivery, (c) while protected by a firearm, (d) on school grounds, or (e) to a person known to be pregnant, is replaced by Sections 55.1, 55.2, 55.3, 55.4, and 55.5. Possession on school grounds, Subsection 55(b)(1)(D), is revised into a new Section 55.4.

<sup>b</sup> 720 ILCS 646/56, methamphetamine trafficking, also includes meth precursors and anhydrous ammonia. These penalties are likewise revised, similar to the proposed controlled substances trafficking penalties. See tables C.7 and C.5.

**720 ILCS 646/56, trafficking of anhydrous ammonia – see Table C.7.**

Possession of Methamphetamine

**Table C.9. Possession of Methamphetamines**

Drug Amounts Specifically Described			Possession 720 ILCS 646/60	
			Current Law	Proposed
Meth Possession	(b)(1)	Under 1 gram	Class 3	Class A
		1-5 grams		Class 4
	(b)(2) 5-15 grams		Class 2	Class 4
	(b)(3) 15-100 grams		Class 1	Class 3
	(b)(4) 100-400 grams		Class X	Class 2
	(b)(5) 400-900 grams		Class X (8-40 extended term)	Class 1
(b)(6) 900 or more grams		Class X (10-50 extended term)	Class 1	

### *Procedural and General Sentencing Reforms*

**New: 730 ILCS 5/5-4.5-95, *Habitual Criminals*** – removes violations of the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act from the types of crimes that count towards habitual criminal penalties. Under the current law, the third felony conviction can result in a habitual criminal sentence, a Life or Class X sentence.

**New: 730 ILCS 5/5-5-3, *Dispositions*** – restores probation eligibility for all cannabis, controlled substance, and methamphetamine crimes. This revision does not mandate probation, but probation becomes a possible sentence at the sentencing of an offender. However, this revision does not extend to mandatory incarceration for Illinois Vehicle Code violations based on cannabis or drug impairment.

**New: 730 ILCS 5/5-8-2, *Extended Terms*** – removes the possibility of extended terms under this sentencing provision (730 ILCS 5/5-8-2) for violations of the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act.