



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1258

Introduced 02/08/11, by Rep. Keith Farnham - Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

720 ILCS 550/10.4 new  
720 ILCS 570/411.4 new  
720 ILCS 646/10  
720 ILCS 646/90

Amends the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act. Provides that a person convicted of or placed on supervision for manufacturing or delivering cannabis, a controlled substance, or methamphetamine whose violation proximately caused any incident resulting in an appropriate emergency response shall be liable for the expense of the emergency response. Provides for additional assessments for persons convicted of any such offenses. Provides for the distribution of the additional assessments to various units of government. Provides that any moneys received by a law enforcement agency under these provisions shall be used to purchase law enforcement equipment that will assist in the prevention of drug related criminal violence throughout the State.

LRB097 06291 RLC 46367 b

FISCAL 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 Cannabis Control Act is amended by adding  
5 Section 10.4 as follows:

6 (720 ILCS 550/10.4 new)

7 Sec. 10.4. Reimbursement of unit of government for  
8 emergency response.

9 (a) As used in this Section, "emergency response" means any  
10 incident involving the illegal manufacture or delivery of  
11 cannabis requiring a response by a police officer, a  
12 firefighter carried on the rolls of a regularly constituted  
13 fire department, or an ambulance.

14 (b) Every person found guilty of violating Section 5, 5.1,  
15 5.2, or 9 of this Act, including any person placed on court  
16 supervision for violating subsection (a) or (b) of Section 5 of  
17 this Act, whose violation proximately caused any incident  
18 resulting in an appropriate emergency response shall be liable  
19 for the expense of an emergency response.

20 (c) In addition to any other penalties and liabilities, a  
21 person who is found guilty of or pleads guilty to violating  
22 Section 5, 5.1, 5.2, or 9 of this Act, including any person  
23 placed on court supervision for violating subsection (a) or (b)

1 of Section 5 of this Act, shall be assessed \$750, payable to  
2 the circuit clerk, who shall distribute the money as follows:  
3 \$350 to the law enforcement agency that made the arrest, and  
4 \$400 shall be forwarded to the State Treasurer for deposit into  
5 the General Revenue Fund. If the person has been previously  
6 convicted of violating Section Section 5, 5.1, 5.2, or 9 of  
7 this Act, the fine shall be \$1,000, and the circuit clerk shall  
8 distribute \$200 to the law enforcement agency that made the  
9 arrest and \$800 to the State Treasurer for deposit into the  
10 General Revenue Fund. In the event that more than one agency is  
11 responsible for the arrest, the amount payable to law  
12 enforcement agencies shall be shared equally. Any moneys  
13 received by a law enforcement agency under this Section shall  
14 be used to purchase law enforcement equipment that will assist  
15 in the prevention of drug related criminal violence throughout  
16 the State.

17 Section 10. The Illinois Controlled Substances Act is  
18 amended by adding Section 411.4 as follows:

19 (720 ILCS 570/411.4 new)

20 Sec. 411.4. Reimbursement of unit of government for  
21 emergency response.

22 (a) As used in this Section, "emergency response" means any  
23 incident involving the illegal manufacture or delivery of a  
24 controlled substance requiring a response by a police officer,

1 a firefighter carried on the rolls of a regularly constituted  
2 fire department, or an ambulance.

3 (b) Every person found guilty of violating Section 401,  
4 407, or 407.2 of this Act whose violation proximately caused  
5 any incident resulting in an appropriate emergency response  
6 shall be liable for the expense of an emergency response.

7 (c) In addition to any other penalties and liabilities, a  
8 person who is found guilty of or pleads guilty to violating  
9 Section 401, 407, or 407.2 of this Act shall be assessed \$750,  
10 payable to the circuit clerk, who shall distribute the money as  
11 follows: \$350 to the law enforcement agency that made the  
12 arrest, and \$400 shall be forwarded to the State Treasurer for  
13 deposit into the General Revenue Fund. If the person has been  
14 previously convicted of violating Section Section 401, 407, or  
15 407.2 of this Act, the fine shall be \$1,000, and the circuit  
16 clerk shall distribute \$200 to the law enforcement agency that  
17 made the arrest and \$800 to the State Treasurer for deposit  
18 into the General Revenue Fund. In the event that more than one  
19 agency is responsible for the arrest, the amount payable to law  
20 enforcement agencies shall be shared equally. Any moneys  
21 received by a law enforcement agency under this Section shall  
22 be used to purchase law enforcement equipment that will assist  
23 in the prevention of drug related criminal violence throughout  
24 the State.

25 Section 15. The Methamphetamine Control and Community

1 Protection Act is amended by changing Sections 10 and 90 as  
2 follows:

3 (720 ILCS 646/10)

4 Sec. 10. Definitions. As used in this Act:

5 "Anhydrous ammonia" has the meaning provided in subsection  
6 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

7 "Anhydrous ammonia equipment" means all items used to  
8 store, hold, contain, handle, transfer, transport, or apply  
9 anhydrous ammonia for lawful purposes.

