

HB3901



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3901

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

720 ILCS 5/31A-0.1
720 ILCS 5/31A-1.3 new

Amends the Criminal Code of 2012. Creates the offense of unlawful communication with an inmate of a penal institution. Provides that a person commits the offense when he or she knowingly and without authority of any person designated or authorized to grant this authority communicates with an inmate of a penal institution by means of an unlicensed radio communication. Provides that a violation is a Class 1 felony.

LRB100 10988 RLC 21227 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 2012 is amended by changing
5 Section 31A-0.1 and by adding Section 31A-1.3 as follows:

6 (720 ILCS 5/31A-0.1)

7 Sec. 31A-0.1. Definitions. For the purposes of this
8 Article:

9 "Deliver" or "delivery" means the actual, constructive or
10 attempted transfer of possession of an item of contraband, with
11 or without consideration, whether or not there is an agency
12 relationship.

13 "Employee" means any elected or appointed officer, trustee
14 or employee of a penal institution or of the governing
15 authority of the penal institution, or any person who performs
16 services for the penal institution pursuant to contract with
17 the penal institution or its governing authority.

18 "Item of contraband" means any of the following:

19 (i) "Alcoholic liquor" as that term is defined in
20 Section 1-3.05 of the Liquor Control Act of 1934.

21 (ii) "Cannabis" as that term is defined in subsection
22 (a) of Section 3 of the Cannabis Control Act.

23 (iii) "Controlled substance" as that term is defined in

1 the Illinois Controlled Substances Act.

2 (iii-a) "Methamphetamine" as that term is defined in
3 the Illinois Controlled Substances Act or the
4 Methamphetamine Control and Community Protection Act.

5 (iv) "Hypodermic syringe" or hypodermic needle, or any
6 instrument adapted for use of controlled substances or
7 cannabis by subcutaneous injection.

8 (v) "Weapon" means any knife, dagger, dirk, billy,
9 razor, stiletto, broken bottle, or other piece of glass
10 which could be used as a dangerous weapon. This term
11 includes any of the devices or implements designated in
12 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of
13 this Code, or any other dangerous weapon or instrument of
14 like character.

15 (vi) "Firearm" means any device, by whatever name
16 known, which is designed to expel a projectile or
17 projectiles by the action of an explosion, expansion of gas
18 or escape of gas, including but not limited to:

19 (A) any pneumatic gun, spring gun, or B-B gun which
20 expels a single globular projectile not exceeding .18
21 inch in diameter; or

22 (B) any device used exclusively for signaling or
23 safety and required as recommended by the United States
24 Coast Guard or the Interstate Commerce Commission; or

25 (C) any device used exclusively for the firing of
26 stud cartridges, explosive rivets or industrial

1 ammunition; or

2 (D) any device which is powered by electrical
3 charging units, such as batteries, and which fires one
4 or several barbs attached to a length of wire and
5 which, upon hitting a human, can send out current
6 capable of disrupting the person's nervous system in
7 such a manner as to render him or her incapable of
8 normal functioning, commonly referred to as a stun gun
9 or taser.

10 (vii) "Firearm ammunition" means any self-contained
11 cartridge or shotgun shell, by whatever name known, which
12 is designed to be used or adaptable to use in a firearm,
13 including but not limited to:

14 (A) any ammunition exclusively designed for use
15 with a device used exclusively for signaling or safety
16 and required or recommended by the United States Coast
17 Guard or the Interstate Commerce Commission; or

18 (B) any ammunition designed exclusively for use
19 with a stud or rivet driver or other similar industrial
20 ammunition.

21 (viii) "Explosive" means, but is not limited to, bomb,
22 bombshell, grenade, bottle or other container containing
23 an explosive substance of over one-quarter ounce for like
24 purposes such as black powder bombs and Molotov cocktails
25 or artillery projectiles.

26 (ix) "Tool to defeat security mechanisms" means, but is

1 not limited to, handcuff or security restraint key, tool
2 designed to pick locks, popper, or any device or instrument
3 used to or capable of unlocking or preventing from locking
4 any handcuff or security restraints, doors to cells, rooms,
5 gates or other areas of the penal institution.

6 (x) "Cutting tool" means, but is not limited to,
7 hacksaw blade, wirecutter, or device, instrument or file
8 capable of cutting through metal.

9 (xi) "Electronic contraband" for the purposes of
10 Section 31A-1.1 of this Article means, but is not limited
11 to, any electronic, video recording device, computer, or
12 cellular communications equipment, including, but not
13 limited to, cellular telephones, cellular telephone
14 batteries, videotape recorders, pagers, computers, and
15 computer peripheral equipment brought into or possessed in
16 a penal institution without the written authorization of
17 the Chief Administrative Officer. "Electronic contraband"
18 for the purposes of Section 31A-1.2 of this Article, means,
19 but is not limited to, any electronic, video recording
20 device, computer, or cellular communications equipment,
21 including, but not limited to, cellular telephones,
22 cellular telephone batteries, videotape recorders, pagers,
23 computers, and computer peripheral equipment.

24 "Penal institution" means any penitentiary, State farm,
25 reformatory, prison, jail, house of correction, police
26 detention area, half-way house or other institution or place

1 for the incarceration or custody of persons under sentence for
2 offenses awaiting trial or sentence for offenses, under arrest
3 for an offense, a violation of probation, a violation of
4 parole, a violation of aftercare release, or a violation of
5 mandatory supervised release, or awaiting a bail setting
6 hearing or preliminary hearing; provided that where the place
7 for incarceration or custody is housed within another public
8 building this Article shall not apply to that part of the
9 building unrelated to the incarceration or custody of persons.

10 "Radio communication" means the transmission by radio of
11 writing, signs, signals, pictures, and sounds of all kinds,
12 including all instrumentalities, facilities, apparatus, and
13 services (among other things, the receipt, forwarding, and
14 delivery of communications) incidental to that transmission.

15 "Radio station" means a station equipped to engage in radio
16 communication or radio transmission of energy.

17 "Unlicensed radio communication" means a radio
18 communication by a radio station that does not have a current
19 license issued by the Federal Communications Commission.

20 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14.)

21 (720 ILCS 5/31A-1.3 new)

22 Sec. 31A-1.3. Unlawful communication with an inmate of a
23 penal institution.

24 (a) A person commits unlawful communication with an inmate
25 of a penal institution when he or she knowingly and without

1 authority of any person designated or authorized to grant this
2 authority communicates with an inmate of a penal institution by
3 means of an unlicensed radio communication.

4 (b) Sentence. Unlawful communication with an inmate of a
5 penal institution is a Class 1 felony.