

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  
5 changing Sections 9-1, 9-2, 9-3, 12-2, and 12-4.2 as follows:

6 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

7 Sec. 9-1. First degree Murder - Death penalties -  
8 Exceptions - Separate Hearings - Proof - Findings - Appellate  
9 procedures - Reversals.

10 (a) A person who kills an individual without lawful  
11 justification commits first degree murder if, in performing  
12 the acts which cause the death:

13 (1) he either intends to kill or do great bodily  
14 harm to that individual or another, or knows that such  
15 acts will cause death to that individual or another; or

16 (2) he knows that such acts create a strong  
17 probability of death or great bodily harm to that  
18 individual or another; or

19 (3) he is attempting or committing a forcible  
20 felony other than second degree murder.

21 (b) Aggravating Factors. A defendant who at the time of  
22 the commission of the offense has attained the age of 18 or  
23 more and who has been found guilty of first degree murder may  
24 be sentenced to death if:

25 (1) the murdered individual was a peace officer or  
26 fireman killed in the course of performing his official  
27 duties, to prevent the performance of his official  
28 duties, or in retaliation for performing his official  
29 duties, and the defendant knew or should have known that  
30 the murdered individual was a peace officer or fireman;  
31 or

1           (2) the murdered individual was an employee of an  
2 institution or facility of the Department of Corrections,  
3 or any similar local correctional agency, killed in the  
4 course of performing his official duties, to prevent the  
5 performance of his official duties, or in retaliation for  
6 performing his official duties, or the murdered  
7 individual was an inmate at such institution or facility  
8 and was killed on the grounds thereof, or the murdered  
9 individual was otherwise present in such institution or  
10 facility with the knowledge and approval of the chief  
11 administrative officer thereof; or

12           (3) the defendant has been convicted of murdering  
13 two or more individuals under subsection (a) of this  
14 Section or under any law of the United States or of any  
15 state which is substantially similar to subsection (a) of  
16 this Section regardless of whether the deaths occurred  
17 as the result of the same act or of several related or  
18 unrelated acts so long as the deaths were the result of  
19 either an intent to kill more than one person or of  
20 separate acts which the defendant knew would cause death  
21 or create a strong probability of death or great bodily  
22 harm to the murdered individual or another; or

23           (4) the murdered individual was killed as a result  
24 of the hijacking of an airplane, train, ship, bus or  
25 other public conveyance; or

26           (5) the defendant committed the murder pursuant to  
27 a contract, agreement or understanding by which he was to  
28 receive money or anything of value in return for  
29 committing the murder or procured another to commit the  
30 murder for money or anything of value; or

31           (6) the murdered individual was killed in the  
32 course of another felony if:

33                   (a) the murdered individual:

34                           (i) was actually killed by the defendant,

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(ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with physical injuries caused by one or more persons for whose conduct the defendant is legally accountable under Section 5-2 of this Code, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is legally accountable caused the death of the murdered individual; and

(b) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of subparagraph (a) of paragraph (6) of subsection (b) of this Section, the defendant acted with the intent to kill the murdered individual or with the knowledge that his acts created a strong probability of death or great bodily harm to the murdered individual or another; and

(c) the other felony was one of the following: armed robbery, armed violence, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, forcible detention, arson, aggravated arson, aggravated stalking, burglary, residential burglary, home invasion, calculated criminal drug conspiracy as defined in Section 405 of the Illinois Controlled Substances Act, streetgang criminal drug conspiracy as defined in Section 405.2 of the Illinois Controlled Substances Act, or the attempt to commit any of the

1 felonies listed in this subsection (c); or

2 (7) the murdered individual was under 12 years of  
3 age and the death resulted from exceptionally brutal or  
4 heinous behavior indicative of wanton cruelty; or

5 (8) the defendant committed the murder with intent  
6 to prevent the murdered individual from testifying in any  
7 criminal prosecution or giving material assistance to the  
8 State in any investigation or prosecution, either against  
9 the defendant or another; or the defendant committed the  
10 murder because the murdered individual was a witness in  
11 any prosecution or gave material assistance to the State  
12 in any investigation or prosecution, either against the  
13 defendant or another; or

