



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4588

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 the offense when he or she hosts a releasee and he or she knowingly violates a term of the parole host agreement. Provides that a person also 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. 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.

LRB100 16805 RLC 31945 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 or mandatory supervised release
20 term under a parole or release plan adopted by the Department
21 of Corrections that identifies the host as the person in whose
22 household the releasee will reside or is residing.

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

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

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

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

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

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

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

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

26 (A) any pneumatic gun, spring gun, or B-B gun which

1 expels a single globular projectile not exceeding .18
2 inch in diameter; or

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

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

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

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

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

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

1 ammunition.

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

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

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

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

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

5 "Parole host agreement" means a host site agreement,
6 electronic detention host agreement, or similar written
7 agreement between a person who hosts a releasee and the
8 Department of Corrections.

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

21 "Releasee" means a person serving a term of parole or
22 mandatory supervised release.

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

24 (720 ILCS 5/31A-1.3 new)

25 Sec. 31A-1.3. Violation of a parole host agreement.

1 (a) A person commits violation of a parole host agreement
2 when he or she hosts a releasee and he or she knowingly
3 violates a term of the parole host agreement.

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

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

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

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

16 (c) Subsection (b) does not apply:

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

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

23 (d) Sentence.

24 (1) A person who violates subsection (a) is guilty of a
25 Class A misdemeanor.

26 (2) A person who violates subsection (b) is guilty of a

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