



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2135

Introduced 2/14/2008, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

720 ILCS 5/31-6

from Ch. 38, par. 31-6

730 ILCS 5/5-8A-4.1

Amends the Criminal Code of 1961. Provides that the offense of escape applies to a person charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony or misdemeanor. Amends the Unified Code of Corrections. Provides that the penalties for failure to comply with a condition of the electronic home monitoring detention program apply to a person charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony or misdemeanor.

LRB095 19482 RLC 45778 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 31-6 as follows:

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

7 Sec. 31-6. Escape; failure to report to a penal institution
8 or to report for periodic imprisonment.

9 (a) A person convicted of a felony or charged with the
10 commission of a felony, or charged with or adjudicated
11 delinquent for an act which, if committed by an adult, would
12 constitute a felony, who intentionally escapes from any penal
13 institution or from the custody of an employee of that
14 institution commits a Class 2 felony; however, a person
15 convicted of a felony, or adjudicated delinquent for an act
16 which, if committed by an adult, would constitute a felony, who
17 knowingly fails to report to a penal institution or to report
18 for periodic imprisonment at any time or knowingly fails to
19 return from furlough or from work and day release or who
20 knowingly fails to abide by the terms of home confinement is
21 guilty of a Class 3 felony.

22 (b) A person convicted of a misdemeanor or charged with the
23 commission of a misdemeanor, or charged with or adjudicated

1 delinquent for an act which, if committed by an adult, would
2 constitute a misdemeanor, who intentionally escapes from any
3 penal institution or from the custody of an employee of that
4 institution commits a Class A misdemeanor; however, a person
5 convicted of a misdemeanor, or adjudicated delinquent for an
6 act which, if committed by an adult, would constitute a
7 misdemeanor, who knowingly fails to report to a penal
8 institution or to report for periodic imprisonment at any time
9 or knowingly fails to return from furlough or from work and day
10 release or who knowingly fails to abide by the terms of home
11 confinement is guilty of a Class B misdemeanor.

12 (b-1) A person committed to the Department of Human
13 Services under the provisions of the Sexually Violent Persons
14 Commitment Act or in detention with the Department of Human
15 Services awaiting such a commitment who intentionally escapes
16 from any secure residential facility or from the custody of an
17 employee of that facility commits a Class 2 felony.

18 (c) A person in the lawful custody of a peace officer for
19 the alleged commission of a felony offense or an act which, if
20 committed by an adult, would constitute a felony, and who
21 intentionally escapes from custody commits a Class 2 felony;
22 however, a person in the lawful custody of a peace officer for
23 the alleged commission of a misdemeanor offense or an act
24 which, if committed by an adult, would constitute a
25 misdemeanor, who intentionally escapes from custody commits a
26 Class A misdemeanor.

1 (c-5) A person in the lawful custody of a peace officer for
2 an alleged violation of a term or condition of probation,
3 conditional discharge, parole, or mandatory supervised release
4 for a felony or an act which, if committed by an adult, would
5 constitute a felony, who intentionally escapes from custody is
6 guilty of a Class 2 felony.

7 (c-6) A person in the lawful custody of a peace officer for
8 an alleged violation of a term or condition of supervision,
9 probation, or conditional discharge for a misdemeanor or an act
10 which, if committed by an adult, would constitute a
11 misdemeanor, who intentionally escapes from custody is guilty
12 of a Class A misdemeanor.

13 (d) A person who violates this Section while armed with a
14 dangerous weapon commits a Class 1 felony.

15 (Source: P.A. 89-647, eff. 1-1-97; 89-656, eff. 1-1-97; 89-689,
16 eff. 12-31-96; 90-14, eff. 7-1-97; 90-793, eff. 8-14-98.)

17 Section 10. The Unified Code of Corrections is amended by
18 changing Section 5-8A-4.1 as follows:

19 (730 ILCS 5/5-8A-4.1)

20 Sec. 5-8A-4.1. Escape; failure to comply with a condition
21 of the electronic home monitoring detention program.

22 (a) A person charged with or convicted of a felony, or
23 charged with or adjudicated delinquent for an act which, if
24 committed by an adult, would constitute a felony, conditionally

1 released from the supervising authority through an electronic
2 home monitoring detention program, who knowingly violates a
3 condition of the electronic home monitoring detention program
4 is guilty of a Class 3 felony.

5 (b) A person charged with or convicted of a misdemeanor, or
6 charged with or adjudicated delinquent for an act which, if
7 committed by an adult, would constitute a misdemeanor,
8 conditionally released from the supervising authority through
9 an electronic home monitoring detention program, who knowingly
10 violates a condition of the electronic home monitoring
11 detention program is guilty of a Class B misdemeanor.

12 (c) A person who violates this Section while armed with a
13 dangerous weapon is guilty of a Class 1 felony.

14 (Source: P.A. 89-647, eff. 1-1-97.)