

720 ILCS 600/ 3(a)

UNLAWFUL SALE OF DRUG PARAPHERNALIA

In violation of SECTION 3(a) of ACT 600 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 sold² for commercial consideration, five dollars, a water pipe, an item of drug paraphernalia,³ to Don Smith.

¹or intentionally or recklessly; ²or kept for sale, offered for sale or delivered; ³any item of drug paraphernalia

NOTE: See Appendix B for discussion of necessity of alleging mental state.

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

Legislative History: Created - P.A. 82-1032 (July 1, 1983); Amended - P.A.s 84-548, 85-199, 86-271, 86-1459, 86-1466, 87-435 and 87-828.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 600/ 3(a)

UNLAWFUL SALE¹ OF DRUG PARAPHERNALIA TO A MINOR

In violation of SECTION 3(a) ACT 600 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), a person 18 years of age or older, knowingly² sold³ for commercial consideration, five dollars, to Don Smith, a person under 18 years of age, a water pipe, an item of drug paraphernalia.

¹or delivery; ²or intentionally or recklessly; ³or delivered

NOTE: See Appendix B for discussion of necessity of alleging mental state.

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

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 600/ 3(b)

UNLAWFUL DELIVERY¹ OF DRUG PARAPHERNALIA TO A PREGNANT WOMAN

In violation of SECTION 3(b) of ACT 600 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), knowingly² sold³ for commercial consideration, five dollars, to Dawn Smith, a woman the defendant knew to be pregnant, a water pipe, an item of drug paraphernalia.

¹or sale; ²or intentionally or recklessly; ³or delivered

NOTE: See Appendix B for discussion of necessity of alleging mental state.

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

Legislative History: Created - P.A. 86-1459 (January 1, 1991).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

(Amended Sentencing Note)

720 ILCS 600/ 3.5(a)

UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA

In violation of SECTION 3.5(a) of ACT 600 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 a water pipe,¹ an item of drug paraphernalia, with the intent to use that water pipe in inhaling² cannabis³ into his body.⁴

¹or any item of drug paraphernalia; ²or ingesting or otherwise introducing; ³or a controlled substance; ⁴or any human body or in preparing cannabis or a controlled substance for that use

CHARGING AND SENTENCING NOTES: (1) Upon conviction, the court shall impose a minimum fine of \$750 in addition to any other penalty. (2) *If a person violates subsection (a) of Section 4 of the Cannabis Control Act, the penalty for possession of any drug paraphernalia seized during the violation for that offense shall be a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200. 3.5(c).* See the Sentencing Guide.

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

Legislative History: Created - P.A. 88-677 (Eff: 12-12-94). Amended by Public Act: 99-697; (Eff: 7-29-16).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 635/ 1

UNLAWFUL POSSESSION OF HYPODERMIC SYRINGE OR NEEDLE

In violation of SECTION 1 of ACT 635 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 hypodermic syringe and needle¹ adapted for the use of controlled substances² by subcutaneous injection, otherwise than as authorized by the Hypodermic Syringes and Needles Act.

¹or any instrument so adapted; ²or cannabis

NOTE: The word "unlawfully" was deleted from this complaint. See Appendix B for an explanation.

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

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

Legislative History: Created - Laws 1955, p.1408 (July 11, 1955); Amended - P.A. 77-771 and 93-392.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 635/ 2

UNLAWFUL SALE¹ OF HYPODERMIC SYRINGE OR NEEDLE

In violation of SECTION 2 of ACT 635 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 sold² to Don Smith, a hypodermic syringe and needle³ adapted for the use of controlled substances⁴ by subcutaneous injection, otherwise than as authorized by the Hypodermic Syringes and Needles Act.

¹or exchange or delivery; ²delivered or exchanged; ³or other instrument so adapted;
⁴or cannabis

NOTE: The word "unlawfully" was deleted from this complaint. See Appendix B.

