



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB1484**

by Rep. Tony McCombie

#### 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 violation of a parole host agreement. Provides that a person commits violation of a parole host agreement when he or she hosts a releasee and he or she knowingly stores or leaves, within premises under his or her control, a firearm if the person knows or has reason to believe that the releasee is likely to gain access to the firearm and the releasee gains access to the firearm. Includes a person who hosts a person serving aftercare release and who has entered into an agreement with the Department of Juvenile Justice to host a person serving aftercare release. Provides exceptions. Provides that violation of a parole host agreement is a Class A misdemeanor. Provides that if the releasee gains access to the host's firearm, the violation is a Class A misdemeanor. Provides that if the releasee uses the firearm in the commission of an offense that does not result in death or great bodily harm to another person, the host is guilty of a Class 4 felony and a Class 3 felony if the releasee's use of the firearm proximately causes death or great bodily harm to another person.

LRB101 04619 SLF 49627 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 "Hosts" means to provide a residence in his or her dwelling  
19 to a person serving a parole, aftercare, or mandatory  
20 supervised release term under a parole or release plan adopted  
21 by the Department of Corrections or the Department of Juvenile  
22 Justice that identifies the host as the person in whose  
23 household the releasee will reside or is residing.

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

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

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

6 (iii) "Controlled substance" as that term is defined in  
7 the Illinois Controlled Substances Act.

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

11 (iv) "Hypodermic syringe" or hypodermic needle, or any  
12 instrument adapted for use of controlled substances or  
13 cannabis by subcutaneous injection.

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

21 (vi) For purposes of this Section and Sections 31A-1.1  
22 and 31A-1.2 only, "firearm" ~~"Firearm"~~ means any device, by  
23 whatever name known, which is designed to expel a  
24 projectile or projectiles by the action of an explosion,  
25 expansion of gas or escape of gas, including but not  
26 limited to:

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

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

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

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

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

22 (A) any ammunition exclusively designed for use  
23 with a device used exclusively for signaling or safety  
24 and required or recommended by the United States Coast  
25 Guard or the Interstate Commerce Commission; or

26 (B) any ammunition designed exclusively for use

1           with a stud or rivet driver or other similar industrial  
2           ammunition.

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

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

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

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

1 but is not limited to, any electronic, video recording  
2 device, computer, or cellular communications equipment,  
3 including, but not limited to, cellular telephones,  
4 cellular telephone batteries, videotape recorders, pagers,  
5 computers, and computer peripheral equipment.

6 "Host site agreement" means an agreement between a person  
7 who hosts a person serving aftercare release and the Department  
8 of Juvenile Justice.

9 "Parole host agreement" means a host site agreement,  
10 electronic detention host agreement, or similar written  
11 agreement between a person who hosts a releasee and the  
12 Department of Corrections.

13 "Penal institution" means any penitentiary, State farm,  
14 reformatory, prison, jail, house of correction, police  
15 detention area, half-way house or other institution or place  
16 for the incarceration or custody of persons under sentence for  
17 offenses awaiting trial or sentence for offenses, under arrest  
18 for an offense, a violation of probation, a violation of  
19 parole, a violation of aftercare release, or a violation of  
20 mandatory supervised release, or awaiting a bail setting  
21 hearing or preliminary hearing; provided that where the place  
22 for incarceration or custody is housed within another public  
23 building this Article shall not apply to that part of the  
24 building unrelated to the incarceration or custody of persons.

25 "Releasee" means a person serving a term of parole,  
26 mandatory supervised release, or aftercare release.

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

2 (720 ILCS 5/31A-1.3 new)

3 Sec. 31A-1.3. Violation of a parole host agreement or host  
4 site agreement.

5 (a) A person commits violation of a parole host agreement  
6 or host site agreement when he or she hosts a releasee and he  
7 or she knowingly stores or leaves, within premises under his or  
8 her control, a firearm if the person knows or has reason to  
9 believe that the releasee is likely to gain access to the  
10 firearm and the releasee gains access to the firearm unless the  
11 firearm is:

12 (1) secured by a device or mechanism, other than the  
13 firearm safety, designed to render a firearm temporarily  
14 inoperable;

15 (2) placed in a securely locked box or container; or

16 (3) placed in some other location that a reasonable  
17 person would believe to be secure from the releasee.

18 (b) Subsection (a) does not apply:

19 (1) if the releasee gains access to a firearm and uses  
20 it in a lawful act of self-defense or defense of another;  
21 or

22 (2) to any firearm obtained by the releasee because of  
23 an unlawful entry of the premises by the releasee or  
24 another person.

25 (c) Sentence. A person who violates subsection (a) is

1 guilty of a Class A misdemeanor, except that it is a Class 4  
2 felony if the releasee uses the firearm in the commission of an  
3 offense that does not result in death or great bodily harm to  
4 another person; or a Class 3 felony if the releasee uses the  
5 firearm in the commission of an offense that proximately causes  
6 death or great bodily harm to another person.