

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 Sections 31A-0.1, 31A-1.1, and 31A-1.2 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 (i-d) "Broadcast equipment" means, but is not limited  
22 to, any hardware, instrument, apparatus, software, or item  
23 that contains a camera or recording device of any type, or

1 is capable of capturing, transmitting, intercepting, or  
2 projecting any sound, image, pulse wave, radio signal,  
3 television signal, or radio signal and television signal.

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) "Firearm" means any device, by whatever name  
22 known, which is designed to expel a projectile or  
23 projectiles by the action of an explosion, expansion of gas  
24 or escape of gas, including but not limited to:

25 (A) any pneumatic gun, spring gun, or B-B gun which  
26 expels a single globular projectile not exceeding .18

1           inch in diameter; or

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

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

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

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

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

24                   (B) any ammunition designed exclusively for use  
25 with a stud or rivet driver or other similar industrial  
26 ammunition.

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

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

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

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

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

7 (xii) "Recording device" means, but is not limited to,  
8 any instrument, apparatus, method, or device that is  
9 capable of receiving, recording, intercepting, or  
10 capturing any sounds or images, including, but not limited  
11 to, magnetic, digital, chemical, thermodynamic,  
12 photochemical, mechanical, magnetic, optical, electrical,  
13 or emulsion.

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

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

1 (720 ILCS 5/31A-1.1) (from Ch. 38, par. 31A-1.1)

2 Sec. 31A-1.1. Bringing Contraband into a Penal  
3 Institution; Possessing Contraband in a Penal Institution.

4 (a) A person commits bringing contraband into a penal  
5 institution when he or she knowingly and without authority of  
6 any person designated or authorized to grant this authority

7 (1) brings an item of contraband into a penal  
8 institution; ~~or~~

9 (2) causes another to bring an item of contraband into  
10 a penal institution; ~~or~~

11 (3) places an item of contraband in such proximity to a  
12 penal institution as to give an inmate access to the  
13 contraband; ~~or~~

14 (4) places or causes to be placed a recording device,  
15 broadcast equipment, or electronic contraband on penal  
16 institution property, or within the proximity of penal  
17 institution property with the intent to disrupt safety,  
18 security, or operations of the penal institution.

19 (b) A person commits possessing contraband in a penal  
20 institution when he or she knowingly and without authority  
21 possesses contraband in a penal institution, regardless of the  
22 intent with which he or she possesses it.

23 (c) (Blank).

24 (d) Sentence.

25 (1) Bringing into or possessing alcoholic liquor in a

1 penal institution is a Class 4 felony.

2 (2) Bringing into or possessing cannabis in a penal  
3 institution is a Class 3 felony.

4 (3) Bringing into or possessing any amount of a  
5 controlled substance classified in Schedules III, IV or V  
6 of Article II of the Illinois Controlled Substances Act in  
7 a penal institution is a Class 2 felony.

8 (4) Bringing into or possessing any amount of a  
9 controlled substance classified in Schedules I or II of  
10 Article II of the Illinois Controlled Substances Act in a  
11 penal institution is a Class 1 felony.

12 (5) Bringing into or possessing a hypodermic syringe in  
13 a penal institution is a Class 1 felony.

14 (6) Bringing into or possessing a weapon, tool to  
15 defeat security mechanisms, cutting tool, ~~or~~ electronic  
16 contraband, recording device, broadcast equipment, or  
17 electronic contraband in a penal institution, on penal  
18 institution property, or within the proximity of penal  
19 institution property with the intent to disrupt safety,  
20 security, or operations of the penal institution in a penal  
21 institution is a Class 1 felony.

22 (7) Bringing into or possessing a firearm, firearm  
23 ammunition, or explosive in a penal institution is a Class  
24 X felony.

25 (e) It shall be an affirmative defense to subsection (b),  
26 that the possession was specifically authorized by rule,

1 regulation, or directive of the governing authority of the  
2 penal institution or order issued under it.

3 (f) It shall be an affirmative defense to subsection (a) (1)  
4 and subsection (b) that the person bringing into or possessing  
5 contraband in a penal institution had been arrested, and that  
6 person possessed the contraband at the time of his or her  
7 arrest, and that the contraband was brought into or possessed  
8 in the penal institution by that person as a direct and  
9 immediate result of his or her arrest.

10 (g) Items confiscated may be retained for use by the  
11 Department of Corrections or disposed of as deemed appropriate  
12 by the Chief Administrative Officer in accordance with  
13 Department rules or disposed of as required by law.

14 (Source: P.A. 97-1108, eff. 1-1-13; 98-756, eff. 7-16-14.)

15 (720 ILCS 5/31A-1.2) (from Ch. 38, par. 31A-1.2)

16 Sec. 31A-1.2. Unauthorized bringing of contraband into a  
17 penal institution by an employee; unauthorized possessing of  
18 contraband in a penal institution by an employee; unauthorized  
19 delivery of contraband in a penal institution by an employee.

20 (a) A person commits unauthorized bringing of contraband  
21 into a penal institution by an employee when a person who is an  
22 employee knowingly and without authority of any person  
23 designated or authorized to grant this authority:

24 (1) brings or attempts to bring an item of contraband  
25 into a penal institution;~~7-er~~

1           (2) causes or permits another to bring an item of  
2           contraband into a penal institution; ~~or.~~

3           (3) places or causes to be placed, or permits another  
4           to place or cause to be placed, any item of contraband on  
5           penal institution property, or within the proximity of  
6           penal institution property, with the intent to disrupt  
7           safety, security, or operations of the penal institution.

