

1 AN ACT concerning safety.

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

4 Section 2. The Illinois Criminal Justice Information Act is  
5 amended by adding Section 9.3 as follows:

6 (20 ILCS 3930/9.3 new)

7 Sec. 9.3. The Prescription Pill and Drug Disposal Fund. The  
8 Prescription Pill and Drug Disposal Fund is created as a  
9 special fund in the State treasury. Moneys in the Fund shall be  
10 used for grants by the Illinois Criminal Justice Information  
11 Authority to local law enforcement agencies for the purpose of  
12 facilitating the collection, transportation, and incineration  
13 of pharmaceuticals from residential sources that are collected  
14 and transported by law enforcement agencies under Section 17.9A  
15 of the Environmental Protection Act. Interest attributable to  
16 moneys in the Fund shall be paid into the Fund.

17 Section 5. The State Finance Act is amended by adding  
18 Section 5.786 as follows:

19 (30 ILCS 105/5.786 new)

20 Sec. 5.786. The Prescription Pill and Drug Disposal Fund.

1 Section 10. The Environmental Protection Act is amended by  
2 changing Section 3.330 and by adding Section 17.9A as follows:

3 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

4 Sec. 3.330. Pollution control facility.

5 (a) "Pollution control facility" is any waste storage site,  
6 sanitary landfill, waste disposal site, waste transfer  
7 station, waste treatment facility, or waste incinerator. This  
8 includes sewers, sewage treatment plants, and any other  
9 facilities owned or operated by sanitary districts organized  
10 under the Metropolitan Water Reclamation District Act.

11 The following are not pollution control facilities:

12 (1) (blank);

13 (2) waste storage sites regulated under 40 CFR, Part  
14 761.42;

15 (3) sites or facilities used by any person conducting a  
16 waste storage, waste treatment, waste disposal, waste  
17 transfer or waste incineration operation, or a combination  
18 thereof, for wastes generated by such person's own  
19 activities, when such wastes are stored, treated, disposed  
20 of, transferred or incinerated within the site or facility  
21 owned, controlled or operated by such person, or when such  
22 wastes are transported within or between sites or  
23 facilities owned, controlled or operated by such person;

24 (4) sites or facilities at which the State is  
25 performing removal or remedial action pursuant to Section

1 22.2 or 55.3;

2 (5) abandoned quarries used solely for the disposal of  
3 concrete, earth materials, gravel, or aggregate debris  
4 resulting from road construction activities conducted by a  
5 unit of government or construction activities due to the  
6 construction and installation of underground pipes, lines,  
7 conduit or wires off of the premises of a public utility  
8 company which are conducted by a public utility;

9 (6) sites or facilities used by any person to  
10 specifically conduct a landscape composting operation;

11 (7) regional facilities as defined in the Central  
12 Midwest Interstate Low-Level Radioactive Waste Compact;

13 (8) the portion of a site or facility where coal  
14 combustion wastes are stored or disposed of in accordance  
15 with subdivision (r) (2) or (r) (3) of Section 21;

16 (9) the portion of a site or facility used for the  
17 collection, storage or processing of waste tires as defined  
18 in Title XIV;

19 (10) the portion of a site or facility used for  
20 treatment of petroleum contaminated materials by  
21 application onto or incorporation into the soil surface and  
22 any portion of that site or facility used for storage of  
23 petroleum contaminated materials before treatment. Only  
24 those categories of petroleum listed in Section 57.9(a) (3)  
25 are exempt under this subdivision (10);

26 (11) the portion of a site or facility where used oil

1 is collected or stored prior to shipment to a recycling or  
2 energy recovery facility, provided that the used oil is  
3 generated by households or commercial establishments, and  
4 the site or facility is a recycling center or a business  
5 where oil or gasoline is sold at retail;

6 (11.5) processing sites or facilities that receive  
7 only on-specification used oil, as defined in 35 Ill.  
8 Admin. Code 739, originating from used oil collectors for  
9 processing that is managed under 35 Ill. Admin. Code 739 to  
10 produce products for sale to off-site petroleum  
11 facilities, if these processing sites or facilities are:  
12 (i) located within a home rule unit of local government  
13 with a population of at least 30,000 according to the 2000  
14 federal census, that home rule unit of local government has  
15 been designated as an Urban Round II Empowerment Zone by  
16 the United States Department of Housing and Urban  
17 Development, and that home rule unit of local government  
18 has enacted an ordinance approving the location of the site  
19 or facility and provided funding for the site or facility;  
20 and (ii) in compliance with all applicable zoning  
21 requirements;

