

1 AN ACT in relation to 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  
5 changing Sections 31A-1.1 and 31A-1.2 as follows:

6 (720 ILCS 5/31A-1.1) (from Ch. 38, par. 31A-1.1)

7 Sec. 31A-1.1. Bringing contraband into a penal  
8 institution or onto penal grounds; possessing contraband in a  
9 penal institution or on penal grounds.

10 (a) A person commits the offense of bringing into or  
11 possessing contraband on penal grounds ~~into---a---penal~~  
12 ~~institution~~ when he or she knowingly and without authority of  
13 any person designated or authorized to grant such authority  
14 (1) brings, attempts to bring, or possesses, an item of  
15 contraband on penal grounds ~~into-a-penal-institution~~ or (2)  
16 causes another to bring or possess an item of contraband on  
17 penal grounds ~~into-a-penal-institution~~ or (3) places an item  
18 of contraband in such proximity to penal grounds, ~~a--penal~~  
19 ~~institution,~~ as to give an inmate access to the contraband.

20 (b) A person commits the offense of bringing into or  
21 possessing contraband on penal grounds ~~in-a-penal-institution~~  
22 when he brings or possesses contraband on penal grounds, ~~in-a~~  
23 ~~penal-institution,~~ regardless of the intent with which he  
24 possesses it.

25 (b-1) A person commits the offense of bringing into or  
26 possessing electronic contraband in a penal institution when,  
27 regardless of the intent with which he possesses it, he  
28 knowingly and without authority of any person designated or  
29 authorized to grant such authority, (1) brings, attempts to  
30 bring or possesses an item of electronic contraband in a  
31 penal institution or (2) causes another to bring or possess

1 an item of electronic contraband in a penal institution or  
2 (3) places an item of electronic contraband in such proximity  
3 to penal grounds as to give an inmate access to the  
4 electronic contraband.

5 (b-2) A person commits the offense of bringing into or  
6 possessing a chemical agent in a penal institution when,  
7 regardless of the intent with which he possesses it, he  
8 knowingly and without authority of any person designated or  
9 authorized to grant such authority, (1) brings, attempts to  
10 bring, or possesses mace, tear gas, or similar chemical  
11 agent, the dispersion of which causes irritation, discomfort  
12 or burning or (2) causes another to bring or possess mace,  
13 tear gas, or a similar chemical agent in such proximity to  
14 penal grounds as to give an inmate access to the mace, tear  
15 gas, or similar chemical agent.

16 (c) For the purposes of this Section, the words and  
17 phrases listed below shall be defined as follows:

18 (0.5) "Penal grounds" means, but is not limited to,  
19 any penal institution as defined in paragraph (1) of this  
20 subsection including the grounds, access roads,  
21 administrative buildings, driveways, employee living  
22 quarters, and parking lots of the penal institution.

23 (1) "Penal institution" means any penitentiary,  
24 State farm, reformatory, prison, jail, house of  
25 correction, police detention area, half-way house or  
26 other institution or place for the incarceration or  
27 custody of persons under sentence for offenses awaiting  
28 trial or sentence for offenses, under arrest for an  
29 offense, a violation of probation, a violation of parole,  
30 or a violation of mandatory supervised release, or  
31 awaiting a bail setting hearing or preliminary hearing;  
32 provided that where the place for incarceration or  
33 custody is housed within another public building this Act  
34 shall not apply to that part of such building unrelated

1 to the incarceration or custody of persons.

2 (2) "Item of contraband" means any of the  
3 following:

4 (i) "Alcoholic liquor" as such term is defined  
5 in Section 1-3.05 of The Liquor Control Act of 1934  
6 as such Act may be now or hereafter amended.

7 (ii) "Cannabis" as such term is defined in  
8 subsection (a) of Section 3 of the "Cannabis Control  
9 Act", approved August 16, 1971, as now or hereafter  
10 amended.

11 (iii) "Controlled substance" as such term is  
12 defined in the "Illinois Controlled Substances Act",  
13 approved August 16, 1971, as now or hereafter  
14 amended.

