

720 ILCS 570/ 401(a)(1)(A)

UNLAWFUL DELIVERY OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(1)(A) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 15 grams or more but less than 100 grams of a substance containing heroin, a controlled substance.²

¹or manufactured or possessed with the intent to manufacture or delivery; ²or a counterfeit substance or a controlled substance analog

NOTE: A "controlled substance analog" or an "analog" means a substance other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff. 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see **Appendix A**.

SENTENCING NOTE: A sentence of imprisonment of not less than 6 years and not more than 30 years is mandated for this offense. See the **Sentencing Guide**.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 401(a)(1) based upon the amount of heroin, an analog thereof, or a counterfeit substance, manufactured, delivered or possessed with the intent to deliver: 1. Section 401(a)(1)(B): With respect to 100 grams or more but less than 400 grams of a substance containing heroin, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 9 years and not more than 40 years.; 2. Section 401(a)(1)(C): With respect to 400 grams or more but less than 900 grams of a substance containing heroin, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 12 years and not more than 50 years; 3. Section 401(a)(1)(D): With respect to 900 or more grams of any substance containing heroin, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 15 years and not more than 60 years. See the **Sentencing Guide**.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Created - P.A. 77-757 (August 16, 1971); Amended - P.A.s 77-2723, 78-255, 80-707, 80-1099, 81-583, 82-528, 82-968, 83-655, 83-778, 83-1362, 84-1314, 84-1475, 85-1030, 85-1209, 85-1440, 86-266, 86-442, 86-604, 87-754, 90-382, 90-593, 90-674, 91-336, 91-403, 92-256, 92-698, 94-556, 95-259 & 96-347.

This subsection was amended by Public Act 99-0371. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(1.5)(A)

UNLAWFUL DELIVERY OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(1.5)(A) of ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 15 grams or more but less than 100 grams of a substance containing fentanyl, a controlled substance.²

¹or manufactured or possessed with the intent to manufacture or deliver; ²or a counterfeit substance or a controlled substance analog

NOTE: A "controlled substance analog" or an "analog" means a substance other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense, see **Appendix B.**

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 401(a)(1.5) based upon the amount of fentanyl, an analog thereof, or a counterfeit substance, manufactured, delivered or possessed with the intent to deliver: 1. Section 401(a)(1.5)(B): With respect to 100 grams or more but less than 400 grams of a substance containing fentanyl, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 9 years and not more than 40 years; 2. Section 401(a)(1.5)(C): With respect to 400 grams or more but less than 900 grams of a substance containing fentanyl, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 12 year and not more than 50 years; 3. Section 401(a)(1.5)(D): With respect to 900 or more grams of any substance containing fentanyl, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 15 years and not more than 60 years. See the **Sentencing Guide.**

SENTENCING NOTE: Excluding violations of this Act when the controlled substance is fentanyl, any person sentenced to a term of imprisonment with respect to violations of Section 401, 401.1, 405, 405.1, 405.2 or 407, when the substance containing the controlled substance contains any amount of fentanyl, 3 years shall be added to the term of imprisonment imposed by the court, and the maximum sentence for the offense shall be increased by 3 years.

SENTENCING NOTE: A sentence of imprisonment of not less than 6 years and not more than 30 years is mandated for this offense. See the **Sentencing Guide**.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

This subsection was amended by Public Act 99-0371. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(2)(A)

UNLAWFUL DELIVERY OF CONTROLLED SUBSTANCE

In violation of **SECTION 401(a)(2)(A)** of ACT **570** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of **_____**, defendant, **(defendant's name)**, knowingly delivered¹ to Don Smith 15 grams or more but less than 100 grams of a substance containing cocaine, a controlled substance.²

¹or manufactured or possessed with the intent to manufacture or deliver; ²or a counterfeit substance or a controlled substance analog

NOTE: For a definition of controlled substance analog see **Appendix C**.

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see **Appendix B**.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 401(a)(2) based upon the amount of cocaine, an analog thereof, or a counterfeit substance, manufactured, delivered, or possessed with the intent to deliver: 1. Section 401(a)(2)(B): With respect to 100 grams or more but less than 400 grams of a substance containing cocaine, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 9 years and not more than 40 years; 2. Section 401(a)(2)(C): With respect to 400 grams or more but less than 900 grams of a substance containing cocaine, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 12 years and not more than 50 years; 3. Section 401(a)(2)(D): With respect to 900 or more grams of any substance containing cocaine, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 15 years and not more than 60 years. See the **Sentencing Guide**.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(3)(A)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

in violation of SECTION 401(a)(3)(A) of ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 15 grams or more but less than 100 grams of a substance containing morphine, a controlled substance.²

¹or manufactured or possessed with the intent to manufacture or deliver; ²or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 401(a)(2) based upon the amount of morphine, an analog thereof, or a counterfeit substance, manufactured, delivered, or possessed with the intent to deliver: 1. Section 401(a)(3)(B): With respect to 100 grams or more but less than 400 grams of a substance containing morphine, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 9 years and not more than 40 years; 2. Section 401(a)(3)(C): With respect to 400 grams or more but less than 900 grams of a substance containing morphine, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 12 years and not more than 50 years; 3. Section 401(a)(3)(D): With respect to 900 or more grams of any substance containing morphine, an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 15 years and not more than 60 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(4)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(4) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 200 grams or more of a substance containing peyote, a controlled substance.²