22 (12) the portion of a site or facility utilizing coal  
23 combustion waste for stabilization and treatment of only  
24 waste generated on that site or facility when used in  
25 connection with response actions pursuant to the federal  
26 Comprehensive Environmental Response, Compensation, and

1 Liability Act of 1980, the federal Resource Conservation  
2 and Recovery Act of 1976, or the Illinois Environmental  
3 Protection Act or as authorized by the Agency;

4 (13) the portion of a site or facility that (i) accepts  
5 exclusively general construction or demolition debris,  
6 (ii) is located in a county with a population over  
7 3,000,000 as of January 1, 2000 or in a county that is  
8 contiguous to such a county, and (iii) is operated and  
9 located in accordance with Section 22.38 of this Act;

10 (14) the portion of a site or facility, located within  
11 a unit of local government that has enacted local zoning  
12 requirements, used to accept, separate, and process  
13 uncontaminated broken concrete, with or without protruding  
14 metal bars, provided that the uncontaminated broken  
15 concrete and metal bars are not speculatively accumulated,  
16 are at the site or facility no longer than one year after  
17 their acceptance, and are returned to the economic  
18 mainstream in the form of raw materials or products;

19 (15) the portion of a site or facility located in a  
20 county with a population over 3,000,000 that has obtained  
21 local siting approval under Section 39.2 of this Act for a  
22 municipal waste incinerator on or before July 1, 2005 and  
23 that is used for a non-hazardous waste transfer station;

24 (16) a site or facility that temporarily holds in  
25 transit for 10 days or less, non-putrescible  
26 ~~non-petruscible~~ solid waste in original containers, no

1 larger in capacity than 500 gallons, provided that such  
2 waste is further transferred to a recycling, disposal,  
3 treatment, or storage facility on a non-contiguous site and  
4 provided such site or facility complies with the applicable  
5 10-day transfer requirements of the federal Resource  
6 Conservation and Recovery Act of 1976 and United States  
7 Department of Transportation hazardous material  
8 requirements. For purposes of this Section only,  
9 "non-putrescible ~~non-petruseible~~ solid waste" means waste  
10 other than municipal garbage that does not rot or become  
11 putrid, including, but not limited to, paints, solvent,  
12 filters, and absorbents;

13 (17) the portion of a site or facility located in a  
14 county with a population greater than 3,000,000 that has  
15 obtained local siting approval, under Section 39.2 of this  
16 Act, for a municipal waste incinerator on or before July 1,  
17 2005 and that is used for wood combustion facilities for  
18 energy recovery that accept and burn only wood material, as  
19 included in a fuel specification approved by the Agency;

20 (18) a transfer station used exclusively for landscape  
21 waste, including a transfer station where landscape waste  
22 is ground to reduce its volume, where the landscape waste  
23 is held no longer than 24 hours from the time it was  
24 received;

25 (19) the portion of a site or facility that (i) is used  
26 for the composting of food scrap, livestock waste, crop

1 residue, uncontaminated wood waste, or paper waste,  
2 including, but not limited to, corrugated paper or  
3 cardboard, and (ii) meets all of the following  
4 requirements:

5 (A) There must not be more than a total of 30,000  
6 cubic yards of livestock waste in raw form or in the  
7 process of being composted at the site or facility at  
8 any one time.

9 (B) All food scrap, livestock waste, crop residue,  
10 uncontaminated wood waste, and paper waste must, by the  
11 end of each operating day, be processed and placed into  
12 an enclosed vessel in which air flow and temperature  
13 are controlled, or all of the following additional  
14 requirements must be met:

15 (i) The portion of the site or facility used  
16 for the composting operation must include a  
17 setback of at least 200 feet from the nearest  
18 potable water supply well.

19 (ii) The portion of the site or facility used  
20 for the composting operation must be located  
21 outside the boundary of the 10-year floodplain or  
22 floodproofed.

