

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, 12-4.6, 12-14, 12-16, 12-21, 16-1, 16-1.3,
6 16G-20, 18-1, and 18-4 as follows:

7 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

8 Sec. 12-2. Aggravated assault.

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

11 (1) Uses a deadly weapon or any device manufactured and
12 designed to be substantially similar in appearance to a
13 firearm, other than by discharging a firearm in the
14 direction of another person, a peace officer, a person
15 summoned or directed by a peace officer, a correctional
16 officer or a fireman or in the direction of a vehicle
17 occupied by another person, a peace officer, a person
18 summoned or directed by a peace officer, a correctional
19 officer or a fireman while the officer or fireman is
20 engaged in the execution of any of his official duties, or
21 to prevent the officer or fireman from performing his
22 official duties, or in retaliation for the officer or
23 fireman performing his 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, or a fireman
7 while the officer or fireman is engaged in the execution of
8 any of his official duties, or to prevent the officer,
9 community policing volunteer, or fireman from performing
10 his official duties, or in retaliation for the officer,
11 community policing volunteer, or fireman performing his
12 official duties, and the assault is committed other than by
13 the discharge of a firearm in the direction of the officer
14 or fireman or in the direction of a vehicle occupied by the
15 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 (11) ~~(12)~~ and (17) of subsection (a) of this
12 Section is a Class A misdemeanor. Aggravated assault as defined
13 in paragraphs (12), (13), (14), and (15) of subsection (a) of
14 this Section and as defined in subsection (a-5) of this Section
15 is a Class 4 felony. Aggravated assault as defined in
16 paragraphs (6), (7), (16), and (18) of subsection (a) of this
17 Section is a Class A misdemeanor if a firearm is not used in
18 the commission of the assault. Aggravated assault as defined in
19 paragraphs (6), (7), (16), and (18) of subsection (a) of this
20 Section is a Class 4 felony if a firearm is used in the
21 commission of the assault.

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

24 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

25 Sec. 12-4. Aggravated Battery.

1 (a) A person who, in committing a battery, intentionally or
2 knowingly causes great bodily harm, or permanent disability or
3 disfigurement commits aggravated battery.

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

6 (1) Uses a deadly weapon other than by the discharge of
7 a firearm;

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

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

15 (4) (Blank);

16 (5) (Blank);

17 (6) Knows the individual harmed to be a community
18 policing volunteer while such volunteer is engaged in the
19 execution of any official duties, or to prevent the
20 volunteer from performing official duties, or in
21 retaliation for the volunteer performing official duties,
22 and the battery is committed other than by the discharge of
23 a firearm;

24 (7) Knows the individual harmed to be an emergency
25 medical technician - ambulance, emergency medical
26 technician - intermediate, emergency medical technician -

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

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

13 (8.5) Is, or the person battered is, on a publicly or
14 privately owned sports or entertainment arena, stadium,
15 community or convention hall, special event center,
16 amusement facility, or a special event center in a public
17 park during any 24-hour period when a professional sporting
18 event, National Collegiate Athletic Association
19 (NCAA)-sanctioned sporting event, United States Olympic
20 Committee-sanctioned sporting event, or International
21 Olympic Committee-sanctioned sporting event is taking
22 place in this venue;

23 (9) Knows the individual harmed to be the driver,
24 operator, employee or passenger of any transportation
25 facility or system engaged in the business of
26 transportation of the public for hire and the individual

1 assaulted is then performing in such capacity or then using
2 such public transportation as a passenger or using any area
3 of any description designated by the transportation
4 facility or system as a vehicle boarding, departure, or
5 transfer location;

6 (10) Knows the individual harmed to be an individual of
7 60 years of age or older;

8 (11) Knows the individual harmed is pregnant;

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

12 (13) (Blank);

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

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

21 (16) Is, or the person battered is, in any building or
22 other structure used to provide shelter or other services
23 to victims or to the dependent children of victims of
24 domestic violence pursuant to the Illinois Domestic
25 Violence Act of 1986 or the Domestic Violence Shelters Act,
26 or the person battered is within 500 feet of such a

1 building or other structure while going to or from such a
2 building or other structure. "Domestic violence" has the
3 meaning ascribed to it in Section 103 of the Illinois
4 Domestic Violence Act of 1986. "Building or other structure
5 used to provide shelter" has the meaning ascribed to
6 "shelter" in Section 1 of the Domestic Violence Shelters
7 Act;

8 (17) (Blank); ~~or~~

9 (18) Knows the individual harmed to be an officer or
10 employee of the State of Illinois, a unit of local
11 government, or school district engaged in the performance
12 of his or her authorized duties as such officer or
13 employee; or.

14 (19) ~~(18)~~ Knows the individual harmed to be an
15 emergency management worker engaged in the performance of
16 any of his or her official duties, or to prevent the
17 emergency management worker from performing official
18 duties, or in retaliation for the emergency management
19 worker performing official duties.

20 For the purpose of paragraph (14) of subsection (b) of this
21 Section, a physically handicapped person is a person who
22 suffers from a permanent and disabling physical
23 characteristic, resulting from disease, injury, functional
24 disorder or congenital condition.

25 (c) A person who administers to an individual or causes him
26 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 (1) Except as otherwise provided in paragraphs (2), ~~and~~
25 (3), and (4) aggravated battery is a Class 3 felony.

26 (2) Aggravated battery that does not cause great bodily

1 harm or permanent disability or disfigurement is a Class 2
2 felony when the person knows the individual harmed to be a
3 peace officer, a community policing volunteer, a
4 correctional institution employee, an employee of the
5 Department of Human Services supervising or controlling
6 sexually dangerous persons or sexually violent persons, or
7 a fireman while such officer, volunteer, employee, or
8 fireman is engaged in the execution of any official duties
9 including arrest or attempted arrest, or to prevent the
10 officer, volunteer, employee, or fireman from performing
11 official duties, or in retaliation for the officer,
12 volunteer, employee, or fireman performing official
13 duties, and the battery is committed other than by the
14 discharge of a firearm.

15 (3) Aggravated battery that causes great bodily harm or
16 permanent disability or disfigurement in violation of
17 subsection (a) is a Class 1 felony when the person knows
18 the individual harmed to be a peace officer, a community
19 policing volunteer, a correctional institution employee,
20 an employee of the Department of Human Services supervising
21 or controlling sexually dangerous persons or sexually
22 violent persons, or a fireman while such officer,
23 volunteer, employee, or fireman is engaged in the execution
24 of any official duties including arrest or attempted
25 arrest, or to prevent the officer, volunteer, employee, or
26 fireman from performing official duties, or in retaliation

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

4 (4) Aggravated battery of an individual whom the
5 defendant knows to be 60 years of age or older is a Class 2
6 felony.

7 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,
8 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;
9 94-482, eff. 1-1-06; revised 8-19-05.)

10 (720 ILCS 5/12-4.6) (from Ch. 38, par. 12-4.6)

11 Sec. 12-4.6. Aggravated Battery of a Senior Citizen. (a) A
12 person who, in committing battery, intentionally or knowingly
13 causes great bodily harm or permanent disability or
14 disfigurement to an individual of 60 years of age or older
15 commits aggravated battery of a senior citizen.

