

1 AN ACT in relation to 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
5 changing Section 31A-1.1 as follows:

6 (720 ILCS 5/31A-1.1) (from Ch. 38, par. 31A-1.1)

7 Sec. 31A-1.1. Bringing Contraband into a Penal
8 Institution; Possessing Contraband in a Penal Institution.

9 (a) A person commits the offense of bringing contraband
10 into a penal institution when he knowingly and without
11 authority of any person designated or authorized to grant
12 such authority (1) brings an item of contraband into a penal
13 institution or (2) causes another to bring an item of
14 contraband into a penal institution or (3) places an item of
15 contraband in such proximity to a penal institution as to
16 give an inmate access to the contraband.

17 (b) A person commits the offense of possessing
18 contraband in a penal institution when he possesses
19 contraband in a penal institution, regardless of the intent
20 with which he possesses it.

21 (c) For the purposes of this Section, the words and
22 phrases listed below shall be defined as follows:

23 (1) "Penal institution" means any penitentiary,
24 State farm, reformatory, prison, jail, house of
25 correction, police detention area, half-way house or
26 other institution or place for the incarceration or
27 custody of persons under sentence for offenses awaiting
28 trial or sentence for offenses, under arrest for an
29 offense, a violation of probation, a violation of parole,
30 or a violation of mandatory supervised release, or
31 awaiting a bail setting hearing or preliminary hearing;

1 provided that where the place for incarceration or
2 custody is housed within another public building this Act
3 shall not apply to that part of such building unrelated
4 to the incarceration or custody of persons. "Penal
5 institution" includes visitors' parking lots of the penal
6 institution.

7 (2) "Item of contraband" means any of the
8 following:

9 (i) "Alcoholic liquor" as such term is defined
10 in Section 1-3.05 of The Liquor Control Act of 1934
11 as such Act may be now or hereafter amended.

12 (ii) "Cannabis" as such term is defined in
13 subsection (a) of Section 3 of the "Cannabis Control
14 Act", approved August 16, 1971, as now or hereafter
15 amended.

16 (iii) "Controlled substance" as such term is
17 defined in the "Illinois Controlled Substances Act",
18 approved August 16, 1971, as now or hereafter
19 amended.

20 (iv) "Hypodermic syringe" or hypodermic
21 needle, or any instrument adapted for use of
22 controlled substances or cannabis by subcutaneous
23 injection.

24 (v) "Weapon" means any knife, dagger, dirk,
25 billy, razor, stiletto, broken bottle, or other
26 piece of glass which could be used as a dangerous
27 weapon. Such term includes any of the devices or
28 implements designated in subsections (a)(1), (a)(3)
29 and (a)(6) of Section 24-1 of this Act, or any other
30 dangerous weapon or instrument of like character.

31 (vi) "Firearm" means any device, by whatever
32 name known, which is designed to expel a projectile
33 or projectiles by the action of an explosion,
34 expansion of gas or escape of gas, including but not

1 limited to:

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

5 (B) any device used exclusively for
6 signaling or safety and required as recommended
7 by the United States Coast Guard or the
8 Interstate Commerce Commission; or

9 (C) any device used exclusively for the
10 firing of stud cartridges, explosive rivets or
11 industrial ammunition; or

12 (D) any device which is powered by
13 electrical charging units, such as batteries,
14 and which fires one or several barbs attached
15 to a length of wire and which, upon hitting a
16 human, can send out current capable of
17 disrupting the person's nervous system in such
18 a manner as to render him incapable of normal
19 functioning, commonly referred to as a stun gun
20 or taser.

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

26 (A) any ammunition exclusively designed
27 for use with a device used exclusively for
28 signaling or safety and required or recommended
29 by the United States Coast Guard or the
30 Interstate Commerce Commission; or

31 (B) any ammunition designed exclusively
32 for use with a stud or rivet driver or other
33 similar industrial ammunition.

34 (viii) "Explosive" means, but is not limited

1 to, bomb, bombshell, grenade, bottle or other
2 container containing an explosive substance of over
3 one-quarter ounce for like purposes such as black
4 powder bombs and Molotov cocktails or artillery
5 projectiles.

6 (ix) "Tool to defeat security mechanisms"
7 means, but is not limited to, handcuff or security
8 restraint key, tool designed to pick locks, or
9 device or instrument capable of unlocking handcuff
10 or security restraints, doors to cells, rooms, gates
11 or other areas of the penal institution.

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

15 (xi) "Electronic contraband" means, but is not
16 limited to, any electronic, video recording device,
17 computer, or cellular communications equipment,
18 including, but not limited to, cellular telephones,
19 cellular telephone batteries, videotape recorders,
20 pagers, computers, and computer peripheral equipment
21 brought into or possessed in a penal institution
22 without the written authorization of the Chief
23 Administrative Officer.

24 (d) Bringing alcoholic liquor into a penal institution
25 is a Class 4 felony. Possessing alcoholic liquor in a penal
26 institution is a Class 4 felony.

27 (e) Bringing cannabis into a penal institution is a
28 Class 3 felony. Possessing cannabis in a penal institution
29 is a Class 3 felony.

30 (f) Bringing any amount of a controlled substance
31 classified in Schedules III, IV or V of Article II of the
32 Controlled Substance Act into a penal institution is a Class
33 2 felony. Possessing any amount of a controlled substance
34 classified in Schedule III, IV, or V of Article II of the

1 Controlled Substance Act in a penal institution is a Class 2
2 felony.

3 (g) Bringing any amount of a controlled substance
4 classified in Schedules I or II of Article II of the
5 Controlled Substance Act into a penal institution is a Class
6 1 felony. Possessing any amount of a controlled substance
7 classified in Schedules I or II of Article II of the
8 Controlled Substance Act in a penal institution is a Class 1
9 felony.

10 (h) Bringing an item of contraband listed in paragraph
11 (iv) of subsection (c)(2) into a penal institution is a Class
12 1 felony. Possessing an item of contraband listed in
13 paragraph (iv) of subsection (c)(2) in a penal institution is
14 a Class 1 felony.

15 (i) Bringing an item of contraband listed in paragraph
16 (v), (ix), (x), or (xi) of subsection (c)(2) into a penal
17 institution is a Class 1 felony. Possessing an item of
18 contraband listed in paragraph (v), (ix), (x), or (xi) of
19 subsection (c)(2) in a penal institution is a Class 1 felony.

20 (j) Bringing an item of contraband listed in paragraphs
21 (vi), (vii) or (viii) of subsection (c)(2) in a penal
22 institution is a Class X felony. Possessing an item of
23 contraband listed in paragraphs (vi), (vii), or (viii) of
24 subsection (c)(2) in a penal institution is a Class X felony.

25 (k) It shall be an affirmative defense to subsection (b)
26 hereof, that such possession was specifically authorized by
27 rule, regulation, or directive of the governing authority of
28 the penal institution or order issued pursuant thereto.

29 (l) It shall be an affirmative defense to subsection
30 (a)(1) and subsection (b) hereof that the person bringing
31 into or possessing contraband in a penal institution had been
32 arrested, and that that person possessed such contraband at
33 the time of his arrest, and that such contraband was brought
34 into or possessed in the penal institution by that person as

1 a direct and immediate result of his arrest.

2 (m) Items confiscated may be retained for use by the
3 Department of Corrections or disposed of as deemed
4 appropriate by the Chief Administrative Officer in accordance
5 with Department rules or disposed of as required by law.

6 (Source: P.A. 88-678, eff. 7-1-95; 89-688, eff. 6-1-97.)