



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0251

Introduced 1/19/2007, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-4	from Ch. 38, par. 12-4
720 ILCS 5/12-4.2	from Ch. 38, par. 12-4.2
720 ILCS 5/12-4.2-5	

Amends the Criminal Code of 1961. Provides that an assault, battery, aggravated battery with a firearm, or aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm committed against a private security officer engaged in the execution of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties, constitutes aggravated assault, aggravated battery, aggravated battery with a firearm, or aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm with the same penalties as if the offense had been committed against a peace officer.

LRB095 02509 RLC 22511 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 Sections 12-2, 12-4, 12-4.2, and 12-4.2-5 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

8 (a) A person commits an aggravated assault, when, in
9 committing an assault, he:

10 (1) Uses a deadly weapon or any device manufactured and
11 designed to be substantially similar in appearance to a
12 firearm, other than by discharging a firearm in the
13 direction of another person, a peace officer, a person
14 summoned or directed by a peace officer, a correctional
15 officer, a private security officer, or a fireman or in the
16 direction of a vehicle occupied by another person, a peace
17 officer, a person summoned or directed by a peace officer,
18 a correctional officer, a private security officer, or a
19 fireman while the officer or fireman is engaged in the
20 execution of any of his official duties, or to prevent the
21 officer or fireman from performing his official duties, or
22 in retaliation for the officer or fireman performing his
23 official duties;

1 (2) Is hooded, robed or masked in such manner as to
2 conceal his identity or any device manufactured and
3 designed to be substantially similar in appearance to a
4 firearm;

5 (3) Knows the individual assaulted to be a teacher or
6 other person employed in any school and such teacher or
7 other employee is upon the grounds of a school or grounds
8 adjacent thereto, or is in any part of a building used for
9 school purposes;

10 (4) Knows the individual assaulted to be a supervisor,
11 director, instructor or other person employed in any park
12 district and such supervisor, director, instructor or
13 other employee is upon the grounds of the park or grounds
14 adjacent thereto, or is in any part of a building used for
15 park purposes;

16 (5) Knows the individual assaulted to be a caseworker,
17 investigator, or other person employed by the Department of
18 Healthcare and Family Services (formerly State Department
19 of Public Aid), a County Department of Public Aid, or the
20 Department of Human Services (acting as successor to the
21 Illinois Department of Public Aid under the Department of
22 Human Services Act) and such caseworker, investigator, or
23 other person is upon the grounds of a public aid office or
24 grounds adjacent thereto, or is in any part of a building
25 used for public aid purposes, or upon the grounds of a home
26 of a public aid applicant, recipient or any other person

1 being interviewed or investigated in the employees'
2 discharge of his duties, or on grounds adjacent thereto, or
3 is in any part of a building in which the applicant,
4 recipient, or other such person resides or is located;

5 (6) Knows the individual assaulted to be a peace
6 officer, ~~or~~ a community policing volunteer, a private
7 security officer, or a fireman while the officer or fireman
8 is engaged in the execution of any of his official duties,
9 or to prevent the officer, community policing volunteer, or
10 fireman from performing his official duties, or in
11 retaliation for the officer, community policing volunteer,
12 or fireman performing his official duties, and the assault
13 is committed other than by the discharge of a firearm in
14 the direction of the officer or fireman or in the direction
15 of a vehicle occupied by the officer or fireman;

16 (7) Knows the individual assaulted to be an emergency
17 medical technician - ambulance, emergency medical
18 technician - intermediate, emergency medical technician -
19 paramedic, ambulance driver or other medical assistance or
20 first aid personnel engaged in the execution of any of his
21 official duties, or to prevent the emergency medical
22 technician - ambulance, emergency medical technician -
23 intermediate, emergency medical technician - paramedic,
24 ambulance driver, or other medical assistance or first aid
25 personnel from performing his official duties, or in
26 retaliation for the emergency medical technician -

1 ambulance, emergency medical technician - intermediate,
2 emergency medical technician - paramedic, ambulance
3 driver, or other medical assistance or first aid personnel
4 performing his official duties;

5 (8) Knows the individual assaulted to be the driver,
6 operator, employee or passenger of any transportation
7 facility or system engaged in the business of
8 transportation of the public for hire and the individual
9 assaulted is then performing in such capacity or then using
10 such public transportation as a passenger or using any area
11 of any description designated by the transportation
12 facility or system as a vehicle boarding, departure, or
13 transfer location;

14 (9) Or the individual assaulted is on or about a public
15 way, public property, or public place of accommodation or
16 amusement;

