

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Criminal Code of 1961 is amended by changing Sections 12-2 and 12-4 as follows:

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

Sec. 12-2. Aggravated assault.

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

(1) Uses a deadly weapon, an air rifle as defined in the Air Rifle Act, or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer, a private security officer, or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer, a private security officer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his

official duties;

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

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

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

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

of a public aid applicant, recipient or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

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

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in

retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

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

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

(9.5) Is, or the individual assaulted is, in or about a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking

place in this venue;

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

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

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

(13) Discharges a firearm, other than from a motor vehicle;

(13.5) Discharges a firearm from a motor vehicle;

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

(14.5) Knows the individual assaulted to be a probation officer, as defined in the Probation and Probation Officers Act, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties;

(15) Knows the individual assaulted to be a

correctional employee or an employee or officer of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or an employee of a subcontractor of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, while the employee or officer is engaged in the execution of any of his or her official duties, or to prevent the employee or officer from performing his or her official duties, or in retaliation for the employee or officer performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or officer or in the direction of a vehicle occupied by the employee or officer;

(16) Knows the individual assaulted to be an employee of a police or sheriff's department, or a person who is employed by a municipality and whose duties include traffic control, engaged in the performance of his or her official duties as such employee;

(17) Knows the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault to the sports official or coach occurred within an athletic facility or an indoor or outdoor playing field or within the immediate vicinity of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active

participant in the athletic contest held at the athletic facility. For the purposes of this paragraph (17), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest;

(18) Knows the individual assaulted to be an emergency management worker, while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the emergency management worker or in the direction of a vehicle occupied by the emergency management worker; ~~or~~

(19) Knows the individual assaulted to be a utility worker, while the utility worker is engaged in the execution of his or her duties, or to prevent the utility worker from performing his or her duties, or in retaliation for the utility worker performing his or her duties. In this paragraph (19), "utility worker" means a person employed by a public utility as defined in Section 3-105 of the Public Utilities Act and also includes an employee of a municipally owned utility, an employee of a cable

television company, an employee of an electric cooperative as defined in Section 3-119 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a cable television company, public utility, municipally owned utility, or an electric cooperative, or an employee of a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a telecommunications carrier, or an employee of a telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telephone or telecommunications cooperative; or -

(20) Knows the individual assaulted to be either:

(A) a person authorized to serve process under Section 2-202 of the Code of Civil Procedure; or

(B) a special process server appointed by the circuit court;

while that individual is in the performance of his or her duties as a process server.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so

that the laser beam strikes near or in the immediate vicinity of any person.

(a-10) A person commits an aggravated assault when he or she knowingly and without justification operates a motor vehicle in a manner which places a person in reasonable apprehension of being struck by a moving vehicle.

(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (8) through (12) and (17) and (19) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), (14.5), ~~and (15)~~, and (20) of subsection (a) of this Section and as defined in subsection (a-5) or (a-10) of this Section is a Class 4 felony. Aggravated assault as defined in paragraphs (6) and (16) of subsection (a) of this Section is a Class A misdemeanor if a Category I, Category II, or Category III weapon is not used in the commission of the assault. Aggravated assault as defined in paragraphs (6) and (16) of subsection (a) of this Section is a Class 4 felony if a Category I, Category II, or Category III weapon is used in the commission of the assault. Aggravated assault as defined in paragraphs (7) and (18) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraphs (7) and (18) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault. Aggravated assault as defined in

subsection (a-10) where the victim was a person defined in paragraph (6) or paragraph (13.5) of subsection (a) is a Class 3 felony. For the purposes of this subsection (b), "Category I weapon", "Category II weapon", and "Category III weapon" have the meanings ascribed to those terms in subsection (c) of Section 33A-1 of this Code.

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

(Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07; 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff. 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; 96-1000, eff. 7-2-10; 96-1109, eff. 1-1-11; 96-1398, eff. 7-29-10; revised 9-16-10.)

(720 ILCS 5/12-4)

Sec. 12-4. Aggravated Battery.

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

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

(1) Uses a deadly weapon other than by the discharge of a firearm, or uses an air rifle as defined in the Air Rifle

Act;

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

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

(4) (Blank);

(5) (Blank);

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

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other

medical assistance, first aid personnel, or hospital personnel from performing official duties, or in retaliation for performing official duties;

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

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

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

(10) Knows the individual harmed to be an individual of

60 years of age or older;

(11) Knows the individual harmed is pregnant;

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

(13) (Blank);

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

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

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters

Act;

(17) (Blank);

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

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

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

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

(22) Knows the individual harmed to be a utility worker, while the utility worker is engaged in the execution of his or her duties, or to prevent the utility worker from performing his or her duties, or in retaliation

for the utility worker performing his or her duties. In this paragraph (22), "utility worker" means a person employed by a public utility as defined in Section 3-105 of the Public Utilities Act and also includes an employee of a municipally owned utility, an employee of a cable television company, an employee of an electric cooperative as defined in Section 3-119 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a cable television company, public utility, municipally owned utility, or an electric cooperative, or an employee of a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a telecommunications carrier, or an employee of a telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telephone or telecommunications cooperative; or -

(23) Knows the individual harmed to be a either:

(A) a person authorized to serve process under Section 2-202 of the Code of Civil Procedure; or

(B) a special process server appointed by the circuit court;

while that individual is in the performance of his or her

duties as a process server.

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

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

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

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

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

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

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

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

(e) Sentence.

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

(2) Aggravated battery that does not cause great bodily harm or permanent disability or disfigurement is a Class 2 felony when the person knows the individual harmed to be a peace officer, a community policing volunteer, a private security officer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent

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

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

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

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

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

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

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

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

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