23 (iii) The portion of the site or facility used  
24 for the composting operation must be located at  
25 least one-eighth of a mile from the nearest  
26 residence, other than a residence located on the

1 same property as the site or facility.

2 (iv) The portion of the site or facility used  
3 for the composting operation must be located at  
4 least one-eighth of a mile from the property line  
5 of all of the following areas:

6 (I) Facilities that primarily serve to  
7 house or treat people that are  
8 immunocompromised or immunosuppressed, such as  
9 cancer or AIDS patients; people with asthma,  
10 cystic fibrosis, or bioaerosol allergies; or  
11 children under the age of one year.

12 (II) Primary and secondary schools and  
13 adjacent areas that the schools use for  
14 recreation.

15 (III) Any facility for child care licensed  
16 under Section 3 of the Child Care Act of 1969;  
17 preschools; and adjacent areas that the  
18 facilities or preschools use for recreation.

19 (v) By the end of each operating day, all food  
20 scrap, livestock waste, crop residue,  
21 uncontaminated wood waste, and paper waste must be  
22 (i) processed into windrows or other piles and (ii)  
23 covered in a manner that prevents scavenging by  
24 birds and animals and that prevents other  
25 nuisances.

26 (C) Food scrap, livestock waste, crop residue,



1 uncontaminated wood waste, paper waste, and compost  
2 must not be placed within 5 feet of the water table.

3 (D) The site or facility must meet all of the  
4 requirements of the Wild and Scenic Rivers Act (16  
5 U.S.C. 1271 et seq.).

6 (E) The site or facility must not (i) restrict the  
7 flow of a 100-year flood, (ii) result in washout of  
8 food scrap, livestock waste, crop residue,  
9 uncontaminated wood waste, or paper waste from a  
10 100-year flood, or (iii) reduce the temporary water  
11 storage capacity of the 100-year floodplain, unless  
12 measures are undertaken to provide alternative storage  
13 capacity, such as by providing lagoons, holding tanks,  
14 or drainage around structures at the facility.

15 (F) The site or facility must not be located in any  
16 area where it may pose a threat of harm or destruction  
17 to the features for which:

18 (i) an irreplaceable historic or  
19 archaeological site has been listed under the  
20 National Historic Preservation Act (16 U.S.C. 470  
21 et seq.) or the Illinois Historic Preservation  
22 Act;

23 (ii) a natural landmark has been designated by  
24 the National Park Service or the Illinois State  
25 Historic Preservation Office; or

26 (iii) a natural area has been designated as a

1 Dedicated Illinois Nature Preserve under the  
2 Illinois Natural Areas Preservation Act.

3 (G) The site or facility must not be located in an  
4 area where it may jeopardize the continued existence of  
5 any designated endangered species, result in the  
6 destruction or adverse modification of the critical  
7 habitat for such species, or cause or contribute to the  
8 taking of any endangered or threatened species of  
9 plant, fish, or wildlife listed under the Endangered  
10 Species Act (16 U.S.C. 1531 et seq.) or the Illinois  
11 Endangered Species Protection Act; ~~and~~

12 (20) the portion of a site or facility that is located  
13 entirely within a home rule unit having a population of no  
14 less than 120,000 and no more than 135,000, according to  
15 the 2000 federal census, and that meets all of the  
16 following requirements:

17 (i) the portion of the site or facility is used  
18 exclusively to perform testing of a thermochemical  
19 conversion technology using only woody biomass,  
20 collected as landscape waste within the boundaries  
21 of the home rule unit, as the hydrocarbon feedstock  
22 for the production of synthetic gas in accordance  
23 with Section 39.9 of this Act;

24 (ii) the portion of the site or facility is in  
25 compliance with all applicable zoning  
26 requirements; and

1 (iii) a complete application for a  
2 demonstration permit at the portion of the site or  
3 facility has been submitted to the Agency in  
4 accordance with Section 39.9 of this Act within one  
5 year after July 27, 2010 (the effective date of  
6 Public Act 96-1314); ~~this amendatory Act of the~~  
7 ~~96th General Assembly~~

8 (21) ~~(19)~~ the portion of a site or facility used to  
9 perform limited testing of a gasification conversion  
10 technology in accordance with Section 39.8 of this Act and  
11 for which a complete permit application has been submitted  
12 to the Agency prior to one year from April 9, 2010 (the  
13 effective date of Public Act 96-887); and ~~this amendatory~~  
14 ~~Act of the 96th General Assembly.~~

15 (22) the portion of a site or facility that is used to  
16 incinerate only pharmaceuticals from residential sources  
17 that are collected and transported by law enforcement  
18 agencies under Section 17.9A of this Act.