17 (9.5) Is, or the individual assaulted is, in or about a
18 publicly or privately owned sports or entertainment arena,
19 stadium, community or convention hall, special event
20 center, amusement facility, or a special event center in a
21 public park during any 24-hour period when a professional
22 sporting event, National Collegiate Athletic Association
23 (NCAA)-sanctioned sporting event, United States Olympic
24 Committee-sanctioned sporting event, or International
25 Olympic Committee-sanctioned sporting event is taking
26 place in this venue;

1 (10) Knows the individual assaulted to be an employee
2 of the State of Illinois, a municipal corporation therein
3 or a political subdivision thereof, engaged in the
4 performance of his authorized duties as such employee;

5 (11) Knowingly and without legal justification,
6 commits an assault on a physically handicapped person;

7 (12) Knowingly and without legal justification,
8 commits an assault on a person 60 years of age or older;

9 (13) Discharges a firearm;

10 (14) Knows the individual assaulted to be a
11 correctional officer, while the officer is engaged in the
12 execution of any of his or her official duties, or to
13 prevent the officer from performing his or her official
14 duties, or in retaliation for the officer performing his or
15 her official duties;

16 (15) Knows the individual assaulted to be a
17 correctional employee or an employee of the Department of
18 Human Services supervising or controlling sexually
19 dangerous persons or sexually violent persons, while the
20 employee is engaged in the execution of any of his or her
21 official duties, or to prevent the employee from performing
22 his or her official duties, or in retaliation for the
23 employee performing his or her official duties, and the
24 assault is committed other than by the discharge of a
25 firearm in the direction of the employee or in the
26 direction of a vehicle occupied by the employee;

1 (16) Knows the individual assaulted to be an employee
2 of a police or sheriff's department engaged in the
3 performance of his or her official duties as such employee;
4 ~~or~~

5 (17) Knows the individual assaulted to be a sports
6 official or coach at any level of competition and the act
7 causing the assault to the sports official or coach
8 occurred within an athletic facility or an indoor or
9 outdoor playing field or within the immediate vicinity of
10 the athletic facility or an indoor or outdoor playing field
11 at which the sports official or coach was an active
12 participant in the athletic contest held at the athletic
13 facility. For the purposes of this paragraph (17), "sports
14 official" means a person at an athletic contest who
15 enforces the rules of the contest, such as an umpire or
16 referee; and "coach" means a person recognized as a coach
17 by the sanctioning authority that conducted the athletic
18 contest; or.

19 (18) Knows the individual assaulted to be an emergency
20 management worker, while the emergency management worker
21 is engaged in the execution of any of his or her official
22 duties, or to prevent the emergency management worker from
23 performing his or her official duties, or in retaliation
24 for the emergency management worker performing his or her
25 official duties, and the assault is committed other than by
26 the discharge of a firearm in the direction of the

1 emergency management worker or in the direction of a
2 vehicle occupied by the emergency management worker.

3 (a-5) A person commits an aggravated assault when he or she
4 knowingly and without lawful justification shines or flashes a
5 laser gunsight or other laser device that is attached or
6 affixed to a firearm, or used in concert with a firearm, so
7 that the laser beam strikes near or in the immediate vicinity
8 of any person.

9 (b) Sentence.

10 Aggravated assault as defined in paragraphs (1) through (5)
11 and (8) through (12) and (17) of subsection (a) of this Section
12 is a Class A misdemeanor. Aggravated assault as defined in
13 paragraphs (13), (14), and (15) of subsection (a) of this
14 Section and as defined in subsection (a-5) of this Section is a
15 Class 4 felony. Aggravated assault as defined in paragraphs
16 (6), (7), (16), and (18) of subsection (a) of this Section is a
17 Class A misdemeanor if a firearm is not used in the commission
18 of the assault. Aggravated assault as defined in paragraphs
19 (6), (7), (16), and (18) of subsection (a) of this Section is a
20 Class 4 felony if a firearm is used in the commission of the
21 assault.

22 (c) For the purposes of paragraphs (1) and (6) of
23 subsection (a), "private security officer" means a registered
24 employee of a private security contractor agency under the
25 Private Detective, Private Alarm, Private Security, and
26 Locksmith Act of 2004.

1 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,
2 eff. 1-1-06; revised 12-15-05.)

3 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
4 Sec. 12-4. Aggravated Battery.

5 (a) A person who, in committing a battery, intentionally or
6 knowingly causes great bodily harm, or permanent disability or
7 disfigurement commits aggravated battery.

