



Rep. Jil Tracy

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09500SB0274ham001

LRB095 10521 RLC 36811 a

1 AMENDMENT TO SENATE BILL 274

2 AMENDMENT NO. _____. Amend Senate Bill 274 by replacing
3 everything after the enacting clause with the following:

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.

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

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

6 (1) It is unlawful to knowingly engage in the
7 aggravated possession, procurement, transportation,
8 storage, or delivery of anhydrous ammonia with the intent
9 that it be used to manufacture methamphetamine. A person
10 commits this offense when the person engages in the
11 possession, procurement, transportation, storage, or
12 delivery of anhydrous ammonia or attempts to engage in any
13 of these activities or assists another in engaging in any
14 of these activities with the intent that the anhydrous
15 ammonia be used to manufacture methamphetamine and:

16 (A) the person knowingly does so in a multi-unit
17 dwelling;

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

24 (C) the person's possession, procurement,
25 transportation, storage, or delivery of anhydrous
26 ammonia is a contributing cause of the death, serious

1 bodily injury, disability, or disfigurement of another
2 person; or

3 (D) the person's possession, procurement,
4 transportation, storage, or delivery of anhydrous
5 ammonia is a contributing cause of a fire or explosion
6 that damages property belonging to another person.

7 (2) A person who violates paragraph (1) of this
8 subsection (b) is guilty of a Class X felony, subject to a
9 term of imprisonment of not less than 6 years and not more
10 than 30 years, and subject to a fine not to exceed
11 \$100,000.

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

14 (1) It is unlawful to knowingly possess, procure,
15 transport, store, or deliver anhydrous ammonia in an
16 unauthorized container.

17 (1.5) It is unlawful to attempt to possess, procure,
18 transport, store, or deliver anhydrous ammonia in an
19 unauthorized container.

20 (2) A person who violates paragraph (1) of this
21 subsection (c) is guilty of a Class 3 felony. A person who
22 violates paragraph (1.5) of this subsection (c) is guilty
23 of a Class 4 felony.

24 (3) Affirmative defense. It is an affirmative defense
25 that the person charged possessed, procured, transported,
26 stored, or delivered anhydrous ammonia in a manner that

1 substantially complied with the rules governing anhydrous
2 ammonia equipment found in 8 Illinois Administrative Code
3 Section 215, in 92 Illinois Administrative Code Sections
4 171 through 180, or in any provision of the Code of Federal
5 Regulations incorporated by reference into these Sections
6 of the Illinois Administrative Code.

7 (d) Tampering with anhydrous ammonia equipment.

8 (1) It is unlawful to knowingly tamper with anhydrous
9 ammonia equipment. A person tampers with anhydrous ammonia
10 equipment when, without authorization from the lawful
11 owner, the person:

12 (A) removes or attempts to remove anhydrous
13 ammonia from the anhydrous ammonia equipment used by
14 the lawful owner;

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

17 (C) vents or attempts to vent anhydrous ammonia
18 into the environment.

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

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

22 Section 99. Effective date. This Act takes effect January
23 1, 2008."