

1 AN ACT in relation to controlled, counterfeit, and
2 look-alike substances.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Controlled Substances Act is
6 amended by changing Section 407.1 as follows:

7 (720 ILCS 570/407.1) (from Ch. 56 1/2, par. 1407.1)

8 Sec. 407.1. Employing minors to deliver controlled,
9 counterfeit, or look-alike substance.

10 (a) Any person 18 years of age or over who violates any
11 subsection of Section 401, Section 401.1, ~~404~~ or Section 405
12 by using, engaging, or employing a person under 18 years of
13 age to deliver a controlled substance commits a Class X
14 felony.

15 (b) Any person 18 years of age or over who violates any
16 subsection of Section 401, Section 401.1, Section 404, or
17 Section 405 by using, engaging, or employing a person under
18 18 years of age to deliver a counterfeit or look-alike
19 substance may be sentenced to imprisonment for a term up to
20 three times the maximum amount authorized by the pertinent
21 subsection of Section 401, Section 401.1, Section ~~404~~, or
22 Section 405.

23 (Source: P.A. 91-297, eff. 1-1-00.)

24 Section 10. The Unified Code of Corrections is amended
25 by changing Section 5-8-4 as follows:

26 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

27 Sec. 5-8-4. Concurrent and Consecutive Terms of
28 Imprisonment.

29 (a) When multiple sentences of imprisonment are imposed

1 on a defendant at the same time, or when a term of
2 imprisonment is imposed on a defendant who is already subject
3 to sentence in this State or in another state, or for a
4 sentence imposed by any district court of the United States,
5 the sentences shall run concurrently or consecutively as
6 determined by the court. When a term of imprisonment is
7 imposed on a defendant by an Illinois circuit court and the
8 defendant is subsequently sentenced to a term of imprisonment
9 by another state or by a district court of the United States,
10 the Illinois circuit court which imposed the sentence may
11 order that the Illinois sentence be made concurrent with the
12 sentence imposed by the other state or district court of the
13 United States. The defendant must apply to the circuit court
14 within 30 days after the defendant's sentence imposed by the
15 other state or district of the United States is finalized.
16 The court shall not impose consecutive sentences for offenses
17 which were committed as part of a single course of conduct
18 during which there was no substantial change in the nature of
19 the criminal objective, unless:

20 (i) one of the offenses for which defendant was
21 convicted was first degree murder or a Class X or Class 1
22 felony and the defendant inflicted severe bodily injury,
23 or

24 (ii) the defendant was convicted of a violation of
25 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
26 1961, or

27 (iii) the defendant was convicted of armed violence
28 based upon the predicate offense of solicitation of
29 murder, solicitation of murder for hire, heinous battery,
30 aggravated battery of a senior citizen, criminal sexual
31 assault, a violation of subsection (g) of Section 5 of
32 the Cannabis Control Act, cannabis trafficking, a
33 violation of subsection (a) of Section 401 of the
34 Illinois Controlled Substances Act, controlled substance

1 trafficking involving a Class X felony amount of
2 controlled substance under Section 401 of the Illinois
3 Controlled Substances Act, calculated criminal drug
4 conspiracy, or streetgang criminal drug conspiracy, or

5 (iv) the defendant was convicted of a violation of
6 subsection (a) of Section 407.1 of the Illinois
7 Controlled Substances Act,

8 in which event the court shall enter sentences to run
9 consecutively. Sentences shall run concurrently unless
10 otherwise specified by the court.

11 (b) The court shall not impose a consecutive sentence
12 except as provided for in subsection (a) unless, having
13 regard to the nature and circumstances of the offense and the
14 history and character of the defendant, it is of the opinion
15 that such a term is required to protect the public from
16 further criminal conduct by the defendant, the basis for
17 which the court shall set forth in the record; except that no
18 such finding or opinion is required when multiple sentences
19 of imprisonment are imposed on a defendant for offenses that
20 were not committed as part of a single course of conduct
21 during which there was no substantial change in the nature of
22 the criminal objective, and one of the offenses for which the
23 defendant was convicted was first degree murder or a Class X
24 or Class 1 felony and the defendant inflicted severe bodily
25 injury, or when the defendant was convicted of a violation of
26 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
27 1961, or where the defendant was convicted of armed violence
28 based upon the predicate offense of solicitation of murder,
29 solicitation of murder for hire, heinous battery, aggravated
30 battery of a senior citizen, criminal sexual assault, a
31 violation of subsection (g) of Section 5 of the Cannabis
32 Control Act, cannabis trafficking, a violation of subsection
33 (a) of Section 401 of the Illinois Controlled Substances Act,
34 controlled substance trafficking involving a Class X felony

1 amount of controlled substance under Section 401 of the
2 Illinois Controlled Substances Act, calculated criminal drug
3 conspiracy, or streetgang criminal drug conspiracy, in which
4 event the Court shall enter sentences to run consecutively.

