



Rep. Michelle Mussman

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10400HB5562ham002

LRB104 20184 RLC 36118 a

1 AMENDMENT TO HOUSE BILL 5562

2 AMENDMENT NO. _____. Amend House Bill 5562, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 2012 is amended by
6 changing Section 12-3.05 as follows:

7 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

8 Sec. 12-3.05. Aggravated battery.

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

13 (1) Causes great bodily harm or permanent disability
14 or disfigurement.

15 (2) Causes severe and permanent disability, great
16 bodily harm, or disfigurement by means of a caustic or

1 flammable substance, a poisonous gas, a deadly biological
2 or chemical contaminant or agent, a radioactive substance,
3 or a bomb or explosive compound.

4 (3) Causes great bodily harm or permanent disability
5 or disfigurement to an individual whom the person knows to
6 be a peace officer, community policing volunteer, fireman,
7 private security officer, correctional institution
8 employee, or Department of Human Services employee
9 supervising or controlling sexually dangerous persons or
10 sexually violent persons:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (4) Causes great bodily harm or permanent disability
17 or disfigurement to an individual 60 years of age or
18 older.

19 (5) Strangles another individual.

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

25 (1) causes great bodily harm or permanent disability
26 or disfigurement to any child under the age of 13 years, or

1 to any person with a severe or profound intellectual
2 disability; ~~or~~

3 (2) causes bodily harm or disability or disfigurement
4 to any child under the age of 13 years or to any person
5 with a severe or profound intellectual disability; or =

6 (3) engages in a course of conduct that is heinous,
7 brutal, or indicative of wanton cruelty, including
8 confinement, withholding of necessary nutrition,
9 nourishment, shelter, or medical care, administering or
10 applying mind-altering substances, causing the ingestion
11 of food or other substances not intended for human
12 consumption, or any other deprivation or exposure or
13 forced engagement in conditions that are likely to create,
14 increase, or prolong pain, suffering, or agony of a child.

15 (c) Offense based on location of conduct. A person commits
16 aggravated battery when, in committing a battery, other than
17 by the discharge of a firearm, he or she is or the person
18 battered is on or about a public way, public property, a public
19 place of accommodation or amusement, a sports venue, or a
20 domestic violence shelter, or in a church, synagogue, mosque,
21 or other building, structure, or place used for religious
22 worship.

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

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

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

4 (3) A teacher or school employee upon school grounds
5 or grounds adjacent to a school or in any part of a
6 building used for school purposes.

7 (4) A peace officer, community policing volunteer,
8 fireman, private security officer, correctional
9 institution employee, or Department of Human Services
10 employee supervising or controlling sexually dangerous
11 persons or sexually violent persons:

12 (i) performing his or her official duties;

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

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

17 (5) A judge, emergency management worker, emergency
18 medical services personnel, or utility worker:

19 (i) performing his or her official duties;

20 (ii) battered to prevent performance of his or her
21 official duties; or

22 (iii) battered in retaliation for performing his
23 or her official duties.

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

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

3 (8) A taxi driver on duty.

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

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

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

15 (12) A merchant: (i) while performing his or her
16 duties, including, but not limited to, relaying directions
17 for healthcare or safety from his or her supervisor or
18 employer or relaying health or safety guidelines,
19 recommendations, regulations, or rules from a federal,
20 State, or local public health agency; and (ii) during a
21 disaster declared by the Governor, or a state of emergency
22 declared by the mayor of the municipality in which the
23 merchant is located, due to a public health emergency and
24 for a period of 6 months after such declaration.

25 (e) Offense based on use of a firearm. A person commits
26 aggravated battery when, in committing a battery, he or she

1 knowingly does any of the following:

2 (1) Discharges a firearm, other than a machine gun or
3 a firearm equipped with a silencer, and causes any injury
4 to another person.

5 (2) Discharges a firearm, other than a machine gun or
6 a firearm equipped with a silencer, and causes any injury
7 to a person he or she knows to be a peace officer,
8 community policing volunteer, person summoned by a police
9 officer, fireman, private security officer, correctional
10 institution employee, or emergency management worker:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (3) Discharges a firearm, other than a machine gun or
17 a firearm equipped with a silencer, and causes any injury
18 to a person he or she knows to be emergency medical
19 services personnel:

20 (i) performing his or her official duties;

21 (ii) battered to prevent performance of his or her
22 official duties; or

23 (iii) battered in retaliation for performing his
24 or her official duties.

25 (4) Discharges a firearm and causes any injury to a
26 person he or she knows to be a teacher, a student in a

1 school, or a school employee, and the teacher, student, or
2 employee is upon school grounds or grounds adjacent to a
3 school or in any part of a building used for school
4 purposes.