16 (b) Sentence. Aggravated battery of a senior citizen is a
17 Class 1 ~~2~~ felony.

18 (Source: P.A. 85-1177.)

19 (720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

20 Sec. 12-14. Aggravated Criminal Sexual Assault.

21 (a) The accused commits aggravated criminal sexual assault
22 if he or she commits criminal sexual assault and any of the
23 following aggravating circumstances existed during, or for the
24 purposes of paragraph (7) of this subsection (a) as part of the

1 same course of conduct as, the commission of the offense:

2 (1) the accused displayed, threatened to use, or used a
3 dangerous weapon, other than a firearm, or any object
4 fashioned or utilized in such a manner as to lead the
5 victim under the circumstances reasonably to believe it to
6 be a dangerous weapon; or

7 (2) the accused caused bodily harm, except as provided
8 in subsection (a) (10), to the victim; or

9 (3) the accused acted in such a manner as to threaten
10 or endanger the life of the victim or any other person; or

11 (4) the criminal sexual assault was perpetrated during
12 the course of the commission or attempted commission of any
13 other felony by the accused; or

14 (5) the victim was 60 years of age or over when the
15 offense was committed; or

16 (6) the victim was a physically handicapped person; or

17 (7) the accused delivered (by injection, inhalation,
18 ingestion, transfer of possession, or any other means) to
19 the victim without his or her consent, or by threat or
20 deception, and for other than medical purposes, any
21 controlled substance; or

22 (8) the accused was armed with a firearm; or

23 (9) the accused personally discharged a firearm during
24 the commission of the offense; or

25 (10) the accused, during the commission of the offense,
26 personally discharged a firearm that proximately caused

1 great bodily harm, permanent disability, permanent
2 disfigurement, or death to another person.

3 (b) The accused commits aggravated criminal sexual assault
4 if the accused was under 17 years of age and (i) commits an act
5 of sexual penetration with a victim who was under 9 years of
6 age when the act was committed; or (ii) commits an act of
7 sexual penetration with a victim who was at least 9 years of
8 age but under 13 years of age when the act was committed and
9 the accused used force or threat of force to commit the act.

10 (c) The accused commits aggravated criminal sexual assault
11 if he or she commits an act of sexual penetration with a victim
12 who was a severely or profoundly mentally retarded person at
13 the time the act was committed.

14 (d) Sentence.

15 (1) Aggravated criminal sexual assault in violation of
16 paragraph (2), (3), (4), ~~(5)~~, (6), or (7) of subsection (a)
17 or in violation of subsection (b) or (c) is a Class X
18 felony. Aggravated criminal sexual assault in violation of
19 paragraph (5) of subsection (a) is a Class X felony for
20 which the offender shall be sentenced to an extended term
21 sentence under Section 5-8-2 of the Unified Code of
22 Corrections. A violation of subsection (a)(1) is a Class X
23 felony for which 10 years shall be added to the term of
24 imprisonment imposed by the court. A violation of
25 subsection (a)(8) is a Class X felony for which 15 years
26 shall be added to the term of imprisonment imposed by the

1 court. A violation of subsection (a) (9) is a Class X felony
2 for which 20 years shall be added to the term of
3 imprisonment imposed by the court. A violation of
4 subsection (a) (10) is a Class X felony for which 25 years
5 or up to a term of natural life imprisonment shall be added
6 to the term of imprisonment imposed by the court.

7 (2) A person who is convicted of a second or subsequent
8 offense of aggravated criminal sexual assault, or who is
9 convicted of the offense of aggravated criminal sexual
10 assault after having previously been convicted of the
11 offense of criminal sexual assault or the offense of
12 predatory criminal sexual assault of a child, or who is
13 convicted of the offense of aggravated criminal sexual
14 assault after having previously been convicted under the
15 laws of this or any other state of an offense that is
16 substantially equivalent to the offense of criminal sexual
17 assault, the offense of aggravated criminal sexual assault
18 or the offense of predatory criminal sexual assault of a
19 child, shall be sentenced to a term of natural life
20 imprisonment. The commission of the second or subsequent
21 offense is required to have been after the initial
22 conviction for this paragraph (2) to apply.

23 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502,
24 eff. 12-19-01; 92-721, eff. 1-1-03.)

25 (720 ILCS 5/12-16) (from Ch. 38, par. 12-16)

1 Sec. 12-16. Aggravated Criminal Sexual Abuse.

2 (a) The accused commits aggravated criminal sexual abuse if
3 he or she commits criminal sexual abuse as defined in
4 subsection (a) of Section 12-15 of this Code and any of the
5 following aggravating circumstances existed during, or for the
6 purposes of paragraph (7) of this subsection (a) as part of the
7 same course of conduct as, the commission of the offense:

8 (1) the accused displayed, threatened to use or used a
9 dangerous weapon or any object fashioned or utilized in
10 such a manner as to lead the victim under the circumstances
11 reasonably to believe it to be a dangerous weapon; or

12 (2) the accused caused bodily harm to the victim; or

13 (3) the victim was 60 years of age or over when the
14 offense was committed; or

15 (4) the victim was a physically handicapped person; or

16 (5) the accused acted in such a manner as to threaten
17 or endanger the life of the victim or any other person; or

18 (6) the criminal sexual abuse was perpetrated during
19 the course of the commission or attempted commission of any
20 other felony by the accused; or

21 (7) the accused delivered (by injection, inhalation,
22 ingestion, transfer of possession, or any other means) to
23 the victim without his or her consent, or by threat or
24 deception, and for other than medical purposes, any
25 controlled substance.

26 (b) The accused commits aggravated criminal sexual abuse if

1 he or she commits an act of sexual conduct with a victim who
2 was under 18 years of age when the act was committed and the
3 accused was a family member.

4 (c) The accused commits aggravated criminal sexual abuse
5 if:

6 (1) the accused was 17 years of age or over and (i)
7 commits an act of sexual conduct with a victim who was
8 under 13 years of age when the act was committed; or (ii)
9 commits an act of sexual conduct with a victim who was at
10 least 13 years of age but under 17 years of age when the
11 act was committed and the accused used force or threat of
12 force to commit the act; or

13 (2) the accused was under 17 years of age and (i)
14 commits an act of sexual conduct with a victim who was
15 under 9 years of age when the act was committed; or (ii)
16 commits an act of sexual conduct with a victim who was at
17 least 9 years of age but under 17 years of age when the act
18 was committed and the accused used force or threat of force
19 to commit the act.

20 (d) The accused commits aggravated criminal sexual abuse if
21 he or she commits an act of sexual penetration or sexual
22 conduct with a victim who was at least 13 years of age but
23 under 17 years of age and the accused was at least 5 years
24 older than the victim.

25 (e) The accused commits aggravated criminal sexual abuse if
26 he or she commits an act of sexual conduct with a victim who

1 was a severely or profoundly mentally retarded person at the
2 time the act was committed.