5 (c) (1) For sentences imposed under law in effect prior
6 to February 1, 1978 the aggregate maximum of consecutive
7 sentences shall not exceed the maximum term authorized
8 under Section 5-8-1 for the 2 most serious felonies
9 involved. The aggregate minimum period of consecutive
10 sentences shall not exceed the highest minimum term
11 authorized under Section 5-8-1 for the 2 most serious
12 felonies involved. When sentenced only for misdemeanors,
13 a defendant shall not be consecutively sentenced to more
14 than the maximum for one Class A misdemeanor.

15 (2) For sentences imposed under the law in effect
16 on or after February 1, 1978, the aggregate of
17 consecutive sentences for offenses that were committed as
18 part of a single course of conduct during which there was
19 no substantial change in the nature of the criminal
20 objective shall not exceed the sum of the maximum terms
21 authorized under Section 5-8-2 for the 2 most serious
22 felonies involved, but no such limitation shall apply for
23 offenses that were not committed as part of a single
24 course of conduct during which there was no substantial
25 change in the nature of the criminal objective. When
26 sentenced only for misdemeanors, a defendant shall not be
27 consecutively sentenced to more than the maximum for one
28 Class A misdemeanor.

29 (d) An offender serving a sentence for a misdemeanor who
30 is convicted of a felony and sentenced to imprisonment shall
31 be transferred to the Department of Corrections, and the
32 misdemeanor sentence shall be merged in and run concurrently
33 with the felony sentence.

34 (e) In determining the manner in which consecutive

1 sentences of imprisonment, one or more of which is for a
2 felony, will be served, the Department of Corrections shall
3 treat the offender as though he had been committed for a
4 single term with the following incidents:

5 (1) the maximum period of a term of imprisonment
6 shall consist of the aggregate of the maximums of the
7 imposed indeterminate terms, if any, plus the aggregate
8 of the imposed determinate sentences for felonies plus
9 the aggregate of the imposed determinate sentences for
10 misdemeanors subject to paragraph (c) of this Section;

11 (2) the parole or mandatory supervised release term
12 shall be as provided in paragraph (e) of Section 5-8-1 of
13 this Code for the most serious of the offenses involved;

14 (3) the minimum period of imprisonment shall be the
15 aggregate of the minimum and determinate periods of
16 imprisonment imposed by the court, subject to paragraph
17 (c) of this Section; and

18 (4) the offender shall be awarded credit against
19 the aggregate maximum term and the aggregate minimum term
20 of imprisonment for all time served in an institution
21 since the commission of the offense or offenses and as a
22 consequence thereof at the rate specified in Section
23 3-6-3 of this Code.

24 (f) A sentence of an offender committed to the
25 Department of Corrections at the time of the commission of
26 the offense shall be served consecutive to the sentence under
27 which he is held by the Department of Corrections. However,
28 in case such offender shall be sentenced to punishment by
29 death, the sentence shall be executed at such time as the
30 court may fix without regard to the sentence under which such
31 offender may be held by the Department.

32 (g) A sentence under Section 3-6-4 for escape or
33 attempted escape shall be served consecutive to the terms
34 under which the offender is held by the Department of

1 Corrections.

2 (h) If a person charged with a felony commits a separate
3 felony while on pre-trial release or in pretrial detention in
4 a county jail facility or county detention facility, the
5 sentences imposed upon conviction of these felonies shall be
6 served consecutively regardless of the order in which the
7 judgments of conviction are entered.

8 (i) If a person admitted to bail following conviction of
9 a felony commits a separate felony while free on bond or if a
10 person detained in a county jail facility or county detention
11 facility following conviction of a felony commits a separate
12 felony while in detention, any sentence following conviction
13 of the separate felony shall be consecutive to that of the
14 original sentence for which the defendant was on bond or
15 detained.

16 (Source: P.A. 91-144, eff. 1-1-00; 91-404, eff. 1-1-00;
17 92-16, eff. 6-28-01.)