

HB3904



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3904

Introduced 2/22/2021, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

720 ILCS 5/31A-0.1

If and only if House Bill 3653 of the 101st General Assembly becomes law, amends the Criminal Code of 2012. Removes stun guns and tasers from the definition of "firearm". Effective immediately.

LRB102 16933 RLC 22349 b

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. If and only if House Bill 3653 of the 101st
5 General Assembly becomes law, the Criminal Code of 2012 is
6 amended by changing Section 31A-0.1 as 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,
12 with or without consideration, whether or not there is an
13 agency 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
17 services for the penal institution pursuant to contract with
18 the penal institution or its governing authority.

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

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

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

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

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

6 (iv) "Hypodermic syringe" or hypodermic needle, or any
7 instrument adapted for use of controlled substances or
8 cannabis by subcutaneous injection.

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

16 (vi) "Firearm" means any device, by whatever name
17 known, which is designed to expel a projectile or
18 projectiles by the action of an explosion, expansion of
19 gas or escape of gas, including but not limited to:

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

23 (B) any device used exclusively for signaling or
24 safety and required as recommended by the United
25 States Coast Guard or the Interstate Commerce
26 Commission; or

1 (C) any device used exclusively for the firing of
2 stud cartridges, explosive rivets or industrial
3 ammunition; or

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

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

16 (A) any ammunition exclusively designed for use
17 with a device used exclusively for signaling or safety
18 and required or recommended by the United States Coast
19 Guard or the Interstate Commerce Commission; or

20 (B) any ammunition designed exclusively for use
21 with a stud or rivet driver or other similar
22 industrial ammunition.

23 (viii) "Explosive" means, but is not limited to, bomb,
24 bombshell, grenade, bottle or other container containing
25 an explosive substance of over one-quarter ounce for like
26 purposes such as black powder bombs and Molotov cocktails

1 or artillery projectiles.

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

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

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

1 equipment.

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

15 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14;
16 10100HB3653enr.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.