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

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

Legislative History: Created - Laws 1955, p.1408 (July 11, 1965). Amended: 93-392.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 646/ 15(a)(2)(A)

UNLAWFUL PARTICIPATION IN METHAMPHETAMINE PRODUCTION

In violation of SECTION 15(a)(2)(A) of ACT 646 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 participated in the manufacture of less than 15 grams of methamphetamine.¹

¹or a substance containing methamphetamine

NOTE: "Participate" or "participation" in the manufacture of methamphetamine means to produce, prepare, compound, convert, process, synthesize, concentrate, purify, separate, extract, or package any methamphetamine, methamphetamine precursor, methamphetamine manufacturing catalyst, methamphetamine manufacturing reagent, methamphetamine manufacturing solvent, or any substance containing any of the foregoing, or to assist in any of these actions, or to attempt to take any of these actions, regardless of whether this action or these actions result in the production of finished methamphetamine.

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 15(a)(2) based upon the amount of methamphetamine or substance containing methamphetamine produced. 1. Section 15(a)(2)(B): With respect to 15 grams or more but less than 100 grams of methamphetamine or a substance containing methamphetamine, is a Class X felony and a violation would result in a sentence of imprisonment of not less than 6 years and not more than 30 years and a fine not to exceed \$100,000 or the street value of the methamphetamine manufactured, whichever is greater. 2. Section 15(a)(2)(C): With respect to 100 grams or more but less than 400 grams of methamphetamine or a substance containing methamphetamine, is a Class X felony and a violation would result in a sentence of imprisonment of not less than 9 years and not more than 40 years and a fine not to exceed \$200,000 or the street value of the methamphetamine manufactured, whichever is greater. 3. Section 15(a)(2)(D): With respect to 400 or more grams but less than 900 grams of methamphetamine or a substance containing

methamphetamine, is a Class X felony and a violation would result in a sentence of imprisonment of not less than 12 years and not more than 50 years and a fine not to exceed \$300,000 or the street value of the methamphetamine manufactured, whichever is greater. 4. Section 15(a)(2)(E): With respect to 900 or more grams of methamphetamine or a substance containing methamphetamine, is a Class X felony and a violation would result in a sentence of imprisonment of not less than 15 years and not more than 60 years and a fine not to exceed \$400,000 or the street value of the methamphetamine manufactured, whichever is greater. See the Sentencing Guide.

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

Legislative History: This offense was created by Public Act 94-556 (Eff: 9-11-05); Amended Public Act 94-830 & 95-571.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 646/ 15(b)(1)(A)

AGGRAVATED UNLAWFUL PARTICIPATION IN
METHAMPHETAMINE PRODUCTION

In violation of SECTION 15(b)(1)(A) of ACT 646 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 participated in the manufacture less than 15 grams of methamphetamine,¹ and the defendant knowing did so in a multi-unit dwelling place located at 777 May Street in Union City, Illinois.

¹or a substance containing methamphetamine or committed any other violation of paragraph (1) of subsection (a) of this Section

DEFINITION: For a definition of "Participate" or "participation" see Appendix C.

CHARGING AND SENTENCING NOTES: (1) For a discussion of whether it is necessary to allege and prove the "exceptions" to this criminal offense see Appendix B. (2) The following are alternative methods of violating Section 15(b)(1). (B) the person knowing does so in a structure or vehicle where a child under the age of 18, a person with a disability, or a person 60 years of age or older who is incapable of adequately providing for his or her own health and person care resides, is present, or is endangered by the manufacture of methamphetamine; or (C) the person does so in a structure or vehicle where a woman the person knows to be pregnant (not including but not limited to the person herself) resides, is present, or is endangered by the methamphetamine manufacturing; or (D) the person knowingly does so in a structure or vehicle protected by one or more firearms, explosive devices, booby traps, alarm systems, surveillance systems, guard dogs, or dangerous animals; or (E) the methamphetamine manufacturing in which the person participates is a contributing cause of the death, serious bodily injury, disability, or disfigurement of another person, including but not limited to an emergency service provider; or

(F) the methamphetamine manufacturing in which the person participates is a contributing cause of a fire or explosion that damages property belonging to another person; or (G) the person knowingly organizes, directs, or finances the methamphetamine manufacturing or activities carried out in support of the methamphetamine manufacturing, or (H) the methamphetamine manufacturing occurs within 1,000 feet of a place of worship or parsonage or within 1,000 feet of the real property comprising any school. See the Sentencing Guide.

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

Legislative History: Created by P.A. 94-556 (Eff: 9-11-05). Amended by Public Act 94-830 & 95-571. Recently amended by Public Act 98-0980. (Eff: 1-1-15.)