3 (f) The accused commits aggravated criminal sexual abuse if
4 he or she commits an act of sexual conduct with a victim who
5 was at least 13 years of age but under 18 years of age when the
6 act was committed and the accused was 17 years of age or over
7 and held a position of trust, authority or supervision in
8 relation to the victim.

9 (g) Sentence. Aggravated criminal sexual abuse is a Class 2
10 felony, except that aggravated criminal sexual abuse when the
11 victim was 60 years of age or over when the offense was
12 committed is a Class 1 felony.

13 (Source: P.A. 92-434, eff. 1-1-02.)

14 (720 ILCS 5/12-21) (from Ch. 38, par. 12-21)

15 Sec. 12-21. Criminal abuse or neglect of an elderly person
16 or person with a disability.

17 (a) A person commits the offense of criminal abuse or
18 neglect of an elderly person or person with a disability when
19 he or she is a caregiver and he or she knowingly:

20 (1) performs acts that cause the elderly person or
21 person with a disability's life to be endangered, health to
22 be injured, or pre-existing physical or mental condition to
23 deteriorate; or

24 (2) fails to perform acts that he or she knows or
25 reasonably should know are necessary to maintain or

1 preserve the life or health of the elderly person or person
2 with a disability and such failure causes the elderly
3 person or person with a disability's life to be endangered,
4 health to be injured or pre-existing physical or mental
5 condition to deteriorate; or

6 (3) abandons the elderly person or person with a
7 disability; or

8 (4) physically abuses, harasses, intimidates, or
9 interferes with the personal liberty of the elderly person
10 or person with a disability or exposes the elderly person
11 or person with a disability to willful deprivation.

12 A violation of this subsection (a) ~~Criminal abuse or~~
13 ~~neglect of an elderly person or person with a disability~~ is a
14 Class 3 felony if the victim of the offense is a person with a
15 disability. A violation of this subsection (a) is a Class 2
16 felony if the victim of the offense is an elderly person. A
17 violation of this subsection (a) that is criminal neglect
18 ~~Criminal neglect of an elderly person or person with a~~
19 ~~disability~~ is a Class 2 felony if the criminal neglect results
20 in the death of the person with a disability who was ~~person~~
21 neglected for which the defendant, if sentenced to a term of
22 imprisonment, shall be sentenced to a term of not less than 3
23 years and not more than 14 years. A violation of this
24 subsection (a) that is criminal neglect is a Class 1 felony if
25 the criminal neglect results in the death of the elderly person
26 for which the defendant, if sentenced to a term of

1 imprisonment, shall be sentenced to a term of not less than 15
2 years and not more than 30 years.

3 (b) For purposes of this Section:

4 (1) "Elderly person" means a person 60 years of age or
5 older who is incapable of adequately providing for his own
6 health and personal care.

7 (2) "Person with a disability" means a person who
8 suffers from a permanent physical or mental impairment,
9 resulting from disease, injury, functional disorder or
10 congenital condition which renders such person incapable
11 of adequately providing for his own health and personal
12 care.

13 (3) "Caregiver" means a person who has a duty to
14 provide for an elderly person or person with a disability's
15 health and personal care, at such person's place of
16 residence, including but not limited to, food and
17 nutrition, shelter, hygiene, prescribed medication and
18 medical care and treatment.

19 "Caregiver" shall include:

20 (A) a parent, spouse, adult child or other relative
21 by blood or marriage who resides with or resides in the
22 same building with or regularly visits the elderly
23 person or person with a disability, knows or reasonably
24 should know of such person's physical or mental
25 impairment and knows or reasonably should know that
26 such person is unable to adequately provide for his own

1 health and personal care;

2 (B) a person who is employed by the elderly person
3 or person with a disability or by another to reside
4 with or regularly visit the elderly person or person
5 with a disability and provide for such person's health
6 and personal care;

7 (C) a person who has agreed for consideration to
8 reside with or regularly visit the elderly person or
9 person with a disability and provide for such person's
10 health and personal care; and

11 (D) a person who has been appointed by a private or
12 public agency or by a court of competent jurisdiction
13 to provide for the elderly person or person with a
14 disability's health and personal care.

15 "Caregiver" shall not include a long-term care
16 facility licensed or certified under the Nursing Home Care
17 Act or any administrative, medical or other personnel of
18 such a facility, or a health care provider who is licensed
19 under the Medical Practice Act of 1987 and renders care in
20 the ordinary course of his profession.

21 (4) "Abandon" means to desert or knowingly forsake an
22 elderly person or person with a disability under
23 circumstances in which a reasonable person would continue
24 to provide care and custody.

25 (5) "Willful deprivation" has the meaning ascribed to
26 it in paragraph (15) of Section 103 of the Illinois

1 Domestic Violence Act of 1986.

2 (c) Nothing in this Section shall be construed to limit the
3 remedies available to the victim under the Illinois Domestic
4 Violence Act.

5 (d) Nothing in this Section shall be construed to impose
6 criminal liability on a person who has made a good faith effort
7 to provide for the health and personal care of an elderly
8 person or person with a disability, but through no fault of his
9 own has been unable to provide such care.

10 (e) Nothing in this Section shall be construed as
11 prohibiting a person from providing treatment by spiritual
12 means through prayer alone and care consistent therewith in
13 lieu of medical care and treatment in accordance with the
14 tenets and practices of any church or religious denomination of
15 which the elderly person or person with a disability is a
16 member.

17 (f) It is not a defense to criminal abuse or neglect of an
18 elderly person or person with a disability that the accused
19 reasonably believed that the victim was not an elderly person
20 or person with a disability.

21 (Source: P.A. 92-328, eff. 1-1-02; 93-301, eff. 1-1-04.)

22 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

23 Sec. 16-1. Theft.

24 (a) A person commits theft when he knowingly:

25 (1) Obtains or exerts unauthorized control over

1 property of the owner; or

2 (2) Obtains by deception control over property of the
3 owner; or

4 (3) Obtains by threat control over property of the
5 owner; or

6 (4) Obtains control over stolen property knowing the
7 property to have been stolen or under such circumstances as
8 would reasonably induce him to believe that the property
9 was stolen; or

10 (5) Obtains or exerts control over property in the
11 custody of any law enforcement agency which is explicitly
12 represented to him by any law enforcement officer or any
13 individual acting in behalf of a law enforcement agency as
14 being stolen, and

15 (A) Intends to deprive the owner permanently of the
16 use or benefit of the property; or

17 (B) Knowingly uses, conceals or abandons the
18 property in such manner as to deprive the owner
19 permanently of such use or benefit; or

20 (C) Uses, conceals, or abandons the property
21 knowing such use, concealment or abandonment probably
22 will deprive the owner permanently of such use or
23 benefit.

24 (b) Sentence.

25 (1) Theft of property not from the person and not
26 exceeding \$300 in value is a Class A misdemeanor.

1 (1.1) Theft of property not from the person and not
2 exceeding \$300 in value is a Class 4 felony if the theft
3 was committed in a school or place of worship or if the
4 theft was of governmental property.