19 (b) A new pollution control facility is:

20 (1) a pollution control facility initially permitted  
21 for development or construction after July 1, 1981; or

22 (2) the area of expansion beyond the boundary of a  
23 currently permitted pollution control facility; or

24 (3) a permitted pollution control facility requesting  
25 approval to store, dispose of, transfer or incinerate, for  
26 the first time, any special or hazardous waste.

1 (Source: P.A. 95-131, eff. 8-13-07; 95-177, eff. 1-1-08;  
2 95-331, eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff.  
3 8-21-08; 96-418, eff. 1-1-10; 96-611, eff. 8-24-09; 96-887,  
4 eff. 4-9-10; 96-1000, eff. 7-2-10; 96-1068, eff. 7-16-10;  
5 96-1314, eff. 7-27-10; revised 9-2-10.)

6 (415 ILCS 5/17.9A new)

7 Sec. 17.9A. Collection and transportation of  
8 pharmaceuticals by law enforcement agencies. Notwithstanding  
9 any other provision of this Act, to the extent allowed by  
10 federal law, a law enforcement agency may collect  
11 pharmaceuticals from residential sources and transport them to  
12 an incinerator permitted by the Agency to be incinerated in  
13 accordance with the permit, permit conditions, this Act, and  
14 rules adopted under this Act. For the purposes of this Section,  
15 "law enforcement agency" means an agency of the State or of a  
16 unit of local of government which is vested by law or ordinance  
17 with the duty to maintain public order and to enforce criminal  
18 laws.

19 Section 15. The Unified Code of Corrections is amended by  
20 changing Sections 5-9-1.1 and 5-9-1.1-5 as follows:

21 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

22 (Text of Section from P.A. 94-550, 96-132, and 96-402)

23 Sec. 5-9-1.1. Drug related offenses.

1           (a) When a person has been adjudged guilty of a drug  
2 related offense involving possession or delivery of cannabis or  
3 possession or delivery of a controlled substance, other than  
4 methamphetamine, as defined in the Cannabis Control Act, as  
5 amended, or the Illinois Controlled Substances Act, as amended,  
6 in addition to any other penalty imposed, a fine shall be  
7 levied by the court at not less than the full street value of  
8 the cannabis or controlled substances seized.

9           "Street value" shall be determined by the court on the  
10 basis of testimony of law enforcement personnel and the  
11 defendant as to the amount seized and such testimony as may be  
12 required by the court as to the current street value of the  
13 cannabis or controlled substance seized.

14           (b) In addition to any penalty imposed under subsection (a)  
15 of this Section, a fine of \$100 shall be levied by the court,  
16 the proceeds of which shall be collected by the Circuit Clerk  
17 and remitted to the State Treasurer under Section 27.6 of the  
18 Clerks of Courts Act for deposit into the Trauma Center Fund  
19 for distribution as provided under Section 3.225 of the  
20 Emergency Medical Services (EMS) Systems Act.

21           (c) In addition to any penalty imposed under subsection (a)  
22 of this Section, a fee of \$5 shall be assessed by the court,  
23 the proceeds of which shall be collected by the Circuit Clerk  
24 and remitted to the State Treasurer under Section 27.6 of the  
25 Clerks of Courts Act for deposit into the Spinal Cord Injury  
26 Paralysis Cure Research Trust Fund. This additional fee of \$5

1 shall not be considered a part of the fine for purposes of any  
2 reduction in the fine for time served either before or after  
3 sentencing.