¹or manufactured or possessed with the intent to manufacture or deliver; ²or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(5)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(5) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 200 grams or more of a substance containing a derivative of barbituric acid,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts of a derivative of barbituric acid; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(6)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(6) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 200 grams or more of a substance containing amphetamine,² a controlled substance,³ otherwise than as authorized in the Controlled Substances Act.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any salt of an optical isomer of amphetamine; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(7)(A)(i)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(7)(A)(i) of ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 15 grams or more but less than 100 grams of a substance containing lysergic acid diethylamide, a controlled substance² commonly known as LSD.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 401(a)(7)(i) based upon the amount of lysergic acid diethylamide (LSD), an analog thereof, or a counterfeit substance, manufactured, delivered or possessed with the intent to deliver: (1) Section 401(a)(7)(B)(i): With respect to 100 grams or more but less than 400 grams of a substance containing lysergic acid diethylamide (LSD), an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 9 years and not more than 40 years; (2) Section 401(a)(7)(C)(i): With respect to 400 grams or more but less than 900 grams of a substance containing lysergic acid diethylamide (LSD), an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 12 years and not more than 50 years; (3) Section 401(a)(7)(D)(i): With respect to 900 or more grams of any substance containing lysergic acid diethylamide (LSD), an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 15 years and not more than 60 years; See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(7)(A)(ii)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(7)(A)(ii) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 15 or more but less than 200 objects² containing in them or having upon them any amount of any substance containing lysergic acid diethylamide, a controlled substance,³ commonly known as LSD.

¹or manufactured or possessed with the intent to manufacture of deliver; ²or 15 or more segregated parts of an object or objects containing in them or having upon them any amount of any such substance; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 401(a)(7)(ii) based upon the number of objects or segregated parts of an object or objects containing lysergic acid diethylamide (LSD), an analog thereof, or a counterfeit substance, manufactured, delivered or possessed with the intent to deliver: 1. Section 401(a)(7)(B)(ii): With respect to 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or

having upon them any amount of a substance containing lysergic acid diethylamide (LSD), an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 9 years and not more than 40 years; 2. Section 401(a)(7)(C)(ii): With respect to 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or less than 1500 segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 12 years and not more than 50 years; 3. Section 401(a)(7)(D)(ii): With respect to 1500 or more grams of any substance containing lysergic acid diethylamide (LSD), an analog thereof, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 15 years and not more than 60 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(7.5)(A)(i)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCES

In violation of SECTION 401(a)(7.5)(A)(i) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 15 grams or more but less than 100 grams of a substance containing MDMA as listed in paragraph (2) of subsection (d) of Section 204 of the Illinois Controlled Substances Act,² a controlled substance,³ commonly referred to as Ecstasy.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any such substances listed in subsections (1), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 (Eff: 6-19-98))

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 401(a)(7)(i) based upon the amount of the controlled substance, an analog thereof, or a counterfeit substance, manufactured, delivered or possessed with the intent to deliver: (A) not less than 6 years and not more than 30 years with respect to: (I) 15 grams or more but less than 100 grams of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; (B) not

less than 9 years and not more than 40 years with respect to: (I) 100 grams or more but less than 400 grams of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; (C) not less than 12 years and not more than 50 years with respect to: (I) 400 grams or more but less than 900 grams of a substance listed in paragraph (1), (2), (2.2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; (D) not less than 15 years and not more than 60 years with respect to: (I) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(7.5)(A)(ii)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCES

In violation of SECTION 401(a)(7.5)(A)(ii) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 15 or more but less than 200 pills² containing in them³ any amount of MDMA as listed in paragraph (2) of subsection (d) of Section 204 of the Illinois Controlled Substances Act,⁴ a controlled substance,⁵ commonly referred to as Ecstasy.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or tablets, caplets, capsules, or objects; ³or having upon them; ⁴or any such substances listed in subsections (1), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; ⁵or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 (Eff: 6-19-98))

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 401(a)(7)(ii) based upon the amount of the controlled substance, an analog thereof, or a counterfeit substance, manufactured, delivered or possessed with the intent to deliver: (A) not less than 6 years and not more than 30 years with respect to: (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or

derivative thereof; (B) not less than 9 years and not more than 40 years with respect to: (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; (C) not less than 12 years and not more than 50 years with respect to: (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; (D) not less than 15 years and not more than 60 years with respect to: (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

ADDED CASE AUTHORITY - - This subsection withstands a constitutional attack. People v. Ragusa, 346 Ill. App. 3d 176, 804 N. E. 2d 692, 281 Ill. Dec. 727 (2nd Dist., 2004)

Legislative History: This offense was amended by Public Act: 96-0347 (Effective: 1-1-10).

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(8)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(8) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 30 grams or more of a substance containing pentazocine,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts, isomers or salts of isomers of pentazocine; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(9)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(9) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 30 grams or more of a substance containing methaqualone,² a controlled substance³.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts, isomers or salts of isomers of methaqualone; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(10)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(10) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 30 grams or more of a substance containing phencyclidine,² controlled substance,³ commonly known as PCP.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts, isomers or salts of isomers of phencyclidine (PCP); ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(10.5)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(10.5) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 30 grams or more of a substance containing ketamine,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts, isomers or salts of isomers of ketamine; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(10.7)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(10.7) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 100 grams or more of a substance containing dihydrocodeinone,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts, isomers or salts of isomers of dihydrocodeinone; ³or a counterfeit substance or a controlled substance analog

DEFINITION: For a definition of a controlled substance analog see Appendix C.

CHARGING NOTES: **(1)** A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98) **(2)** For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

This subsection was created by P.A. 97-0997; (eff: 1-1-13).

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(10.8)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION **401(a)(10.8)** ACT **570** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of **_____**, defendant, **(defendant's name)**, knowingly delivered¹ to Don Smith 100 grams or more of a substance containing dihydrocodeine,² a controlled substance.³.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts, isomers or salts of isomers of dihydrocodeine; ³or a counterfeit substance or a controlled substance analog

DEFINITION: For a definition of a controlled substance analog see Appendix C.