5 (2) A person who has been convicted of theft of
6 property not from the person and not exceeding \$300 in
7 value who has been previously convicted of any type of
8 theft, robbery, armed robbery, burglary, residential
9 burglary, possession of burglary tools, home invasion,
10 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
11 4-103.3 of the Illinois Vehicle Code relating to the
12 possession of a stolen or converted motor vehicle, or a
13 violation of Section 8 of the Illinois Credit Card and
14 Debit Card Act is guilty of a Class 4 felony. When a person
15 has any such prior conviction, the information or
16 indictment charging that person shall state such prior
17 conviction so as to give notice of the State's intention to
18 treat the charge as a felony. The fact of such prior
19 conviction is not an element of the offense and may not be
20 disclosed to the jury during trial unless otherwise
21 permitted by issues properly raised during such trial.

22 (3) (Blank).

23 (4) Theft of property from the person not exceeding
24 \$300 in value, or theft of property exceeding \$300 and not
25 exceeding \$10,000 in value, is a Class 3 felony.

26 (4.1) Theft of property from the person not exceeding

1 \$300 in value, or theft of property exceeding \$300 and not
2 exceeding \$10,000 in value, is a Class 2 felony if the
3 theft was committed in a school or place of worship or if
4 the theft was of governmental property.

5 (5) Theft of property exceeding \$10,000 and not
6 exceeding \$100,000 in value is a Class 2 felony.

7 (5.1) Theft of property exceeding \$10,000 and not
8 exceeding \$100,000 in value is a Class 1 felony if the
9 theft was committed in a school or place of worship or if
10 the theft was of governmental property.

11 (6) Theft of property exceeding \$100,000 and not
12 exceeding \$500,000 in value is a Class 1 felony.

13 (6.1) Theft of property exceeding \$100,000 in value is
14 a Class X felony if the theft was committed in a school or
15 place of worship or if the theft was of governmental
16 property.

17 (6.2) Theft of property exceeding \$500,000 in value is
18 a Class 1 non-probationable felony.

19 (7) Theft by deception, as described by paragraph (2)
20 of subsection (a) of this Section, in which the offender
21 obtained money or property valued at \$5,000 or more from a
22 victim 60 years of age or older is a Class 1 ~~2~~ felony.

23 (c) When a charge of theft of property exceeding a
24 specified value is brought, the value of the property involved
25 is an element of the offense to be resolved by the trier of
26 fact as either exceeding or not exceeding the specified value.

1 (Source: P.A. 93-520, eff. 8-6-03; 94-134, eff. 1-1-06.)

2 (720 ILCS 5/16-1.3) (from Ch. 38, par. 16-1.3)

3 Sec. 16-1.3. Financial exploitation of an elderly person or
4 a person with a disability.

5 (a) A person commits the offense of financial exploitation
6 of an elderly person or a person with a disability when he or
7 she stands in a position of trust or confidence with the
8 elderly person or a person with a disability and he or she
9 knowingly and by deception or intimidation obtains control over
10 the property of an elderly person or a person with a disability
11 or illegally uses the assets or resources of an elderly person
12 or a person with a disability. The illegal use of the assets or
13 resources of an elderly person or a person with a disability
14 includes, but is not limited to, the misappropriation of those
15 assets or resources by undue influence, breach of a fiduciary
16 relationship, fraud, deception, extortion, or use of the assets
17 or resources contrary to law.

18 A violation of this subsection (a) in which the victim of
19 the offense is a person with a disability ~~Financial~~
20 ~~exploitation of an elderly person or a person with a disability~~
21 is a Class 4 felony if the value of the property is \$300 or
22 less, a Class 3 felony if the value of the property is more
23 than \$300 but less than \$5,000, a Class 2 felony if the value
24 of the property is \$5,000 or more but less than \$100,000 and a
25 Class 1 felony if the value of the property is \$100,000 or

1 more. A violation of this subsection (a) in which the victim of
2 the offense is an elderly person is a Class 3 felony if the
3 value of the property is \$300 or less, a Class 2 felony if the
4 value of the property is more than \$300 but less than \$5,000, a
5 Class 1 felony if the value of the property is \$5,000 or more
6 but less than \$100,000 and a Class X felony if the value of the
7 property is \$100,000 or more or if the elderly person is over
8 70 years of age and the value of the property is \$15,000 or
9 more or if the elderly person is 80 years of age or older and
10 the value of the property is \$5,000 or more.

11 (b) For purposes of this Section:

12 (1) "Elderly person" means a person 60 years of age or
13 older.

14 (2) "Person with a disability" means a person who
15 suffers from a permanent physical or mental impairment
16 resulting from disease, injury, functional disorder or
17 congenital condition that impairs the individual's mental
18 or physical ability to independently manage his or her
19 property or financial resources, or both.

20 (3) "Intimidation" means the communication to an
21 elderly person or a person with a disability that he or she
22 shall be deprived of food and nutrition, shelter,
23 prescribed medication or medical care and treatment.

24 (4) "Deception" means, in addition to its meaning as
25 defined in Section 15-4 of this Code, a misrepresentation
26 or concealment of material fact relating to the terms of a

1 contract or agreement entered into with the elderly person
2 or person with a disability or to the existing or
3 pre-existing condition of any of the property involved in
4 such contract or agreement; or the use or employment of any
5 misrepresentation, false pretense or false promise in
6 order to induce, encourage or solicit the elderly person or
7 person with a disability to enter into a contract or
8 agreement.

9 (c) For purposes of this Section, a person stands in a
10 position of trust and confidence with an elderly person or
11 person with a disability when he (1) is a parent, spouse, adult
12 child or other relative by blood or marriage of the elderly
13 person or person with a disability, (2) is a joint tenant or
14 tenant in common with the elderly person or person with a
15 disability, (3) has a legal or fiduciary relationship with the
16 elderly person or person with a disability, or (4) is a
17 financial planning or investment professional.

18 (d) Nothing in this Section shall be construed to limit the
19 remedies available to the victim under the Illinois Domestic
20 Violence Act of 1986.

21 (e) Nothing in this Section shall be construed to impose
22 criminal liability on a person who has made a good faith effort
23 to assist the elderly person or person with a disability in the
24 management of his or her property, but through no fault of his
25 or her own has been unable to provide such assistance.

26 (f) It shall not be a defense to financial exploitation of

1 an elderly person or person with a disability that the accused
2 reasonably believed that the victim was not an elderly person
3 or person with a disability.

4 (g) Civil Liability. A person who is charged by information
5 or indictment with the offense of financial exploitation of an
6 elderly person or person with a disability and who fails or
7 refuses to return the victim's property within 60 days
8 following a written demand from the victim or the victim's
9 legal representative shall be liable to the victim or to the
10 estate of the victim in damages of treble the amount of the
11 value of the property obtained, plus reasonable attorney fees
12 and court costs. The burden of proof that the defendant
13 unlawfully obtained the victim's property shall be by a
14 preponderance of the evidence. This subsection shall be
15 operative whether or not the defendant has been convicted of
16 the offense.

17 (Source: P.A. 92-808, eff. 8-21-02; 93-301, eff. 1-1-04.)

