

# HB0218



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0218

Introduced 1/19/2007, by Rep. Jim Sacia

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/31A-1.1

from Ch. 38, par. 31A-1.1

Amends the Criminal Code of 1961. With respect to the offenses of bringing contraband into a penal institution and possessing contraband in a penal institution, defines "penal institution" to include an Illinois Department of Corrections Parole Office.

LRB095 04372 RLC 24415 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 1961 is amended by changing  
5 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 such  
12 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 give  
16 an inmate access to the contraband.

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

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

23 (1) "Penal institution" means any Illinois Department

1 of Corrections Parole Office, or any penitentiary, State  
2 farm, reformatory, prison, jail, house of correction,  
3 police detention area, half-way house or other institution  
4 or place for the incarceration or custody of persons under  
5 sentence for offenses awaiting trial or sentence for  
6 offenses, under arrest for an offense, a violation of  
7 probation, a violation of parole, or a violation of  
8 mandatory supervised release, or awaiting a bail setting  
9 hearing or preliminary hearing; provided that where the  
10 place for incarceration or custody is housed within another  
11 public building this Act shall not apply to that part of  
12 such building unrelated to the incarceration or custody of  
13 persons.

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

15 (i) "Alcoholic liquor" as such term is defined in  
16 Section 1-3.05 of the Liquor Control Act of 1934.

17 (ii) "Cannabis" as such term is defined in  
18 subsection (a) of Section 3 of the Cannabis Control  
19 Act.

20 (iii) "Controlled substance" as such term is  
21 defined in the Illinois Controlled Substances Act.

22 (iii-a) "Methamphetamine" as such term is defined  
23 in the Illinois Controlled Substances Act or the  
24 Methamphetamine Control and Community Protection Act.

25 (iv) "Hypodermic syringe" or hypodermic needle, or  
26 any instrument adapted for use of controlled

1 substances or cannabis by subcutaneous injection.

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

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

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

16 (B) any device used exclusively for signaling  
17 or safety and required as recommended by the United  
18 States Coast Guard or the Interstate Commerce  
19 Commission; or

20 (C) any device used exclusively for the firing  
21 of stud cartridges, explosive rivets or industrial  
22 ammunition; or

23 (D) any device which is powered by electrical  
24 charging units, such as batteries, and which fires  
25 one or several barbs attached to a length of wire  
26 and which, upon hitting a human, can send out

1 current capable of disrupting the person's nervous  
2 system in such a manner as to render him incapable  
3 of normal functioning, commonly referred to as a  
4 stun gun or taser.

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

9 (A) any ammunition exclusively designed for  
10 use with a device used exclusively for signaling or  
11 safety and required or recommended by the United  
12 States Coast Guard or the Interstate Commerce  
13 Commission; or

14 (B) any ammunition designed exclusively for  
15 use with a stud or rivet driver or other similar  
16 industrial ammunition.

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

22 (ix) "Tool to defeat security mechanisms" means,  
23 but is not limited to, handcuff or security restraint  
24 key, tool designed to pick locks, or device or  
25 instrument capable of unlocking handcuff or security  
26 restraints, doors to cells, rooms, gates or other areas

1 of the penal institution.

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

5 (xi) "Electronic contraband" means, but is not  
6 limited to, any electronic, video recording device,  
7 computer, or cellular communications equipment,  
8 including, but not limited to, cellular telephones,  
9 cellular telephone batteries, videotape recorders,  
10 pagers, computers, and computer peripheral equipment  
11 brought into or possessed in a penal institution  
12 without the written authorization of the Chief  
13 Administrative Officer.

14 (d) Bringing alcoholic liquor into a penal institution is a  
15 Class 4 felony. Possessing alcoholic liquor in a penal  
16 institution is a Class 4 felony.

17 (e) Bringing cannabis into a penal institution is a Class 3  
18 felony. Possessing cannabis in a penal institution is a Class 3  
19 felony.

20 (f) Bringing any amount of a controlled substance  
21 classified in Schedules III, IV or V of Article II of the  
22 Controlled Substance Act into a penal institution is a Class 2  
23 felony. Possessing any amount of a controlled substance  
24 classified in Schedule III, IV, or V of Article II of the  
25 Controlled Substance Act in a penal institution is a Class 2  
26 felony.

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

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

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

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

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

26 (l) It shall be an affirmative defense to subsection (a)(1)

1 and subsection (b) hereof that the person bringing into or  
2 possessing contraband in a penal institution had been arrested,  
3 and that that person possessed such contraband at the time of  
4 his arrest, and that such contraband was brought into or  
5 possessed in the penal institution by that person as a direct  
6 and immediate result of his arrest.

7 (m) Items confiscated may be retained for use by the  
8 Department of Corrections or disposed of as deemed appropriate  
9 by the Chief Administrative Officer in accordance with  
10 Department rules or disposed of as required by law.

11 (Source: P.A. 94-556, eff. 9-11-05; 94-1017, eff. 7-7-06.)