CHARGING NOTES: **(1)** A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98) **(2)** For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

This subsection was created by P.A. 97-0997; (eff: 1-1-13).

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(10.9)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(10.9) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 100 grams or more of a substance containing oxycodone,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts, isomers or salts of isomers of oxycodone; ³or a counterfeit substance or a controlled substance analog

DEFINITION: For a definition of a controlled substance analog see Appendix C.

CHARGING NOTES: (1) A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98) (2) For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

This subsection was created by P.A. 97-0997; (eff: 1-1-13).

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(a)(11)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(a)(11) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 200 grams or more of a substance containing 3,4,5 trimethoxyphene-thylamine,² a controlled substance,³ commonly known as mescaline.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any other controlled substance classified in Schedules I or II; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

SENTENCING NOTE: Any person sentenced with respect to violations of Paragraph (1),(2),(3) or (7) of subsection (a) of this Section involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not more than \$500,000 or the full street value of the controlled or counterfeit substance or controlled substance analog, whichever is greater. Any person sentenced with respect to any other provision of subsection (a) may, in addition to the penalties provided therein, be fined an amount not to exceed \$500,000. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(1)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(1) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith one or more grams but less than 15 grams of a substance containing heroin, a controlled substance².

¹or manufactured or possessed with the intent to manufacture or deliver; ²or counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(2)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(2) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith one or more grams but less than 15 grams of a substance containing cocaine, a controlled substance².

¹or manufactured or possessed with the intent to manufacture or deliver; ²or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(3)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(3) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 10 or more grams but less than 15 grams of a substance containing morphine, a controlled substance².

¹or manufactured or possessed with the intent to manufacture or deliver; ²or counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(4)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(4) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 50 or more grams but less than 200 grams of a substance containing peyote, a controlled substance.²

¹or manufactured or possessed with the intent to manufacture or deliver; ²or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(5)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(5) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 50 or more grams but less than 200 grams of a substance containing a derivative of barbituric acid,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts of a derivative of barbituric acid; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1) **BOND:** Must be Set by Judge

720 ILCS 570/ 401(c)(6)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(6) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 50 or more grams but less than 200 grams of a substance containing amphetamine,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any salt of an optical isomer of amphetamine or an analog thereof; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1) **BOND:** Must be Set by Judge

720 ILCS 570/ 401(c)(7)(i)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(7)(i) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 5 or more grams but less than 15 grams of a substance containing lysergic acid diethylamide, a controlled substance².

¹or manufactured or possessed with the intent to manufacture or deliver; ²or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(7)(ii)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(7)(ii) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith more than 10 objects² but less than 15 objects² containing in them or having upon them any amount of any substance containing lysergic acid diethylamide, a controlled substance,³ commonly known as LSD.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or segregated parts of an object or objects; ³or a counterfeit or analog substance

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(7.5)(A)(i)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCES

In violation of SECTION 401(c)(7.5)(A)(i) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 5 grams or more but less than 15 grams of a substance containing MDMA as listed in paragraph (2) of subsection (d) of Section 204 of the Illinois Controlled Substances Act,² a controlled substance,³ commonly referred to as Ecstasy.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any such substances listed in subsections (1), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: For variations of this offense based upon the amount of the controlled substance see the following page.

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was amended by Public Act: 96-0347 (Effective: 1-1-10).

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(8)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(8) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 10 or more grams but less than 30 grams of a substance containing pentazocine,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts, isomers or salts of isomers of pentazocine; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(9)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(9) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 10 or more grams but less than 30 grams of a substance containing methaqualone,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts, isomers or salts of isomers of methaqualone; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(10)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(10) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 10 or more grams but less than 30 grams of a substance containing phencyclidine,² a controlled substance,³ commonly known as PCP.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts, isomers or salts of isomers of phencyclidine (PCP); ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(10.5)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION **401(c)(10.5)** ACT **570** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of **_____**, defendant, **(defendant's name)**, knowingly delivered¹ to Don Smith 10 or more grams but less than 30 grams of a substance containing ketamine,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any of the salts, isomers or salts of isomers of ketamine; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(c)(11)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(c)(11) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 50 or more grams but less than 200 grams of a substance containing 3, 4, 5 Trimethoxyphenethylamine,² a controlled substance,³ commonly known as mescaline.

¹or manufactured or possessed with the intent to manufacture or deliver; ²or of any other controlled or counterfeit substances classified in Schedules I or II which is not otherwise included in this subsection; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 401(d)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(d) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith less than 1 gram of a substance containing heroin,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any other amount of a controlled or counterfeit substance containing dihydrocodeinone or dihydrocodeine or classified in Schedules I or II, or an analog thereof, which is a narcotic drug, lysergic acid diethylamide (LSD) or an analog thereof, any substance containing amphetamine or any salt or optical isomer of amphetamine or an analog thereof; ³or counterfeit substance or a controlled substance analog

DEFINITION: For a definition of a controlled substance analog see Appendix C.

CHARGING NOTE: (1) A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98) (2) For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

This subsection was created by P.A. 97-0997; (eff: 1-1-13).

