



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2830

Introduced 2/6/2025, by Rep. Charles Meier

SYNOPSIS AS INTRODUCED:

225 ILCS 46/25

225 ILCS 46/27

225 ILCS 46/28

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Health Care Worker Background Check Act. Prohibits persons who fail to report to the Department of Public Health individuals who commit certain violations from being involved in direct care for clients, patients, or residents, or access to the living quarters or the financial, medical, or personal records of clients, patients, or residents unless they have been issued a waiver under the Act. Provides that reports of violations shall be made no later than 5 days after the incident constituting the violation. Amends the Criminal Code of 2012. Provides that a person commits aggravated battery when the person battered, other than by the discharge of a firearm, is known to be a patient at a Department of Human Services facility and the person who commits the battery is an employee of the Department of Human Services; and a recipient at a community-integrated living arrangement, as defined in the Community-Integrated Living Arrangements Licensure and Certification Act, who is battered by an employee of the community-integrated living arrangement. Provides that the offense is a Class 2 felony.

LRB104 08929 AAS 18984 b

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 Health Care Worker Background Check Act is
5 amended by changing Sections 25, 27, and 28 as follows:

6 (225 ILCS 46/25)

7 Sec. 25. Hiring of people with criminal records by health
8 care employers and long-term care facilities.

9 (a) A health care employer or long-term care facility may
10 hire, employ, or retain any individual in a position involving
11 direct care for clients, patients, or residents or access to
12 the living quarters or the financial, medical, or personal
13 records of clients, patients, or residents who has been
14 convicted of committing or attempting to commit one or more of
15 the following offenses, or any individual who fails to report
16 to the Department any such individual who committed a
17 violation described in this subsection, under the laws of this
18 State, or of an offense that is substantially equivalent to
19 the following offenses under the laws of any other state or of
20 the laws of the United States, as verified by court records,
21 records from a state agency, or a Federal Bureau of
22 Investigation criminal history records check, only with a
23 waiver described in Section 40: those defined in Sections

1 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1,
2 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5,
3 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
4 11-9.1, 11-9.2, 11-9.3, 11-9.4-1, 11-9.5, 11-19.2, 11-20.1,
5 11-20.1B, 11-20.3, 12-1, 12-2, 12-3.05, 12-3.1, 12-3.2,
6 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6,
7 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
8 12-19, 12-20.5, 12-21, 12-21.5, 12-21.6, 12-32, 12-33, 12C-5,
9 12C-10, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1, 18-2,
10 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1, 24-1,
11 24-1.2, 24-1.5, 24-1.8, 24-3.8, or 33A-2, or subdivision
12 (a)(4) of Section 11-14.4, or in subsection (a) of Section
13 12-3 or subsection (a) or (b) of Section 12-4.4a, of the
14 Criminal Code of 1961 or the Criminal Code of 2012; those
15 provided in Section 4 of the Wrongs to Children Act; those
16 provided in Section 53 of the Criminal Jurisprudence Act;
17 those defined in subsection (c), (d), (e), (f), or (g) of
18 Section 5 or Section 5.1, 5.2, 7, or 9 of the Cannabis Control
19 Act; those defined in the Methamphetamine Control and
20 Community Protection Act; those defined in Sections 401,
21 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
22 Controlled Substances Act; or those defined in subsection (a)
23 of Section 3.01, Section 3.02, or Section 3.03 of the Humane
24 Care for Animals Act.

25 (a-1) A health care employer or long-term care facility
26 may hire, employ, or retain any individual in a position