18 (720 ILCS 5/16G-20)

19 Sec. 16G-20. Aggravated identity theft.

20 (a) A person commits the offense of aggravated identity
21 theft when he or she commits the offense of identity theft as
22 set forth in subsection (a) of Section 16G-15 against a person
23 60 years of age or older or a disabled person as defined in
24 Section 16-1.3 of this Code.

25 (b) Knowledge shall be determined by an evaluation of all

1 circumstances surrounding the use of the other person's
2 identifying information or document.

3 (c) When a charge of aggravated identity theft of credit,
4 money, goods, services, or other property exceeding a specified
5 value is brought the value of the credit, money, goods,
6 services, or other property is an element of the offense to be
7 resolved by the trier of fact as either exceeding or not
8 exceeding the specified value.

9 (d) A defense to aggravated identity theft does not exist
10 merely because the accused reasonably believed the victim to be
11 a person less than 60 years of age.

12 (e) Sentence.

13 (1) Aggravated identity theft of credit, money, goods,
14 services, or other property not exceeding \$300 in value is
15 a Class 3 felony if the victim of the aggravated identity
16 theft is a disabled person. Aggravated identity theft of
17 credit, money, goods, services, or other property not
18 exceeding \$300 in value is a Class 2 felony if the victim
19 of the aggravated identity theft is a person 60 years of
20 age or older.

21 (2) Aggravated identity theft of credit, money, goods,
22 services, or other property exceeding \$300 and not
23 exceeding \$10,000 in value is a Class 2 felony if the
24 victim of the aggravated identity theft is a disabled
25 person. Aggravated identity theft of credit, money, goods,
26 services, or other property exceeding \$300 and not

1 exceeding \$10,000 in value is a Class 1 felony if the
2 victim of the aggravated identity theft is a person 60
3 years of age or older.

4 (3) Aggravated identity theft of credit, money, goods,
5 services, or other property exceeding \$10,000 in value and
6 not exceeding \$100,000 in value is a Class 1 felony if the
7 victim of the aggravated identity theft is a disabled
8 person. Aggravated identity theft of credit, money, goods,
9 services, or other property exceeding \$10,000 in value and
10 not exceeding \$100,000 in value is a Class X felony if the
11 victim of the aggravated identity theft is a person 60
12 years of age or older.

13 (4) Aggravated identity theft of credit, money, goods,
14 services, or other property exceeding \$100,000 in value is
15 a Class X felony if the victim of the aggravated identity
16 theft is a disabled person. Aggravated identity theft of
17 credit, money, goods, services, or other property
18 exceeding \$100,000 in value is a Class X felony for which
19 the defendant shall be sentenced to a term of imprisonment
20 of not less than 30 years and not more than 60 years if the
21 victim of the aggravated identity theft is a person 60
22 years of age or older.

23 (5) A person who has been previously convicted of
24 aggravated identity theft regardless of the value of the
25 property involved who is convicted of a second or
26 subsequent offense of aggravated identity theft regardless

1 of the value of the property involved is guilty of a Class
2 X felony if the victim of the aggravated identity theft is
3 a disabled person. A person who has been previously
4 convicted of aggravated identity theft regardless of the
5 value of the property involved who is convicted of a second
6 or subsequent offense of aggravated identity theft
7 regardless of the value of the property involved is guilty
8 of a Class X felony for which the defendant shall be
9 sentenced to a term of imprisonment of not less than 30
10 years and not more than 60 years if the victim is a person
11 60 years of age or older.

12 (Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05.)

13 (720 ILCS 5/18-1) (from Ch. 38, par. 18-1)

14 Sec. 18-1. Robbery.

15 (a) A person commits robbery when he or she takes property,
16 except a motor vehicle covered by Section 18-3 or 18-4, from
17 the person or presence of another by the use of force or by
18 threatening the imminent use of force.

19 (b) Sentence.

20 Robbery is a Class 2 felony. However, if the victim is ~~60~~
21 ~~years of age or over or is~~ a physically handicapped person, or
22 if the robbery is committed in a school or place of worship,
23 robbery is a Class 1 felony. However, if the victim is 60 years
24 of age or over, robbery is a Class X felony.

25 (Source: P.A. 91-360, eff. 7-29-99.)

1 (720 ILCS 5/18-4)

2 Sec. 18-4. Aggravated vehicular hijacking.

3 (a) A person commits aggravated vehicular hijacking when he
4 or she violates Section 18-3; and

5 (1) the person from whose immediate presence the motor
6 vehicle is taken is a physically handicapped person or a
7 person 60 years of age or over; or

8 (2) a person under 16 years of age is a passenger in
9 the motor vehicle at the time of the offense; or

10 (3) he or she carries on or about his or her person, or
11 is otherwise armed with a dangerous weapon, other than a
12 firearm; or

13 (4) he or she carries on or about his or her person or
14 is otherwise armed with a firearm; or

15 (5) he or she, during the commission of the offense,
16 personally discharges a firearm; or

17 (6) he or she, during the commission of the offense,
18 personally discharges a firearm that proximately causes
19 great bodily harm, permanent disability, permanent
20 disfigurement, or death to another person.

21 (b) Sentence. Aggravated vehicular hijacking in violation
22 of subsections (a)(1) or (a)(2) is a Class X felony. If the
23 victim of the offense is a person 60 years of age or over,
24 aggravated vehicular hijacking in violation of subsections
25 (a)(1) is a Class X felony for which the defendant shall be

1 sentenced to a term of imprisonment of not less than 30 years
2 and not more than 60 years. Aggravated vehicular hijacking in
3 violation of subsection (a)(3) is a Class X felony for which a
4 term of imprisonment of not less than 7 years shall be imposed.
5 Aggravated vehicular hijacking in violation of subsection
6 (a)(4) is a Class X felony for which 15 years shall be added to
7 the term of imprisonment imposed by the court. Aggravated
8 vehicular hijacking in violation of subsection (a)(5) is a
9 Class X felony for which 20 years shall be added to the term of
10 imprisonment imposed by the court. Aggravated vehicular
11 hijacking in violation of subsection (a)(6) is a Class X felony
12 for which 25 years or up to a term of natural life shall be
13 added to the term of imprisonment imposed by the court.

14 (Source: P.A. 91-404, eff. 1-1-00.)

15 Section 10. The Methamphetamine Control and Community
16 Protection Act is amended by changing Sections 15 and 25 as
17 follows:

18 (720 ILCS 646/15)

19 Sec. 15. Participation in methamphetamine manufacturing.

20 (a) Participation in methamphetamine manufacturing.

21 (1) It is unlawful to knowingly participate in the
22 manufacture of methamphetamine with the intent that
23 methamphetamine or a substance containing methamphetamine
24 be produced.

1 (2) A person who violates paragraph (1) of this
2 subsection (a) is subject to the following penalties:

3 (A) A person who participates in the manufacture of
4 less than 15 grams of methamphetamine or a substance
5 containing methamphetamine is guilty of a Class 1
6 felony.