10 "Booby trap" means any device designed to cause physical  
11 injury when triggered by an act of a person approaching,  
12 entering, or moving through a structure, a vehicle, or any  
13 location where methamphetamine has been manufactured, is being  
14 manufactured, or is intended to be manufactured.

15 "Deliver" or "delivery" has the meaning provided in  
16 subsection (h) of Section 102 of the Illinois Controlled  
17 Substances Act.

18 "Director" means the Director of State Police or the  
19 Director's designated agents.

20 "Dispose" or "disposal" means to abandon, discharge,  
21 release, deposit, inject, dump, spill, leak, or place  
22 methamphetamine waste onto or into any land, water, or well of  
23 any type so that the waste has the potential to enter the  
24 environment, be emitted into the air, or be discharged into the  
25 soil or any waters, including groundwater.

1 "Emergency response" means the act of collecting evidence,  
2 securing a methamphetamine laboratory site, methamphetamine  
3 waste site or other methamphetamine-related site and cleaning  
4 up the site, whether these actions are performed by public  
5 entities or private contractors paid by public entities.  
6 "Emergency response" also means any incident involving the  
7 illegal manufacture or deliver of methamphetamine requiring a  
8 response by a police officer, a firefighter carried on the  
9 rolls of a regularly constituted fire department, or an  
10 ambulance.

11 "Emergency service provider" means a local, State, or  
12 federal peace officer, firefighter, emergency medical  
13 technician-ambulance, emergency medical  
14 technician-intermediate, emergency medical  
15 technician-paramedic, ambulance driver, or other medical or  
16 first aid personnel rendering aid, or any agent or designee of  
17 the foregoing.

18 "Finished methamphetamine" means methamphetamine in a form  
19 commonly used for personal consumption.

20 "Firearm" has the meaning provided in Section 1.1 of the  
21 Firearm Owners Identification Card Act.

22 "Manufacture" means to produce, prepare, compound,  
23 convert, process, synthesize, concentrate, purify, separate,  
24 extract, or package any methamphetamine, methamphetamine  
25 precursor, methamphetamine manufacturing catalyst,  
26 methamphetamine manufacturing reagent, methamphetamine

1 manufacturing solvent, or any substance containing any of the  
2 foregoing.

3 "Methamphetamine" means the chemical methamphetamine (a  
4 Schedule II controlled substance under the Illinois Controlled  
5 Substances Act) or any salt, optical isomer, salt of optical  
6 isomer, or analog thereof, with the exception of  
7 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
8 scheduled substance with a separate listing under the Illinois  
9 Controlled Substances Act.

10 "Methamphetamine manufacturing catalyst" means any  
11 substance that has been used, is being used, or is intended to  
12 be used to activate, accelerate, extend, or improve a chemical  
13 reaction involved in the manufacture of methamphetamine.

14 "Methamphetamine manufacturing environment" means a  
15 structure or vehicle in which:

- 16 (1) methamphetamine is being or has been manufactured;  
17 (2) chemicals that are being used, have been used, or  
18 are intended to be used to manufacture methamphetamine are  
19 stored;  
20 (3) methamphetamine manufacturing materials that have  
21 been used to manufacture methamphetamine are stored; or  
22 (4) methamphetamine manufacturing waste is stored.

23 "Methamphetamine manufacturing material" means any  
24 methamphetamine precursor, substance containing any  
25 methamphetamine precursor, methamphetamine manufacturing  
26 catalyst, substance containing any methamphetamine

1 manufacturing catalyst, methamphetamine manufacturing reagent,  
2 substance containing any methamphetamine manufacturing  
3 reagent, methamphetamine manufacturing solvent, substance  
4 containing any methamphetamine manufacturing solvent, or any  
5 other chemical, substance, ingredient, equipment, apparatus,  
6 or item that is being used, has been used, or is intended to be  
7 used in the manufacture of methamphetamine.

8 "Methamphetamine manufacturing reagent" means any  
9 substance other than a methamphetamine manufacturing catalyst  
10 that has been used, is being used, or is intended to be used to  
11 react with and chemically alter any methamphetamine precursor.

12 "Methamphetamine manufacturing solvent" means any  
13 substance that has been used, is being used, or is intended to  
14 be used as a medium in which any methamphetamine precursor,  
15 methamphetamine manufacturing catalyst, methamphetamine  
16 manufacturing reagent, or any substance containing any of the  
17 foregoing is dissolved, diluted, or washed during any part of  
18 the methamphetamine manufacturing process.

19 "Methamphetamine manufacturing waste" means any chemical,  
20 substance, ingredient, equipment, apparatus, or item that is  
21 left over from, results from, or is produced by the process of  
22 manufacturing methamphetamine, other than finished  
23 methamphetamine.