1 involving direct care for clients, patients, or residents or
2 access to the living quarters or the financial, medical, or
3 personal records of clients, patients, or residents who has
4 been convicted of committing or attempting to commit one or
5 more of the following offenses, or any individual who fails to
6 report to the Department any such individual who committed a
7 violation described in this subsection, under the laws of this
8 State, or of an offense that is substantially equivalent to
9 the following offenses under the laws of any other state or of
10 the laws of the United States, as verified by court records,
11 records from a state agency, or a Federal Bureau of
12 Investigation criminal history records check, only with a
13 waiver described in Section 40: those offenses defined in
14 Section 12-3.3, 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33,
15 17-34, 17-36, 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6,
16 24-3.2, or 24-3.3, or subsection (b) of Section 17-32,
17 subsection (b) of Section 18-1, or subsection (b) of Section
18 20-1, of the Criminal Code of 1961 or the Criminal Code of
19 2012; those offenses defined in Section 4, 5, 6, 8, or 17.02 of
20 the Illinois Credit Card and Debit Card Act; those offenses
21 defined in ~~or~~ Section 11-9.1A of the Criminal Code of 1961 or
22 the Criminal Code of 2012 or Section 5.1 of the Wrongs to
23 Children Act; or those offenses defined in ~~(ii) violated~~
24 Section 50-50 of the Nurse Practice Act.

25 A health care employer is not required to retain an
26 individual in a position with duties involving direct care for

1 clients, patients, or residents, and no long-term care
2 facility is required to retain an individual in a position
3 with duties that involve or may involve contact with residents
4 or access to the living quarters or the financial, medical, or
5 personal records of residents, who has been convicted of
6 committing or attempting to commit one or more of the offenses
7 enumerated in this subsection.

8 (b) A health care employer shall not hire, employ, or
9 retain, whether paid or on a volunteer basis, any individual
10 in a position with duties involving direct care of clients,
11 patients, or residents, and no long-term care facility shall
12 knowingly hire, employ, or retain, whether paid or on a
13 volunteer basis, any individual in a position with duties that
14 involve or may involve contact with residents or access to the
15 living quarters or the financial, medical, or personal records
16 of residents, if the health care employer becomes aware that
17 the individual: (i) has been convicted in another state of
18 committing or attempting to commit an offense that has the
19 same or similar elements as an offense listed in subsection
20 (a) or (a-1), as verified by court records, records from a
21 state agency, or an FBI criminal history record check; or (ii)
22 has failed to report to the Department any such individual who
23 committed in another state an offense listed in subsection (a)
24 or (a-1), unless the applicant or employee obtains a waiver
25 pursuant to Section 40 of this Act. This shall not be construed
26 to mean that a health care employer has an obligation to

1 conduct a criminal history records check in other states in
2 which an employee has resided.

3 (c) A health care employer shall not hire, employ, or
4 retain, whether paid or on a volunteer basis, any individual
5 in a position with duties involving direct care of clients,
6 patients, or residents, who has a finding by the Department of
7 abuse, neglect, misappropriation of property, or theft denoted
8 on the Health Care Worker Registry, or a finding by the
9 Department denoted on the Health Care Worker Registry of
10 failure to report neglect, misappropriation of property, or
11 theft to the Department.

12 (d) A health care employer shall not hire, employ, or
13 retain, whether paid or on a volunteer basis, any individual
14 in a position with duties involving direct care of clients,
15 patients, or residents if the individual has a verified and
16 substantiated finding of abuse, neglect, or financial
17 exploitation, as identified within the Adult Protective
18 Service Registry established under Section 7.5 of the Adult
19 Protective Services Act, or any individual who fails to report
20 to the Department any such individual who committed abuse,
21 neglect, or financial exploitation.

22 (e) A health care employer shall not hire, employ, or
23 retain, whether paid or on a volunteer basis, any individual
24 in a position with duties involving direct care of clients,
25 patients, or residents who has a finding by the Department of
26 Human Services denoted on the Health Care Worker Registry of

1 physical or sexual abuse, financial exploitation, egregious
2 neglect, or material obstruction of an investigation, or any
3 individual who fails to report to the Department any such
4 individual who committed the physical or sexual abuse,
5 financial exploitation, or egregious neglect.

6 (f) Reports of violations required under this Section
7 shall be made no later than 5 days after the incident
8 constituting the violation.

9 (Source: P.A. 103-76, eff. 6-9-23; 103-428, eff. 1-1-24;
10 103-605, eff. 7-1-24.)

