



Rep. Tony McCombie

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LRB100 16805 RLC 37498 a

1 AMENDMENT TO HOUSE BILL 4588

2 AMENDMENT NO. _____. Amend House Bill 4588 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 31A-0.1 and by adding Section 31A-1.3 as
6 follows:

7 (720 ILCS 5/31A-0.1)

8 Sec. 31A-0.1. Definitions. For the purposes of this
9 Article:

10 "Deliver" or "delivery" means the actual, constructive or
11 attempted transfer of possession of an item of contraband, with
12 or without consideration, whether or not there is an agency
13 relationship.

14 "Employee" means any elected or appointed officer, trustee
15 or employee of a penal institution or of the governing
16 authority of the penal institution, or any person who performs

1 services for the penal institution pursuant to contract with
2 the penal institution or its governing authority.

3 "Hosts" means to provide a residence in his or her dwelling
4 to a person serving a parole, aftercare, or mandatory
5 supervised release term under a parole or release plan adopted
6 by the Department of Corrections or the Department of Juvenile
7 Justice that identifies the host as the person in whose
8 household the releasee will reside or is residing.

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

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

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

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

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

19 (iv) "Hypodermic syringe" or hypodermic needle, or any
20 instrument adapted for use of controlled substances or
21 cannabis by subcutaneous injection.

22 (v) "Weapon" means any knife, dagger, dirk, billy,
23 razor, stiletto, broken bottle, or other piece of glass
24 which could be used as a dangerous weapon. This term
25 includes any of the devices or implements designated in
26 subsections (a) (1), (a) (3) and (a) (6) of Section 24-1 of

1 this Code, or any other dangerous weapon or instrument of
2 like character.

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

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

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

15 (C) any device used exclusively for the firing of
16 stud cartridges, explosive rivets or industrial
17 ammunition; or

18 (D) any device which is powered by electrical
19 charging units, such as batteries, and which fires one
20 or several barbs attached to a length of wire and
21 which, upon hitting a human, can send out current
22 capable of disrupting the person's nervous system in
23 such a manner as to render him or her incapable of
24 normal functioning, commonly referred to as a stun gun
25 or taser.

26 (vii) "Firearm ammunition" means any self-contained

1 cartridge or shotgun shell, by whatever name known, which
2 is designed to be used or adaptable to use in a firearm,
3 including but not limited to:

4 (A) any ammunition exclusively designed for use
5 with a device used exclusively for signaling or safety
6 and required or recommended by the United States Coast
7 Guard or the Interstate Commerce Commission; or

8 (B) any ammunition designed exclusively for use
9 with a stud or rivet driver or other similar industrial
10 ammunition.

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

16 (ix) "Tool to defeat security mechanisms" means, but is
17 not limited to, handcuff or security restraint key, tool
18 designed to pick locks, popper, or any device or instrument
19 used to or capable of unlocking or preventing from locking
20 any handcuff or security restraints, doors to cells, rooms,
21 gates or other areas of the penal institution.

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

25 (xi) "Electronic contraband" for the purposes of
26 Section 31A-1.1 of this Article means, but is not limited

1 to, any electronic, video recording device, computer, or
2 cellular communications equipment, including, but not
3 limited to, cellular telephones, cellular telephone
4 batteries, videotape recorders, pagers, computers, and
5 computer peripheral equipment brought into or possessed in
6 a penal institution without the written authorization of
7 the Chief Administrative Officer. "Electronic contraband"
8 for the purposes of Section 31A-1.2 of this Article, means,
9 but is not limited to, any electronic, video recording
10 device, computer, or cellular communications equipment,
11 including, but not limited to, cellular telephones,
12 cellular telephone batteries, videotape recorders, pagers,
13 computers, and computer peripheral equipment.

14 "Host site agreement" means an agreement between a person
15 who hosts a person serving aftercare release and the Department
16 of Juvenile Justice.

17 "Parole host agreement" means a host site agreement,
18 electronic detention host agreement, or similar written
19 agreement between a person who hosts a releasee and the
20 Department of Corrections.

21 "Penal institution" means any penitentiary, State farm,
22 reformatory, prison, jail, house of correction, police
23 detention area, half-way house or other institution or place
24 for the incarceration or custody of persons under sentence for
25 offenses awaiting trial or sentence for offenses, under arrest
26 for an offense, a violation of probation, a violation of

1 parole, a violation of aftercare release, or a violation of
2 mandatory supervised release, or awaiting a bail setting
3 hearing or preliminary hearing; provided that where the place
4 for incarceration or custody is housed within another public
5 building this Article shall not apply to that part of the
6 building unrelated to the incarceration or custody of persons.

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

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

10 (720 ILCS 5/31A-1.3 new)

11 Sec. 31A-1.3. Violation of a parole host agreement or host
12 site agreement.

13 (a) A person commits violation of a parole host agreement
14 or host site agreement when he or she hosts a releasee and he
15 or she knowingly stores or leaves, within premises under his or
16 her control, a firearm if the person knows or has reason to
17 believe that the releasee is likely to gain access to the
18 firearm and the releasee gains access to the firearm unless the
19 firearm is:

20 (1) secured by a device or mechanism, other than the
21 firearm safety, designed to render a firearm temporarily
22 inoperable;

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

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

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

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

5 (2) to any firearm obtained by the releasee because of
6 an unlawful entry of the premises by the releasee or
7 another person.

8 (c) Sentence. A person who violates subsection (a) is
9 guilty of a Class A misdemeanor, except that it is a Class 4
10 felony if the releasee uses the firearm in the commission of an
11 offense that does not result in death or great bodily harm to
12 another person; or a Class 3 felony if the releasee uses the
13 firearm in the commission of an offense that proximately causes
14 death or great bodily harm to another person."