

SB3655



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3655

Introduced 2/10/2012, by Sen. John J. Millner and Dave Syverson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-38

Amends the Criminal Code. Repeals provisions requiring a log to be kept for sales of certain caustic substances. Effective immediately.

LRB097 20081 JWD 65442 b

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 12-38 as follows:

6 (720 ILCS 5/12-38)

7 Sec. 12-38. Restrictions on purchase or acquisition of
8 corrosive or caustic acid.

9 ~~(a) A person seeking to purchase a substance which is~~
10 ~~regulated by Title 16 CFR Section 1500.129 of the Federal~~
11 ~~Caustic Poison Act and is required to contain the words "causes~~
12 ~~severe burns" as the affirmative statement of principal hazard~~
13 ~~on its label, must prior to taking possession:~~

14 ~~(1) provide a valid driver's license or other~~
15 ~~government issued identification showing the person's~~
16 ~~name, date of birth, and photograph; and~~

17 ~~(2) sign a log documenting the name and address of the~~
18 ~~person, date and time of the transaction, and the brand,~~
19 ~~product name and net weight of the item.~~

20 ~~(b) Exemption. The requirements of subsection (a) do not~~
21 ~~apply to batteries.~~

22 ~~(c) Rules and Regulations. The Illinois Department of State~~
23 ~~Police shall have the authority to promulgate rules for the~~

1 ~~implementation and enforcement of this Section.~~

2 ~~(d) Sentence. Any violation of this Section is a business~~
3 ~~offense for which a fine not exceeding \$150 for the first~~
4 ~~violation, \$500 for the second violation, or \$1,500 for the~~
5 ~~third and subsequent violations within a 12 month period shall~~
6 ~~be imposed.~~

7 ~~(e) Preemption.~~ The regulation of the purchase or
8 acquisition, or both, of a caustic or corrosive substance and
9 any registry regarding the sale or possession, or both, of a
10 caustic or corrosive substance is an exclusive power and
11 function of the State. A home rule unit may not regulate the
12 purchase or acquisition of caustic or corrosive substances and
13 any ordinance or local law contrary to this Section is declared
14 void. This is a denial and limitation of home rule powers and
15 functions under subsection (g) ~~(h)~~ of Section 6 of Article VII
16 of the Illinois Constitution.

17 (Source: P.A. 97-565, eff. 1-1-12.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.