11 (225 ILCS 46/27)

12 Sec. 27. Notice and hearing prior to designation on Health
13 Care Worker Registry for offense.

14 (a) If the Department finds that an employee or former
15 employee has abused or neglected a resident or misappropriated
16 property of a resident, then the Department shall notify the
17 employee or individual of this finding by certified mail sent
18 to the address contained in the Health Care Worker Registry.
19 The notice shall give the employee or individual an
20 opportunity to contest the finding in a hearing before the
21 Department or to submit a written response to the findings in
22 lieu of requesting a hearing. As used in this subsection,
23 "abuse" and "neglect" shall have the meanings provided in the
24 Nursing Home Care Act, except that: (1) the term "resident" as
25 used in those definitions shall have the meaning provided in

1 this Act; and (2) "abuse" and "neglect" shall include the
2 failure to report any abuse, neglect, or misappropriation of a
3 resident's property to the Department. As used in this
4 subsection, "misappropriate property of a resident" shall have
5 the meaning provided to "misappropriation of a resident's
6 property" in the Nursing Home Care Act, except that the term
7 "resident" as used in that definition shall have the meaning
8 provided in this Act.

9 (b) The Department shall have the authority to hold
10 hearings to be conducted by the Director, or by an individual
11 designated by the Director as hearing officer to conduct the
12 hearing. On the basis of a hearing, or upon default of the
13 employee, the Director shall make a determination specifying
14 his or her findings and conclusions. A copy of the
15 determination shall be sent by certified mail, return receipt
16 requested, or served personally upon the employee to the
17 address last provided by the employee to the Department.

18 (c) The procedure governing hearings authorized by this
19 Section shall be in accordance with rules adopted by the
20 Department. A full and complete record shall be kept of all
21 proceedings, including the notice of hearing, and all other
22 documents in the nature of pleadings, written motions filed in
23 the proceedings, and the report and orders of the Director or
24 the Director's designee. All testimony shall be reported but
25 need not be transcribed unless the decision is sought to be
26 reviewed under the Administrative Review Law. A copy or copies

1 of the transcript and record of the proceedings may be
2 obtained by any interested party subsequent to payment to the
3 Department of the cost of preparing the copy or copies. All
4 final administrative decisions of the Department under this
5 Act are subject to judicial review under the Administrative
6 Review Law and the rules adopted pursuant thereto. For
7 purposes of this subsection, "administrative decision" has the
8 meaning provided in Section 3-101 of the Code of Civil
9 Procedure.

10 (d) The Department may issue subpoenas requiring the
11 attendance and the giving of testimony by witnesses, and
12 subpoenas duces tecum requiring the production of books,
13 papers, records, or memoranda. All subpoenas and subpoenas
14 duces tecum issued under this Act may be served by mail or by
15 any person of legal age. The fees of witnesses for attendance
16 and travel shall be the same as the fees of witnesses before
17 the courts of this State. The fees shall be paid when the
18 witness is excused from further attendance. When the witness
19 is subpoenaed at the instance of the Department, the fees
20 shall be paid in the same manner as other expenses of the
21 Department, and when the witness is subpoenaed at the instance
22 of any other party to any such proceeding, the Department may
23 require that the cost of service of the subpoena or subpoena
24 duces tecum and the fee of the witness be borne by the party at
25 whose instance the witness is summoned. A subpoena or subpoena
26 duces tecum issued pursuant to this Section shall be served in

1 the same manner as a subpoena issued by a circuit court.

2 (e) If, after a hearing or if the employee, or former
3 employee, does not request a hearing, the Department finds
4 that the employee, or former employee, abused a resident,
5 neglected a resident, ~~or~~ misappropriated resident property, or
6 failed to report any abuse, neglect, or misappropriation to
7 the Department or makes any other applicable finding as set
8 forth by rule, the finding shall be included as part of the
9 Health Care Worker Registry as well as a clear and accurate
10 summary from the employee, if he or she chooses to make a
11 statement.

