



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5782

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that battery of a merchant is aggravated battery: (i) when the merchant is performing his or her duties, including, but not limited to, relaying directions for healthcare or safety from his or her supervisor or employer or relaying health or safety guidelines, recommendations, regulations, or rules from a federal, State, or local public health agency; and (ii) during a disaster declared by the Governor, or a state of emergency declared by the mayor of the city in which the merchant is located, due to a public health emergency and for a period of 6 months after such declaration. Effective immediately.

LRB101 21397 JWD 72028 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 12-3.05 as follows:

6 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

7 Sec. 12-3.05. Aggravated battery.

8 (a) Offense based on injury. A person commits aggravated
9 battery when, in committing a battery, other than by the
10 discharge of a firearm, he or she knowingly does any of the
11 following:

12 (1) Causes great bodily harm or permanent disability or
13 disfigurement.

14 (2) Causes severe and permanent disability, great
15 bodily harm, or disfigurement by means of a caustic or
16 flammable substance, a poisonous gas, a deadly biological
17 or chemical contaminant or agent, a radioactive substance,
18 or a bomb or explosive compound.

19 (3) Causes great bodily harm or permanent disability or
20 disfigurement to an individual whom the person knows to be
21 a peace officer, community policing volunteer, fireman,
22 private security officer, correctional institution
23 employee, or Department of Human Services employee

1 supervising or controlling sexually dangerous persons or
2 sexually violent persons:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (4) Causes great bodily harm or permanent disability or
9 disfigurement to an individual 60 years of age or older.

10 (5) Strangles another individual.

11 (b) Offense based on injury to a child or person with an
12 intellectual disability. A person who is at least 18 years of
13 age commits aggravated battery when, in committing a battery,
14 he or she knowingly and without legal justification by any
15 means:

16 (1) causes great bodily harm or permanent disability or
17 disfigurement to any child under the age of 13 years, or to
18 any person with a severe or profound intellectual
19 disability; or

20 (2) causes bodily harm or disability or disfigurement
21 to any child under the age of 13 years or to any person
22 with a severe or profound intellectual disability.

23 (c) Offense based on location of conduct. A person commits
24 aggravated battery when, in committing a battery, other than by
25 the discharge of a firearm, he or she is or the person battered
26 is on or about a public way, public property, a public place of

1 accommodation or amusement, a sports venue, or a domestic
2 violence shelter, or in a church, synagogue, mosque, or other
3 building, structure, or place used for religious worship.

4 (d) Offense based on status of victim. A person commits
5 aggravated battery when, in committing a battery, other than by
6 discharge of a firearm, he or she knows the individual battered
7 to be any of the following:

8 (1) A person 60 years of age or older.

9 (2) A person who is pregnant or has a physical
10 disability.

11 (3) A teacher or school employee upon school grounds or
12 grounds adjacent to a school or in any part of a building
13 used for school purposes.

14 (4) A peace officer, community policing volunteer,
15 fireman, private security officer, correctional
16 institution employee, or Department of Human Services
17 employee supervising or controlling sexually dangerous
18 persons or sexually violent persons:

19 (i) performing his or her official duties;

20 (ii) battered to prevent performance of his or her
21 official duties; or

22 (iii) battered in retaliation for performing his
23 or her official duties.

24 (5) A judge, emergency management worker, emergency
25 medical services personnel, or utility worker:

26 (i) performing his or her official duties;

1 (ii) battered to prevent performance of his or her
2 official duties; or

3 (iii) battered in retaliation for performing his
4 or her official duties.

5 (6) An officer or employee of the State of Illinois, a
6 unit of local government, or a school district, while
7 performing his or her official duties.

8 (7) A transit employee performing his or her official
9 duties, or a transit passenger.

10 (8) A taxi driver on duty.

11 (9) A merchant who detains the person for an alleged
12 commission of retail theft under Section 16-26 of this Code
13 and the person without legal justification by any means
14 causes bodily harm to the merchant.

15 (10) A person authorized to serve process under Section
16 2-202 of the Code of Civil Procedure or a special process
17 server appointed by the circuit court while that individual
18 is in the performance of his or her duties as a process
19 server.

20 (11) A nurse while in the performance of his or her
21 duties as a nurse.

