

SB3332



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3332

Introduced 2/14/2014, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

720 ILCS 5/31-6

from Ch. 38, par. 31-6

Amends the Criminal Code of 2012. Provides that a person in the custody of (rather than committed to) the Department of Human Services under the provisions of the Sexually Violent Persons Commitment Act under a detention order, commitment order, conditional release order, or other court order who intentionally escapes from any secure facility or from a Department employee or any of its agents (rather than a person committed to the Department of Human Services under the provisions of the Sexually Violent Persons Commitment Act or in detention with the Department of Human Services awaiting such a commitment) who intentionally escapes from any secure residential facility or from a Department employee or any of its agents (rather than the custody of an employee of that facility) commits a Class 2 felony.

LRB098 17797 RLC 55399 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 2012 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 in the custody of ~~committed to~~ the
13 Department of Human Services under the provisions of the
14 Sexually Violent Persons Commitment Act under a detention
15 order, commitment order, conditional release order, or other
16 court order ~~or in detention with the Department of Human~~
17 ~~Services awaiting such a commitment~~ who intentionally escapes
18 from any secure residential facility or from a Department
19 employee or any of its agents ~~the custody of an employee of~~
20 ~~that facility~~ commits a Class 2 felony.

21 (c) A person in the lawful custody of a peace officer for
22 the alleged commission of a felony offense or an act which, if
23 committed by an adult, would constitute a felony, and who
24 intentionally escapes from custody commits a Class 2 felony;
25 however, a person in the lawful custody of a peace officer for
26 the alleged commission of a misdemeanor offense or an act

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

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

10 (c-6) A person in the lawful custody of a peace officer for
11 an alleged violation of a term or condition of supervision,
12 probation, or conditional discharge for a misdemeanor or an act
13 which, if committed by an adult, would constitute a
14 misdemeanor, who intentionally escapes from custody is guilty
15 of a Class A misdemeanor.

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

18 (Source: P.A. 98-558, eff. 1-1-14.)