15 (iv) "Hypodermic syringe" or hypodermic  
16 needle, or any instrument adapted for use of  
17 controlled substances or cannabis by subcutaneous  
18 injection.

19 (iv.5) A "stun gun or taser", means (a) any  
20 device which is powered by electrical charging  
21 units, such as batteries, and which fires one or  
22 several barbs attached to a length of wire and  
23 which, upon hitting a human, can send out a current  
24 capable of disrupting the person's nervous system in  
25 such a manner as to render him incapable of normal  
26 functioning or (b) any device which is powered by  
27 electrical charging units, such as batteries, and  
28 which, upon contact with a human or clothing worn by  
29 a human, can send out current capable of disrupting  
30 the person's nervous system in such a manner as to  
31 render him incapable of normal functioning;

32 (v) "Weapon" means any knife, dagger, dirk,  
33 billy, razor, stiletto, broken bottle, or other  
34 piece of glass, stun gun or taser or any other

1 dangerous or deadly weapon or instrument of like  
2 character which-could-be-used-as-a-dangerous-weapon.

3 Such term includes any of the devices or implements  
4 designated in subsections (a)(1), (a)(3) and (a)(6)  
5 of Section 24-1 of this Act, or any other dangerous  
6 weapon or instrument of like character.

7 (vi) "Firearm" means any device, by whatever  
8 name known, which is designed to expel a projectile  
9 or projectiles by the action of an explosion,  
10 expansion of gas or escape of gas, including but not  
11 limited to:

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

15 (B) any device used exclusively for  
16 signaling or safety and required as recommended  
17 by the United States Coast Guard or the  
18 Interstate Commerce Commission; or

19 (C) any device used exclusively for the  
20 firing of stud cartridges, explosive rivets or  
21 industrial ammunition; or

22 (D) any device which is powered by  
23 electrical charging units, such as batteries,  
24 and which fires one or several barbs attached  
25 to a length of wire and which, upon hitting a  
26 human, can send out current capable of  
27 disrupting the person's nervous system in such  
28 a manner as to render him incapable of normal  
29 functioning, commonly referred to as a stun gun  
30 or taser.

31 (vii) "Firearm ammunition" means any  
32 self-contained cartridge or shotgun shell, by  
33 whatever name known, which is designed to be used or  
34 adaptable to use in a firearm, including but not

1 limited to:

2 (A) any ammunition exclusively designed  
3 for use with a device used exclusively for  
4 signaling or safety and required or recommended  
5 by the United States Coast Guard or the  
6 Interstate Commerce Commission; or

7 (B) any ammunition designed exclusively  
8 for use with a stud or rivet driver or other  
9 similar industrial ammunition.

10 (viii) "Explosive" means, but is not limited  
11 to, bomb, bombshell, grenade, bottle or other  
12 container containing an explosive substance of over  
13 one-quarter ounce for like purposes such as black  
14 powder bombs and Molotov cocktails or artillery  
15 projectiles.

16 (ix) "Tool to defeat security mechanisms"  
17 means, but is not limited to, handcuff or security  
18 restraint key, tool designed to pick locks, or  
19 device or instrument capable of unlocking handcuff  
20 or security restraints, doors to cells, rooms, gates  
21 or other areas of the penal institution.

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

25 (xi) "Electronic contraband" means, but is not  
26 limited to, any electronic, video recording device,  
27 computer, or cellular communications equipment,  
28 including, but not limited to, cellular telephones,  
29 cellular telephone batteries, videotape recorders,  
30 pagers, computers, and computer peripheral equipment  
31 brought into or possessed in a penal institution  
32 without the written authorization of the Chief  
33 Administrative Officer.

34 (d) Bringing onto or possessing alcoholic liquor on

1 penal grounds into-a-penal-institution is a Class 4 felony.  
 2 Possessing-alcoholic-liquor-in-a-penal-institution-is-a-Class  
 3 4-felony.

4 (e) Bringing onto or possessing cannabis on penal  
 5 grounds into--a--penal--institution is a Class 3 felony.  
 6 Possessing-cannabis-in-a--penal--institution--is--a--Class--3  
 7 felony.