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

7 (6) Discharges a machine gun or a firearm equipped
8 with a silencer, and causes any injury to a person he or
9 she knows to be a peace officer, community policing
10 volunteer, person summoned by a police officer, fireman,
11 private security officer, correctional institution
12 employee or emergency management worker:

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

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (8) 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 teacher, or a student in a school, or a
3 school employee, and the teacher, student, or employee is
4 upon school grounds or grounds adjacent to a school or in
5 any part of a building used for school purposes.

6 (f) Offense based on use of a weapon or device. A person
7 commits aggravated battery when, in committing a battery, he
8 or she does any of the following:

9 (1) Uses a deadly weapon other than by discharge of a
10 firearm, or uses an air rifle as defined in Section
11 24.8-0.1 of this Code.

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

14 (3) Knowingly and without lawful justification shines
15 or flashes a laser gunsight or other laser device attached
16 to a firearm, or used in concert with a firearm, so that
17 the laser beam strikes upon or against the person of
18 another.

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

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

24 (1) Violates Section 401 of the Illinois Controlled
25 Substances Act by unlawfully delivering a controlled
26 substance to another and any user experiences great bodily

1 harm or permanent disability as a result of the injection,
2 inhalation, or ingestion of any amount of the controlled
3 substance.

4 (2) Knowingly administers to an individual or causes
5 him or her to take, without his or her consent or by threat
6 or deception, and for other than medical purposes, any
7 intoxicating, poisonous, stupefying, narcotic,
8 anesthetic, or controlled substance, or gives to another
9 person any food containing any substance or object
10 intended to cause physical injury if eaten.

11 (3) Knowingly causes or attempts to cause a
12 correctional institution employee or Department of Human
13 Services employee to come into contact with blood, seminal
14 fluid, urine, or feces by throwing, tossing, or expelling
15 the fluid or material, and the person is an inmate of a
16 penal institution or is a sexually dangerous person or
17 sexually violent person in the custody of the Department
18 of Human Services.

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

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

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

25 Aggravated battery as defined in subdivision (a)(1) is a
26 Class 1 felony when the aggravated battery was intentional and

1 involved the infliction of torture, as defined in paragraph
2 (10) of subsection (b-5) of Section 5-8-1 of the Unified Code
3 of Corrections, as the infliction of or subjection to extreme
4 physical pain, motivated by an intent to increase or prolong
5 the pain, suffering, or agony of the victim.

6 Aggravated battery as defined in subdivision (a)(1) is a
7 Class 2 felony when the person causes great bodily harm or
8 permanent disability to an individual whom the person knows to
9 be a member of a congregation engaged in prayer or other
10 religious activities at a church, synagogue, mosque, or other
11 building, structure, or place used for religious worship.

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

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

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

19 (C) the person has been previously convicted of a
20 violation of subdivision (a)(5) under the laws of this
21 State or laws similar to subdivision (a)(5) of any other
22 state.

23 Aggravated battery as defined in subdivision (b)(3) or
24 (e)(1) is a Class X felony.

25 Aggravated battery as defined in subdivision (a)(2) is a
26 Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 6 years and a maximum of 45
2 years.

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

7 Aggravated battery as defined in subdivision (e)(2),
8 (e)(3), or (e)(4) is a Class X felony for which a person shall
9 be sentenced to a term of imprisonment of a minimum of 15 years
10 and a maximum of 60 years.

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

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

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

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

23 (3) if, during the commission of the offense, the
24 person personally discharged a firearm that proximately
25 caused great bodily harm, permanent disability, permanent
26 disfigurement, or death to another person, 25 years or up

1 to a term of natural life shall be added to the term of
2 imprisonment imposed by the court.

3 (i) Definitions. In this Section:

4 "Building or other structure used to provide shelter" has
5 the meaning ascribed to "shelter" in Section 1 of the Domestic
6 Violence Shelters Act.

7 "Course of conduct" means at least 2 acts of conduct that
8 are heinous, brutal, or indicative of wanton cruelty, other
9 than by accidental means, directly or indirectly, or through
10 third parties.

11 "Domestic violence" has the meaning ascribed to it in
12 Section 103 of the Illinois Domestic Violence Act of 1986.

13 "Domestic violence shelter" means any building or other
14 structure used to provide shelter or other services to victims
15 or to the dependent children of victims of domestic violence
16 pursuant to the Illinois Domestic Violence Act of 1986 or the
17 Domestic Violence Shelters Act, or any place within 500 feet
18 of such a building or other structure in the case of a person
19 who is going to or from such a building or other structure.

20 "Firearm" has the meaning provided under Section 1.1 of
21 the Firearm Owners Identification Card Act, and does not
22 include an air rifle as defined by Section 24.8-0.1 of this
23 Code.

24 "Machine gun" has the meaning ascribed to it in Section
25 24-1 of this Code.

26 "Merchant" has the meaning ascribed to it in Section

1 16-0.1 of this Code.

2 "Strangle" means intentionally impeding the normal
3 breathing or circulation of the blood of an individual by
4 applying pressure on the throat or neck of that individual or
5 by blocking the nose or mouth of that individual.

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