7 (B) A person who participates in the manufacture of
8 15 or more grams but less than 100 grams of
9 methamphetamine or a substance containing
10 methamphetamine is guilty of a Class X felony, subject
11 to a term of imprisonment of not less than 6 years and
12 not more than 30 years, and subject to a fine not to
13 exceed \$100,000 or the street value of the
14 methamphetamine manufactured, whichever is greater.

15 (C) A person who participates in the manufacture of
16 100 or more grams but less than 400 grams of
17 methamphetamine or a substance containing
18 methamphetamine is guilty of a Class X felony, subject
19 to a term of imprisonment of not less than 9 years and
20 not more than 40 years, and subject to a fine not to
21 exceed \$200,000 or the street value of the
22 methamphetamine manufactured, whichever is greater.

23 (D) A person who participates in the manufacture of
24 400 or more grams but less than 900 grams of
25 methamphetamine or a substance containing
26 methamphetamine is guilty of a Class X felony, subject

1 to a term of imprisonment of not less than 12 years and
2 not more than 50 years, and subject to a fine not to
3 exceed \$300,000 or the street value of the
4 methamphetamine manufactured, whichever is greater.

5 (E) A person who participates in the manufacture of
6 900 grams or more of methamphetamine or a substance
7 containing methamphetamine is guilty of a Class X
8 felony, subject to a term of imprisonment of not less
9 than 15 years and not more than 60 years, and subject
10 to a fine not to exceed \$400,000 or the street value of
11 the methamphetamine, whichever is greater.

12 (b) Aggravated participation in methamphetamine
13 manufacturing.

14 (1) It is unlawful to engage in aggravated
15 participation in the manufacture of methamphetamine. A
16 person engages in aggravated participation in the
17 manufacture of methamphetamine when the person violates
18 paragraph (1) of subsection (a) and:

19 (A) the person knowingly does so in a multi-unit
20 dwelling;

21 (B) the person knowingly does so in a structure or
22 vehicle where a child under the age of 18, a person
23 with a disability, or a person 60 years of age or older
24 who is incapable of adequately providing for his or her
25 own health and personal care resides, is present, or is
26 endangered by the manufacture of methamphetamine;

1 (C) the person does so in a structure or vehicle
2 where a woman the person knows to be pregnant
3 (including but not limited to the person herself)
4 resides, is present, or is endangered by the
5 methamphetamine manufacture;

6 (D) the person knowingly does so in a structure or
7 vehicle protected by one or more firearms, explosive
8 devices, booby traps, alarm systems, surveillance
9 systems, guard dogs, or dangerous animals;

10 (E) the methamphetamine manufacturing in which the
11 person participates is a contributing cause of the
12 death, serious bodily injury, disability, or
13 disfigurement of another person, including but not
14 limited to an emergency service provider;

15 (F) the methamphetamine manufacturing in which the
16 person participates is a contributing cause of a fire
17 or explosion that damages property belonging to
18 another person; or

19 (G) the person knowingly organizes, directs, or
20 finances the methamphetamine manufacturing or
21 activities carried out in support of the
22 methamphetamine manufacturing.

23 (2) A person who violates paragraph (1) of this
24 subsection (b) is subject to the following penalties:

25 (A) A person who participates in the manufacture of
26 less than 15 grams of methamphetamine or a substance

1 containing methamphetamine is guilty of a Class X
2 felony, subject to a term of imprisonment of not less
3 than 6 years and not more than 30 years, and subject to
4 a fine not to exceed \$100,000 or the street value of
5 the methamphetamine, whichever is greater.

6 (B) A person who participates in the manufacture of
7 15 or more grams but less than 100 grams of
8 methamphetamine or a substance containing
9 methamphetamine is guilty of a Class X felony, subject
10 to a term of imprisonment of not less than 9 years and
11 not more than 40 years, and subject to a fine not to
12 exceed \$200,000 or the street value of the
13 methamphetamine, whichever is greater.

14 (C) A person who participates in the manufacture of
15 100 or more grams but less than 400 grams of
16 methamphetamine or a substance containing
17 methamphetamine is guilty of a Class X felony, subject
18 to a term of imprisonment of not less than 12 years and
19 not more than 50 years, and subject to a fine not to
20 exceed \$300,000 or the street value of the
21 methamphetamine, whichever is greater.

22 (D) A person who participates in the manufacture of
23 400 grams or more of methamphetamine or a substance
24 containing methamphetamine is guilty of a Class X
25 felony, subject to a term of imprisonment of not less
26 than 15 years and not more than 60 years, and subject

1 to a fine not to exceed \$400,000 or the street value of
2 the methamphetamine, whichever is greater.

3 (E) A person who participates in the manufacture of
4 methamphetamine in a structure or vehicle where a
5 person 60 years of age or older who is incapable of
6 adequately providing for his or her own health and
7 personal care resides, is present, or is endangered by
8 the manufacture of methamphetamine is guilty of a Class
9 X felony, subject to a term of imprisonment of not less
10 than 30 years and not more than 60 years.

11 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

12 (720 ILCS 646/25)

13 Sec. 25. Anhydrous ammonia.

14 (a) Possession, procurement, transportation, storage, or
15 delivery of anhydrous ammonia with the intent that it be used
16 to manufacture methamphetamine.

17 (1) It is unlawful to knowingly engage in the
18 possession, procurement, transportation, storage, or
19 delivery of anhydrous ammonia or to attempt to engage in
20 any of these activities or to assist another in engaging in
21 any of these activities with the intent that the anhydrous
22 ammonia be used to manufacture methamphetamine.

23 (2) A person who violates paragraph (1) of this
24 subsection (a) is guilty of a Class 1 felony.

25 (b) Aggravated possession, procurement, transportation,

1 storage, or delivery of anhydrous ammonia with the intent that
2 it be used to manufacture methamphetamine.

3 (1) It is unlawful to knowingly engage in the
4 aggravated possession, procurement, transportation,
5 storage, or delivery of anhydrous ammonia with the intent
6 that it be used to manufacture methamphetamine. A person
7 commits this offense when the person engages in the
8 possession, procurement, transportation, storage, or
9 delivery of anhydrous ammonia or attempts to engage in any
10 of these activities or assists another in engaging in any
11 of these activities with the intent that the anhydrous
12 ammonia be used to manufacture methamphetamine and:

13 (A) the person knowingly does so in a multi-unit
14 dwelling;

15 (B) the person knowingly does so in a structure or
16 vehicle where a child under the age of 18, or a person
17 with a disability, or a person who is 60 years of age
18 or older who is incapable of adequately providing for
19 his or her own health and personal care resides, is
20 present, or is endangered by the anhydrous ammonia;

21 (C) the person's possession, procurement,
22 transportation, storage, or delivery of anhydrous
23 ammonia is a contributing cause of the death, serious
24 bodily injury, disability, or disfigurement of another
25 person; or

26 (D) the person's possession, procurement,

1 transportation, storage, or delivery of anhydrous
2 ammonia is a contributing cause of a fire or explosion
3 that damages property belonging to another person.

