



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5093

Introduced 1/29/2010, by Rep. Randy Ramey, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/31-6

from Ch. 38, par. 31-6

Amends the Criminal Code of 1961. Provides that a person committed to the Department of Human Services charged with the commission of a felony and determined unfit to stand trial or found not guilty by reason of insanity of a felony who intentionally escapes from any Department of Human Services facility or from the custody of an employee of that facility commits a Class 2 felony. Provides that a person committed to the Department of Human Services charged with the commission of a misdemeanor and determined unfit to stand trial or found not guilty by reason of insanity of a misdemeanor who intentionally escapes from any Department of Human Services facility or from the custody of an employee of that facility commits a Class A misdemeanor.

LRB096 18936 RLC 34324 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 1961 is amended by changing
5 Section 31-6 as follows:

6 (720 ILCS 5/31-6) (from Ch. 38, par. 31-6)

7 Sec. 31-6. Escape; failure to report to a penal institution
8 or to report for periodic imprisonment.

9 (a) A person convicted of a felony or charged with the
10 commission of a felony, or charged with or adjudicated
11 delinquent for an act which, if committed by an adult, would
12 constitute a felony, who intentionally escapes from any penal
13 institution or from the custody of an employee of that
14 institution commits a Class 2 felony; however, a person
15 convicted of a felony, or adjudicated delinquent for an act
16 which, if committed by an adult, would constitute a felony, who
17 knowingly fails to report to a penal institution or to report
18 for periodic imprisonment at any time or knowingly fails to
19 return from furlough or from work and day release or who
20 knowingly fails to abide by the terms of home confinement is
21 guilty of a Class 3 felony.

22 (b) A person convicted of a misdemeanor or charged with the
23 commission of a misdemeanor, or charged with or adjudicated

1 delinquent for an act which, if committed by an adult, would
2 constitute a misdemeanor, who intentionally escapes from any
3 penal institution or from the custody of an employee of that
4 institution commits a Class A misdemeanor; however, a person
5 convicted of a misdemeanor, or adjudicated delinquent for an
6 act which, if committed by an adult, would constitute a
7 misdemeanor, who knowingly fails to report to a penal
8 institution or to report for periodic imprisonment at any time
9 or knowingly fails to return from furlough or from work and day
10 release or who knowingly fails to abide by the terms of home
11 confinement is guilty of a Class B misdemeanor.

12 (b-1) A person committed to the Department of Human
13 Services charged with the commission of a felony and determined
14 unfit to stand trial under the provisions of Article 104 of the
15 Code of Criminal Procedure of 1963 or found not guilty by
16 reason of insanity of a felony under the provisions of Section
17 5-2-4 of the Unified Code of Corrections who intentionally
18 escapes from any Department of Human Services facility or from
19 the custody of an employee of that facility commits a Class 2
20 felony. A person committed to the Department of Human Services
21 charged with the commission of a misdemeanor and determined
22 unfit to stand trial under the provisions of Article 104 of the
23 Code of Criminal Procedure of 1963 or found not guilty by
24 reason of insanity of a misdemeanor under the provisions of
25 Section 5-2-4 of the Unified Code of Corrections who
26 intentionally escapes from any Department of Human Services

1 facility or from the custody of an employee of that facility
2 commits a Class A misdemeanor. A person committed to the
3 Department of Human Services under the provisions of the
4 Sexually Violent Persons Commitment Act or in detention with
5 the Department of Human Services awaiting such a commitment who
6 intentionally escapes from any secure residential facility or
7 from the custody of an employee of that facility commits a
8 Class 2 felony.

9 (c) A person in the lawful custody of a peace officer for
10 the alleged commission of a felony offense or an act which, if
11 committed by an adult, would constitute a felony, and who
12 intentionally escapes from custody commits a Class 2 felony;
13 however, a person in the lawful custody of a peace officer for
14 the alleged commission of a misdemeanor offense or an act
15 which, if committed by an adult, would constitute a
16 misdemeanor, who intentionally escapes from custody commits a
17 Class A misdemeanor.

18 (c-5) A person in the lawful custody of a peace officer for
19 an alleged violation of a term or condition of probation,
20 conditional discharge, parole, or mandatory supervised release
21 for a felony or an act which, if committed by an adult, would
22 constitute a felony, who intentionally escapes from custody is
23 guilty of a Class 2 felony.

24 (c-6) A person in the lawful custody of a peace officer for
25 an alleged violation of a term or condition of supervision,
26 probation, or conditional discharge for a misdemeanor or an act

1 which, if committed by an adult, would constitute a
2 misdemeanor, who intentionally escapes from custody is guilty
3 of a Class A misdemeanor.

4 (d) A person who violates this Section while armed with a
5 dangerous weapon commits a Class 1 felony.

6 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;
7 96-328, eff. 8-11-09.)