CHARGE: Felony (Class X)

BOND: Must be Set By Judge

720 ILCS 646/ 20(a)(1)

UNLAWFUL POSSESSION OF METHAMPHETAMINE PRECURSORS

In violation of SECTION 20(a)(1) of ACT 646 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 possessed¹ less than 15 grams of ephedrine, a methamphetamine precursor in a standard dosage form, with the intent that it be used to manufacture methamphetamine.²

¹or procured, transported, stored, or delivered; ²or a substance containing methamphetamine

NOTE: "Methamphetamine precursor" means ephedrine, pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone, phenyl acetone, phenyl-2-propanone, P2P, or any salt, optical isomer, or salt of an optical isomer of any of these chemicals.

NOTE: "Standard dosage form," as used in relation to an methamphetamine precursor, means that the methamphetamine precursor is contained in a pill, tablet, capsule, caplet, gel cap, or liquid cap that has been manufactured by a lawful entity and contains a standard quantity of methamphetamine precursor.

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 20(a)(1) based upon the amount of the methamphetamine precursors or substances containing methamphetamine precursors. Section 20(a)(2)(A): A person who possesses, procures, transports, stores, or delivers less than 15 grams of methamphetamine precursor or substance containing any methamphetamine precursor is guilty of a Class 2 felony. Section 20(a)(2)(B): A person who possesses, procures, transports, stores, or delivers 15 or more grams

but less than 30 grams of methamphetamine precursor or substance containing any methamphetamine precursor is guilty of a Class 1 felony. Section 20(a)(2)(C): A person who possesses, procures, transports, stores, or delivers 30 or more grams but less than 150 grams of methamphetamine precursor or substance containing any methamphetamine precursor is a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years and a fine not to exceed \$100,000. Section 20(a)(2)(D): A person who possesses, procures, transports, stores, or delivers 150 or more grams but less than 500 grams of methamphetamine precursor or substance containing any methamphetamine precursor is a Class X felony, subject to a term of imprisonment of not less than 8 years and not more than 40 years and a fine not to exceed \$200,000. Section 20(a)(2)(E): A person who possesses, procures, transports, stores, or delivers 500 or more grams of methamphetamine precursor or substance containing any methamphetamine precursor is a Class X felony, subject to a term of imprisonment of not less than 10 years and not more than 50 years and a fine not to exceed \$300,000. See the Sentencing Guide.

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

Legislative History: This offense was created by Public Act 94-556 (Eff: 9-11-05); Amended by Public Act 94-830 (Eff: 6-5-06).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 646/ 20(b)(1)

UNLAWFUL POSSESSION OF METHAMPHETAMINE PRECURSORS

In violation of SECTION 20(b)(1) of ACT 646 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 possessed¹ ephedrine, a methamphetamine precursor in other than a standard dosage form, with the intent that it be used to manufacture less than 10 grams of methamphetamine.²

¹or procured, transported, stored, or delivered; ²or a substance containing methamphetamine

NOTE: For a definition of "Methamphetamine precursor" and "Standard dosage form" 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 20(b)(1) based upon the amount of the methamphetamine precursors or substances containing methamphetamine precursors. 1. Section 20(b)(2)(A): A person who possesses, procures, transports, stores, or delivers a methamphetamine precursor or substance containing

any methamphetamine precursor with the intent to manufacture less than 10 grams of methamphetamine is guilty of a Class 2 felony. 2. Section 20(b)(2)(B): A person who possesses, procures, transports, stores, or delivers a methamphetamine precursor or substance containing any methamphetamine precursor with the intent to manufacture 10 or more grams but less than 20 grams of methamphetamine is guilty of a Class 1 felony. 3. Section 20(b)(2)(C): A person who possesses, procures, transports, stores, or delivers a methamphetamine precursor or substance containing any methamphetamine precursor with the intent to manufacture 20 or more grams but less than 100 grams of methamphetamine is a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years and a fine not to exceed \$100,000. 4. Section 20(b)(2)(D): A person who possesses, procures, transports, stores, or delivers a methamphetamine precursor or substance containing any methamphetamine precursor with the intent to manufacture 100 or more grams but less than 350 grams of methamphetamine is a Class X felony, subject to a term of imprisonment of not less than 8 years and not more than 40 years and a fine not to exceed \$200,000. 5. Section 20(b)(2)(E): A person who possesses, procures, transports, stores, or delivers a methamphetamine precursor or substance containing any methamphetamine precursor with the intent to manufacture 350 or more grams of methamphetamine is a Class X felony, subject to a term of imprisonment of not less than 10 years and not more than 50 years and a fine not to exceed \$300,000. See the Sentencing Guide.

