

SB0076



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0076

Introduced 1/31/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-4

from Ch. 38, par. 12-4

Amends the Criminal Code of 1961. Provides that a person commits aggravated battery when he or she commits a battery upon a taxi driver and the battery is committed while the taxi driver is on duty.

LRB095 04153 RLC 24191 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 Section 12-4 as follows:

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

7 Sec. 12-4. Aggravated Battery.

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

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

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

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

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

22 (4) (Blank);

23 (5) (Blank);

1 (6) Knows the individual harmed to be a community
2 policing volunteer while such volunteer is engaged in the
3 execution of any official duties, or to prevent the
4 volunteer from performing official duties, or in
5 retaliation for the volunteer performing official duties,
6 and the battery is committed other than by the discharge of
7 a firearm;

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

20 (8) Is, or the person battered is, on or about a public
21 way, public property or public place of accommodation or
22 amusement;

23 (8.5) Is, or the person battered is, on a publicly or
24 privately owned sports or entertainment arena, stadium,
25 community or convention hall, special event center,
26 amusement facility, or a special event center in a public

1 park during any 24-hour period when a professional sporting
2 event, National Collegiate Athletic Association
3 (NCAA)-sanctioned sporting event, United States Olympic
4 Committee-sanctioned sporting event, or International
5 Olympic Committee-sanctioned sporting event is taking
6 place in this venue;

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

16 (10) Knows the individual harmed to be an individual of
17 60 years of age or older;

18 (11) Knows the individual harmed is pregnant;

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

22 (13) (Blank);

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

25 (15) Knowingly and without legal justification and by
26 any means causes bodily harm to a merchant who detains the

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

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

18 (17) (Blank); ~~or~~

19 (18) Knows the individual harmed to be an officer or
20 employee of the State of Illinois, a unit of local
21 government, or school district engaged in the performance
22 of his or her authorized duties as such officer or
23 employee;~~;~~

24 (19) ~~(18)~~ Knows the individual harmed to be an
25 emergency management worker engaged in the performance of
26 any of his or her official duties, or to prevent the

1 emergency management worker from performing official
2 duties, or in retaliation for the emergency management
3 worker performing official duties; or.

4 (20) Knows the individual harmed to be a taxi driver
5 and the battery is committed while the taxi driver is on
6 duty.

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

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

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

20 (d-3) A person commits aggravated battery when he or she
21 knowingly and without lawful justification shines or flashes a
22 laser gunsight or other laser device that is attached or
23 affixed to a firearm, or used in concert with a firearm, so
24 that the laser beam strikes upon or against the person of
25 another.

26 (d-5) An inmate of a penal institution or a sexually

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

10 (e) Sentence.

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

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

1 discharge of a firearm.

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

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