CHARGE: Felony (Class 2) **BOND:** Must be Set by Judge

720 ILCS 570/ 401(e)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(e) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith less than 5 grams of a substance containing peyote,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any other amount of a controlled substance other than methamphetamine or counterfeit substance classified in Schedules I or II which is not a narcotic drug and which is not otherwise included in this Section; ³or a counterfeit substance or a controlled substance analog

NOTE: For a definition of a controlled substance analog see Appendix C.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 3) **BOND:** Must be Set by Judge

720 ILCS 570/ 401(f)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(f) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 10 grams of methyprylon,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any other amount of a controlled or counterfeit substance classified in Schedule III; ³or counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 570/ 401(g)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(g) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 10 grams of a substance containing phenobarbital,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any other amount of a controlled or counterfeit substance classified in Schedule IV; ³or a counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 570/ 401(h)

UNLAWFUL DELIVERY¹ OF CONTROLLED SUBSTANCE

In violation of SECTION 401(h) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to Don Smith 10 grams of a substance containing loperamide,² a controlled substance.³

¹or manufactured or possessed with the intent to manufacture or deliver; ²or any other amount of a controlled or counterfeit substance classified in Schedule V; ³or counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 570/ 401.1(a)

CONTROLLED SUBSTANCE TRAFFICKING

In violation of SECTION 401.1(a) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly brought¹ 20 pounds of cocaine, a controlled substance² into the State of Illinois with the intent to deliver that controlled substance.³

¹or caused to be brought; ²or any controlled substance other than methamphetamine or a counterfeit substance; ³or for its purpose of manufacture or delivery or with the intent to manufacture in this or any other state or country

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

SENTENCING NOTE: A person convicted of controlled substance trafficking shall be sentenced to a term of imprisonment not less than twice the minimum term nor more than twice the maximum term as authorized by Section 401 of the Controlled Substance Act based upon the amount of controlled or counterfeit substance brought or caused to be brought into Illinois. (720 ILCS 570/401.1(b)) See the Sentencing Guide.

CHARGING NOTE: It shall be a Class 2 felony for which a fine not to exceed \$100,000 may be imposed for any person to knowingly use a cellular radio telecommunications device in the furtherance of controlled substance trafficking. (720 ILCS 5/401.1(c)) See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 85-743 (September 22, 1987); Amended by Public Acts 85-1294 and 94-556.

CHARGE: See Note A

BOND: See Note A

720 ILCS 570/ 401.5(a)

UNLAWFUL CHEMICAL BREAKDOWN OF AN
ILLICIT CONTROLLED SUBSTANCE

In violation of SECTION 401.5(a) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ manufactured (name the controlled substance²), a controlled substance² prohibited by the Controlled Substances Act, by chemically deriving (that controlled substance²) from (name the controlled substance² or substances² used), controlled substances² prohibited by the Controlled Substances Act.²

¹or intentionally or recklessly; ²methamphetamine is no longer in the Controlled Substances Act.

NOTE: For alternative way of charging this offense see next page.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 88-283 (Eff: 1-1-94). Amended by Public Acts 91-403, 91-825 and 94-556.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 570/ 401.5(a-5)

UNLAWFUL CHEMICAL BREAKDOWN OF AN
ILLICIT CONTROLLED SUBSTANCE

In violation of SECTION 401.5(a-5) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), possessed (name the substance¹) with the intent to use that substance to facilitate the manufacture of (name the controlled substance²).

¹or any substance; ²or any controlled substance , any counterfeit substance, or any controlled substance analog other than as authorized by the Controlled Substances Act; Methamphetamine is no longer under the Controlled Substances Act.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(1)(A)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(1)(A) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 15 grams or more, but less than 100 grams of a substance containing heroin, a controlled substance.¹

¹or a counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

SENTENCING NOTE: A conviction for this offense will result in a sentence of imprisonment of not less than 4 years no more than 15 years. See the Sentencing Guide.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 402(a)(1) based upon the amount of heroin, or a counterfeit substance, possessed: 1. Section 402(a)(1)(B): With respect to 100 grams or more but less than 400 grams of a substance containing heroin, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 6 years and not more than 30 years; 2. Section 402(a)(1)(C): With respect to 400 grams or more but less than 900 grams of a substance containing heroin, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 8 years and not more than 40 years; 3. Section 402(a)(1)(D): With respect to 900 or more grams of any substance containing heroin, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 10 years and not more than 50 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 77-757 (August 16, 1971); Amended - P.A.s 77-2723, 78-255, 81-583, 82-528, 82-968, 83-655, 83-778, 83-1362, 84-1475, 85-1030, 85-1209, 85-1440, 86-266, 86-442, 90-382, 90-336, 92-256, 94-324, 94-556, 95-331 & 96-347.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(2)(A)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(2)(A) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 15 grams or more, but less than 100 grams of a substance containing cocaine, a controlled substance.¹

¹or counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

SENTENCING NOTE: A conviction for this offense may result in a sentence of imprisonment of not less than 4 years nor more than 15 years. See the Sentencing Guide.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 402(a)(2) based upon the amount of cocaine, or a counterfeit substance, possessed: 1. Section 402(a)(2)(B): With respect to 100 grams or more but less than 400 grams of a substance containing cocaine, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 6 years and not more than 30 years; 2. Section 402(a)(2)(C): With respect to 400 grams or more but less than 900 grams of a substance containing cocaine, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 8 years and not more than 40 years; 3. Section 402(a)(2)(D): With respect to 900 or more grams of any substance containing cocaine, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 10 years and not more than 50 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(3)(A)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(3)(A) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 15 grams or more, but less than 100 grams of a substance containing morphine, a controlled substance.¹

¹or a counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

SENTENCING NOTE: A conviction for this offense may result in a sentence of imprisonment of not less than 4 years nor more than 15 years. See the Sentencing Guide.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 402(a)(3) based upon the amount of morphine, or a counterfeit substance, possessed: 1. Section 402(a)(3)(B): With respect to 100 grams or more but less than 400 grams of a substance containing morphine, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 6 years and not more than 30 years; 2. Section 402(a)(3)(C): With respect to 400 grams or more but less than 900 grams of a substance containing morphine, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 8 years and not more than 40 years; 3. Section 402(a)(3)(D): With respect to 900 or more grams of any substance containing morphine, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 10 years and not more than 50 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(4)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(4) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 200 grams or more of a substance containing peyote, a controlled substance.¹

¹or counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(5)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(5) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 200 grams or more of a substance containing a derivative of barbituric acid¹ a controlled substance.²

¹or any of the salts of a derivative of barbituric acid; ²or a counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(6)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(6) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 200 grams or more of a substance containing amphetamine,¹ a controlled substance.²

¹or any salt of an optical isomer of amphetamine; ²or counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(7)(A)(i)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(7)(A)(i) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 15 or more grams, but less than 100 grams of a substance containing lysergic acid diethylamide, a controlled substance,¹ commonly known as LSD.