12 (f) The Department shall make the following information in
13 the Health Care Worker Registry available to the public: an
14 individual's full name; the date an individual successfully
15 completed a nurse aide training or competency evaluation; and
16 whether the Department has made a finding that an employee, or
17 former employee, has been guilty of abuse or neglect of a
18 resident or misappropriation of resident property or failure
19 to report any abuse, neglect, or misappropriation of resident
20 property to the Department or has made any other applicable
21 finding as set forth by rule. In the case of inquiries to the
22 Health Care Worker Registry concerning an employee, or former
23 employee, listed in the Health Care Worker Registry, any
24 information disclosed concerning a finding shall also include
25 disclosure of the employee's, or former employee's, statement
26 in the Health Care Worker Registry relating to the finding or a

1 clear and accurate summary of the statement.

2 (g) The Department shall add to the Health Care Worker
3 Registry records of findings as reported by the Inspector
4 General or remove from the Health Care Worker Registry records
5 of findings as reported by the Department of Human Services,
6 under subsection (s) of Section 1-17 of the Department of
7 Human Services Act.

8 (h) Reports of violations required under this Section
9 shall be made no later than 5 days after the incident
10 constituting the violation.

11 (Source: P.A. 100-432, eff. 8-25-17.)

12 (225 ILCS 46/28)

13 Sec. 28. Designation on Registry for offense.

14 (a) The Department, after notice to the employee, or
15 former employee, may denote on the Health Care Worker Registry
16 that the Department has found any of the following:

17 (1) The employee, or former employee, has abused a
18 resident.

19 (2) The employee, or former employee, has neglected a
20 resident.

21 (3) The employee, or former employee, has
22 misappropriated resident property.

23 (3.5) The employee, or former employee, failed to
24 report abuse of a resident, neglect of a resident, or
25 misappropriation of resident property by another employee

1 or former employee to the Department.

2 (4) The employee, or former employee, has been
3 convicted of (i) a felony; (ii) a misdemeanor, an
4 essential element of which is dishonesty; or (iii) any
5 crime that is directly related to the duties of an
6 employee, a nursing assistant, habilitation aide, or child
7 care aide.

8 (b) Notice under this Section shall include a clear and
9 concise statement of the grounds denoting abuse, neglect,
10 theft, or other applicable finding, and notice of the
11 opportunity for a hearing to contest the designation.

12 (c) The Department shall document criminal history records
13 check results pursuant to the requirements of this Act.

14 (d) After the designation of neglect on the Health Care
15 Worker Registry, made pursuant to this Section, an employee,
16 or former employee, may petition the Department for removal of
17 a designation of neglect on the Health Care Worker Registry,
18 after durations set forth within the Department's notice made
19 pursuant to subsections (a) and (b) of this Section. Upon
20 receipt of a petition, the Department may remove the
21 designation for a finding of neglect after no less than one
22 year, or the designation of applicable findings set forth by
23 rule of an employee, or former employee, for minimum durations
24 set forth by the Department, on the Health Care Worker
25 Registry unless the Department determines that removal of
26 designation is not in the public interest. The Department

1 shall set forth by rule the discretionary factors by which
2 designations of employees or former employees may be removed.

3 (e) Reports of violations required under this Section
4 shall be made no later than 5 days after the incident
5 constituting the violation.

6 (Source: P.A. 100-432, eff. 8-25-17.)

7 Section 10. The Criminal Code of 2012 is amended by
8 changing Section 12-3.05 as follows:

9 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

10 Sec. 12-3.05. Aggravated battery.

11 (a) Offense based on injury. A person commits aggravated
12 battery when, in committing a battery, other than by the
13 discharge of a firearm, he or she knowingly does any of the
14 following:

15 (1) Causes great bodily harm or permanent disability
16 or disfigurement.

17 (2) Causes severe and permanent disability, great
18 bodily harm, or disfigurement by means of a caustic or
19 flammable substance, a poisonous gas, a deadly biological
20 or chemical contaminant or agent, a radioactive substance,
21 or a bomb or explosive compound.