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

Legislative History: Created by P.A. 94-556 (Eff: 9-11-05). Amended by Public Act 94-830.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 646/ 25(a)(1)

UNLAWFUL POSSESSION¹ OF ANHYDROUS AMMONIA

In violation of SECTION 25(a)(1) of ACT 646 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 possessed² anhydrous ammonia with the intent that it be used to manufacture methamphetamine.

¹or procurement, transportation, storage, or delivery; ²or procured, transported, stored, or delivered or attempted to engage in any of these activities or to assist another in engaging in any of these activities

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

Legislative History: This offense was created by Public Act 94-556 (Eff: 9-11-05); Amended by Public Act 94-830 and 95-690.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 646/ 25(b)(1)

AGGRAVATED UNLAWFUL POSSESSION¹ OF ANHYDROUS AMMONIA

In violation of SECTION 25(b)(1) of ACT 646 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 possessed² anhydrous ammonia with the intent that it be used to manufacture methamphetamine, and the defendant knowing did so in a multi-unit dwelling place located at 777 May Street in Union City, Illinois.

¹or procurement, transportation, storage, or delivery; ²or procured, transported, stored, or delivered or attempted to engage in any of these activities or to assist another in engaging in any of these activities

NOTE: The following are alternative methods of violating Section 25(b)(1): 1. (B) the person knowing does so in a structure or vehicle where a child under the age of 18, a person with a disability, or a person 60 years of age or older who is incapable of adequately providing for his or her own health and person care resides, is present, or is endangered by the anhydrous ammonia; or 2. (C) the person's possession of anhydrous ammonia is a contributing cause of the death, serious bodily injury, disability, or disfigurement of another person; or 3. (D) the person's possession of anhydrous ammonia is a contributing cause of a fire or explosion that damages property belonging to another person. See the Sentencing Guide.

CHARGING AND SENTENCING NOTE: A person who violates paragraph (1) of this subsection (b) is guilty of a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed \$100,000.

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

Legislative History: Created by P.A. 94-556 (Eff: 9-11-05). Amended by Public Act 94-830 & 95-690.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 646/ 25(c)(1)

UNLAWFUL POSSESSION¹ OF ANHYDROUS AMMONIA IN AN UNAUTHORIZED CONTAINER

In violation of SECTION 25(c)(1) of ACT 646 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 possessed² anhydrous ammonia in an unauthorized container.

¹or procurement, transportation, storage, or delivery; ²or procured, transported, stored, or delivered

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

Legislative History: Created by P.A. 94-556 (Eff: 9-11-05). Amended by Public Act 94-830 & 95-690.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 646/ 25(c)(1.5)

UNLAWFUL ATTEMPTED POSSESSION¹ OF ANHYDROUS AMMONIA
IN AN UNAUTHORIZED CONTAINER

In violation of SECTION 25(c)(1.5) of ACT 646 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 attempted to possess² anhydrous ammonia in an unauthorized container.

¹or procurement, transportation, storage, or delivery; ²or procure, transport, store, or delivery

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

Legislative History: Created by Public Act 95-690 (Eff: 1-1-08).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 646/ 25(d)(1)(C)

TAMPERING WITH ANHYDROUS AMMONIA EQUIPMENT

In violation of SECTION 25(d)(1)(C) of ACT 646 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), without authorization from the lawful owner, Sam Smith, knowingly tampered with anhydrous equipment owned by Sam Smith and located at 777 May Street in Union City, Illinois, in that the defendant vented¹ anhydrous ammonia into the environment.

¹or attempted to vent

NOTE: Alternative methods of violating this subsection include: (d)(1)(A) removing or attempting to remove anhydrous ammonia from the anhydrous ammonia equipment used by the lawful owner; or (d)(1)(B) damaging or attempting to damage the anhydrous ammonia equipment used by the lawful owner. See the Sentencing Guide.

