

**SB2952**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB2952**

Introduced 1/28/2010, by Sen. John M. Sullivan

**SYNOPSIS AS INTRODUCED:**

720 ILCS 648/40

Amends the Methamphetamine Precursor Control Act. Increases by one class the knowing purchase, receipt, or acquisition of more than 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers within a 30-day period. Effective immediately.

LRB096 19620 RLC 35016 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 Methamphetamine Precursor Control Act is  
5 amended by changing Section 40 as follows:

6 (720 ILCS 648/40)

7 Sec. 40. Penalties.

8 (a) Violations of subsection (b) of Section 20 of this Act.

9 (1) Any person who knowingly purchases, receives, or  
10 otherwise acquires, within any 30-day period, products  
11 containing more than a total of 7,500 milligrams of  
12 ephedrine or pseudoephedrine, their salts or optical  
13 isomers, or salts of optical isomers in violation of  
14 subsection (b) of Section 20 of this Act is subject to the  
15 following penalties:

16 (A) More than 7,500 milligrams but less than 15,000  
17 milligrams, Class A ~~B~~ misdemeanor;

18 (B) 15,000 or more but less than 22,500 milligrams,  
19 Class 4 felony ~~A misdemeanor~~;

20 (C) 22,500 or more but less than 30,000 milligrams,  
21 Class 3 ~~4~~ felony;

22 (D) 30,000 or more but less than 37,500 milligrams,  
23 Class 2 ~~3~~ felony;

1 (E) 37,500 or more ~~but less than 45,000~~ milligrams,  
2 Class 1 ~~2~~ felony; ÷

3 (F) (Blank) ~~45,000 or more milligrams, Class 1~~  
4 ~~felony.~~

5 (2) Any person who knowingly purchases, receives, or  
6 otherwise acquires, within any 30-day period, products  
7 containing more than a total of 7,500 milligrams of  
8 ephedrine or pseudoephedrine, their salts or optical  
9 isomers, or salts of optical isomers in violation of  
10 subsection (b) of Section 20 of this Act, and who has  
11 previously been convicted of any methamphetamine-related  
12 offense under any State or federal law, is subject to the  
13 following penalties:

14 (A) More than 7,500 milligrams but less than 15,000  
15 milligrams, Class 4 ~~felony~~ ~~A misdemeanor~~;

16 (B) 15,000 or more but less than 22,500 milligrams,  
17 Class 3 ~~4~~ felony;

18 (C) 22,500 or more but less than 30,000 milligrams,  
19 Class 2 ~~3~~ felony;

20 (D) 30,000 or more ~~but less than 37,500~~ milligrams,  
21 Class 1 ~~2~~ felony;

22 (E) (Blank) ~~37,500 or more milligrams, Class 1~~  
23 ~~felony.~~

24 (3) Any person who knowingly purchases, receives, or  
25 otherwise acquires, within any 30-day period, products  
26 containing more than a total of 7,500 milligrams of

1 ephedrine or pseudoephedrine, their salts or optical  
2 isomers, or salts of optical isomers in violation of  
3 subsection (b) of Section 20 of this Act, and who has  
4 previously been convicted 2 or more times of any  
5 methamphetamine-related offense under State or federal  
6 law, is subject to the following penalties:

7 (A) More than 7,500 milligrams but less than 15,000  
8 milligrams, Class 3 ~~4~~ felony;

9 (B) 15,000 or more but less than 22,500 milligrams,  
10 Class 2 ~~3~~ felony;

11 (C) 22,500 or more ~~but less than 30,000~~ milligrams,  
12 Class 1 ~~2~~ felony;

13 (D) (Blank) ~~30,000 or more milligrams, Class 1~~  
14 ~~felony.~~

15 (b) Violations of Section 15, 20, 25, 30, or 35 of this  
16 Act, other than violations of subsection (b) of Section 20 of  
17 this Act.

18 (1) Any pharmacy or retail distributor that violates  
19 Section 15, 20, 25, 30, or 35 of this Act, other than  
20 subsection (b) of Section 20 of this Act, is guilty of a  
21 petty offense and subject to a fine of \$500 for a first  
22 offense; and \$1,000 for a second offense occurring at the  
23 same retail location as and within 3 years of the prior  
24 offense. A pharmacy or retail distributor that violates  
25 this Act is guilty of a business offense and subject to a  
26 fine of \$5,000 for a third or subsequent offense occurring

1 at the same retail location as and within 3 years of the  
2 prior offenses.

3 (2) An employee or agent of a pharmacy or retail  
4 distributor who violates Section 15, 20, 25, 30, or 35 of  
5 this Act, other than subsection (b) of Section 20 of this  
6 Act, is guilty of a Class A misdemeanor for a first  
7 offense, a Class 4 felony for a second offense, and a Class  
8 1 felony for a third or subsequent offense.

9 (3) Any other person who violates Section 15, 20, 25,  
10 30, or 35 of this Act, other than subsection (b) of Section  
11 20 of this Act, is guilty of a Class B misdemeanor for a  
12 first offense, a Class A misdemeanor for a second offense,  
13 and a Class 4 felony for a third or subsequent offense.

14 (c) Any pharmacy or retail distributor that violates  
15 Section 36, 37, 38, 39, 39.5, 39.6, 39.7, 39.8, or 39.8-5 of  
16 this Act is guilty of a petty offense and subject to a fine of  
17 \$100 for a first offense, \$250 for a second offense, or \$500  
18 for a third or subsequent offense.

19 (d) Any person that violates Section 39.5 or 39.8-5 of this  
20 Act is guilty of a Class B misdemeanor for a first offense, a  
21 Class A misdemeanor for a second offense, and a Class 4 felony  
22 for a third offense.

23 (e) Any person who, in order to acquire a targeted  
24 methamphetamine precursor, knowingly uses or provides the  
25 driver's license or government-issued identification of  
26 another person, or who knowingly uses or provides a fictitious

1 or unlawfully altered driver's license or government-issued  
2 identification, or who otherwise knowingly provides false  
3 information, is guilty of a Class 4 felony for a first offense,  
4 a Class 3 felony for a second offense, and a Class 2 felony for  
5 a third or subsequent offense.

6 For purposes of this subsection (e), the terms "fictitious  
7 driver's license", "unlawfully altered driver's license", and  
8 "false information" have the meanings ascribed to them in  
9 Section 6-301.1 of the Illinois Vehicle Code.

10 (Source: P.A. 95-252, eff. 1-1-08; 95-640, eff. 6-1-08; 95-876,  
11 eff. 8-21-08; 96-50, eff. 10-21-09.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.