22 (3) Causes great bodily harm or permanent disability
23 or disfigurement to an individual whom the person knows to
24 be a peace officer, community policing volunteer, fireman,

1 private security officer, correctional institution
2 employee, or Department of Human Services employee
3 supervising or controlling sexually dangerous persons or
4 sexually violent persons:

5 (i) performing his or her official duties;

6 (ii) battered to prevent performance of his or her
7 official duties; or

8 (iii) battered in retaliation for performing his
9 or her official duties.

10 (4) Causes great bodily harm or permanent disability
11 or disfigurement to an individual 60 years of age or
12 older.

13 (5) Strangles another individual.

14 (b) Offense based on injury to a child or person with an
15 intellectual disability. A person who is at least 18 years of
16 age commits aggravated battery when, in committing a battery,
17 he or she knowingly and without legal justification by any
18 means:

19 (1) causes great bodily harm or permanent disability
20 or disfigurement to any child under the age of 13 years, or
21 to any person with a severe or profound intellectual
22 disability; or

23 (2) causes bodily harm or disability or disfigurement
24 to any child under the age of 13 years or to any person
25 with a severe or profound intellectual disability.

26 (c) Offense based on location of conduct. A person commits

1 aggravated battery when, in committing a battery, other than
2 by the discharge of a firearm, he or she is or the person
3 battered is on or about a public way, public property, a public
4 place of accommodation or amusement, a sports venue, or a
5 domestic violence shelter, or in a church, synagogue, mosque,
6 or other building, structure, or place used for religious
7 worship.

8 (d) Offense based on status of victim. A person commits
9 aggravated battery when, in committing a battery, other than
10 by discharge of a firearm, he or she knows the individual
11 battered to be any of the following:

12 (1) A person 60 years of age or older.

13 (2) A person who is pregnant or has a physical
14 disability.

15 (3) A teacher or school employee upon school grounds
16 or grounds adjacent to a school or in any part of a
17 building used for school purposes.

18 (4) A peace officer, community policing volunteer,
19 fireman, private security officer, correctional
20 institution employee, or Department of Human Services
21 employee supervising or controlling sexually dangerous
22 persons or sexually violent persons:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

26 (iii) battered in retaliation for performing his

1 or her official duties.

2 (5) A judge, emergency management worker, emergency
3 medical services personnel, or utility worker:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her
6 official duties; or

7 (iii) battered in retaliation for performing his
8 or her official duties.

9 (6) An officer or employee of the State of Illinois, a
10 unit of local government, or a school district, while
11 performing his or her official duties.

12 (7) A transit employee performing his or her official
13 duties, or a transit passenger.

14 (8) A taxi driver on duty.

15 (9) A merchant who detains the person for an alleged
16 commission of retail theft under Section 16-26 of this
17 Code and the person without legal justification by any
18 means causes bodily harm to the merchant.

19 (10) A person authorized to serve process under
20 Section 2-202 of the Code of Civil Procedure or a special
21 process server appointed by the circuit court while that
22 individual is in the performance of his or her duties as a
23 process server.

24 (11) A nurse while in the performance of his or her
25 duties as a nurse.

26 (12) A merchant: (i) while performing his or her

1 duties, including, but not limited to, relaying directions
2 for healthcare or safety from his or her supervisor or
3 employer or relaying health or safety guidelines,
4 recommendations, regulations, or rules from a federal,
5 State, or local public health agency; and (ii) during a
6 disaster declared by the Governor, or a state of emergency
7 declared by the mayor of the municipality in which the
8 merchant is located, due to a public health emergency and
9 for a period of 6 months after such declaration.

10 (13) A patient at an Illinois Department of Human
11 Services facility who is battered by an employee of the
12 Illinois Department of Human Services.

13 (14) A recipient at a community-integrated living
14 arrangement, as defined in the Community-Integrated Living
15 Arrangements Licensure and Certification Act, who is
16 battered by an employee of the community-integrated living
17 arrangement.

18 (e) Offense based on use of a firearm. A person commits
19 aggravated battery when, in committing a battery, he or she
20 knowingly does any of the following:

21 (1) Discharges a firearm, other than a machine gun or
22 a firearm equipped with a silencer, and causes any injury
23 to another person.