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

Legislative History: Created by P.A. 94-556 (Eff: 9-11-05). Amended by Public Act 94-830 & 95-690.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 646/ 30(a)(1)

UNLAWFUL POSSESSION¹ OF METHAMPHETAMINE
MANUFACTURING MATERIALS

In violation of SECTION 30(a)(1) of ACT 646 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 possessed² (name the material), a methamphetamine manufacturing material, with the intent that it be used to manufacture methamphetamine.

¹or procurement, transportation, storage, or delivery; ²or procured, transported, stored, or delivered or attempted to engage in any of these activities or to assist another in engaging in any of these activities

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

Legislative History: This offense was created by Public Act 94-556 (Eff: 9-11-05); Amended by Public Act 94-830 (Eff: 6-5-06).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 646/ 35(a)

UNLAWFUL USE OF PROPERTY

In violation of SECTION 35(a) of ACT 646 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 used¹ a house² located at 777 May Street, Union City, Illinois, which was within said defendant control, to help bring about a violation of the Methamphetamine Control and Community Protection Act, to wit, said defendant (describe the violation of this Act).

¹or allowed the use of; ²or a vehicle, a structure, real property, or personal property

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

Legislative History: Created by Public Act 94-556 (Eff: 9-11-05).

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 646/ 40(a)

UNLAWFUL PROTECTION OF METHAMPHETAMINE PRODUCTION

In violation of SECTION 40(a) of ACT 646 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), knowing that Don Smith was participating¹ in the manufacture of methamphetamine in a house located at 777 May Street, Union City, Illinois, and with the intent to help prevent the detection of² this methamphetamine manufacturing, served as a lookout for³ that methamphetamine manufacturing.

¹or had been participating or would be participating; ²or the interference with; ³or a guard of

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

Legislative History: Created by Public Act 94-556 (Eff: 9-11-05).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 646/ 45(a)

UNLAWFUL DISPOSAL¹ OF METHAMPHETAMINE MANUFACTURING WASTE

In violation of SECTION 45(a) of ACT 646 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), knowing that the waste was used in the manufacture of methamphetamine, knowingly disposed¹ of methamphetamine manufacturing waste in that said defendant (describe waste and the act of disposal).

¹or burned or placed in a trash receptacle

NOTE: "Dispose" or "disposal" means to abandon, discharge, release, deposit, inject, dump, spill, leak, or place methamphetamine waste onto or into any land, water, or well of any type so that the waste has the potential to enter the environment, be emitted into the air, or be discharged into the soil or any waters, including groundwater. "Methamphetamine manufacturing waste" means any chemical substance, ingredient, equipment, apparatus, or item that is left over from, results from, or is produced by the process of manufacturing methamphetamine, other than finished methamphetamine.

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

Legislative History: This offense was created by Public Act 94-556 (Eff: 9-11-05); Amended by Public Act 94-830 (Eff: 6-5-06).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 646/ 50(a)

UNLAWFUL METHAMPHETAMINE RELATED CHILD ENDANGERMENT

In violation of SECTION 50(a) of ACT 646 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 endangered the life and health of Dawn Smith, a child, by exposing¹ Dawn Smith to a methamphetamine manufacturing environment in that (describe the defendant's act of exposing the victim to a methamphetamine manufacturing environment).

¹or allowing the exposure of

NOTE: "Methamphetamine manufacturing environment" means a structure or vehicle in which: (1) methamphetamine is being or has been manufactured; (2) chemicals that are being used, have been used, or are intended to be used to manufacture methamphetamine are stored; (3) methamphetamine manufacturing materials that have been used to manufacture methamphetamine are being stored; or (4) methamphetamine manufacturing waste is stored.

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

Legislative History: Created by Public Act 94-556 (Eff: 9-11-05).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 646/ 50(b)

AGGRAVATED UNLAWFUL METHAMPHETAMINE-RELATED CHILD ENDANGERMENT

In violation of SECTION 50(b) of ACT 646 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 endangered the life and health of Dawn Smith, a child, by exposing¹ Dawn Smith to a methamphetamine manufacturing environment and as a result of that exposure Dawn Smith suffered great bodily harm² in that (describe the defendant's act of exposing the victim to a methamphetamine manufacturing environment and the harm caused to the victim).