4 (2) A person who violates paragraph (1) of this
5 subsection (b) is guilty of a Class X felony, subject to a
6 term of imprisonment of not less than 6 years and not more
7 than 30 years, and subject to a fine not to exceed
8 \$100,000. A person who violates paragraph (1) of this
9 subsection (b) is guilty of a Class X felony, subject to a
10 term of imprisonment of not less than 30 years and not more
11 than 60 years, and subject to a fine not to exceed \$200,000
12 if he or she does so in a structure or vehicle where a
13 person who is 60 years of age or older who is incapable of
14 adequately providing for his or her own health and personal
15 care resides, is present, or is endangered by the anhydrous
16 ammonia.

17 (c) Possession, procurement, transportation, storage, or
18 delivery of anhydrous ammonia in an unauthorized container.

19 (1) It is unlawful to knowingly possess, procure,
20 transport, store, or deliver anhydrous ammonia in an
21 unauthorized container.

22 (2) A person who violates paragraph (1) of this
23 subsection (c) is guilty of a Class 3 felony.

24 (3) Affirmative defense. It is an affirmative defense
25 that the person charged possessed, procured, transported,
26 stored, or delivered anhydrous ammonia in a manner that

1 substantially complied with the rules governing anhydrous
2 ammonia equipment found in 8 Illinois Administrative Code
3 Section 215, in 92 Illinois Administrative Code Sections
4 171 through 180, or in any provision of the Code of Federal
5 Regulations incorporated by reference into these Sections
6 of the Illinois Administrative Code.

7 (d) Tampering with anhydrous ammonia equipment.

8 (1) It is unlawful to knowingly tamper with anhydrous
9 ammonia equipment. A person tampers with anhydrous ammonia
10 equipment when, without authorization from the lawful
11 owner, the person:

12 (A) removes or attempts to remove anhydrous
13 ammonia from the anhydrous ammonia equipment used by
14 the lawful owner;

15 (B) damages or attempts to damage the anhydrous
16 ammonia equipment used by the lawful owner; or

17 (C) vents or attempts to vent anhydrous ammonia
18 into the environment.

19 (2) A person who violates paragraph (1) of this
20 subsection (d) is guilty of a Class 3 felony.

21 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

22 Section 15. The Unified Code of Corrections is amended by
23 changing Section 5-5-3.2 as follows:

24 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

1 Sec. 5-5-3.2. Factors in Aggravation.

2 (a) The following factors shall be accorded weight in favor
3 of imposing a term of imprisonment or may be considered by the
4 court as reasons to impose a more severe sentence under Section
5 5-8-1:

6 (1) the defendant's conduct caused or threatened
7 serious harm;

8 (2) the defendant received compensation for committing
9 the offense;

10 (3) the defendant has a history of prior delinquency or
11 criminal activity;

12 (4) the defendant, by the duties of his office or by
13 his position, was obliged to prevent the particular offense
14 committed or to bring the offenders committing it to
15 justice;

16 (5) the defendant held public office at the time of the
17 offense, and the offense related to the conduct of that
18 office;

19 (6) the defendant utilized his professional reputation
20 or position in the community to commit the offense, or to
21 afford him an easier means of committing it;

22 (7) the sentence is necessary to deter others from
23 committing the same crime;

24 (8) the defendant committed the offense against a
25 person 60 years of age or older or such person's property;

26 (9) the defendant committed the offense against a

1 person who is physically handicapped or such person's
2 property;

3 (10) by reason of another individual's actual or
4 perceived race, color, creed, religion, ancestry, gender,
5 sexual orientation, physical or mental disability, or
6 national origin, the defendant committed the offense
7 against (i) the person or property of that individual; (ii)
8 the person or property of a person who has an association
9 with, is married to, or has a friendship with the other
10 individual; or (iii) the person or property of a relative
11 (by blood or marriage) of a person described in clause (i)
12 or (ii). For the purposes of this Section, "sexual
13 orientation" means heterosexuality, homosexuality, or
14 bisexuality;

15 (11) the offense took place in a place of worship or on
16 the grounds of a place of worship, immediately prior to,
17 during or immediately following worship services. For
18 purposes of this subparagraph, "place of worship" shall
19 mean any church, synagogue or other building, structure or
20 place used primarily for religious worship;

21 (12) the defendant was convicted of a felony committed
22 while he was released on bail or his own recognizance
23 pending trial for a prior felony and was convicted of such
24 prior felony, or the defendant was convicted of a felony
25 committed while he was serving a period of probation,
26 conditional discharge, or mandatory supervised release

1 under subsection (d) of Section 5-8-1 for a prior felony;

2 (13) the defendant committed or attempted to commit a
3 felony while he was wearing a bulletproof vest. For the
4 purposes of this paragraph (13), a bulletproof vest is any
5 device which is designed for the purpose of protecting the
6 wearer from bullets, shot or other lethal projectiles;

7 (14) the defendant held a position of trust or
8 supervision such as, but not limited to, family member as
9 defined in Section 12-12 of the Criminal Code of 1961,
10 teacher, scout leader, baby sitter, or day care worker, in
11 relation to a victim under 18 years of age, and the
12 defendant committed an offense in violation of Section
13 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
14 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
15 against that victim;

16 (15) the defendant committed an offense related to the
17 activities of an organized gang. For the purposes of this
18 factor, "organized gang" has the meaning ascribed to it in
19 Section 10 of the Streetgang Terrorism Omnibus Prevention
20 Act;

21 (16) the defendant committed an offense in violation of
22 one of the following Sections while in a school, regardless
23 of the time of day or time of year; on any conveyance
24 owned, leased, or contracted by a school to transport
25 students to or from school or a school related activity; on
26 the real property of a school; or on a public way within

1 1,000 feet of the real property comprising any school:
2 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
3 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
4 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
5 33A-2 of the Criminal Code of 1961;

6 (16.5) the defendant committed an offense in violation
7 of one of the following Sections while in a day care
8 center, regardless of the time of day or time of year; on
9 the real property of a day care center, regardless of the
10 time of day or time of year; or on a public way within
11 1,000 feet of the real property comprising any day care
12 center, regardless of the time of day or time of year:
13 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
14 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
15 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
16 33A-2 of the Criminal Code of 1961;

17 (17) the defendant committed the offense by reason of
18 any person's activity as a community policing volunteer or
19 to prevent any person from engaging in activity as a
20 community policing volunteer. For the purpose of this
21 Section, "community policing volunteer" has the meaning
22 ascribed to it in Section 2-3.5 of the Criminal Code of
23 1961;

24 (18) the defendant committed the offense in a nursing
25 home or on the real property comprising a nursing home. For
26 the purposes of this paragraph (18), "nursing home" means a

1 skilled nursing or intermediate long term care facility
2 that is subject to license by the Illinois Department of
3 Public Health under the Nursing Home Care Act;

4 (19) the defendant was a federally licensed firearm
5 dealer and was previously convicted of a violation of
6 subsection (a) of Section 3 of the Firearm Owners
7 Identification Card Act and has now committed either a
8 felony violation of the Firearm Owners Identification Card
9 Act or an act of armed violence while armed with a firearm;

10 (20) the defendant (i) committed the offense of
11 reckless homicide under Section 9-3 of the Criminal Code of
12 1961 or the offense of driving under the influence of
13 alcohol, other drug or drugs, intoxicating compound or
14 compounds or any combination thereof under Section 11-501
15 of the Illinois Vehicle Code or a similar provision of a
16 local ordinance and (ii) was operating a motor vehicle in
17 excess of 20 miles per hour over the posted speed limit as
18 provided in Article VI of Chapter 11 of the Illinois
19 Vehicle Code; or

20 (21) the defendant (i) committed the offense of
21 reckless driving or aggravated reckless driving under
22 Section 11-503 of the Illinois Vehicle Code and (ii) was
23 operating a motor vehicle in excess of 20 miles per hour
24 over the posted speed limit as provided in Article VI of
25 Chapter 11 of the Illinois Vehicle Code.