8 (f) Bringing onto or possessing any amount of a  
 9 controlled substance classified in Schedules III, IV or V of  
 10 Article II of the Controlled Substance Act on penal grounds  
 11 into-a-penal-institution is a Class 2 felony. Possessing-any  
 12 amount-of-a-controlled-substance-classified-in-Schedule--III,  
 13 IV,--or--V-of-Article-II-of-the-Controlled-Substance-Act-in-a  
 14 penal-institution-is-a-Class-2-felony.

15 (g) Bringing onto or possessing any amount of a  
 16 controlled substance classified in Schedules I or II of  
 17 Article II of the Controlled Substance Act on penal grounds  
 18 into-a-penal-institution is a Class 1 felony. Possessing-any  
 19 amount-of-a-controlled-substance-classified-in-Schedules-I-or  
 20 II--of--Article-II-of-the-Controlled-Substance-Act-in-a-penal  
 21 institution-is-a-Class-1-felony.

22 (h) Bringing onto or possessing an item of contraband  
 23 listed in paragraph (iv) of subsection (c)(2) into a penal  
 24 institution is a Class 1 felony. Possessing--an--item--of  
 25 contraband-listed-in-paragraph-(iv)-of-subsection-(c)(2)-in-a  
 26 penal-institution-is-a-Class-1-felony.

27 (i) Bringing onto or possessing an item of contraband  
 28 listed in paragraph (v), (ix), (x), or (xi) of subsection  
 29 (c)(2) on penal grounds into-a-penal-institution is a Class 1  
 30 felony. Possessing-an-item-of-contraband-listed-in-paragraph  
 31 (v),--(ix),--(x),--or--(xi)--of--subsection-(c)(2)-in-a-penal  
 32 institution-is-a-Class-1-felony.

33 (j) Bringing onto or possessing an item of contraband  
 34 listed in paragraphs (vi), (vii) or (viii) of subsection

1 (c)(2) on in-a penal grounds institution is a Class X felony.  
 2 ~~Possessing-an-item-of-contraband-listed-in--paragraphs--(vi),~~  
 3 ~~(vii),--or-(viii)-of-subsection-(c)(2)-in-a-penal-institution~~  
 4 ~~is-a-Class-X-felony.~~

5 (j-1) Bringing into or possessing an item of electronic  
 6 contraband on penal grounds is a Class X felony.

7 (j-2) Bringing into or possessing a chemical agent on  
 8 penal grounds is a Class 1 felony.

9 (k) It shall be an affirmative defense to bringing into  
 10 or possessing an item of contraband on penal grounds  
 11 ~~subsection-(b)-hereof~~, that such possession was specifically  
 12 authorized by rule, regulation, or directive of the governing  
 13 authority of the penal institution or order issued pursuant  
 14 thereto.

15 (l) It shall be an affirmative defense to subsection  
 16 (a)(1) and subsection (b) hereof that the person bringing  
 17 into or possessing contraband in a penal institution had been  
 18 arrested, and that that person possessed such contraband at  
 19 the time of his arrest, and that such contraband was brought  
 20 into or possessed in the penal institution by that person as  
 21 a direct and immediate result of his arrest.

22 (m) Items confiscated may be retained for use by the  
 23 Department of Corrections or disposed of as deemed  
 24 appropriate by the Chief Administrative Officer in accordance  
 25 with Department rules or disposed of as required by law.

26 (Source: P.A. 88-678, eff. 7-1-95; 89-688, eff. 6-1-97.)

27 (720 ILCS 5/31A-1.2) (from Ch. 38, par. 31A-1.2)

28 Sec. 31A-1.2. Unauthorized bringing of contraband onto  
 29 ~~into~~-a penal grounds institution by an employee; unauthorized  
 30 possessing of contraband on in-a penal grounds institution by  
 31 an employee; unauthorized delivery of contraband on in--a  
 32 penal grounds institution by an employee.