4 (d) In addition to any penalty imposed under subsection (a)  
5 of this Section for a drug related offense involving possession  
6 or delivery of cannabis or possession or delivery of a  
7 controlled substance as defined in the Cannabis Control Act,  
8 the Illinois Controlled Substances Act, or the Methamphetamine  
9 Control and Community Protection Act, a fee of \$50 shall be  
10 assessed by the court, the proceeds of which shall be collected  
11 by the Circuit Clerk and remitted to the State Treasurer under  
12 Section 27.6 of the Clerks of Courts Act for deposit into the  
13 Performance-enhancing Substance Testing Fund. This additional  
14 fee of \$50 shall not be considered a part of the fine for  
15 purposes of any reduction in the fine for time served either  
16 before or after sentencing. The provisions of this subsection  
17 (d), other than this sentence, are inoperative after June 30,  
18 2011.

19 (e) ~~(d)~~ In addition to any penalty imposed under subsection  
20 (a) of this Section, a \$25 assessment shall be assessed by the  
21 court, the proceeds of which shall be collected by the Circuit  
22 Clerk and remitted to the State Treasurer for deposit into the  
23 State Police Services Fund and shall be used for grants by the  
24 Department of State Police to drug task forces and Metropolitan  
25 Enforcement Groups in accordance with the Intergovernmental  
26 Drug Laws Enforcement Act.

1       (f) In addition to any penalty imposed under subsection (a)  
2 of this Section, a \$20 assessment shall be assessed by the  
3 court, the proceeds of which shall be collected by the Circuit  
4 Clerk. Of the collected proceeds, 95% shall be remitted to the  
5 State Treasurer for deposit into the Prescription Pill and Drug  
6 Disposal Fund, and the Circuit Clerk shall retain 5% for  
7 deposit into the Circuit Court Clerk Operation and  
8 Administrative Fund for the costs associated with  
9 administering this subsection.

10       (Source: P.A. 94-550, eff. 1-1-06; 96-132, eff. 8-7-09; 96-402,  
11       eff. 1-1-10, revised 10-6-09.)

12       (Text of Section from P.A. 94-556, 96-132, and 96-402)

13       Sec. 5-9-1.1. Drug related offenses.

14       (a) When a person has been adjudged guilty of a drug  
15 related offense involving possession or delivery of cannabis or  
16 possession or delivery of a controlled substance as defined in  
17 the Cannabis Control Act, the Illinois Controlled Substances  
18 Act, or the Methamphetamine Control and Community Protection  
19 Act, in addition to any other penalty imposed, a fine shall be  
20 levied by the court at not less than the full street value of  
21 the cannabis or controlled substances seized.

22       "Street value" shall be determined by the court on the  
23 basis of testimony of law enforcement personnel and the  
24 defendant as to the amount seized and such testimony as may be  
25 required by the court as to the current street value of the

1 cannabis or controlled substance seized.

2 (b) In addition to any penalty imposed under subsection (a)  
3 of this Section, a fine of \$100 shall be levied by the court,  
4 the proceeds of which shall be collected by the Circuit Clerk  
5 and remitted to the State Treasurer under Section 27.6 of the  
6 Clerks of Courts Act for deposit into the Trauma Center Fund  
7 for distribution as provided under Section 3.225 of the  
8 Emergency Medical Services (EMS) Systems Act.

9 (c) In addition to any penalty imposed under subsection (a)  
10 of this Section, a fee of \$5 shall be assessed by the court,  
11 the proceeds of which shall be collected by the Circuit Clerk  
12 and remitted to the State Treasurer under Section 27.6 of the  
13 Clerks of Courts Act for deposit into the Spinal Cord Injury  
14 Paralysis Cure Research Trust Fund. This additional fee of \$5  
15 shall not be considered a part of the fine for purposes of any  
16 reduction in the fine for time served either before or after  
17 sentencing.

18 (d) In addition to any penalty imposed under subsection (a)  
19 of this Section for a drug related offense involving possession  
20 or delivery of cannabis or possession or delivery of a  
21 controlled substance as defined in the Cannabis Control Act,  
22 the Illinois Controlled Substances Act, or the Methamphetamine  
23 Control and Community Protection Act, a fee of \$50 shall be  
24 assessed by the court, the proceeds of which shall be collected  
25 by the Circuit Clerk and remitted to the State Treasurer under  
26 Section 27.6 of the Clerks of Courts Act for deposit into the



1 Performance-enhancing Substance Testing Fund. This additional  
2 fee of \$50 shall not be considered a part of the fine for  
3 purposes of any reduction in the fine for time served either  
4 before or after sentencing. The provisions of this subsection  
5 (d), other than this sentence, are inoperative after June 30,  
6 2011.

