



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3936

Introduced 2/22/2021, 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.

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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
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,
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 "Hosts" means to provide a residence in his or her
20 dwelling to a person serving a parole, aftercare, or mandatory
21 supervised release term under a parole or release plan adopted
22 by the Department of Corrections or the Department of Juvenile
23 Justice that identifies the host as the person in whose

1 household the releasee will reside or is residing.

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

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

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

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

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

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

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

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

1 limited to:

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

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

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

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

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

24 (A) any ammunition exclusively designed for use
25 with a device used exclusively for signaling or safety
26 and required or recommended by the United States Coast

1 Guard or the Interstate Commerce Commission; or

2 (B) any ammunition designed exclusively for use
3 with a stud or rivet driver or other similar
4 industrial ammunition.

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

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

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

20 (xi) "Electronic contraband" for the purposes of
21 Section 31A-1.1 of this Article means, but is not limited
22 to, any electronic, video recording device, computer, or
23 cellular communications equipment, including, but not
24 limited to, cellular telephones, cellular telephone
25 batteries, videotape recorders, pagers, computers, and
26 computer peripheral equipment brought into or possessed in

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

10 "Host site agreement" means an agreement between a person
11 who hosts a person serving aftercare release and the
12 Department of Juvenile Justice.

13 "Parole host agreement" means a host site agreement,
14 electronic detention host agreement, or similar written
15 agreement between a person who hosts a releasee and the
16 Department of Corrections.

17 "Penal institution" means any penitentiary, State farm,
18 reformatory, prison, jail, house of correction, police
19 detention area, half-way house or other institution or place
20 for the incarceration or custody of persons under sentence for
21 offenses awaiting trial or sentence for offenses, under arrest
22 for an offense, a violation of probation, a violation of
23 parole, a violation of aftercare release, or a violation of
24 mandatory supervised release, or awaiting a bail setting
25 hearing or preliminary hearing; provided that where the place
26 for incarceration or custody is housed within another public

1 building this Article shall not apply to that part of the
2 building unrelated to the incarceration or custody of persons.

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

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

6 (720 ILCS 5/31A-1.3 new)

7 Sec. 31A-1.3. Violation of a parole host agreement or host
8 site agreement.

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

16 (1) secured by a device or mechanism, other than the
17 firearm safety, designed to render a firearm temporarily
18 inoperable;

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

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

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

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

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

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