24 (2) Discharges a firearm, other than a machine gun or
25 a firearm equipped with a silencer, and causes any injury
26 to a person he or she knows to be a peace officer,

1 community policing volunteer, person summoned by a police
2 officer, fireman, private security officer, correctional
3 institution employee, or emergency management worker:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her
6 official duties; or

7 (iii) battered in retaliation for performing his
8 or her official duties.

9 (3) Discharges a firearm, other than a machine gun or
10 a firearm equipped with a silencer, and causes any injury
11 to a person he or she knows to be emergency medical
12 services personnel:

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her
15 official duties; or

16 (iii) battered in retaliation for performing his
17 or her official duties.

18 (4) Discharges a firearm and causes any injury to a
19 person he or she knows to be a teacher, a student in a
20 school, or a school employee, and the teacher, student, or
21 employee is upon school grounds or grounds adjacent to a
22 school or in any part of a building used for school
23 purposes.

24 (5) Discharges a machine gun or a firearm equipped
25 with a silencer, and causes any injury to another person.

26 (6) Discharges a machine gun or a firearm equipped

1 with a silencer, and causes any injury to a person he or
2 she knows to be a peace officer, community policing
3 volunteer, person summoned by a police officer, fireman,
4 private security officer, correctional institution
5 employee or emergency management worker:

6 (i) performing his or her official duties;

7 (ii) battered to prevent performance of his or her
8 official duties; or

9 (iii) battered in retaliation for performing his
10 or her official duties.

11 (7) Discharges a machine gun or a firearm equipped
12 with a silencer, and causes any injury to a person he or
13 she knows to be emergency medical services personnel:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

19 (8) Discharges a machine gun or a firearm equipped
20 with a silencer, and causes any injury to a person he or
21 she knows to be a teacher, or a student in a school, or a
22 school employee, and the teacher, student, or employee is
23 upon school grounds or grounds adjacent to a school or in
24 any part of a building used for school purposes.

25 (f) Offense based on use of a weapon or device. A person
26 commits aggravated battery when, in committing a battery, he

1 or she does any of the following:

2 (1) Uses a deadly weapon other than by discharge of a
3 firearm, or uses an air rifle as defined in Section
4 24.8-0.1 of this Code.

5 (2) Wears a hood, robe, or mask to conceal his or her
6 identity.

7 (3) Knowingly and without lawful justification shines
8 or flashes a laser gunsight or other laser device attached
9 to a firearm, or used in concert with a firearm, so that
10 the laser beam strikes upon or against the person of
11 another.

12 (4) Knowingly video or audio records the offense with
13 the intent to disseminate the recording.

14 (g) Offense based on certain conduct. A person commits
15 aggravated battery when, other than by discharge of a firearm,
16 he or she does any of the following:

17 (1) Violates Section 401 of the Illinois Controlled
18 Substances Act by unlawfully delivering a controlled
19 substance to another and any user experiences great bodily
20 harm or permanent disability as a result of the injection,
21 inhalation, or ingestion of any amount of the controlled
22 substance.

23 (2) Knowingly administers to an individual or causes
24 him or her to take, without his or her consent or by threat
25 or deception, and for other than medical purposes, any
26 intoxicating, poisonous, stupefying, narcotic,

1 anesthetic, or controlled substance, or gives to another
2 person any food containing any substance or object
3 intended to cause physical injury if eaten.

4 (3) Knowingly causes or attempts to cause a
5 correctional institution employee or Department of Human
6 Services employee to come into contact with blood, seminal
7 fluid, urine, or feces by throwing, tossing, or expelling
8 the fluid or material, and the person is an inmate of a
9 penal institution or is a sexually dangerous person or
10 sexually violent person in the custody of the Department
11 of Human Services.

12 (h) Sentence. Unless otherwise provided, aggravated
13 battery is a Class 3 felony.