24 "Methamphetamine precursor" means ephedrine,  
25 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
26 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical



1 isomer, or salt of an optical isomer of any of these chemicals.

2 "Multi-unit dwelling" means a unified structure used or  
3 intended for use as a habitation, home, or residence that  
4 contains 2 or more condominiums, apartments, hotel rooms, motel  
5 rooms, or other living units.

6 "Package" means an item marked for retail sale that is not  
7 designed to be further broken down or subdivided for the  
8 purpose of retail sale.

9 "Participate" or "participation" in the manufacture of  
10 methamphetamine means to produce, prepare, compound, convert,  
11 process, synthesize, concentrate, purify, separate, extract,  
12 or package any methamphetamine, methamphetamine precursor,  
13 methamphetamine manufacturing catalyst, methamphetamine  
14 manufacturing reagent, methamphetamine manufacturing solvent,  
15 or any substance containing any of the foregoing, or to assist  
16 in any of these actions, or to attempt to take any of these  
17 actions, regardless of whether this action or these actions  
18 result in the production of finished methamphetamine.

19 "Person with a disability" means a person who suffers from  
20 a permanent physical or mental impairment resulting from  
21 disease, injury, functional disorder, or congenital condition  
22 which renders the person incapable of adequately providing for  
23 his or her own health and personal care.

24 "Procure" means to purchase, steal, gather, or otherwise  
25 obtain, by legal or illegal means, or to cause another to take  
26 such action.

1 "Second or subsequent offense" means an offense under this  
2 Act committed by an offender who previously committed an  
3 offense under this Act, the Illinois Controlled Substances Act,  
4 the Cannabis Control Act, or another Act of this State, another  
5 state, or the United States relating to methamphetamine,  
6 cannabis, or any other controlled substance.

7 "Standard dosage form", as used in relation to any  
8 methamphetamine precursor, means that the methamphetamine  
9 precursor is contained in a pill, tablet, capsule, caplet, gel  
10 cap, or liquid cap that has been manufactured by a lawful  
11 entity and contains a standard quantity of methamphetamine  
12 precursor.

13 "Unauthorized container", as used in relation to anhydrous  
14 ammonia, means any container that is not designed for the  
15 specific and sole purpose of holding, storing, transporting, or  
16 applying anhydrous ammonia. "Unauthorized container" includes,  
17 but is not limited to, any propane tank, fire extinguisher,  
18 oxygen cylinder, gasoline can, food or beverage cooler, or  
19 compressed gas cylinder used in dispensing fountain drinks.  
20 "Unauthorized container" does not encompass anhydrous ammonia  
21 manufacturing plants, refrigeration systems where anhydrous  
22 ammonia is used solely as a refrigerant, anhydrous ammonia  
23 transportation pipelines, anhydrous ammonia tankers, or  
24 anhydrous ammonia barges.

25 (Source: P.A. 94-556, eff. 9-11-05.)

1 (720 ILCS 646/90)

2 Sec. 90. Methamphetamine restitution.

3 (a) If a person commits a violation of this Act in a manner  
4 that requires an emergency response, the person shall be  
5 required to make restitution to all public entities involved in  
6 the emergency response, to cover the reasonable cost of their  
7 participation in the emergency response, including but not  
8 limited to regular and overtime costs incurred by local law  
9 enforcement agencies and private contractors paid by the public  
10 agencies in securing the site. The convicted person shall make  
11 this restitution in addition to any other fine or penalty  
12 required by law.

13 (b) Any restitution payments made under this Section shall  
14 be disbursed equitably by the circuit clerk in the following  
15 order:

16 (1) first, to the local agencies involved in the  
17 emergency response;

18 (2) second, to the State agencies involved in the  
19 emergency response; and

20 (3) third, to the federal agencies involved in the  
21 emergency response.

22 (c) In addition to any other penalties and liabilities, a  
23 person who is found guilty of or pleads guilty to violating  
24 Section 55 or 56 of this Act shall be assessed \$750, payable to  
25 the circuit clerk, who shall distribute the money as follows:  
26 \$350 to the law enforcement agency that made the arrest, and

1 \$400 shall be forwarded to the State Treasurer for deposit into  
2 the General Revenue Fund. If the person has been previously  
3 convicted of violating Section Section 55 or 56 of this Act,  
4 the fine shall be \$1,000, and the circuit clerk shall  
5 distribute \$200 to the law enforcement agency that made the  
6 arrest and \$800 to the State Treasurer for deposit into the  
7 General Revenue Fund. In the event that more than one agency is  
8 responsible for the arrest, the amount payable to law  
9 enforcement agencies shall be shared equally. Any moneys  
10 received by a law enforcement agency under this Section shall  
11 be used to purchase law enforcement equipment that will assist  
12 in the prevention of drug related criminal violence throughout  
13 the State.

14 (Source: P.A. 94-556, eff. 9-11-05.)