

**SB0274**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB0274**

Introduced 2/7/2007, by Sen. Larry K. Bomke

**SYNOPSIS AS INTRODUCED:**

720 ILCS 646/25

Amends the Methamphetamine Control and Community Protection Act. Provides that it is a Class 3 felony to attempt to possess, procure, transport, store, or deliver anhydrous ammonia in an unauthorized container. Effective January 1, 2008.

LRB095 10521 RLC 30737 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning criminal law.

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

4 Section 5. The Methamphetamine Control and Community  
5 Protection Act is amended by changing Section 25 as follows:

6 (720 ILCS 646/25)

7 Sec. 25. Anhydrous ammonia.

8 (a) Possession, procurement, transportation, storage, or  
9 delivery of anhydrous ammonia with the intent that it be used  
10 to manufacture methamphetamine.

11 (1) It is unlawful to knowingly engage in the  
12 possession, procurement, transportation, storage, or  
13 delivery of anhydrous ammonia or to attempt to engage in  
14 any of these activities or to assist another in engaging in  
15 any of these activities with the intent that the anhydrous  
16 ammonia be used to manufacture methamphetamine.

17 (2) A person who violates paragraph (1) of this  
18 subsection (a) is guilty of a Class 1 felony.

19 (b) Aggravated possession, procurement, transportation,  
20 storage, or delivery of anhydrous ammonia with the intent that  
21 it be used to manufacture methamphetamine.

22 (1) It is unlawful to knowingly engage in the  
23 aggravated possession, procurement, transportation,

1 storage, or delivery of anhydrous ammonia with the intent  
2 that it be used to manufacture methamphetamine. A person  
3 commits this offense when the person engages in the  
4 possession, procurement, transportation, storage, or  
5 delivery of anhydrous ammonia or attempts to engage in any  
6 of these activities or assists another in engaging in any  
7 of these activities with the intent that the anhydrous  
8 ammonia be used to manufacture methamphetamine and:

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

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

17 (C) the person's possession, procurement,  
18 transportation, storage, or delivery of anhydrous  
19 ammonia is a contributing cause of the death, serious  
20 bodily injury, disability, or disfigurement of another  
21 person; or

22 (D) the person's possession, procurement,  
23 transportation, storage, or delivery of anhydrous  
24 ammonia is a contributing cause of a fire or explosion  
25 that damages property belonging to another person.

26 (2) A person who violates paragraph (1) of this

1 subsection (b) is guilty of a Class X felony, subject to a  
2 term of imprisonment of not less than 6 years and not more  
3 than 30 years, and subject to a fine not to exceed  
4 \$100,000.

5 (c) Possession, procurement, transportation, storage, or  
6 delivery of anhydrous ammonia in an unauthorized container.

7 (1) It is unlawful to knowingly possess, procure,  
8 transport, store, or deliver anhydrous ammonia or to  
9 attempt to possess, procure, transport, store, or deliver  
10 anhydrous ammonia in an unauthorized container.

11 (2) A person who violates paragraph (1) of this  
12 subsection (c) is guilty of a Class 3 felony.

13 (3) Affirmative defense. It is an affirmative defense  
14 that the person charged possessed, procured, transported,  
15 stored, or delivered anhydrous ammonia in a manner that  
16 substantially complied with the rules governing anhydrous  
17 ammonia equipment found in 8 Illinois Administrative Code  
18 Section 215, in 92 Illinois Administrative Code Sections  
19 171 through 180, or in any provision of the Code of Federal  
20 Regulations incorporated by reference into these Sections  
21 of the Illinois Administrative Code.

22 (d) Tampering with anhydrous ammonia equipment.

23 (1) It is unlawful to knowingly tamper with anhydrous  
24 ammonia equipment. A person tampers with anhydrous ammonia  
25 equipment when, without authorization from the lawful  
26 owner, the person:

1           (A) removes or attempts to remove anhydrous  
2 ammonia from the anhydrous ammonia equipment used by  
3 the lawful owner;

4           (B) damages or attempts to damage the anhydrous  
5 ammonia equipment used by the lawful owner; or

6           (C) vents or attempts to vent anhydrous ammonia  
7 into the environment.

8           (2) A person who violates paragraph (1) of this  
9 subsection (d) is guilty of a Class 3 felony.

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

11           Section 99. Effective date. This Act takes effect January  
12 1, 2008.