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

10 (1) Uses a deadly weapon other than by the discharge of
11 a firearm;

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

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

19 (4) (Blank);

20 (5) (Blank);

21 (6) Knows the individual harmed to be a community
22 policing volunteer while such volunteer is engaged in the
23 execution of any official duties, or to prevent the
24 volunteer from performing official duties, or in
25 retaliation for the volunteer performing official duties,

1 and the battery is committed other than by the discharge of
2 a firearm;

3 (7) Knows the individual harmed to be an emergency
4 medical technician - ambulance, emergency medical
5 technician - intermediate, emergency medical technician -
6 paramedic, ambulance driver, other medical assistance,
7 first aid personnel, or hospital personnel engaged in the
8 performance of any of his or her official duties, or to
9 prevent the emergency medical technician - ambulance,
10 emergency medical technician - intermediate, emergency
11 medical technician - paramedic, ambulance driver, other
12 medical assistance, first aid personnel, or hospital
13 personnel from performing official duties, or in
14 retaliation for performing official duties;

15 (8) Is, or the person battered is, on or about a public
16 way, public property or public place of accommodation or
17 amusement;

18 (8.5) Is, or the person battered is, on a publicly or
19 privately owned sports or entertainment arena, stadium,
20 community or convention hall, special event center,
21 amusement facility, or a special event center in a public
22 park during any 24-hour period when a professional sporting
23 event, National Collegiate Athletic Association
24 (NCAA)-sanctioned sporting event, United States Olympic
25 Committee-sanctioned sporting event, or International
26 Olympic Committee-sanctioned sporting event is taking

1 place in this venue;

2 (9) Knows the individual harmed to be the driver,
3 operator, employee or passenger of any transportation
4 facility or system engaged in the business of
5 transportation of the public for hire and the individual
6 assaulted is then performing in such capacity or then using
7 such public transportation as a passenger or using any area
8 of any description designated by the transportation
9 facility or system as a vehicle boarding, departure, or
10 transfer location;

11 (10) Knows the individual harmed to be an individual of
12 60 years of age or older;

13 (11) Knows the individual harmed is pregnant;

14 (12) Knows the individual harmed to be a judge whom the
15 person intended to harm as a result of the judge's
16 performance of his or her official duties as a judge;

17 (13) (Blank);

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

20 (15) Knowingly and without legal justification and by
21 any means causes bodily harm to a merchant who detains the
22 person for an alleged commission of retail theft under
23 Section 16A-5 of this Code. In this item (15), "merchant"
24 has the meaning ascribed to it in Section 16A-2.4 of this
25 Code;

26 (16) Is, or the person battered is, in any building or

1 other structure used to provide shelter or other services
2 to victims or to the dependent children of victims of
3 domestic violence pursuant to the Illinois Domestic
4 Violence Act of 1986 or the Domestic Violence Shelters Act,
5 or the person battered is within 500 feet of such a
6 building or other structure while going to or from such a
7 building or other structure. "Domestic violence" has the
8 meaning ascribed to it in Section 103 of the Illinois
9 Domestic Violence Act of 1986. "Building or other structure
10 used to provide shelter" has the meaning ascribed to
11 "shelter" in Section 1 of the Domestic Violence Shelters
12 Act;

13 (17) (Blank); ~~or~~

14 (18) Knows the individual harmed to be an officer or
15 employee of the State of Illinois, a unit of local
16 government, or school district engaged in the performance
17 of his or her authorized duties as such officer or
18 employee;~~or~~

19 (19) ~~(18)~~ Knows the individual harmed to be an
20 emergency management worker engaged in the performance of
21 any of his or her official duties, or to prevent the
22 emergency management worker from performing official
23 duties, or in retaliation for the emergency management
24 worker performing official duties;or

25 (20) Knows the individual harmed to be a private
26 security officer engaged in the performance of any of his

1 or her official duties, or to prevent the private security
2 officer from performing official duties, or in retaliation
3 for the private security officer performing official
4 duties.

5 For the purpose of paragraph (14) of subsection (b) of this
6 Section, a physically handicapped person is a person who
7 suffers from a permanent and disabling physical
8 characteristic, resulting from disease, injury, functional
9 disorder or congenital condition.

10 For the purpose of paragraph (20) of subsection (b) and
11 subsection (e) of this Section, "private security officer"
12 means a registered employee of a private security contractor
13 agency under the Private Detective, Private Alarm, Private
14 Security, and Locksmith Act of 2004.

