



Sen. John J. Cullerton

Filed: 5/11/2005

09400HB1588sam001

LRB094 03881 RLC 46285 a

1 AMENDMENT TO HOUSE BILL 1588

2 AMENDMENT NO. _____. Amend House Bill 1588 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 12-4 as follows:

6 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

7 Sec. 12-4. Aggravated Battery.

8 (a) A person who, in committing a battery, intentionally or
9 knowingly causes great bodily harm, or permanent disability or
10 disfigurement commits aggravated battery.

11 (b) In committing a battery, a person commits aggravated
12 battery if he or she:

13 (1) Uses a deadly weapon other than by the discharge of
14 a firearm;

15 (2) Is hooded, robed or masked, in such manner as to
16 conceal his identity;

17 (3) Knows the individual harmed to be a teacher or
18 other person employed in any school and such teacher or
19 other employee is upon the grounds of a school or grounds
20 adjacent thereto, or is in any part of a building used for
21 school purposes;

22 (4) (Blank) ~~Knows the individual harmed to be a~~
23 ~~supervisor, director, instructor or other person employed~~
24 ~~in any park district and such supervisor, director,~~

1 ~~instructor or other employee is upon the grounds of the~~
2 ~~park or grounds adjacent thereto, or is in any part of a~~
3 ~~building used for park purposes;~~

4 (5) (Blank) ~~Knows the individual harmed to be a~~
5 ~~caseworker, investigator, or other person employed by the~~
6 ~~State Department of Public Aid, a County Department of~~
7 ~~Public Aid, or the Department of Human Services (acting as~~
8 ~~successor to the Illinois Department of Public Aid under~~
9 ~~the Department of Human Services Act) and such caseworker,~~
10 ~~investigator, or other person is upon the grounds of a~~
11 ~~public aid office or grounds adjacent thereto, or is in any~~
12 ~~part of a building used for public aid purposes, or upon~~
13 ~~the grounds of a home of a public aid applicant, recipient,~~
14 ~~or any other person being interviewed or investigated in~~
15 ~~the employee's discharge of his duties, or on grounds~~
16 ~~adjacent thereto, or is in any part of a building in which~~
17 ~~the applicant, recipient, or other such person resides or~~
18 ~~is located;~~

19 (6) Knows the individual harmed to be a ~~peace officer,~~
20 ~~a community policing volunteer, a correctional institution~~
21 ~~employee, an employee of the Department of Human Services~~
22 ~~supervising or controlling sexually dangerous persons or~~
23 ~~sexually violent persons, or a fireman while such officer,~~
24 ~~volunteer, employee or fireman~~ is engaged in the execution
25 of any official duties ~~including arrest or attempted~~
26 ~~arrest,~~ or to prevent the ~~officer, volunteer, employee or~~
27 ~~fireman~~ from performing official duties, or in retaliation
28 for the ~~officer, volunteer, employee or fireman~~ performing
29 official duties, and the battery is committed other than by
30 the discharge of a firearm;

31 (7) Knows the individual harmed to be an emergency
32 medical technician - ambulance, emergency medical
33 technician - intermediate, emergency medical technician -
34 paramedic, ambulance driver, other medical assistance,

1 first aid personnel, or hospital personnel engaged in the
2 performance of any of his or her official duties, or to
3 prevent the emergency medical technician - ambulance,
4 emergency medical technician - intermediate, emergency
5 medical technician - paramedic, ambulance driver, other
6 medical assistance, first aid personnel, or hospital
7 personnel from performing official duties, or in
8 retaliation for performing official duties;

9 (8) Is, or the person battered is, on or about a public
10 way, public property or public place of accommodation or
11 amusement;

12 (9) Knows the individual harmed to be the driver,
13 operator, employee or passenger of any transportation
14 facility or system engaged in the business of
15 transportation of the public for hire and the individual
16 assaulted is then performing in such capacity or then using
17 such public transportation as a passenger or using any area
18 of any description designated by the transportation
19 facility or system as a vehicle boarding, departure, or
20 transfer location;