¹or allowing the exposure of; ²or death, disability or disfigurement

NOTE: For a definition of "Methamphetamine manufacturing environment" see Appendix C.

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

Legislative History: Created by P.A. 94-556 (Eff: 9-11-05).

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 646/ 55(a)(1)

UNLAWFUL DELIVERY¹ OF METHAMPHETAMINE

In violation of SECTION 55(a)(1) of ACT 646 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 delivered² less than 5 grams of methamphetamine³ to Don Smith.

¹or possession of methamphetamine with the intent to deliver; ²or possessed with the intent to deliver; ³or a substance containing methamphetamine

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 55(a)(1) based upon the amount of the methamphetamine or the substances containing methamphetamine delivered or possessed with the intent to deliver. 1. Section 55(a)(2)(A): A person who delivers or possessed with the intent to deliver less than 5 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class 2 felony. 2. Section 55(a)(2)(B): A person who delivers or possesses with the intent to deliver 5 or more grams but less than 15 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class 1 felony. 3. Section 55(a)(2)(C): A person delivers or possesses with the intent to deliver 15 or more grams but less than 100 grams of methamphetamine or a substance containing methamphetamine is a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years and a fine not to exceed \$100,000 or the street value of the methamphetamine, whichever is greater. 4. Section 55(a)(2)(D): A person who delivers or possesses with the intent to deliver 100 or more grams but less than 400 grams of methamphetamine or a substance containing methamphetamine is a Class X felony, subject to a term of imprisonment of not less than 9 years and not more than 40 years and a fine not to exceed \$200,000 or the street value of the methamphetamine, whichever is greater. 5. Section 55(a)(2)(E): A person who delivers or possesses with the intent to deliver 400 or more grams but less than 900 grams of methamphetamine or a substance containing methamphetamine is a Class X felony, subject to a term of imprisonment of not less than 12 years and not more than 50 years and a fine not to exceed \$300,000 or the street value of the methamphetamine, whichever is greater. 6. Section 55(a)(2)(F): A person who delivers or possesses with the intent to deliver 900 or more grams of methamphetamine or a substance containing methamphetamine is a Class X felony, subject to a term of imprisonment of not less than 15 years and not more than 60 years and a fine not to exceed \$400,000 or the street value of the methamphetamine, whichever is greater. See the Sentencing Guide.

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

Legislative History: This offense was created by Public Act 94-556 (Eff: 9-11-05). Amended by Public Act 94-830.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 646/ 56(a)

METHAMPHETAMINE TRAFFICKING

In violation of SECTION 56(a) of ACT 646 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 2500 or more grams of methamphetamine² into the State of Illinois for the purpose of delivering³ said methamphetamine, in that said defendant (describe the act(s) of the defendant).

¹or caused to be brought; ²or anhydrous ammonia or a methamphetamine precursor; ³or for the purpose of manufacturing or with the intent to manufacture or deliver

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 methamphetamine trafficking shall be sentenced to a term of imprisonment not less than twice the minimum term and not more than the maximum term of imprisonment based upon the amount of methamphetamine brought or caused to be brought into Illinois, as provided in subsection (a) of Section 55 of this Act (720 ILCS 646/56(b); or Section 20 of this Act if a methamphetamine precursor is brought into or caused to be brought into Illinois (720 ILCS 646/56(c)); or Section 25 of this Act if anhydrous ammonia is brought into or caused to be brought into Illinois (720 ILCS 646/56(d)). See the Sentencing Guide.

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

Legislative History: Created by Public Act 94-0830 (Eff: 6-5-06).

CHARGE: See Note A.

BOND: Must be Set by Judge

720 ILCS 646/ 60(b)(1)

UNLAWFUL POSSESSION OF METHAMPHETAMINE¹

In violation of SECTION 60(b)(1) of ACT 646 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 less than 5 grams of methamphetamine.¹