22 (12) A merchant: (i) while performing his or her
23 duties, including, but not limited to, relaying directions
24 for healthcare or safety from his or her supervisor or
25 employer or relaying health or safety guidelines,
26 recommendations, regulations, or rules from a federal,

1 State, or local public health agency; and (ii) during a
2 disaster declared by the Governor, or a state of emergency
3 declared by the mayor of the city in which the merchant is
4 located, due to a public health emergency and for a period
5 of 6 months after such declaration.

6 (e) Offense based on use of a firearm. A person commits
7 aggravated battery when, in committing a battery, he or she
8 knowingly does any of the following:

9 (1) Discharges a firearm, other than a machine gun or a
10 firearm equipped with a silencer, and causes any injury to
11 another person.

12 (2) Discharges a firearm, other than a machine gun or a
13 firearm equipped with a silencer, and causes any injury to
14 a person he or she knows to be a peace officer, community
15 policing volunteer, person summoned by a police officer,
16 fireman, private security officer, correctional
17 institution employee, or emergency management worker:

18 (i) performing his or her official duties;

19 (ii) battered to prevent performance of his or her
20 official duties; or

21 (iii) battered in retaliation for performing his
22 or her official duties.

23 (3) Discharges a firearm, other than a machine gun or a
24 firearm equipped with a silencer, and causes any injury to
25 a person he or she knows to be emergency medical services
26 personnel:

- 1 (i) performing his or her official duties;
2 (ii) battered to prevent performance of his or her
3 official duties; or
4 (iii) battered in retaliation for performing his
5 or her official duties.

6 (4) Discharges a firearm and causes any injury to a
7 person he or she knows to be a teacher, a student in a
8 school, or a school employee, and the teacher, student, or
9 employee is upon school grounds or grounds adjacent to a
10 school or in any part of a building used for school
11 purposes.

12 (5) Discharges a machine gun or a firearm equipped with
13 a silencer, and causes any injury to another person.

14 (6) Discharges a machine gun or a firearm equipped with
15 a silencer, and causes any injury to a person he or she
16 knows to be a peace officer, community policing volunteer,
17 person summoned by a police officer, fireman, private
18 security officer, correctional institution employee or
19 emergency management worker:

- 20 (i) performing his or her official duties;
21 (ii) battered to prevent performance of his or her
22 official duties; or
23 (iii) battered in retaliation for performing his
24 or her official duties.

25 (7) Discharges a machine gun or a firearm equipped with
26 a silencer, and causes any injury to a person he or she

1 knows to be emergency medical services personnel:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (8) Discharges a machine gun or a firearm equipped with
8 a silencer, and causes any injury to a person he or she
9 knows to be a teacher, or a student in a school, or a
10 school employee, and the teacher, student, or employee is
11 upon school grounds or grounds adjacent to a school or in
12 any part of a building used for school purposes.

13 (f) Offense based on use of a weapon or device. A person
14 commits aggravated battery when, in committing a battery, he or
15 she does any of the following:

16 (1) Uses a deadly weapon other than by discharge of a
17 firearm, or uses an air rifle as defined in Section
18 24.8-0.1 of this Code.

19 (2) Wears a hood, robe, or mask to conceal his or her
20 identity.

21 (3) Knowingly and without lawful justification shines
22 or flashes a laser gunsight or other laser device attached
23 to a firearm, or used in concert with a firearm, so that
24 the laser beam strikes upon or against the person of
25 another.

26 (4) Knowingly video or audio records the offense with

1 the intent to disseminate the recording.

2 (g) Offense based on certain conduct. A person commits
3 aggravated battery when, other than by discharge of a firearm,
4 he or she does any of the following:

5 (1) Violates Section 401 of the Illinois Controlled
6 Substances Act by unlawfully delivering a controlled
7 substance to another and any user experiences great bodily
8 harm or permanent disability as a result of the injection,
9 inhalation, or ingestion of any amount of the controlled
10 substance.

11 (2) Knowingly administers to an individual or causes
12 him or her to take, without his or her consent or by threat
13 or deception, and for other than medical purposes, any
14 intoxicating, poisonous, stupefying, narcotic, anesthetic,
15 or controlled substance, or gives to another person any
16 food containing any substance or object intended to cause
17 physical injury if eaten.

18 (3) Knowingly causes or attempts to cause a
19 correctional institution employee or Department of Human
20 Services employee to come into contact with blood, seminal
21 fluid, urine, or feces by throwing, tossing, or expelling
22 the fluid or material, and the person is an inmate of a
23 penal institution or is a sexually dangerous person or
24 sexually violent person in the custody of the Department of
25 Human Services.