14 (9) the defendant, while committing an offense  
15 punishable under Sections 401, 401.1, 401.2, 405, 405.2,  
16 407 or 407.1 or subsection (b) of Section 404 of the  
17 Illinois Controlled Substances Act, or while engaged in a  
18 conspiracy or solicitation to commit such offense,  
19 intentionally killed an individual or counseled,  
20 commanded, induced, procured or caused the intentional  
21 killing of the murdered individual; or

22 (10) the defendant was incarcerated in an  
23 institution or facility of the Department of Corrections  
24 at the time of the murder, and while committing an  
25 offense punishable as a felony under Illinois law, or  
26 while engaged in a conspiracy or solicitation to commit  
27 such offense, intentionally killed an individual or  
28 counseled, commanded, induced, procured or caused the  
29 intentional killing of the murdered individual; or

30 (11) the murder was committed in a cold, calculated  
31 and premeditated manner pursuant to a preconceived plan,  
32 scheme or design to take a human life by unlawful means,  
33 and the conduct of the defendant created a reasonable  
34 expectation that the death of a human being would result

1           therefrom; or

2           (12) the murdered individual was an emergency  
3           medical technician - ambulance, emergency medical  
4           technician - intermediate, emergency medical technician -  
5           paramedic, ambulance driver, or other medical assistance  
6           or first aid personnel, employed by a municipality or  
7           other governmental unit, killed in the course of  
8           performing his official duties, to prevent the  
9           performance of his official duties, or in retaliation for  
10          performing his official duties, and the defendant knew or  
11          should have known that the murdered individual was an  
12          emergency medical technician - ambulance, emergency  
13          medical technician - intermediate, emergency medical  
14          technician - paramedic, ambulance driver, or other  
15          medical assistance or first aid personnel; or

16          (13) the defendant was a principal administrator,  
17          organizer, or leader of a calculated criminal drug  
18          conspiracy consisting of a hierarchical position of  
19          authority superior to that of all other members of the  
20          conspiracy, and the defendant counseled, commanded,  
21          induced, procured, or caused the intentional killing of  
22          the murdered person; or

23          (14) the murder was intentional and involved the  
24          infliction of torture. For the purpose of this Section  
25          torture means the infliction of or subjection to extreme  
26          physical pain, motivated by an intent to increase or  
27          prolong the pain, suffering or agony of the victim; or

28          (15) the murder was committed as a result of the  
29          intentional discharge of a firearm by the defendant from  
30          a motor vehicle and the victim was not present within the  
31          motor vehicle; or

32          (16) the murdered individual was 60 years of age or  
33          older and the death resulted from exceptionally brutal or  
34          heinous behavior indicative of wanton cruelty; or

1           (17) the murdered individual was a disabled person  
2 and the defendant knew or should have known that the  
3 murdered individual was disabled. For purposes of this  
4 paragraph (17), "disabled person" means a person who  
5 suffers from a permanent physical or mental impairment  
6 resulting from disease, an injury, a functional disorder,  
7 or a congenital condition that renders the person  
8 incapable of adequately providing for his or her own  
9 health or personal care; or

10           (18) the murder was committed by reason of any  
11 person's activity as a community policing volunteer or to  
12 prevent any person from engaging in activity as a  
13 community policing volunteer; or

14           (19) the murdered individual was subject to an  
15 order of protection and the murder was committed by a  
16 person against whom the same order of protection was  
17 issued under the Illinois Domestic Violence Act of 1986;  
18 or

19           (20) the murdered individual was known by the  
20 defendant to be a teacher or other person employed in any  
21 school and the teacher or other employee is upon the  
22 grounds of a school or grounds adjacent to a school, or  
23 is in any part of a building used for school purposes;  
24 or-

25           (21) the murder was committed using a firearm in or  
26 within 500 feet of a church, synagogue, or other  
27 building, structure, or place used for religious worship  
28 or other religious purpose.

29           (c) Consideration of factors in Aggravation and  
30 Mitigation.

31           The court shall consider, or shall instruct the jury to  
32 consider any aggravating and any mitigating factors which are  
33 relevant to the imposition of the death penalty. Aggravating  
34 factors may include but need not be limited to those factors

1 set forth in subsection (b). Mitigating factors may include  
2 but need not be limited to the following:

3 (1) the defendant has no significant history of  
4 prior criminal activity;

5 (2) the murder was committed while the defendant  
6 was under the influence of extreme mental or emotional  
7 disturbance, although not such as to constitute a defense  
8 to prosecution;

9 (3) the murdered individual was a participant in  
10 the defendant's homicidal conduct or consented to the  
11 homicidal act;

12 (4) the defendant acted under the compulsion of  
13 threat or menace of the imminent infliction of death or  
14 great bodily harm;

15 (5) the defendant was not personally present during  
16 commission of the act or acts causing death.