7 (e) ~~(d)~~ In addition to any penalty imposed under subsection  
8 (a) of this Section, a \$25 assessment shall be assessed by the  
9 court, the proceeds of which shall be collected by the Circuit  
10 Clerk and remitted to the State Treasurer for deposit into the  
11 State Police Services Fund and shall be used for grants by the  
12 Department of State Police to drug task forces and Metropolitan  
13 Enforcement Groups in accordance with the Intergovernmental  
14 Drug Laws Enforcement Act.

15 (f) In addition to any penalty imposed under subsection (a)  
16 of this Section, a \$20 assessment shall be assessed by the  
17 court, the proceeds of which shall be collected by the Circuit  
18 Clerk. Of the collected proceeds, 95% shall be remitted to the  
19 State Treasurer for deposit into the Prescription Pill and Drug  
20 Disposal Fund, and the Circuit Clerk shall retain 5% for  
21 deposit into the Circuit Court Clerk Operation and  
22 Administrative Fund for the costs associated with  
23 administering this subsection.

24 (Source: P.A. 94-556, eff. 9-11-05; 96-132, eff. 8-7-09;  
25 96-402, eff. 1-1-10, revised 10-6-09.)

1 (730 ILCS 5/5-9-1.1-5)

2 Sec. 5-9-1.1-5. Methamphetamine related offenses.

3 (a) When a person has been adjudged guilty of a  
4 methamphetamine related offense involving possession or  
5 delivery of methamphetamine or any salt of an optical isomer of  
6 methamphetamine or possession of a methamphetamine  
7 manufacturing material as set forth in Section 10 of the  
8 Methamphetamine Control and Community Protection Act with the  
9 intent to manufacture a substance containing methamphetamine  
10 or salt of an optical isomer of methamphetamine, in addition to  
11 any other penalty imposed, a fine shall be levied by the court  
12 at not less than the full street value of the methamphetamine  
13 or salt of an optical isomer of methamphetamine or  
14 methamphetamine manufacturing materials seized.

15 "Street value" shall be determined by the court on the  
16 basis of testimony of law enforcement personnel and the  
17 defendant as to the amount seized and such testimony as may be  
18 required by the court as to the current street value of the  
19 methamphetamine or salt of an optical isomer of methamphetamine  
20 or methamphetamine manufacturing materials seized.

21 (b) In addition to any penalty imposed under subsection (a)  
22 of this Section, a fine of \$100 shall be levied by the court,  
23 the proceeds of which shall be collected by the Circuit Clerk  
24 and remitted to the State Treasurer under Section 27.6 of the  
25 Clerks of Courts Act for deposit into the Methamphetamine Law  
26 Enforcement Fund and allocated as provided in subsection (d) of

1 Section 5-9-1.2.

2 (c) In addition to any penalty imposed under subsection (a)  
3 of this Section, a \$25 assessment shall be assessed by the  
4 court, the proceeds of which shall be collected by the Circuit  
5 Clerk and remitted to the State Treasurer for deposit into the  
6 Drug Traffic Prevention Fund. The moneys deposited into the  
7 Drug Traffic Prevention Fund pursuant to this Section shall be  
8 appropriated to and administered by the Department of State  
9 Police for funding of drug task forces and Metropolitan  
10 Enforcement Groups in accordance with the Intergovernmental  
11 Drug Laws Enforcement Act.

12 (d) In addition to any penalty imposed under subsection (a)  
13 of this Section, a \$20 assessment shall be assessed by the  
14 court, the proceeds of which shall be collected by the Circuit  
15 Clerk. Of the collected proceeds, 95% shall be remitted to the  
16 State Treasurer for deposit into the Prescription Pill and Drug  
17 Disposal Fund, and the Circuit Clerk shall retain 5% for  
18 deposit into the Circuit Court Clerk Operation and  
19 Administrative Fund for the costs associated with  
20 administering this subsection.

21 (Source: P.A. 96-200, eff. 8-10-09; 96-402, eff. 1-1-10;  
22 96-1000, eff. 7-2-10; 96-1234, eff. 7-23-10.)