¹or a counterfeit substance or a controlled substance analog.

NOTE: A "controlled substance analog" or an "analog" means a substance other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593- Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 402(a)(7)(i) based upon the amount of lysergic acid diethylamide (LSD), or a counterfeit substance, possessed: 1. Section 402(a)(7)(B)(i): With respect to 100 grams or more but less than 400 grams of a substance containing lysergic acid diethylamide (LSD), or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 6 years and not more than 30 years; 2. Section 402(a)(7)(C)(i): With respect to 400 grams or more but less than 900 grams of a substance containing lysergic acid diethylamide (LSD), or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 8 years and not more than 40 years; 3. Section 402(a)(7)(D)(i): With respect to 900 or more grams of any substance containing lysergic acid diethylamide (LSD), or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 10 years and not more than 50 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

This subsection was amended by Public Act 99-0371. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(7)(A)(ii)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(7)(A)(ii) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 15 or more, but less than 200 objects¹ containing in them or having upon them any amount of a substance containing lysergic acid diethylamide, a controlled substance,² commonly known as LSD.

¹or 15 or more segregated parts of an object or objects containing in them or having upon them any amount; ²or a counterfeit substance or a controlled substance analog.

NOTE: A "controlled substance analog" or an "analog" means a substance other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see **Appendix B**.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 402(a)(7)(ii) based upon the number of objects or segregated parts of an object or objects containing lysergic acid diethylamide (LSD), or a counterfeit substance possessed: 1. Section 402(a)(7)(B)(ii): With respect to 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 6 years and not more than 30 years; 2. Section 402(a)(7)(C)(ii): With respect to 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or less than 1500 segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 8 years and not more than 40 years; 3. Section 402(a)(7)(D)(ii): With respect to 1500 or more grams of any substance containing lysergic acid diethylamide (LSD), or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 10 years and not more than 50 years. See the **Sentencing Guide**.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

This subsection was amended by Public Act 99-0371. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(7.5)(A)(i)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCES

In violation of SECTION **402(a)(7.5)(A)(i)** ACT **570** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of _____, defendant, **(defendant's name)**, knowingly had in his possession 15 grams or more but less than 100 grams of a substance containing MDMA as listed in paragraph (2) of subsection (d) of Section 204 of the Illinois Controlled Substances Act,¹ a controlled substance,² commonly referred to as Ecstasy.

¹or any such substances listed in subsections (1), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; ²or a counterfeit substance or a controlled substance analog.

NOTE: A "controlled substance analog" or an "analog" means a substance other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 (Eff: 6-19-98))

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see **Appendix B**.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 402(a)(7.5)(i) based upon the amount of the controlled substance, or a counterfeit substance, listed in subsections (1), (2.1), (2.2), (3), (14.1), (19), (20), (21), (25) or (26) of subsection (d) of Section 204 of the Controlled Substances Act, possessed: **(1)** Section 402(a)(7)(B)(i): With respect to 100 grams or more but less than 400 grams of the controlled substance, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 6 years and not more than 30 years; **(2)** Section 402(a)(7)(C)(i): With respect to 400 grams or more but less than 900 grams of the controlled substance, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 8 years and not more than 40 years; **(3)** Section 402(a)(7)(D)(i): With respect to 900 or more grams of the controlled substance, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 10 years and not more than 50 years. See the **Sentencing Guide**.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: This offense was amended by Public Act: 96-0347 (Effective: 1-1-10).

This subsection was amended by Public Act 99-0371. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(7.5)(A)(ii)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCES

In violation of SECTION **402(a)(7.5)(A)(ii)** ACT **570** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of _____, defendant, **(defendant's name)**, knowingly had in his possession 15 or more but less than 200 pills¹ containing in them² any amount of MDMA as listed in paragraph (2) of subsection (d) of Section 204 of the Illinois Controlled Substances Act,³ a controlled substance,⁴ commonly referred to as Ecstasy.

¹or tablets, caplets, capsules, or objects; ²or having upon them; ³or any such substances listed in subsections (1), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204; ⁴or a counterfeit substance or a controlled substance analog.

NOTE: A "controlled substance analog" or an "analog" means a substance other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 (Eff: 6-19-98))

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see **Appendix B**.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 402(a)(7.5)(ii) based upon the number pills, tablets, caplets, capsules, or objects containing the controlled substance, or a counterfeit substance, listed in subsections (1), (2.1), (3), (14.1), (19), (20), (21), (25) or 26 of subsection (d) of Section 204 of the Controlled Substances Act, possessed: (1) Section 402(a)(7)(B)(ii): With respect to 200 or more but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of the controlled substance, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 6 years and not more than 30 years; (2) Section 402(a)(7)(C)(ii): With respect to 600 or more but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of the controlled substance, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 8 years and not more than 40 years; (3) Section 402(a)(7)(D)(ii): With respect to 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of the controlled substance, or a counterfeit substance, a violation would result in a sentence of imprisonment of not less than 10 years and not more than 50 years. See the **Sentencing Guide**.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide.**

This subsection was amended by Public Act 99-0371. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(8)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(8) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 30 grams or more of a substance containing pentazocine,¹ a controlled substance.²

¹or any of the salts, isomers or salts of isomers of pentazocine; ²or counterfeit substance or a controlled substance analog.

