

HB3511



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3511

Introduced 2/24/2011, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-28

Amends the Criminal Code of 1961. Includes in offense of defrauding a drug or alcohol screening test, advertising for sale any product designed to defraud a drug or alcohol screening test. Defines "defraud" and "adulterant".

LRB097 10572 RLC 50926 b

CORRECTIONAL
BUDGET AND
IMPACT 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 Criminal Code of 1961 is amended by changing
5 Section 17-28 as follows:

6 (720 ILCS 5/17-28)

7 Sec. 17-28. Defrauding drug and alcohol screening
8 tests.

9 (a) It is unlawful for a person to:

10 (1) manufacture, sell, give away, distribute,
11 advertise for sale, or market synthetic or human substances
12 or other products in this State or transport urine into
13 this State with the intent of using the synthetic or human
14 substances or other products to defraud a drug or alcohol
15 screening test;

16 (2) attempt to foil or defeat a drug or alcohol
17 screening test by the substitution or spiking of a sample
18 or the advertisement of a sample substitution or other
19 spiking device or measure;

20 (3) adulterate synthetic or human substances with the
21 intent to defraud a drug or alcohol screening test; or

22 (4) manufacture, sell, or possess adulterants that are
23 intended to be used to adulterate synthetic or human

1 substances for the purpose of defrauding a drug or alcohol
2 screening test.

3 (b) For the purpose of determining the intent of the
4 defendant who is charged with a violation of this Section, the
5 trier of fact may take into consideration whether or not a
6 heating element or any other device used to thwart a drug or
7 alcohol screening test accompanies the sale, giving,
8 distribution, advertising for sale, or marketing of synthetic
9 or human substances or other products or whether or not
10 instructions that provide a method for thwarting a drug or
11 alcohol screening test accompany the sale, giving,
12 distribution, or marketing of synthetic or human substances or
13 other products.

14 (b-5) For the purposes of this Section, a person defrauds a
15 drug or alcohol screening test when he or she intends to
16 falsify or alter the test.

17 (c) Sentence. A violation of this Section is a Class 4
18 felony for which the court shall impose a minimum fine of
19 \$1,000.

20 (d) For the purposes of this Section, "drug or alcohol
21 screening test" includes, but is not limited to, urine testing,
22 hair follicle testing, perspiration testing, saliva testing,
23 blood testing, fingernail testing, and eye drug testing; and
24 "adulterant" means a substance that is not expected to be in
25 human urine or a substance expected to be present in human
26 urine but that is at a concentration so high that it is not

1 consistent with human urine, including, but not limited to:
2 bleach, chromium, creatinine, detergent, glutaraldehyde,
3 hydrochloric acid, hydroiodic acid, iodine, nitrite,
4 peroxidase, potassium dichromate, potassium nitrite,
5 pyridinium chlorochromate, or sodium nitrite.

6 (Source: P.A. 93-691, eff. 7-9-04.)