

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 in an
9 unauthorized container.

10 (1.5) It is unlawful to attempt to possess, procure,
11 transport, store, or deliver anhydrous ammonia in an
12 unauthorized container.

13 (2) A person who violates paragraph (1) of this
14 subsection (c) is guilty of a Class 3 felony. A person who
15 violates paragraph (1.5) of this subsection (c) is guilty
16 of a Class 4 felony.

17 (3) Affirmative defense. It is an affirmative defense
18 that the person charged possessed, procured, transported,
19 stored, or delivered anhydrous ammonia in a manner that
20 substantially complied with the rules governing anhydrous
21 ammonia equipment found in 8 Illinois Administrative Code
22 Section 215, in 92 Illinois Administrative Code Sections
23 171 through 180, or in any provision of the Code of Federal
24 Regulations incorporated by reference into these Sections
25 of the Illinois Administrative Code.

26 (d) Tampering with anhydrous ammonia equipment.

1 (1) It is unlawful to knowingly tamper with anhydrous
2 ammonia equipment. A person tampers with anhydrous ammonia
3 equipment when, without authorization from the lawful
4 owner, the person:

5 (A) removes or attempts to remove anhydrous
6 ammonia from the anhydrous ammonia equipment used by
7 the lawful owner;

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

10 (C) vents or attempts to vent anhydrous ammonia
11 into the environment.

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

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

15 Section 99. Effective date. This Act takes effect January
16 1, 2008.