NOTE: A "controlled substance analog" or an "analog" means a substance other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see **Appendix B.**

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide.**

This subsection was amended by Public Act 99-0371. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(9)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(9) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 30 grams or more of a substance containing methaqualone,¹ a controlled substance.²

¹or any of the salts, isomers or salts of isomers of methaqualone; ²or a counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(10)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(10) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 30 grams or more of a substance containing phencyclidine,¹ a controlled substance,² commonly known as PCP.

¹or any of the salts, isomers or salts of isomers of phencyclidine (PCP); ²or counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(10.5)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(10.5) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 30 grams or more of a substance containing ketamine,¹ a controlled substance.²

¹or any of the salts, isomers or salts of isomers of ketamine; ²or counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(a)(11)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(a)(11) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly had in his possession 200 grams or more of a substance containing raw opium,¹ a controlled substance.²

¹or 200 more grams of any other controlled or counterfeit substance classified as a narcotic drug in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection; ²or a counterfeit substance or a controlled substance analog.

NOTE: A "controlled substance analog" or an "analog" means a substance other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II.

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

NOTE: For a definition of "controlled substance analog" or "analog" see Appendix C.

SENTENCING NOTE: Any person sentenced with respect to violations of Paragraph (1),(2),(3), (7) or (7.5) of subsection (a) of this Section involving 100 or more grams of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not to exceed \$200,000, or the full street value of the controlled or counterfeit substances, whichever is greater. Any person sentenced with respect to any other provision of subsection (a) may in addition to the penalties provided therein, be fined an amount not to exceed \$200,000. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

This subsection was amended by Public Act 99-0371. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 570/ 402(c)

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE

In violation of SECTION 402(c) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and unlawfully had in his possession less than 15 grams of a substance containing heroin,¹ a controlled substance,² other than as authorized in the Controlled Substances Act.

¹or any other amount of a controlled substance other than methamphetamine or counterfeit substance which is not otherwise included in this Section; ²or counterfeit substance

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 570/ 402(d)

UNLAWFUL POSSESSION OF ANABOLIC STEROIDS

In violation of SECTION 402(d) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly possessed dehydrochlormethyltestosterone, an anabolic steroid.¹

¹any anabolic steroid as defined in Section 102(c-1) of the Illinois Controlled Substances Act

NOTE: A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. (P.A. 90-593 - Eff: 6-19-98)

CHARGING NOTE: A subsequent violation of this subsection within 2 years of a prior conviction is a Class B misdemeanor. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created P.A. 87-754 (September 29, 1991).

CHARGE: Misdemeanor (Class C)

BOND: \$120

720 ILCS 570/ 404(b)

UNLAWFUL MANUFACTURE¹ OF LOOK-ALIKE SUBSTANCE

in violation of SECTION 404(b) of ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly manufactured² a look-alike substance.

¹distribution, advertisement, or possession with the intent to manufacture or distribute;

²or distributed, advertised, or possessed with the intent to manufacture or distribute a look-alike substance

NOTE: "Look-alike substance" means a substance, other than a controlled substance or a drug for which a prescription is required under federal or state law, which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance.

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 77-757 (August 16, 1971); Amended - P.A.s 77-2723, 78-255, 82-968, 83-655, 83-778, 83-1362 & 97-334.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 570/ 404(c)

UNLAWFUL POSSESSION OF LOOK-ALIKE SUBSTANCE

In violation of SECTION 404(c) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and unlawfully had in his possession a look-alike substance.

DEFINITION: For a definition of "look-alike substance" see Appendix C.

CHARGING NOTE: (1) For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B. (2) A second or subsequent offense is a Class C misdemeanor. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Petty Offense

BOND: No bond is now needed.
Public Act: 98-0870; Eff: 1-1-15.

720 ILCS 570/ 405(a)

UNLAWFUL CALCULATED CRIMINAL DRUG CONSPIRACY

In violation of SECTION 405(a) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), as part of a conspiracy undertaken with two¹ other persons, Daniel Shield and Paul Forest, in violation of Section 401(a)² of Act 570 of Chapter 720 of the Illinois Compiled Statutes, knowingly delivered to Don Smith 30 grams or more of a substance containing heroin, a controlled substance,³ and he obtained⁴ more than \$500.00 United States currency from such conspiracy.⁵

¹or more; ²or Section 401(c) or Section 402(a); ³or a counterfeit substance; ⁴or organized, directed or financed such conspiracy or violation; ⁵or violation

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 77-757 (August 16, 1971); Amended - P.A.s 77-2723, 78-255, 79-1362, 80-1099, 83-778 & 97-334.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 405.1

UNLAWFUL CRIMINAL DRUG CONSPIRACY

In violation of SECTION 405.1 ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent that the offense of the Unlawful Delivery of a Controlled Substance, in violation of Section 401(a)(1)(D)¹ of Act 570 of Chapter 720 of the Illinois Compiled Statutes, be committed, agreed with Don Smith to the commission of that offense in that said defendant and Don Smith agreed to deliver 1,000 grams of heroin to James Brown and Don Smith obtained said 1,000 grams of heroin so that said delivery could be made.²

¹or any offense set forth in Sections 401, 402 or 407 of the Illinois Controlled Substances Act; ²no person may be convicted of conspiracy to commit such an offense unless an act in furtherance of such agreement is alleged and proven to have been committed by him or by a co-conspirator

NOTE: A person convicted of criminal drug conspiracy may be fined or imprisoned, or both, but only term of imprisonment imposed shall be not less than the minimum nor more than the maximum provided for the offense which was the object of the conspiracy. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 86-809 (Eff. 1-1-90). Amended - P. A. 89-404, 90-593 & 97-334.