17 (d) Separate sentencing hearing.

18 Where requested by the State, the court shall conduct a  
19 separate sentencing proceeding to determine the existence of  
20 factors set forth in subsection (b) and to consider any  
21 aggravating or mitigating factors as indicated in subsection  
22 (c). The proceeding shall be conducted:

23 (1) before the jury that determined the defendant's  
24 guilt; or

25 (2) before a jury impanelled for the purpose of the  
26 proceeding if:

27 A. the defendant was convicted upon a plea of  
28 guilty; or

29 B. the defendant was convicted after a trial  
30 before the court sitting without a jury; or

31 C. the court for good cause shown discharges  
32 the jury that determined the defendant's guilt; or

33 (3) before the court alone if the defendant waives  
34 a jury for the separate proceeding.

1 (e) Evidence and Argument.

2 During the proceeding any information relevant to any of  
3 the factors set forth in subsection (b) may be presented by  
4 either the State or the defendant under the rules governing  
5 the admission of evidence at criminal trials. Any  
6 information relevant to any additional aggravating factors or  
7 any mitigating factors indicated in subsection (c) may be  
8 presented by the State or defendant regardless of its  
9 admissibility under the rules governing the admission of  
10 evidence at criminal trials. The State and the defendant  
11 shall be given fair opportunity to rebut any information  
12 received at the hearing.

13 (f) Proof.

14 The burden of proof of establishing the existence of any  
15 of the factors set forth in subsection (b) is on the State  
16 and shall not be satisfied unless established beyond a  
17 reasonable doubt.

18 (g) Procedure - Jury.

19 If at the separate sentencing proceeding the jury finds  
20 that none of the factors set forth in subsection (b) exists,  
21 the court shall sentence the defendant to a term of  
22 imprisonment under Chapter V of the Unified Code of  
23 Corrections. If there is a unanimous finding by the jury  
24 that one or more of the factors set forth in subsection (b)  
25 exist, the jury shall consider aggravating and mitigating  
26 factors as instructed by the court and shall determine  
27 whether the sentence of death shall be imposed. If the jury  
28 determines unanimously that there are no mitigating factors  
29 sufficient to preclude the imposition of the death sentence,  
30 the court shall sentence the defendant to death.

31 Unless the jury unanimously finds that there are no  
32 mitigating factors sufficient to preclude the imposition of  
33 the death sentence the court shall sentence the defendant to  
34 a term of imprisonment under Chapter V of the Unified Code of

1 Corrections.

2 (h) Procedure - No Jury.

3 In a proceeding before the court alone, if the court  
4 finds that none of the factors found in subsection (b)  
5 exists, the court shall sentence the defendant to a term of  
6 imprisonment under Chapter V of the Unified Code of  
7 Corrections.

8 If the Court determines that one or more of the factors  
9 set forth in subsection (b) exists, the Court shall consider  
10 any aggravating and mitigating factors as indicated in  
11 subsection (c). If the Court determines that there are no  
12 mitigating factors sufficient to preclude the imposition of  
13 the death sentence, the Court shall sentence the defendant to  
14 death.

15 Unless the court finds that there are no mitigating  
16 factors sufficient to preclude the imposition of the sentence  
17 of death, the court shall sentence the defendant to a term of  
18 imprisonment under Chapter V of the Unified Code of  
19 Corrections.

20 (i) Appellate Procedure.

21 The conviction and sentence of death shall be subject to  
22 automatic review by the Supreme Court. Such review shall be  
23 in accordance with rules promulgated by the Supreme Court.

24 (j) Disposition of reversed death sentence.

25 In the event that the death penalty in this Act is held  
26 to be unconstitutional by the Supreme Court of the United  
27 States or of the State of Illinois, any person convicted of  
28 first degree murder shall be sentenced by the court to a term  
29 of imprisonment under Chapter V of the Unified Code of  
30 Corrections.

