



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB3978

Introduced 12/30/2003, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-28 new

Amends the Criminal Code of 1961. Provides that it is unlawful for a person to: (1) manufacture, sell, give away, distribute, or market in this State or transport into this State urine with the intent of using the urine to defraud a drug or alcohol screening test; (2) attempt to foil or defeat a drug or alcohol screening test by substituting or spiking a sample of urine or to advertise a sample substitution or other spiking device or measure; (3) adulterate a urine or other bodily fluid sample with the intent to defraud a drug or alcohol screening test; or (4) manufacture, sell, or possess adulterants that are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding a drug or alcohol screening test. Provides that a violation is a Class 4 felony with a minimum fine of \$1,000. Effective immediately.

LRB093 14974 RLC 40681 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 adding
5 Section 17-28 as follows:

6 (720 ILCS 5/17-28 new)

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, or
11 market urine in this State or transport urine into this
12 State with the intent of using the urine to defraud a drug
13 or alcohol screening test;

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

18 (3) adulterate a urine or other bodily fluid sample
19 with the intent to defraud a drug or alcohol screening
20 test; or

21 (4) manufacture, sell, or possess adulterants that are
22 intended to be used to adulterate a urine or other bodily
23 fluid sample for the purpose of defrauding a drug or
24 alcohol screening test.

25 (b) For the purpose of determining the intent of the
26 defendant who is charged with a violation of this Section, the
27 trier of fact may take into consideration whether or not a
28 heating element or any other device used to thwart a drug or
29 alcohol screening test accompanies the sale, giving,
30 distribution, or marketing of urine or whether or not
31 instructions that provide a method for thwarting a drug or
32 alcohol screening test accompany the sale, giving,

1 distribution, or marketing of urine.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.