8           (b) A person commits unauthorized possession of contraband  
9           in a penal institution by an employee when a person who is an  
10          employee knowingly and without authority of any person  
11          designated or authorized to grant this authority possesses an  
12          item of contraband in a penal institution, regardless of the  
13          intent with which he or she possesses it.

14          (c) A person commits unauthorized delivery of contraband in  
15          a penal institution by an employee when a person who is an  
16          employee knowingly and without authority of any person  
17          designated or authorized to grant this authority:

18               (1) delivers or possesses with intent to deliver an  
19               item of contraband to any inmate of a penal institution; ~~or~~

20               ~~or~~

21               (2) conspires to deliver or solicits the delivery of an  
22               item of contraband to any inmate of a penal institution; ~~or~~

23               ~~or~~

24               (3) causes or permits the delivery of an item of  
25               contraband to any inmate of a penal institution; ~~or~~

26               (4) permits another person to attempt to deliver an

1 item of contraband to any inmate of a penal institution;

2 or.

3 (5) delivers, possesses, conspires to deliver or  
4 solicits delivery, causes or permits delivery, or permits  
5 another to attempt to deliver, any item of contraband  
6 within the proximity of penal institution property with the  
7 intent to disrupt safety, security, or operations of the  
8 penal institution.

9 (d) For a violation of subsection (a) or (b) involving a  
10 cellular telephone or cellular telephone battery, the  
11 defendant must intend to provide the cellular telephone or  
12 cellular telephone battery to any inmate in a penal  
13 institution, or to use the cellular telephone or cellular  
14 telephone battery at the direction of an inmate or for the  
15 benefit of any inmate of a penal institution.

16 (e) Sentence.

17 (1) A violation of paragraphs (a) or (b) of this  
18 Section involving alcohol is a Class 4 felony. A violation  
19 of paragraph (a) or (b) of this Section involving cannabis  
20 is a Class 2 felony. A violation of paragraph (a) or (b)  
21 involving any amount of a controlled substance classified  
22 in Schedules III, IV or V of Article II of the Illinois  
23 Controlled Substances Act is a Class 1 felony. A violation  
24 of paragraph (a) or (b) of this Section involving any  
25 amount of a controlled substance classified in Schedules I  
26 or II of Article II of the Illinois Controlled Substances

1 Act is a Class X felony. A violation of paragraph (a) or  
2 (b) involving a hypodermic syringe is a Class X felony. A  
3 violation of paragraph (a) or (b) involving placing or  
4 causing to be placed, or allowing another to place or cause  
5 to place a recording device, broadcast equipment, or  
6 electronic contraband on penal institution property or  
7 within the proximity of penal institution property with the  
8 intent to disrupt safety, security, or operations of the  
9 penal institution is a Class 2 felony. A violation of  
10 paragraph (a) or (b) involving a weapon, tool to defeat  
11 security mechanisms, cutting tool, or electronic  
12 contraband is a Class 1 felony. A violation of paragraph  
13 (a) or (b) involving a firearm, firearm ammunition, or  
14 explosive is a Class X felony.

15 (2) A violation of paragraph (c) of this Section  
16 involving alcoholic liquor is a Class 3 felony. A violation  
17 of paragraph (c) involving cannabis is a Class 1 felony. A  
18 violation of paragraph (c) involving any amount of a  
19 controlled substance classified in Schedules III, IV or V  
20 of Article II of the Illinois Controlled Substances Act is  
21 a Class X felony. A violation of paragraph (c) involving  
22 any amount of a controlled substance classified in  
23 Schedules I or II of Article II of the Illinois Controlled  
24 Substances Act is a Class X felony for which the minimum  
25 term of imprisonment shall be 8 years. A violation of  
26 paragraph (c) involving a hypodermic syringe is a Class X

1 felony for which the minimum term of imprisonment shall be  
2 8 years. A violation of paragraph (c) involving a weapon,  
3 tool to defeat security mechanisms, cutting tool, or  
4 electronic contraband is a Class X felony for which the  
5 minimum term of imprisonment shall be 10 years. A violation  
6 of paragraph (c) involving placing or causing to be placed,  
7 or allowing another to place or cause to place a recording  
8 device, broadcast equipment, or electronic contraband on  
9 penal institution property or within the proximity of penal  
10 institution property with the intent to disrupt safety,  
11 security, or operations of the penal institution is a Class  
12 4 felony. A violation of paragraph (c) involving a firearm,  
13 firearm ammunition, or explosive is a Class X felony for  
14 which the minimum term of imprisonment shall be 12 years.

15 (f) Items confiscated may be retained for use by the  
16 Department of Corrections or disposed of as deemed appropriate  
17 by the Chief Administrative Officer in accordance with  
18 Department rules or disposed of as required by law.

19 (g) For a violation of subsection (a) or (b) involving  
20 alcoholic liquor, a weapon, firearm, firearm ammunition, tool  
21 to defeat security mechanisms, cutting tool, or electronic  
22 contraband, the items shall not be considered to be in a penal  
23 institution when they are secured in an employee's locked,  
24 private motor vehicle parked on the grounds of a penal  
25 institution.

26 (Source: P.A. 96-328, eff. 8-11-09; 96-1112, eff. 1-1-11;

1 96-1325, eff. 7-27-10; 97-333, eff. 8-12-11; 97-1108, eff.  
2 1-1-13.)

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/31A-0.1

4 720 ILCS 5/31A-1.1 from Ch. 38, par. 31A-1.1

5 720 ILCS 5/31A-1.2 from Ch. 38, par. 31A-1.2