15 (c) A person who administers to an individual or causes him
16 to take, without his consent or by threat or deception, and for
17 other than medical purposes, any intoxicating, poisonous,
18 stupefying, narcotic, anesthetic, or controlled substance
19 commits aggravated battery.

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

23 (d-3) A person commits aggravated battery when he or she
24 knowingly and without lawful justification shines or flashes a
25 laser gunsight or other laser device that is attached or
26 affixed to a firearm, or used in concert with a firearm, so

1 that the laser beam strikes upon or against the person of
2 another.

3 (d-5) An inmate of a penal institution or a sexually
4 dangerous person or a sexually violent person in the custody of
5 the Department of Human Services who causes or attempts to
6 cause a correctional employee of the penal institution or an
7 employee of the Department of Human Services to come into
8 contact with blood, seminal fluid, urine, or feces, by
9 throwing, tossing, or expelling that fluid or material commits
10 aggravated battery. For purposes of this subsection (d-5),
11 "correctional employee" means a person who is employed by a
12 penal institution.

13 (e) Sentence.

14 (1) Except as otherwise provided in paragraphs (2) and
15 (3), aggravated battery is a Class 3 felony.

16 (2) Aggravated battery that does not cause great bodily
17 harm or permanent disability or disfigurement is a Class 2
18 felony when the person knows the individual harmed to be a
19 peace officer, a community policing volunteer, a private
20 security officer, a correctional institution employee, an
21 employee of the Department of Human Services supervising or
22 controlling sexually dangerous persons or sexually violent
23 persons, or a fireman while such officer, volunteer,
24 employee, or fireman is engaged in the execution of any
25 official duties including arrest or attempted arrest, or to
26 prevent the officer, volunteer, employee, or fireman from

1 performing official duties, or in retaliation for the
2 officer, volunteer, employee, or fireman performing
3 official duties, and the battery is committed other than by
4 the discharge of a firearm.

5 (3) Aggravated battery that causes great bodily harm or
6 permanent disability or disfigurement in violation of
7 subsection (a) is a Class 1 felony when the person knows
8 the individual harmed to be a peace officer, a community
9 policing volunteer, a private security officer, a
10 correctional institution employee, an employee of the
11 Department of Human Services supervising or controlling
12 sexually dangerous persons or sexually violent persons, or
13 a fireman while such officer, volunteer, employee, or
14 fireman is engaged in the execution of any official duties
15 including arrest or attempted arrest, or to prevent the
16 officer, volunteer, employee, or fireman from performing
17 official duties, or in retaliation for the officer,
18 volunteer, employee, or fireman performing official
19 duties, and the battery is committed other than by the
20 discharge of a firearm.

21 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,
22 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;
23 94-482, eff. 1-1-06; revised 8-19-05.)

24 (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

25 Sec. 12-4.2. Aggravated Battery with a firearm.

1 (a) A person commits aggravated battery with a firearm when
2 he, in committing a battery, knowingly or intentionally by
3 means of the discharging of a firearm (1) causes any injury to
4 another person, or (2) causes any injury to a person he knows
5 to be a peace officer, a private security officer, a community
6 policing volunteer, a correctional institution employee or a
7 fireman while the officer, volunteer, employee or fireman is
8 engaged in the execution of any of his official duties, or to
9 prevent the officer, volunteer, employee or fireman from
10 performing his official duties, or in retaliation for the
11 officer, volunteer, employee or fireman performing his
12 official duties, or (3) causes any injury to a person he knows
13 to be an emergency medical technician - ambulance, emergency
14 medical technician - intermediate, emergency medical
15 technician - paramedic, ambulance driver, or other medical
16 assistance or first aid personnel, employed by a municipality
17 or other governmental unit, while the emergency medical
18 technician - ambulance, emergency medical technician -
19 intermediate, emergency medical technician - paramedic,
20 ambulance driver, or other medical assistance or first aid
21 personnel is engaged in the execution of any of his official
22 duties, or to prevent the emergency medical technician -
23 ambulance, emergency medical technician - intermediate,
24 emergency medical technician - paramedic, ambulance driver, or
25 other medical assistance or first aid personnel from performing
26 his official duties, or in retaliation for the emergency

1 medical technician - ambulance, emergency medical technician -
2 intermediate, emergency medical technician - paramedic,
3 ambulance driver, or other medical assistance or first aid
4 personnel performing his official duties, (4) causes any injury
5 to a person he or she knows to be a teacher or other person
6 employed in a school and the teacher or other employee is upon
7 grounds of a school or grounds adjacent to a school, or is in
8 any part of a building used for school purposes, or (5) causes
9 any injury to a person he or she knows to be an emergency
10 management worker while the emergency management worker is
11 engaged in the execution of any of his or her official duties,
12 or to prevent the emergency management worker from performing
13 his or her official duties, or in retaliation for the emergency
14 management worker performing his or her official duties.