¹or a substance containing methamphetamine

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 60(a) based upon the amount of methamphetamine or substance containing methamphetamine produced: 1. Section (b)(1): With respect to less than 5 grams of methamphetamine or a substance containing methamphetamine, is a Class 3; or 2. Section 60(b)(2): With respect to 5 grams or more but less than 15 grams of methamphetamine or a substance containing methamphetamine, is a Class 2 felony. 3. Section 60(b)(3): With respect to 15 or more grams but less than 100 grams of methamphetamine or a substance containing methamphetamine, is a Class 1 felony. 4. Section 60(b)(4): With respect to 100 or more grams but less than 400 grams of methamphetamine or a substance containing methamphetamine, is a Class X felony and a violation would result in a sentence of imprisonment of not less than 6 years and not more than 30 years and a fine not to exceed \$100,000. 4. Section 60(b)(5): With respect to 400 or more grams but less than 900 grams of methamphetamine or a substance containing methamphetamine, is a Class X felony and a violation would result in a sentence of imprisonment of not less than 8 years and not more than 40 years and a fine not to exceed \$200,000. 4. Section 60(b)(6): With respect to 900 or more grams of methamphetamine or a substance containing methamphetamine, is a Class X felony and a violation would result in a sentence of imprisonment of not less than 10 years and not more than 50 years and a fine not to exceed \$300,000. See the Sentencing Guide.

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

Legislative History: Created by Public Act 94-556 (Eff: 9-11-05).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 646/ 65(a)

UNLAWFUL METHAMPHETAMINE CONSPIRACY

In violation of SECTION 65(a) of ACT 646 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 Methamphetamine, in violation of Section 55(a)(1)¹ of Act 646 of Chapter 720 of the Illinois Compiled Statutes, be committed, agreed with James Brown to the commission of that offense in that said defendant and James Brown agreed to deliver 4 grams of methamphetamine to Don Smith and James Brown obtained said 4 grams of methamphetamine so that said delivery could be made.²

¹or any provision forth in Methamphetamine Control and Community Protection 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 engaging in a methamphetamine conspiracy shall face the penalty for the offense that was the object of the conspiracy and may be held accountable for the cumulative weight of any methamphetamine, substance containing methamphetamine, methamphetamine precursor, or substance containing a methamphetamine precursor attributable to the conspiracy for the duration of the conspiracy. See the Sentencing Guide.

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

Legislative History: Created by Public Act 94-556 (Eff: 9-11-05).

CHARGE: See Note.

BOND: See Note

720 ILCS 648/ 20(b)

UNLAWFUL ACQUISITION OF METHAMPHETAMINE PRECURSORS

In violation of SECTION 20(b) of ACT 648 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 received¹ more than 7,500 milligrams of ephedrine², a methamphetamine precursor, within a thirty-day period, to wit: (provide the amount of ephedrine² the defendant received and the date(s) of that receipt.)

¹or purchased or otherwise acquired; ²or or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

CHARGING AND SENTENCING NOTE: The following are variations of violations of Section 20(b) based upon the amount of ephedrine or pseudoephedrine purchased, received or acquired by the defendant. (A) More than 7,500 milligrams but less than 15,000 milligrams, Class B misdemeanor; (B) 15,000 or more but less than 22,500 milligrams, Class A misdemeanor; (C) 22,500 or more but less than 30,000 milligrams, Class 4 felony; (D) 30,000 or more but less than 37,500 milligrams, Class 3 felony; (E) 37,500 or more but less than 45,000 milligrams, Class 2 felony; (F) 45,000 or more milligrams, Class 1 felony. See the Sentencing Guide.

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

Legislative History: This offense was created by Public Act 94-556 (Eff: 9-11-05); Amended by Public Act 94-830 (Eff: 6-5-06).

CHARGE: Depends Upon Amount

BOND: Depends Upon Charge

720 ILCS 648/ 20(f)

UNLAWFUL PROCUREMENT OF METHAMPHETAMINE PRECURSORS

In violation of SECTION 20(f) of ACT 648 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), for the purpose of evading the Methamphetamine Precursor Control Act¹, knowingly procured ephedrine, a targeted methamphetamine precursor², for Sam Smith, a third party.

¹or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act; ²or any targeted methamphetamine precursor.

DEFINITIONS: For purposes of this Subsection, "Procure" means to purchase, steal, gather, or otherwise obtain, for oneself or another person, by legal or illegal means, or to cause another to take that action. "Targeted methamphetamine precursor" means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers. 720 ILCS 648/10

CHARGING NOTE: Any person convicted of a second or subsequent violation under this subsection is guilty of a Class 4 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

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

Legislative History: This subsection was created by Public 98-0371, eff. 8-16-13.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 680/ 3

UNLAWFUL SALE OF SMOKELESS TOBACCO

In violation of SECTION 3 of ACT 680 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 sold smokeless tobacco to Don Smith, a person under the age of 18 years.

