



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5058

Introduced 1/27/2022, by Rep. Martin J. Moylan

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8A-4.1-5 new

Amends the Unified Code of Corrections. Provides that a person shall not knowingly and without authority remove, destroy, tamper with, damage, alter, disable, or otherwise interfere with or circumvent the operation of an approved electronic monitoring device or knowingly interfere or tamper with, or circumvent or alter, a signal, impulse, or data that is being transmitted by or stored within an approved electronic monitoring device worn or otherwise used by an individual as a condition of: (1) pretrial or pre-adjudicatory detention; (2) probation; (3) conditional discharge; (4) periodic imprisonment; (5) parole, aftercare release, or mandatory supervised release; (6) work release; (7) furlough; or 8) post-trial incarceration. Provides exceptions. Provides that a violation is a Class 4 felony.

LRB102 24817 RLC 34062 b

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 Unified Code of Corrections is amended by  
5 adding Section 5-8A-4.1-5 as follows:

6 (730 ILCS 5/5-8A-4.1-5 new)

7 Sec. 5-8A-4.1-5. Removing, destroying, tampering with,  
8 damaging, altering, disabling, or otherwise interfering with  
9 or circumventing the operation of an approved electronic  
10 monitoring device.

11 (a) A person shall not knowingly and without authority  
12 remove, destroy, tamper with, damage, alter, disable, or  
13 otherwise interfere with or circumvent the operation of an  
14 approved electronic monitoring device or knowingly interfere  
15 or tamper with, or circumvent or alter, a signal, impulse, or  
16 data that is being transmitted by or stored within an approved  
17 electronic monitoring device worn or otherwise used by an  
18 individual as a condition of any of the following:

19 (1) pretrial or pre-adjudicatory detention;

20 (2) probation;

21 (3) conditional discharge;

22 (4) periodic imprisonment;

23 (5) parole, aftercare release, or mandatory supervised

1 release;

2 (6) work release;

3 (7) furlough; or

4 (8) post-trial incarceration.

5 (b) A person shall not knowingly and without authority  
6 request or solicit any other person to remove, destroy, tamper  
7 with, damage, alter, disable, or otherwise interfere with or  
8 circumvent the operation of an approved electronic monitoring  
9 device or knowingly interfere or tamper with, or circumvent or  
10 alter, a signal, impulse, or data that is being transmitted by  
11 or stored within an approved electronic monitoring device worn  
12 or otherwise used by an individual as described in subsection  
13 (a).

14 (c) A person commits tampering with an approved electronic  
15 monitoring device if he or she knowingly removes, destroys,  
16 tampers with, damages, alters, disables, or otherwise  
17 interferes with or circumvents electronic monitoring equipment  
18 which a court, the Division of Probation Services, or the  
19 Prisoner Review Board has required the person to wear.

20 (d) Subsections (a), (b), and (c) do not apply to either of  
21 the following:

22 (1) the owner of an approved electronic monitoring  
23 device or his or her agent while performing proper  
24 maintenance and repairs on that device; or

25 (2) a person who removes an approved electronic  
26 monitoring device at the direction of a physician due to

1 an immediate medical necessity.

2 (e) Any person who violates this Section is guilty of a  
3 Class 4 felony.

4 (f) In this Section, "approved electronic monitoring  
5 device" includes any electronic device or instrument that is  
6 used to track the location of a person or detect the presence  
7 of alcohol in the person's breath.