



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5177

Introduced 2/1/2010, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

720 ILCS 646/36 new

Amends the Methamphetamine Control and Community Protection Act. Provides that whenever a State or local law enforcement agency becomes aware that an inhabitable property has been contaminated by its use as a clandestine methamphetamine drug lab, the agency shall report the contamination to the Department of State Police and to the local public health officer. Provides that the Department of State Police shall maintain a list of inhabitable property that has been reported as contaminated, and the list must be made available to the public through a website. Provides that the property shall be removed from the list when the contamination has been removed. Provides that once an inhabitable property has been removed from the list, a property owner, landlord, or real estate agent is not required to report or otherwise disclose the past contamination.

LRB096 17899 RLC 33267 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding Section 36 as follows:

6 (720 ILCS 646/36 new)

7 Sec. 36. Clandestine methamphetamine drug lab; reports.

8 (a) Whenever a State or local law enforcement agency
9 becomes aware that an inhabitable property has been
10 contaminated by its use as a clandestine methamphetamine drug
11 lab, the agency shall report the contamination to the
12 Department of State Police and to the local public health
13 officer.

14 (b) The Department of State Police shall maintain a list of
15 inhabitable property that has been reported as contaminated,
16 and the list must be made available to the public through a
17 website except as provided in subsection (c).

18 (c) Upon confirmation by the Department of State Police
19 that an inhabitable property has been properly remediated to
20 the standards established by the Department of State Police or
21 that the inhabitable property meets the decontamination
22 standards without decontamination, the Department of State
23 Police shall remove the inhabitable property from the list

1 required in subsection (b). The Department of State Police
2 shall provide written notification to the local public health
3 officer and the property owner of record when the documentation
4 shows that the inhabitable property has been properly assessed
5 or remediated.

6 (d) The Department of State Police may adopt rules
7 establishing reasonable requirements for the sufficiency of
8 documentation to be provided by a certified contractor.

9 (e) Notwithstanding any other provision of law, once an
10 inhabitable property has been removed from the list required in
11 subsection (b), a property owner, landlord, or real estate
12 agent is not required to report or otherwise disclose the past
13 contamination.

14 (f) For the purposes of this Section, "clandestine
15 methamphetamine drug lab" means any parts of a dwelling,
16 building, motor vehicle, trailer, or appliance occupied or
17 affected by conditions or chemicals, or both, typically
18 associated with the unlawful manufacture or attempt to
19 manufacture methamphetamine.