¹or intentionally or recklessly

NOTE: Smokeless tobacco means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

SENTENCING NOTE: Any person who violates this Section shall be guilty of a business offense punishable by a fine of not more than \$50 for each violation.

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

Legislative History: Created - P.A. 85-465 (January 1, 1988).

CHARGE: Business Offense

720 ILCS 680/ 4

UNLAWFUL DISTRIBUTION OF SMOKELESS TOBACCO

In violation of SECTION 4 of ACT 680 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 distributed,² without charge,³ smokeless tobacco to Don Smith, a person under the age of 18 years.

¹or intentionally or recklessly; ²or caused to be distributed; ³or at nominal cost

NOTE: Smokeless tobacco means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

SENTENCING NOTE: This offense is punishable for a first offense by a fine of \$200, for a second offense in a 12-month period by a fine of \$400, and for the third or any subsequent offense in a 12-month period by a fine of \$600. One-half of each fine collected under this Section shall be distributed to the unit of local government or other entity that successfully prosecuted the offender and one-half shall be remitted to the State to be used for the enforcement of this Act. See the Sentencing Guide.

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

Legislative History: Created - P.A. 85-465 (January 1, 1988); Amended - P.A. 88-418.

CHARGE: Business Offense

720 ILCS 690/ 1

UNLAWFUL USE OF INTOXICATING COMPOUNDS

In violation of SECTION 1 of ACT 635 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 inhaled¹ a compound² containing toluol³ for the purpose of inducing a condition of intoxication.⁴

¹or ingested, breathed, or drank; ²or liquid, or chemical; ³720 ILCS 690/1 proscribes the ingesting, inhaling, drinking, or breathing of the following intoxicating compounds: Toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichlorethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, the alkaloids atropine, hyoscyamine, or scopolamine, or any other substance; ⁴or for the purpose of inducing a condition of stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting or disturbing the auditory, visual or mental processes

NOTE: Any condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior or a condition which in any manner changes, distorts or disturbs the auditory, visual, or mental processes shall be deemed to be an intoxicated condition.

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

CHARGING NOTE: The knowing ingestion of any compound, liquid, or chemical containing the alkaloids atropine hyoscyamine, or scopolamine, is a Class A misdemeanor.

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

Legislative History: Created - Laws 1965, p.2718 (August 6, 1965); Amended - P.A. 89-235 & 89-640.

CHARGE: Misdemeanor (Class C)

BOND: \$120

720 ILCS 690/ 2(a)

UNLAWFUL SALE OF INTOXICATING COMPOUNDS

In violation of SECTION 2(a) of ACT 690 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 sold¹ to Don Smith, a person under 17 years of age a compound² containing toluol³ which will induce a condition of intoxication as defined in this Act, knowing⁴ such compound is intended for use to induce such condition.

¹or offered for sale, delivered or gave; ²or liquid, or chemical; ³see proscribed intoxicants on previous page; ⁴or having reason to know that

NOTE: Any condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior or a condition which in any manner changes, distorts, disturbs the auditory, visual, or mental processes shall be deemed to be an intoxicated condition.

NOTE: No person shall knowingly sell or offer for sale, deliver, or give to any person any compound, liquid, or chemical containing alkaloids atropine, hyoscyamine, or scopolamine when the seller, offerer, or deliverer knows or has reason to know that the compound, liquid, or chemical is intended for use to induce an intoxicated condition. (720 ILCS 690/2(b))

CHARGING NOTES: A second or subsequent offense is a Class A Misdemeanor. The charging instrument must state prior conviction. See Appendix A for discussion. The sale, offer for sale, delivery, or giving to any person of a compound, liquid, or chemical containing the alkaloids atropine, hyoscyamine, or scopolamine is a Class 4 felony. See the Sentencing Guide.

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

Legislative History: Created - Laws 1965, p.2718 (August 6, 1965): Amended - P.A. 89-641 and 96-1440.

CHARGE: Misdemeanor (Class C)

BOND: \$120