15 (b) A violation of subsection (a)(1) of this Section is a
16 Class X felony. A violation of subsection (a)(2), subsection
17 (a)(3), subsection (a)(4), or subsection (a)(5) of this Section
18 is a Class X felony for which the sentence shall be a term of
19 imprisonment of no less than 15 years and no more than 60
20 years.

21 (c) For purposes of this Section: ,"firearm"

22 "Firearm" is defined as in the Firearm Owners
23 Identification Card Act ~~"An Act relating to the~~
24 ~~acquisition, possession and transfer of firearms and~~
25 ~~firearm ammunition, to provide a penalty for the violation~~
26 ~~thereof and to make an appropriation in connection~~

1 ~~therewith", approved August 1, 1967, as amended.~~

2 "Private security officer" means a registered employee
3 of a private security contractor agency under the Private
4 Detective, Private Alarm, Private Security, and Locksmith
5 Act of 2004.

6 (Source: P.A. 94-243, eff. 1-1-06.)

7 (720 ILCS 5/12-4.2-5)

8 Sec. 12-4.2-5. Aggravated battery with a machine gun or a
9 firearm equipped with any device or attachment designed or used
10 for silencing the report of a firearm. (a) A person commits
11 aggravated battery with a machine gun or a firearm equipped
12 with a device designed or used for silencing the report of a
13 firearm when he or she, in committing a battery, knowingly or
14 intentionally by means of the discharging of a machine gun or a
15 firearm equipped with a device designed or used for silencing
16 the report of a firearm (1) causes any injury to another
17 person, or (2) causes any injury to a person he or she knows to
18 be a peace officer, a private security officer, a person
19 summoned by a peace officer, a correctional institution
20 employee or a fireman while the officer, employee or fireman is
21 engaged in the execution of any of his or her official duties,
22 or to prevent the officer, employee or fireman from performing
23 his or her official duties, or in retaliation for the officer,
24 employee or fireman performing his or her official duties, or
25 (3) causes any injury to a person he or she knows to be an

1 emergency medical technician - ambulance, emergency medical
2 technician - intermediate, emergency medical technician -
3 paramedic, ambulance driver, or other medical assistance or
4 first aid personnel, employed by a municipality or other
5 governmental unit, while the emergency medical technician -
6 ambulance, emergency medical technician - intermediate,
7 emergency medical technician - paramedic, ambulance driver, or
8 other medical assistance or first aid personnel is engaged in
9 the execution of any of his or her official duties, or to
10 prevent the emergency medical technician - ambulance,
11 emergency medical technician - intermediate, emergency medical
12 technician - paramedic, ambulance driver, or other medical
13 assistance or first aid personnel from performing his or her
14 official duties, or in retaliation for the emergency medical
15 technician - ambulance, emergency medical technician -
16 intermediate, emergency medical technician - paramedic,
17 ambulance driver, or other medical assistance or first aid
18 personnel performing his or her official duties, or (4) causes
19 any injury to a person he or she knows to be an emergency
20 management worker while the emergency management worker is
21 engaged in the execution of any of his or her official duties,
22 or to prevent the emergency management worker from performing
23 his or her official duties, or in retaliation for the emergency
24 management worker performing his or her official duties.

25 (b) A violation of subsection (a) (1) of this Section is a
26 Class X felony for which the person shall be sentenced to a

1 term of imprisonment of no less than 12 years and no more than
2 45 years. A violation of subsection (a) (2), subsection (a)
3 (3), or subsection (a) (4) of this Section is a Class X felony
4 for which the sentence shall be a term of imprisonment of no
5 less than 20 years and no more than 60 years.

6 (c) For purposes of this Section, "firearm" is defined as
7 in the Firearm Owners Identification Card Act.

8 (d) For purposes of this Section: ~~"machine~~

9 "Machine gun" has the meaning ascribed to it in clause
10 (i) of paragraph (7) of subsection (a) of Section 24-1 of
11 this Code.

12 "Private security officer" means a registered employee
13 of a private security contractor agency under the Private
14 Detective, Private Alarm, Private Security, and Locksmith
15 Act of 2004.

16 (Source: P.A. 94-243, eff. 1-1-06.)