33 (a) A person commits the offense of unauthorized

1 bringing of contraband onto ~~inte~~-a penal grounds institution  
 2 by an employee, regardless of intent, when a person who is an  
 3 employee knowingly and without authority or any person  
 4 designated or authorized to grant such authority:

5 (1) brings or attempts to bring an item of  
 6 contraband listed in paragraphs (i) through (iv) of  
 7 subsection (d)(4) onto ~~inte~~-a penal grounds institution,  
 8 or

9 (2) causes or permits another to bring an item of  
 10 contraband listed in paragraphs (i) through (iv) of  
 11 subsection (d)(4) onto ~~inte~~-a penal grounds institution.

12 (b) A person commits the offense of unauthorized  
 13 possession of contraband on ~~in~~-a penal grounds institution by  
 14 an employee when, regardless of intent, a person who is an  
 15 employee knowingly and without authority of any person  
 16 designated or authorized to grant such authority possesses  
 17 contraband listed in paragraphs (i) through (iv) of  
 18 subsection (d)(4) on ~~in~~-a penal grounds institution,  
 19 regardless of the intent with which he possesses it.

20 (c) A person commits the offense of unauthorized  
 21 delivery of contraband on ~~in~~-a penal grounds institution by  
 22 an employee when a person who is an employee knowingly and  
 23 without authority of any person designated or authorized to  
 24 grant such authority:

25 (1) delivers or possesses with intent to deliver an  
 26 item of contraband to any inmate of a penal institution,  
 27 or

28 (2) conspires to deliver or solicits the delivery  
 29 of an item of contraband to any inmate of a penal  
 30 institution, or

31 (3) causes or permits the delivery of an item of  
 32 contraband to any inmate of a penal institution, or

33 (4) permits another person to attempt to deliver an  
 34 item of contraband to any inmate of a penal institution.



1 (d) For purpose of this Section, the words and phrases  
2 listed below shall be defined as follows:

3 (0.5) "Penal grounds" shall have the meaning ascribed to  
4 it in subsection (d)(1) of Section 31A-1.1 of this Code;

5 (1) "Penal Institution" shall have the meaning  
6 ascribed to it in subsection (c)(1) of Section 31A-1.1 of  
7 this Code;

8 (2) "Employee" means any elected or appointed  
9 officer, trustee or employee of a penal institution or of  
10 the governing authority of the penal institution, or any  
11 person who performs services for the penal institution  
12 pursuant to contract with the penal institution or its  
13 governing authority or as a volunteer.

14 (3) "Deliver" or "delivery" means the actual,  
15 constructive or attempted transfer of possession of an  
16 item of contraband, with or without consideration,  
17 whether or not there is an agency relationship;

18 (4) "Item of contraband" means any of the  
19 following:

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

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

25 (iii) "Controlled substance" as such term is  
26 defined in the Illinois Controlled Substances Act.

27 (iv) "Hypodermic syringe" or hypodermic  
28 needle, or any instrument adapted for use of  
29 controlled substances or cannabis by subcutaneous  
30 injection.

31 (iv.5) A "stun gun or taser", means (a) any  
32 device which is powered by electrical charging  
33 units, such as batteries, and which fires one or  
34 several barbs attached to a length of wire and

1 which, upon hitting a human, can send out a current  
2 capable of disrupting the person's nervous system in  
3 such a manner as to render him incapable of normal  
4 functioning or (b) any device which is powered by  
5 electrical charging units, such as batteries, and  
6 which, upon contact with a human or clothing worn by  
7 a human, can send out current capable of disrupting  
8 the person's nervous system in such a manner as to  
9 render him incapable of normal functioning;

10 (v) "Weapon" means any knife, dagger, dirk,  
11 billy, razor, stiletto, broken bottle, or other  
12 piece of glass, stun gun or taser or any other  
13 dangerous or deadly weapon or instrument of like  
14 character which-could-be-used-as-a-dangerous-weapon.

15 Such term includes any of the devices or implements  
16 designated in subsections (a)(1), (a)(3) and (a)(6)  
17 of Section 24-1 of this Act, or any other dangerous  
18 weapon or instrument of like character.