26 For the purposes of this Section:

1 "School" is defined as a public or private elementary or
2 secondary school, community college, college, or university.

3 "Day care center" means a public or private State certified
4 and licensed day care center as defined in Section 2.09 of the
5 Child Care Act of 1969 that displays a sign in plain view
6 stating that the property is a day care center.

7 (b) The following factors may be considered by the court as
8 reasons to impose an extended term sentence under Section 5-8-2
9 upon any offender:

10 (1) When a defendant is convicted of any felony, after
11 having been previously convicted in Illinois or any other
12 jurisdiction of the same or similar class felony or greater
13 class felony, when such conviction has occurred within 10
14 years after the previous conviction, excluding time spent
15 in custody, and such charges are separately brought and
16 tried and arise out of different series of acts; or

17 (2) When a defendant is convicted of any felony and the
18 court finds that the offense was accompanied by
19 exceptionally brutal or heinous behavior indicative of
20 wanton cruelty; or

21 (3) When a defendant is convicted of voluntary
22 manslaughter, second degree murder, involuntary
23 manslaughter or reckless homicide in which the defendant
24 has been convicted of causing the death of more than one
25 individual; or

26 (4) When a defendant is convicted of any felony

1 committed against:

2 (i) a person under 12 years of age at the time of
3 the offense or such person's property;

4 (ii) (blank) ~~a person 60 years of age or older at~~
5 ~~the time of the offense or such person's property;~~ or

6 (iii) a person physically handicapped at the time
7 of the offense or such person's property; or

8 (5) In the case of a defendant convicted of aggravated
9 criminal sexual assault or criminal sexual assault, when
10 the court finds that aggravated criminal sexual assault or
11 criminal sexual assault was also committed on the same
12 victim by one or more other individuals, and the defendant
13 voluntarily participated in the crime with the knowledge of
14 the participation of the others in the crime, and the
15 commission of the crime was part of a single course of
16 conduct during which there was no substantial change in the
17 nature of the criminal objective; or

18 (6) When a defendant is convicted of any felony and the
19 offense involved any of the following types of specific
20 misconduct committed as part of a ceremony, rite,
21 initiation, observance, performance, practice or activity
22 of any actual or ostensible religious, fraternal, or social
23 group:

24 (i) the brutalizing or torturing of humans or
25 animals;

26 (ii) the theft of human corpses;

1 (iii) the kidnapping of humans;

2 (iv) the desecration of any cemetery, religious,
3 fraternal, business, governmental, educational, or
4 other building or property; or

5 (v) ritualized abuse of a child; or

6 (7) When a defendant is convicted of first degree
7 murder, after having been previously convicted in Illinois
8 of any offense listed under paragraph (c)(2) of Section
9 5-5-3, when such conviction has occurred within 10 years
10 after the previous conviction, excluding time spent in
11 custody, and such charges are separately brought and tried
12 and arise out of different series of acts; or

13 (8) When a defendant is convicted of a felony other
14 than conspiracy and the court finds that the felony was
15 committed under an agreement with 2 or more other persons
16 to commit that offense and the defendant, with respect to
17 the other individuals, occupied a position of organizer,
18 supervisor, financier, or any other position of management
19 or leadership, and the court further finds that the felony
20 committed was related to or in furtherance of the criminal
21 activities of an organized gang or was motivated by the
22 defendant's leadership in an organized gang; or

23 (9) When a defendant is convicted of a felony violation
24 of Section 24-1 of the Criminal Code of 1961 and the court
25 finds that the defendant is a member of an organized gang;
26 or

1 (10) When a defendant committed the offense using a
2 firearm with a laser sight attached to it. For purposes of
3 this paragraph (10), "laser sight" has the meaning ascribed
4 to it in Section 24.6-5 of the Criminal Code of 1961; or

5 (11) When a defendant who was at least 17 years of age
6 at the time of the commission of the offense is convicted
7 of a felony and has been previously adjudicated a
8 delinquent minor under the Juvenile Court Act of 1987 for
9 an act that if committed by an adult would be a Class X or
10 Class 1 felony when the conviction has occurred within 10
11 years after the previous adjudication, excluding time
12 spent in custody; or

13 (12) When a defendant commits an offense involving the
14 illegal manufacture of a controlled substance under
15 Section 401 of the Illinois Controlled Substances Act, the
16 illegal manufacture of methamphetamine under Section 25 of
17 the Methamphetamine Control and Community Protection Act,
18 or the illegal possession of explosives and an emergency
19 response officer in the performance of his or her duties is
20 killed or injured at the scene of the offense while
21 responding to the emergency caused by the commission of the
22 offense. In this paragraph (12), "emergency" means a
23 situation in which a person's life, health, or safety is in
24 jeopardy; and "emergency response officer" means a peace
25 officer, community policing volunteer, fireman, emergency
26 medical technician-ambulance, emergency medical

1 technician-intermediate, emergency medical
2 technician-paramedic, ambulance driver, other medical
3 assistance or first aid personnel, or hospital emergency
4 room personnel; or

5 (13) When a defendant commits any felony and the
6 defendant used, possessed, exercised control over, or
7 otherwise directed an animal to assault a law enforcement
8 officer engaged in the execution of his or her official
9 duties or in furtherance of the criminal activities of an
10 organized gang in which the defendant is engaged.

11 (b-1) For the purposes of this Section, "organized gang"
12 has the meaning ascribed to it in Section 10 of the Illinois
13 Streetgang Terrorism Omnibus Prevention Act.

14 (c) The court may impose an extended term sentence under
15 Section 5-8-2 upon any offender who was convicted of aggravated
16 criminal sexual assault or predatory criminal sexual assault of
17 a child under subsection (a)(1) of Section 12-14.1 of the
18 Criminal Code of 1961 where the victim was under 18 years of
19 age at the time of the commission of the offense.

20 (d) The court may impose an extended term sentence under
21 Section 5-8-2 upon any offender who was convicted of unlawful
22 use of weapons under Section 24-1 of the Criminal Code of 1961
23 for possessing a weapon that is not readily distinguishable as
24 one of the weapons enumerated in Section 24-1 of the Criminal
25 Code of 1961.

26 (e) The court shall impose an extended term sentence under

1 Section 5-8-2 upon any offender who is convicted of any felony
2 committed against a person 60 years of age or older at the time
3 of the offense or such person's property.

4 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
5 eff. 9-11-05; 94-819, eff. 5-31-06.)