21 (10) Knowingly and without legal justification and by
22 any means causes bodily harm to an individual of 60 years
23 of age or older;

24 (11) Knows the individual harmed is pregnant;

25 (12) ~~(Blank) Knows the individual harmed to be a judge~~
26 ~~whom the person intended to harm as a result of the judge's~~
27 ~~performance of his or her official duties as a judge;~~

28 (13) ~~(Blank) Knows the individual harmed to be an~~
29 ~~employee of the Illinois Department of Children and Family~~
30 ~~Services engaged in the performance of his authorized~~
31 ~~duties as such employee;~~

32 (14) Knows the individual harmed to be a person who is
33 physically handicapped;

34 (15) Knowingly and without legal justification and by

1 any means causes bodily harm to a merchant who detains the
2 person for an alleged commission of retail theft under
3 Section 16A-5 of this Code. In this item (15), "merchant"
4 has the meaning ascribed to it in Section 16A-2.4 of this
5 Code;

6 (16) Is, or the person battered is, in any building or
7 other structure used to provide shelter or other services
8 to victims or to the dependent children of victims of
9 domestic violence pursuant to the Illinois Domestic
10 Violence Act of 1986 or the Domestic Violence Shelters Act,
11 or the person battered is within 500 feet of such a
12 building or other structure while going to or from such a
13 building or other structure. "Domestic violence" has the
14 meaning ascribed to it in Section 103 of the Illinois
15 Domestic Violence Act of 1986. "Building or other structure
16 used to provide shelter" has the meaning ascribed to
17 "shelter" in Section 1 of the Domestic Violence Shelters
18 Act; ~~or~~

19 (17) (Blank) ~~Knows the individual harmed to be an~~
20 ~~employee of a police or sheriff's department engaged in the~~
21 ~~performance of his or her official duties as such employee;~~
22 or-

23 (18) Knows the individual harmed to be an officer or
24 employee of the State of Illinois, a unit of local
25 government, or school district engaged in the performance
26 of his or her authorized duties as such officer or
27 employee.

28 For the purpose of paragraph (14) of subsection (b) of this
29 Section, a physically handicapped person is a person who
30 suffers from a permanent and disabling physical
31 characteristic, resulting from disease, injury, functional
32 disorder or congenital condition.

33 (c) A person who administers to an individual or causes him
34 to take, without his consent or by threat or deception, and for

1 other than medical purposes, any intoxicating, poisonous,
2 stupefying, narcotic, anesthetic, or controlled substance
3 commits aggravated battery.

4 (d) A person who knowingly gives to another person any food
5 that contains any substance or object that is intended to cause
6 physical injury if eaten, commits aggravated battery.

7 (d-3) A person commits aggravated battery when he or she
8 knowingly and without lawful justification shines or flashes a
9 laser gunsight or other laser device that is attached or
10 affixed to a firearm, or used in concert with a firearm, so
11 that the laser beam strikes upon or against the person of
12 another.

13 (d-5) An inmate of a penal institution or a sexually
14 dangerous person or a sexually violent person in the custody of
15 the Department of Human Services who causes or attempts to
16 cause a correctional employee of the penal institution or an
17 employee of the Department of Human Services to come into
18 contact with blood, seminal fluid, urine, or feces, by
19 throwing, tossing, or expelling that fluid or material commits
20 aggravated battery. For purposes of this subsection (d-5),
21 "correctional employee" means a person who is employed by a
22 penal institution.

23 (e) Sentence.

24 Aggravated battery is a Class 3 felony, except a violation
25 of subsection (a) is a Class 2 felony when the person knows the
26 individual harmed to be a peace officer engaged in the
27 execution of any of his or her official duties, or the battery
28 is to prevent the officer from performing his or her official
29 duties, or in retaliation for the officer performing his or her
30 official duties.

31 (Source: P.A. 92-16, eff. 6-28-01; 92-516, eff. 1-1-02; 92-841,
32 eff. 8-22-02; 92-865, eff. 1-3-03; 93-83, eff. 7-2-03.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.".