

# HB3004



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB3004**

Introduced 2/23/2011, by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-4

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning aggravated battery.

LRB097 09579 RLC 49716 b

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)

7 Sec. 12-4. Aggravated Battery.

8 (a) A person who, in ~~in~~ committing a battery, intentionally  
9 or knowingly causes great bodily harm, or permanent disability  
10 or 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, or uses an air rifle as defined in the Air Rifle  
15 Act;

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

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

23 (4) (Blank);

1 (5) (Blank);

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

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

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

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

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

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

17 (10) Knows the individual harmed to be an individual of  
18 60 years of age or older;

19 (11) Knows the individual harmed is pregnant;

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

23 (13) (Blank);

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

26 (15) Knowingly and without legal justification and by

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

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

19 (17) (Blank);

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

25 (19) Knows the individual harmed to be an emergency  
26 management worker engaged in the performance of any of his

1 or her official duties, or to prevent the emergency  
2 management worker from performing official duties, or in  
3 retaliation for the emergency management worker performing  
4 official duties;

5 (20) Knows the individual harmed to be a private  
6 security officer engaged in the performance of any of his  
7 or her official duties, or to prevent the private security  
8 officer from performing official duties, or in retaliation  
9 for the private security officer performing official  
10 duties; or

11 (21) Knows the individual harmed to be a taxi driver  
12 and the battery is committed while the taxi driver is on  
13 duty; or

14 (22) Knows the individual harmed to be a utility  
15 worker, while the utility worker is engaged in the  
16 execution of his or her duties, or to prevent the utility  
17 worker from performing his or her duties, or in retaliation  
18 for the utility worker performing his or her duties. In  
19 this paragraph (22), "utility worker" means a person  
20 employed by a public utility as defined in Section 3-105 of  
21 the Public Utilities Act and also includes an employee of a  
22 municipally owned utility, an employee of a cable  
23 television company, an employee of an electric cooperative  
24 as defined in Section 3-119 of the Public Utilities Act, an  
25 independent contractor or an employee of an independent  
26 contractor working on behalf of a cable television company,

1 public utility, municipally owned utility, or an electric  
2 cooperative, or an employee of a telecommunications  
3 carrier as defined in Section 13-202 of the Public  
4 Utilities Act, an independent contractor or an employee of  
5 an independent contractor working on behalf of a  
6 telecommunications carrier, or an employee of a telephone  
7 or telecommunications cooperative as defined in Section  
8 13-212 of the Public Utilities Act, or an independent  
9 contractor or an employee of an independent contractor  
10 working on behalf of a telephone or telecommunications  
11 cooperative.

12 For the purpose of paragraph (14) of subsection (b) of this  
13 Section, a physically handicapped person is a person who  
14 suffers from a permanent and disabling physical  
15 characteristic, resulting from disease, injury, functional  
16 disorder or congenital condition.

17 For the purpose of paragraph (20) of subsection (b) and  
18 subsection (e) of this Section, "private security officer"  
19 means a registered employee of a private security contractor  
20 agency under the Private Detective, Private Alarm, Private  
21 Security, Fingerprint Vendor, and Locksmith Act of 2004.

22 (c) A person who administers to an individual or causes him  
23 to take, without his consent or by threat or deception, and for  
24 other than medical purposes, any intoxicating, poisonous,  
25 stupefying, narcotic, anesthetic, or controlled substance  
26 commits aggravated battery.

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

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

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

20 (d-6) A person commits aggravated battery when he or she,  
21 in committing a battery, strangles another individual. For the  
22 purposes of this subsection (d-6), "strangle" means  
23 intentionally impeding the normal breathing or circulation of  
24 the blood of an individual by applying pressure on the throat  
25 or neck of that individual or by blocking the nose or mouth of  
26 that individual.



1 (e) Sentence.

2 (1) Except as otherwise provided in paragraphs (2),  
3 (3), (4), and (5) aggravated battery is a Class 3 felony.

4 (2) Aggravated battery that does not cause great bodily  
5 harm or permanent disability or disfigurement is a Class 2  
6 felony when the person knows the individual harmed to be a  
7 peace officer, a community policing volunteer, a private  
8 security officer, a correctional institution employee, an  
9 employee of the Department of Human Services supervising or  
10 controlling sexually dangerous persons or sexually violent  
11 persons, or a fireman while such officer, volunteer,  
12 employee, or fireman is engaged in the execution of any  
13 official duties including arrest or attempted arrest, or to  
14 prevent the officer, volunteer, employee, or fireman from  
15 performing official duties, or in retaliation for the  
16 officer, volunteer, employee, or fireman performing  
17 official duties, and the battery is committed other than by  
18 the discharge of a firearm.

19 (3) Aggravated battery that causes great bodily harm or  
20 permanent disability or disfigurement in violation of  
21 subsection (a) is a Class 1 felony when the person knows  
22 the individual harmed to be a peace officer, a community  
23 policing volunteer, a private security officer, a  
24 correctional institution employee, an employee of the  
25 Department of Human Services supervising or controlling  
26 sexually dangerous persons or sexually violent persons, or

1 a fireman while such officer, volunteer, employee, or  
2 fireman is engaged in the execution of any official duties  
3 including arrest or attempted arrest, or to prevent the  
4 officer, volunteer, employee, or fireman from performing  
5 official duties, or in retaliation for the officer,  
6 volunteer, employee, or fireman performing official  
7 duties, and the battery is committed other than by the  
8 discharge of a firearm.

9 (4) Aggravated battery under subsection (d-5) is a  
10 Class 2 felony.

11 (5) Aggravated battery under subsection (d-6) is a  
12 Class 1 felony if:

13 (A) the person used or attempted to use a dangerous  
14 instrument while committing the offense; or

15 (B) the person caused great bodily harm or  
16 permanent disability or disfigurement to the other  
17 person while committing the offense; or

18 (C) the person has been previously convicted of a  
19 violation of subsection (d-6) under the laws of this  
20 State or laws similar to subsection (d-6) of any other  
21 state.

22 (6) For purposes of this subsection (e), the term  
23 "firearm" shall have the meaning provided under Section 1.1  
24 of the Firearms Owners Identification Card Act, and shall  
25 not include an air rifle as defined by Section 1 of the Air  
26 Rifle Act.

1 (Source: P.A. 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331,  
2 eff. 8-21-07; 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876,  
3 eff. 8-21-08; 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;  
4 96-1000, eff. 7-2-10.)