31 In the event that any death sentence pursuant to the  
32 sentencing provisions of this Section is declared  
33 unconstitutional by the Supreme Court of the United States or  
34 of the State of Illinois, the court having jurisdiction over

1 a person previously sentenced to death shall cause the  
2 defendant to be brought before the court, and the court shall  
3 sentence the defendant to a term of imprisonment under  
4 Chapter V of the Unified Code of Corrections.

5 (Source: P.A. 90-213, eff. 1-1-98; 90-651, eff. 1-1-99;  
6 90-668, eff. 1-1-99; 91-357, eff. 7-29-99; 91-434, eff.  
7 1-1-00.)

8 (720 ILCS 5/9-2) (from Ch. 38, par. 9-2)

9 Sec. 9-2. Second Degree Murder. (a) A person commits the  
10 offense of second degree murder when he commits the offense  
11 of first degree murder as defined in paragraphs (1) or (2) of  
12 subsection (a) of Section 9-1 of this Code and either of the  
13 following mitigating factors are present:

14 (1) At the time of the killing he is acting under a  
15 sudden and intense passion resulting from serious provocation  
16 by the individual killed or another whom the offender  
17 endeavors to kill, but he negligently or accidentally causes  
18 the death of the individual killed; or

19 (2) At the time of the killing he believes the  
20 circumstances to be such that, if they existed, would justify  
21 or exonerate the killing under the principles stated in  
22 Article 7 of this Code, but his belief is unreasonable.

23 (b) Serious provocation is conduct sufficient to excite  
24 an intense passion in a reasonable person.

25 (c) When a defendant is on trial for first degree murder  
26 and evidence of either of the mitigating factors defined in  
27 subsection (a) of this Section has been presented, the burden  
28 of proof is on the defendant to prove either mitigating  
29 factor by a preponderance of the evidence before the  
30 defendant can be found guilty of second degree murder.  
31 However, the burden of proof remains on the State to prove  
32 beyond a reasonable doubt each of the elements of first  
33 degree murder and, when appropriately raised, the absence of

1 circumstances at the time of the killing that would justify  
2 or exonerate the killing under the principles stated in  
3 Article 7 of this Code. In a jury trial for first degree  
4 murder in which evidence of either of the mitigating factors  
5 defined in subsection (a) of this Section has been presented  
6 and the defendant has requested that the jury be given the  
7 option of finding the defendant guilty of second degree  
8 murder, the jury must be instructed that it may not consider  
9 whether the defendant has met his burden of proof with regard  
10 to second degree murder until and unless it has first  
11 determined that the State has proven beyond a reasonable  
12 doubt each of the elements of first degree murder.

13 (d) Sentence.

14 Second Degree Murder is a Class 1 felony. Second degree  
15 murder committed using a firearm in or within 500 feet of a  
16 church, synagogue, or other building, structure, or place  
17 used for religious worship or other religious purpose is a  
18 Class X felony.

19 (Source: P.A. 84-1450.)

20 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

21 Sec. 9-3. Involuntary Manslaughter and Reckless  
22 Homicide.

23 (a) A person who unintentionally kills an individual  
24 without lawful justification commits involuntary manslaughter  
25 if his acts whether lawful or unlawful which cause the death  
26 are such as are likely to cause death or great bodily harm to  
27 some individual, and he performs them recklessly, except in  
28 cases in which the cause of the death consists of the driving  
29 of a motor vehicle or operating a snowmobile, all-terrain  
30 vehicle, or watercraft, in which case the person commits  
31 reckless homicide.

32 (b) In cases involving reckless homicide, being under  
33 the influence of alcohol or any other drug or drugs at the

1 time of the alleged violation shall be presumed to be  
2 evidence of a reckless act unless disproved by evidence to  
3 the contrary.

4 (c) For the purposes of this Section, a person shall be  
5 considered to be under the influence of alcohol or other  
6 drugs while:

7 1. The alcohol concentration in the person's blood  
8 or breath is 0.08 or more based on the definition of  
9 blood and breath units in Section 11-501.2 of the  
10 Illinois Vehicle Code;

11 2. Under the influence of alcohol to a degree that  
12 renders the person incapable of safely driving a motor  
13 vehicle or operating a snowmobile, all-terrain vehicle,  
14 or watercraft;

15 3. Under the influence of any other drug or  
16 combination of drugs to a degree that renders the person  
17 incapable of safely driving a motor vehicle or operating  
18 a snowmobile, all-terrain vehicle, or watercraft; or

19 4. Under the combined influence of alcohol and any  
20 other drug or drugs to a degree which renders the person  
21 incapable of safely driving a motor vehicle or operating  
22 a snowmobile, all-terrain vehicle, or watercraft.