14 Aggravated battery as defined in subdivision (a)(4),
15 (d)(4), (d)(13), (d)(14), or (g)(3) is a Class 2 felony.

16 Aggravated battery as defined in subdivision (a)(3) or
17 (g)(1) is a Class 1 felony.

18 Aggravated battery as defined in subdivision (a)(1) is a
19 Class 1 felony when the aggravated battery was intentional and
20 involved the infliction of torture, as defined in paragraph
21 (10) of subsection (b-5) of Section 5-8-1 of the Unified Code
22 of Corrections, as the infliction of or subjection to extreme
23 physical pain, motivated by an intent to increase or prolong
24 the pain, suffering, or agony of the victim.

25 Aggravated battery as defined in subdivision (a)(1) is a
26 Class 2 felony when the person causes great bodily harm or

1 permanent disability to an individual whom the person knows to
2 be a member of a congregation engaged in prayer or other
3 religious activities at a church, synagogue, mosque, or other
4 building, structure, or place used for religious worship.

5 Aggravated battery under subdivision (a)(5) is a Class 1
6 felony if:

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

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

12 (C) the person has been previously convicted of a
13 violation of subdivision (a)(5) under the laws of this
14 State or laws similar to subdivision (a)(5) of any other
15 state.

16 Aggravated battery as defined in subdivision (e)(1) is a
17 Class X felony.

18 Aggravated battery as defined in subdivision (a)(2) is a
19 Class X felony for which a person shall be sentenced to a term
20 of imprisonment of a minimum of 6 years and a maximum of 45
21 years.

22 Aggravated battery as defined in subdivision (e)(5) is a
23 Class X felony for which a person shall be sentenced to a term
24 of imprisonment of a minimum of 12 years and a maximum of 45
25 years.

26 Aggravated battery as defined in subdivision (e)(2),

1 (e) (3), or (e) (4) is a Class X felony for which a person shall
2 be sentenced to a term of imprisonment of a minimum of 15 years
3 and a maximum of 60 years.

4 Aggravated battery as defined in subdivision (e) (6),
5 (e) (7), or (e) (8) is a Class X felony for which a person shall
6 be sentenced to a term of imprisonment of a minimum of 20 years
7 and a maximum of 60 years.

8 Aggravated battery as defined in subdivision (b) (1) is a
9 Class X felony, except that:

10 (1) if the person committed the offense while armed
11 with a firearm, 15 years shall be added to the term of
12 imprisonment imposed by the court;

13 (2) if, during the commission of the offense, the
14 person personally discharged a firearm, 20 years shall be
15 added to the term of imprisonment imposed by the court;

16 (3) if, during the commission of the offense, the
17 person personally discharged a firearm that proximately
18 caused great bodily harm, permanent disability, permanent
19 disfigurement, or death to another person, 25 years or up
20 to a term of natural life shall be added to the term of
21 imprisonment imposed by the court.

22 (i) Definitions. In this Section:

23 "Building or other structure used to provide shelter" has
24 the meaning ascribed to "shelter" in Section 1 of the Domestic
25 Violence Shelters Act.

26 "Domestic violence" has the meaning ascribed to it in

1 Section 103 of the Illinois Domestic Violence Act of 1986.

2 "Domestic violence shelter" means any building or other
3 structure used to provide shelter or other services to victims
4 or to the dependent children of victims of domestic violence
5 pursuant to the Illinois Domestic Violence Act of 1986 or the
6 Domestic Violence Shelters Act, or any place within 500 feet
7 of such a building or other structure in the case of a person
8 who is going to or from such a building or other structure.

9 "Firearm" has the meaning provided under Section 1.1 of
10 the Firearm Owners Identification Card Act, and does not
11 include an air rifle as defined by Section 24.8-0.1 of this
12 Code.

13 "Machine gun" has the meaning ascribed to it in Section
14 24-1 of this Code.

15 "Merchant" has the meaning ascribed to it in Section
16 16-0.1 of this Code.

17 "Strangle" means intentionally impeding the normal
18 breathing or circulation of the blood of an individual by
19 applying pressure on the throat or neck of that individual or
20 by blocking the nose or mouth of that individual.

21 (Source: P.A. 103-51, eff. 1-1-24.)