CHARGE: See Note.

BOND: See Note

720 ILCS 570/ 405.2

STREETGANG CRIMINAL DRUG CONSPIRACY

In violation of SECTION 405.2 ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in furtherance of the activities of an organized gang,¹ the May Street Deadheads, and as part of a conspiracy undertaken with two² other persons, David Shield and Jim Forest, in violation of Section 401(a)³ of Act 570 of Chapter 720 of the Illinois Compiled Statutes, knowingly delivered to Don Smith 30 grams or more of a substance containing heroin, a controlled substance,⁴ and said defendant occupied a position of supervising person⁵ over David Shield and Jim Forest.

¹as defined in the Illinois Street-gang Terrorism Omnibus Prevention Act; ²or more; ³or any subsection of Sections (a) or (a) of Section 401 of the Controlled Substances Act or any provision of the Methamphetamine Control and Community Protection Act; ⁴or a look-alike substance; ⁵or an organizer or any other position of management

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 89-498 (Eff: 6-27-96). Amended by Public Act 94-556.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 570/ 406(a)(1)

UNLAWFUL DISPENSING OF CONTROLLED SUBSTANCE

In violation of SECTION 406(a)(1) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), being a pharmacist engaged in the dispensing¹ of controlled substances within this State and registered to dispense controlled substances by the Department of Alcoholism and Substance Abuse under the Controlled Substances Act, and being subject to Article III of the Controlled Substances Act, knowingly dispensed to Don Smith, other than for a medical purpose, and to evade this Act, Robitussin AC,² which contains codeine,³ a controlled substance and failed to record the name and address of Don Smith, the name and quantity of the product, the date and time of the sale, and the signature of Don Smith.

¹or distribution; ²any Schedule V substance; ³or dihydrocodeine, or any salt thereof, or ethylmorphine, or any salt thereof, or any other narcotic drug listed in Section 212 of this Act.

NOTE: This offense originates in Section 312(c)(3) of the Controlled Substances Act. (See other complaints in this section for alternative charges)

CHARGING NOTE: A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 77-757 (August 16, 1971); Amended - P.A.s 77-2723, 78-255, 79-454, 83-778, 85-1287 & 97-334.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 570/ 406(a)(1)

UNLAWFUL DISPENSING OF CONTROLLED SUBSTANCE

In violation of SECTION 406(a)(1) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being a pharmacist engaged in the dispensing¹ of controlled substances within this State and registered to dispense controlled substances by the Department of Alcoholism and Substance Abuse under the Controlled Substances Act and being subject to Article III of the Controlled substances Act, knowingly filled a prescription for Don Smith for a substance which contained a quantity of codeine,² a controlled substance, which prescription was not issued upon the official prescription form issued by the Department of Alcoholism and Substance Abuse.

¹or distribution; ²or any Schedule II drug

NOTE: 720 ILCS 570/309 states: No person shall fill a prescription for a Schedule II controlled substance other than on the official prescription form issued by the Department of Alcoholism and Substance Abuse. (See other complaints in this section for alternative charges)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING NOTE: A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 570/ 406(a)(1)

UNLAWFUL DISPENSING OF CONTROLLED SUBSTANCE

In violation of SECTION 406(a)(1) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being a pharmacist engaged in the dispensing¹ of controlled substances within this State and registered to dispense controlled substances by the Department of Alcoholism and Substance Abuse under the Controlled Substances Act and being subject to Article III of the Controlled Substances Act, knowingly dispensed to Don Smith a substance which contained a quantity of amphetamine,² a controlled substance other than upon a written or lawful oral prescription of a practitioner.

¹or distribution; ²or any Schedule III, IV or V substance

NOTE: This offense originates in Section 312(a) and (b) of the Controlled Substances Act. (See other complaints in this section for alternative charges)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING NOTE: A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 570/ 406(a)(1)

UNLAWFUL DISPENSING OF CONTROLLED SUBSTANCE

In violation of SECTION 406(a)(1) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being a pharmacist engaged in the dispensing¹ of controlled substances within this State and registered to dispense controlled substances by the Department of Alcoholism and Substance Abuse under the Controlled Substances Act, and being subject to Article III of the Controlled Substances Act knowingly dispensed to Don Smith, in less than 96 hours, other than for a medical purpose, and to evade this Act, more than 120 milliliters of Robitussin AC,² which contains Codeine,³ a controlled substance.

¹or distribution; ²any Schedule V substance; ³or dihydrocodeine, or any salt thereof, or ethylmorphine, or any salts thereof, or any other narcotic drug listed in Section 212 of the Act

NOTE: This offense originates in Section 312(c)(7) of the Controlled Substances Act. (See other complaints in this section for alternative charges)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING NOTE: A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 570/ 406(a)(1)

UNLAWFUL DISPENSING OF CONTROLLED SUBSTANCE

In violation of SECTION 406(a)(1) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being a pharmacist engaged in the dispensing¹ of controlled substances within this State and registered to dispense controlled substances by the Department of Alcoholism and Substance Abuse under the Controlled Substances Act, and being subject to Article III of the Controlled Substances Act knowingly dispensed to Don Smith, in less than 96 hours, other than for a medical purpose, and to evade this Act, more than 120 milliliters of Robitussin AC,² which contains Codeine,³ a controlled substance.

¹or distribution; ²any Schedule V substance; ³or dihydrocodeine, or any salt thereof, or ethylmorphine, or any salts thereof, or any other narcotic drug listed in Section 212 of the Act

NOTE: This offense originates in Section 312(c)(7) of the Controlled Substances Act. (See other complaints in this section for alternative charges)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING NOTE: A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 570/ 406(a)(3)

UNLAWFUL FAILURE TO KEEP RECORD OF OFFICIAL PRESCRIPTIONS

In violation of SECTION 406(a)(3) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being a pharmacist¹ engaged in the dispensing² of controlled substances within this State and registered to dispense controlled substances by the Department of Alcoholism and Substance Abuse under the Controlled Substances Act, knowingly failed to keep³ copies of executed official prescription forms issued by the Department of Alcoholism and Substance Abuse for two years from the date they were filled.