23 (d) Sentence.

24 (1) Involuntary manslaughter is a Class 3 felony.

25 (1.5) Involuntary manslaughter committed using a  
26 firearm in or within 500 feet of a church, synagogue, or  
27 other building, structure, or place used for religious  
28 worship or other religious purpose is a Class 2 felony.

29 (2) Reckless homicide is a Class 3 felony.

30 (e) Except as otherwise provided in subsection (e-5), in  
31 cases involving reckless homicide in which the defendant was  
32 determined to have been under the influence of alcohol or any  
33 other drug or drugs as an element of the offense, or in cases  
34 in which the defendant is proven beyond a reasonable doubt to

1 have been under the influence of alcohol or any other drug or  
 2 drugs, the penalty shall be a Class 2 felony, for which a  
 3 person, if sentenced to a term of imprisonment, shall be  
 4 sentenced to a term of not less than 3 years and not more  
 5 than 14 years.

6 (e-5) In cases involving reckless homicide in which the  
 7 defendant was determined to have been under the influence of  
 8 alcohol or any other drug or drugs as an element of the  
 9 offense, or in cases in which the defendant is proven beyond  
 10 a reasonable doubt to have been under the influence of  
 11 alcohol or any other drug or drugs, if the defendant kills 2  
 12 or more individuals as part of a single course of conduct,  
 13 the penalty is a Class 2 felony, for which a person, if  
 14 sentenced to a term of imprisonment, shall be sentenced to a  
 15 term of not less than 6 years and not more than 28 years.

16 (f) In cases involving involuntary manslaughter in which  
 17 the victim was a family or household member as defined in  
 18 paragraph (3) of Section 112A-3 of the Code of Criminal  
 19 Procedure of 1963, the penalty shall be a Class 2 felony, for  
 20 which a person if sentenced to a term of imprisonment, shall  
 21 be sentenced to a term of not less than 3 years and not more  
 22 than 14 years.

23 (Source: P.A. 90-43, eff. 7-2-97; 90-119, eff. 1-1-98;  
 24 90-655, eff. 7-30-98; 91-6, eff. 1-1-00; 91-122, eff. 1-1-00;  
 25 revised 10-8-99.)

26 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)  
 27 Sec. 12-2. Aggravated assault.

28 (a) A person commits an aggravated assault, when, in  
 29 committing an assault, he:

30 (1) Uses a deadly weapon or any device manufactured  
 31 and designed to be substantially similar in appearance to  
 32 a firearm, other than by discharging a firearm in the  
 33 direction of another person, a peace officer, a person

1 summoned or directed by a peace officer, a correctional  
2 officer or a fireman or in the direction of a vehicle  
3 occupied by another person, a peace officer, a person  
4 summoned or directed by a peace officer, a correctional  
5 officer or a fireman while the officer or fireman is  
6 engaged in the execution of any of his official duties,  
7 or to prevent the officer or fireman from performing his  
8 official duties, or in retaliation for the officer or  
9 fireman performing his official duties;

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

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

19 (4) Knows the individual assaulted to be a  
20 supervisor, director, instructor or other person employed  
21 in any park district and such supervisor, director,  
22 instructor or other employee is upon the grounds of the  
23 park or grounds adjacent thereto, or is in any part of a  
24 building used for park purposes;

25 (5) Knows the individual assaulted to be a  
26 caseworker, investigator, or other person employed by the  
27 State Department of Public Aid, a County Department of  
28 Public Aid, or the Department of Human Services (acting  
29 as successor to the Illinois Department of Public Aid  
30 under the Department of Human Services Act) and such  
31 caseworker, investigator, or other person is upon the  
32 grounds of a public aid office or grounds adjacent  
33 thereto, or is in any part of a building used for public  
34 aid purposes, or upon the grounds of a home of a public