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

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

27 (B) any device used exclusively for  
28 signaling or safety and required or recommended  
29 by the United States Coast Guard or the  
30 Interstate Commerce Commission; or

31 (C) any device used exclusively for the  
32 firing of stud cartridges, explosive rivets or  
33 industrial ammunition; or

34 (D) any device which is powered by

1           electrical charging units, such as batteries,  
2           and which fires one or several barbs attached  
3           to a length of wire and which, upon hitting a  
4           human, can send out current capable of  
5           disrupting the person's nervous system in such  
6           a manner as to render him incapable of normal  
7           functioning, commonly referred to as a stun gun  
8           or taser.

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

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

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

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

28          (ix) "Tool to defeat security mechanisms"  
29          means, but is not limited to, handcuff or security  
30          restraint key, tool designed to pick locks, or  
31          device or instrument capable of unlocking handcuff  
32          or security restraints, doors to cells, rooms, gates  
33          or other areas of the penal institution.

34          (x) "Cutting tool" means, but is not limited

1 to, hacksaw blade, wirecutter, or device, instrument  
2 or file capable of cutting through metal.

3 (xi) "Electronic contraband" means, but is not  
4 limited to, any electronic, video recording device,  
5 computer, or cellular communications equipment,  
6 including, but not limited to, cellular telephones,  
7 cellular telephone batteries, videotape recorders,  
8 pagers, computers, and computer peripheral  
9 equipment.

10 (xiii) "Chemical agent" means, but is not  
11 limited to mace, tear gas, or a similar chemical  
12 agent, the dispersion of which causes irritation,  
13 discomfort or burning.

14 (e) A violation of paragraphs (a) or (b) of this Section  
15 involving alcohol is a Class 4 felony. A violation of  
16 paragraph (a) or (b) of this Section involving cannabis is a  
17 Class 2 felony. A violation of paragraph (a) or (b)  
18 involving any amount of a controlled substance classified in  
19 Schedules III, IV or V of Article II of the Illinois  
20 Controlled Substances Act is a Class 1 felony. A violation  
21 of paragraph (a) or (b) of this Section involving any amount  
22 of a controlled substance classified in Schedules I or II of  
23 Article II of the Illinois Controlled Substances Act is a  
24 Class X felony. A violation of paragraph (a) or (b)  
25 involving an item of contraband listed in paragraph (iv) of  
26 subsection (d)(4) is a Class X felony. A violation of  
27 paragraph (a) or (b) involving an item of contraband listed  
28 in paragraph (v) or (xi) of subsection (d)(4) is a Class 1  
29 felony. A violation of paragraph (a) or (b) involving an  
30 item of contraband listed in paragraphs (vi), (vii) or (viii)  
31 of subsection (d)(4) is a Class X felony.

32 (f) A violation of paragraph (c) of this Section  
33 involving alcoholic liquor is a Class 3 felony. A violation  
34 of paragraph (c) involving cannabis is a Class 1 felony. A

1 violation of paragraph (c) involving any amount of a  
2 controlled substance classified in Schedules III, IV or V of  
3 Article II of the Illinois Controlled Substances Act is a  
4 Class X felony. A violation of paragraph (c) involving any  
5 amount of a controlled substance classified in Schedules I or  
6 II of Article II of the Illinois Controlled Substances Act is  
7 a Class X felony for which the minimum term of imprisonment  
8 shall be 8 years. A violation of paragraph (c) involving an  
9 item of contraband listed in paragraph (iv) of subsection  
10 (d)(4) is a Class X felony for which the minimum term of  
11 imprisonment shall be 8 years. A violation of paragraph (c)  
12 involving an item of contraband listed in paragraph (v), (ix)  
13 or (x) of subsection (d)(4) is a Class X felony for which the  
14 minimum term of imprisonment shall be 10 years. A violation  
15 of paragraph (c) involving an item of contraband listed in  
16 paragraphs (vi), (vii) or (viii) of subsection (d)(4) is a  
17 Class X felony for which the minimum term of imprisonment  
18 shall be 12 years.

19 (g) Items confiscated may be retained for use by the  
20 Department of Corrections or disposed of as deemed  
21 appropriate by the Chief Administrative Officer in accordance  
22 with Department rules or disposed of as required by law.

23 (Source: P.A. 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.