¹or practitioner; ²or distribution; ³or refused to make, or furnish any record, notification, order form, statement, invoice or information

NOTE: This offense originates in Section 310 and 311 of the Controlled Substances Act. (See other complaints in this section for alternative charges)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING NOTE: A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 570/ 406(a)(4)

UNLAWFUL REFUSAL TO ALLOW INSPECTION OF CONTROLLED
SUBSTANCES RECORDS

In violation of SECTION 406(a)(6) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being a pharmacist¹ engaged in the dispensing² of controlled substances within this State and registered to dispense controlled substances by the Department of Alcoholism and Substance Abuse under the Controlled Substances Act, knowingly refused to allow Don Smith, a police officer engaged in the enforcement of the Controlled Substances Act, to enter into his pharmacy located at 777 May Street, Union City, Union County, Illinois, to inspect retained copies of his official prescription forms issued by the Department of Alcoholism and Substance Abuse.³

¹or practitioner; ²or distribution; ³any inspections authorized by this Act

NOTE: This offense originates out of Section 310 and 311 of the Controlled Substances Act. (See other complaints in this section for alternative charges)

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING NOTE: A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 570/ 406(b)(3)

UNLAWFUL ACQUISITION OF CONTROLLED SUBSTANCE

In violation of SECTION 406(b)(3) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly acquired¹ possession of a substance containing codeine,² a controlled substance, by misrepresentation,³ in that he represented himself to be James Brown and presented an official prescription form, issued by the Department of Alcoholism and Substance Abuse to Don Smith, a pharmacist, which official prescription form purported to have been issued to James Brown, dated May 30, 2008, signed Dr. Dawn White and purported to prescribe a quantity of codeine, a copy of the prescription form is attached hereto and made a part hereof by reference.⁴

¹or obtained possession; ²any controlled substance; ³or fraud, forgery, deception or subterfuge (detail information); ⁴although not indispensable to the validity of the complaint, a copy of the prescription should be attached to the charge if it is available. If unavailable, omit underlined words above

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING NOTE: A second or subsequent offense is a Class 3 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 570/ 406(b)(6)

UNLAWFUL POSSESSION OF PRESCRIPTION FORM

In violation of SECTION 406(b)(6) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly, without authorization, had in his possession twelve (12) official prescription forms¹ issued by the Department of Alcoholism and Substance Abuse.

¹or counterfeit prescription forms

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING NOTE: A second or subsequent offense is a Class 3 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 570/ 406(b)(7)

UNLAWFUL ISSUANCE OF PRESCRIPTION

In violation of SECTION 406(b)(7) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly issued a prescription on a document other than the official prescription form issued by the Illinois Department of Alcoholism and Substance Abuse.

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

CHARGING NOTE: A second or subsequent offense is a Class 3 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 570/ 406.1

PERMITTING THE UNLAWFUL USE OF A BUILDING

In violation of SECTION 406.1 ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly permitted¹ a building controlled by the defendant and located at 777 May Street, Union City, Illinois, to be used by Don Smith for the purpose of the unlawful delivery² of cocaine,⁴ a controlled substance.

¹or granted or made the building available for such use; ²or manufacture; ³or any controlled substance other than methamphetamine

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 85-537 (January 1, 1988). Amended by Public Act 94-556.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 570/ 406.1(a)(2)

UNAUTHORIZED POSSESSION OF A PRESCRIPTION FORM

In violation of SECTION 406.1(a)(2) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and without authorization possessed a blank¹ prescription form.

¹or counterfeit

NOTE: This subsection may also be violated as follows: (a)(1) knowingly altering a properly issued prescription, or (a)(3) knowingly possessing a prescription form not issued by a licensed prescriber. See the Sentencing Guide.

CHARGING AND SENTENCING NOTE: A second or subsequent violation of this offense is a Class 3 felony. The fine for the first offense shall be not more than \$100,000. The fine for each subsequent offense shall be not more than \$200,000. The charging instrument must state prior conviction. See Appendix A and the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was created by Public Act 95-0487 (Eff: 1-1-08).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 570/ 407(a)(1)(A)

UNLAWFUL DELIVERY OF CONTROLLED SUBSTANCE
(ENHANCED PENALTY)

In violation of SECTION 407(a)(1)(A) ACT 570 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being a person of the age of 18¹ years and upwards, knowingly delivered to Don Smith, a person under 18 years of age, in violation of Section 401(a) of Act 570 of Chapter 720 of the Illinois Compiled Statutes, 15 grams or more of a substance containing heroin,² a controlled substance,³ other than as authorized in the Controlled Substances Act.

¹720 ILCS 570/407 provides: Any person 18 years of age or over who violates any subsection of Section 401 by delivering a controlled, counterfeit, or look-alike substance to a person under 18 years of age, is punishable by a sentence up to twice the maximum otherwise authorized by the pertinent subsection of Section 401; ²or any other controlled substance in Section 401 or subsection (b) of Section 404 of the Controlled Substances Act; ³or counterfeit or look-alike substance

NOTE: For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 77-757 (August 16, 1971); Amended - P.A.s 77-2723, 78-255, 82-968, 84-1075, 85-616, 86-946, 87-1225, 91-353, 91-673, 93-223 & 94-556.

CHARGE: Felony (determined by underlying offense)

BOND: Must be Set by Judge

Intentionally Blank