26 (h) Sentence. Unless otherwise provided, aggravated

1 battery is a Class 3 felony.

2 Aggravated battery as defined in subdivision (a)(4),
3 (d)(4), or (g)(3) is a Class 2 felony.

4 Aggravated battery as defined in subdivision (a)(3) or
5 (g)(1) is a Class 1 felony.

6 Aggravated battery as defined in subdivision (a)(1) is a
7 Class 1 felony when the aggravated battery was intentional and
8 involved the infliction of torture, as defined in paragraph
9 (14) of subsection (b) of Section 9-1 of this Code, as the
10 infliction of or subjection to extreme physical pain, motivated
11 by an intent to increase or prolong the pain, suffering, or
12 agony of the victim.

13 Aggravated battery as defined in subdivision (a)(1) is a
14 Class 2 felony when the person causes great bodily harm or
15 permanent disability to an individual whom the person knows to
16 be a member of a congregation engaged in prayer or other
17 religious activities at a church, synagogue, mosque, or other
18 building, structure, or place used for religious worship.

19 Aggravated battery under subdivision (a)(5) is a Class 1
20 felony if:

21 (A) the person used or attempted to use a dangerous
22 instrument while committing the offense; ~~or~~

23 (B) the person caused great bodily harm or permanent
24 disability or disfigurement to the other person while
25 committing the offense; or

26 (C) the person has been previously convicted of a

1 violation of subdivision (a)(5) under the laws of this
2 State or laws similar to subdivision (a)(5) of any other
3 state.

4 Aggravated battery as defined in subdivision (e)(1) is a
5 Class X felony.

6 Aggravated battery as defined in subdivision (a)(2) is a
7 Class X felony for which a person shall be sentenced to a term
8 of imprisonment of a minimum of 6 years and a maximum of 45
9 years.

10 Aggravated battery as defined in subdivision (e)(5) is a
11 Class X felony for which a person shall be sentenced to a term
12 of imprisonment of a minimum of 12 years and a maximum of 45
13 years.

14 Aggravated battery as defined in subdivision (e)(2),
15 (e)(3), or (e)(4) is a Class X felony for which a person shall
16 be sentenced to a term of imprisonment of a minimum of 15 years
17 and a maximum of 60 years.

18 Aggravated battery as defined in subdivision (e)(6),
19 (e)(7), or (e)(8) is a Class X felony for which a person shall
20 be sentenced to a term of imprisonment of a minimum of 20 years
21 and a maximum of 60 years.

22 Aggravated battery as defined in subdivision (b)(1) is a
23 Class X felony, except that:

24 (1) if the person committed the offense while armed
25 with a firearm, 15 years shall be added to the term of
26 imprisonment imposed by the court;

1 (2) if, during the commission of the offense, the
2 person personally discharged a firearm, 20 years shall be
3 added to the term of imprisonment imposed by the court;

4 (3) if, during the commission of the offense, the
5 person personally discharged a firearm that proximately
6 caused great bodily harm, permanent disability, permanent
7 disfigurement, or death to another person, 25 years or up
8 to a term of natural life shall be added to the term of
9 imprisonment imposed by the court.

10 (i) Definitions. In this Section:

11 "Building or other structure used to provide shelter" has
12 the meaning ascribed to "shelter" in Section 1 of the Domestic
13 Violence Shelters Act.

14 "Domestic violence" has the meaning ascribed to it in
15 Section 103 of the Illinois Domestic Violence Act of 1986.

16 "Domestic violence shelter" means any building or other
17 structure used to provide shelter or other services to victims
18 or to the dependent children of victims of domestic violence
19 pursuant to the Illinois Domestic Violence Act of 1986 or the
20 Domestic Violence Shelters Act, or any place within 500 feet of
21 such a building or other structure in the case of a person who
22 is going to or from such a building or other structure.

23 "Firearm" has the meaning provided under Section 1.1 of the
24 Firearm Owners Identification Card Act, and does not include an
25 air rifle as defined by Section 24.8-0.1 of this Code.

26 "Machine gun" has the meaning ascribed to it in Section

1 24-1 of this Code.

2 "Merchant" has the meaning ascribed to it in Section 16-0.1
3 of this Code.

4 "Strangle" means intentionally impeding the normal
5 breathing or circulation of the blood of an individual by
6 applying pressure on the throat or neck of that individual or
7 by blocking the nose or mouth of that individual.

8 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.