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

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

17 (7) Knows the individual assaulted to be an  
18 emergency medical technician - ambulance, emergency  
19 medical technician - intermediate, emergency medical  
20 technician - paramedic, ambulance driver or other medical  
21 assistance or first aid personnel employed by a  
22 municipality or other governmental unit engaged in the  
23 execution of any of his official duties, or to prevent  
24 the emergency medical technician - ambulance, emergency  
25 medical technician - intermediate, emergency medical  
26 technician - paramedic, ambulance driver, or other  
27 medical assistance or first aid personnel from performing  
28 his official duties, or in retaliation for the emergency  
29 medical technician - ambulance, emergency medical  
30 technician - intermediate, emergency medical technician -  
31 paramedic, ambulance driver, or other medical assistance  
32 or first aid personnel performing his official duties;

33 (8) Knows the individual assaulted to be the  
34 driver, operator, employee or passenger of any

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

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

11 (10) Knows the individual assaulted to be an  
12 employee of the State of Illinois, a municipal  
13 corporation therein or a political subdivision thereof,  
14 engaged in the performance of his authorized duties as  
15 such employee;

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

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

20 (13) Discharges a firearm;

21 (14) Knows the individual assaulted to be a  
22 correctional officer, while the officer is engaged in the  
23 execution of any of his or her official duties, or to  
24 prevent the officer from performing his or her official  
25 duties, or in retaliation for the officer performing his  
26 or her official duties; or

27 (15) Knows the individual assaulted to be a  
28 correctional employee, while the employee is engaged in  
29 the execution of any of his or her official duties, or to  
30 prevent the employee from performing his or her official  
31 duties, or in retaliation for the employee performing his  
32 or her official duties, and the assault is committed  
33 other than by the discharge of a firearm in the direction  
34 of the employee or in the direction of a vehicle occupied

1 by the employee; or-

2 (16) Knowingly commits the assault using a firearm  
3 in or within 500 feet of a church, synagogue, or other  
4 building, structure, or place used for religious worship  
5 or other religious purpose.

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

12 (b) Sentence.

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

26 (Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99;  
27 91-672, eff. 1-1-00.)

28 (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

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

30 (a) A person commits aggravated battery with a firearm  
31 when he, in committing a battery, knowingly or intentionally  
32 by means of the discharging of a firearm (1) causes any  
33 injury to another person, or (2) causes any injury to a

1 person he knows to be a peace officer, a community policing  
2 volunteer, a correctional institution employee or a fireman  
3 while the officer, volunteer, employee or fireman is engaged  
4 in the execution of any of his official duties, or to prevent  
5 the officer, volunteer, employee or fireman from performing  
6 his official duties, or in retaliation for the officer,  
7 volunteer, employee or fireman performing his official  
8 duties, or (3) causes any injury to a person he knows to be  
9 an emergency medical technician - ambulance, emergency  
10 medical technician - intermediate, emergency medical  
11 technician - paramedic, ambulance driver, or other medical  
12 assistance or first aid personnel, employed by a municipality  
13 or other governmental unit, while the emergency medical  
14 technician - ambulance, emergency medical technician -  
15 intermediate, emergency medical technician - paramedic,  
16 ambulance driver, or other medical assistance or first aid  
17 personnel is engaged in the execution of any of his official  
18 duties, or to prevent the emergency medical technician -  
19 ambulance, emergency medical technician - intermediate,  
20 emergency medical technician - paramedic, ambulance driver,  
21 or other medical assistance or first aid personnel from  
22 performing his official duties, or in retaliation for the  
23 emergency medical technician - ambulance, emergency medical  
24 technician - intermediate, emergency medical technician -  
25 paramedic, ambulance driver, or other medical assistance or  
26 first aid personnel performing his official duties, or (4)  
27 causes any injury to a person he or she knows to be a teacher  
28 or other person employed in a school and the teacher or other  
29 employee is upon grounds of a school or grounds adjacent to a  
30 school, or is in any part of a building used for school  
31 purposes, or (5) causes any injury in or within 500 feet of a  
32 church, synagogue, or other building, structure, or place  
33 used for religious worship or other religious purpose.

34 (b) A violation of subsection (a)(1) of this Section is

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

6 (c) For purposes of this Section, "firearm" is defined  
7 as in "An Act relating to the acquisition, possession and  
8 transfer of firearms and firearm ammunition, to provide a  
9 penalty for the violation thereof and to make an  
10 appropriation in connection therewith", approved August 1,  
11 1967, as amended.

12 (Source: P.A. 90-651, eff. 1-1-99; 91-434, eff. 1-1-00;  
13 91-696, eff. 4-13-00.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.