



Sen. Chapin Rose

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1 AMENDMENT TO SENATE BILL 997

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 997 by replacing  
3 everything after the enacting clause with the following:

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

6 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

7 Sec. 12-3.05. Aggravated battery.

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

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

14 (1.5) Causes permanent disability or disfigurement, or  
15 causes physical impairment or loss, which is of a permanent  
16 nature, and which substantially limits physical ability or

1       motor skills, including, but not limited to, loss or  
2       reduction in sight, hearing, or the loss of function or  
3       absence of a limb, limbs, appendage, or appendages.

4           (2) Causes severe and permanent disability, great  
5       bodily harm, or disfigurement by means of a caustic or  
6       flammable substance, a poisonous gas, a deadly biological  
7       or chemical contaminant or agent, a radioactive substance,  
8       or a bomb or explosive compound.

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

16           (i) performing his or her official duties;

17           (ii) battered to prevent performance of his or her  
18       official duties; or

19           (iii) battered in retaliation for performing his  
20       or her official duties.

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

23           (5) Strangles another individual.

24           (b) Offense based on injury to a child or person with an  
25       intellectual disability. A person who is at least 18 years of  
26       age commits aggravated battery when, in committing a battery,

1 he or she knowingly and without legal justification by any  
2 means:

3 (1) causes great bodily harm or permanent disability or  
4 disfigurement to any child under the age of 13 years, or to  
5 any person with a severe or profound intellectual  
6 disability; or

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

10 (c) Offense based on location of conduct. A person commits  
11 aggravated battery when, in committing a battery, other than by  
12 the discharge of a firearm, he or she is or the person battered  
13 is on or about a public way, public property, a public place of  
14 accommodation or amusement, a sports venue, or a domestic  
15 violence shelter.

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

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

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

23 (3) A teacher or school employee upon school grounds or  
24 grounds adjacent to a school or in any part of a building  
25 used for school purposes.

26 (4) A peace officer, community policing volunteer,

1 fireman, private security officer, correctional  
2 institution employee, or Department of Human Services  
3 employee supervising or controlling sexually dangerous  
4 persons or 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 (5) A judge, emergency management worker, emergency  
11 medical services personnel, or utility worker:

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

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

22 (8) A taxi driver on duty.

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

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

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

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

11           (1) Discharges a firearm, other than a machine gun or a  
12          firearm equipped with a silencer, and causes any injury to  
13          another person.

14           (2) Discharges a firearm, other than a machine gun or a  
15          firearm equipped with a silencer, and causes any injury to  
16          a person he or she knows to be a peace officer, community  
17          policing volunteer, person summoned by a police officer,  
18          fireman, private security officer, correctional  
19          institution employee, or emergency management worker:

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           (3) Discharges a firearm, other than a machine gun or a  
26          firearm equipped with a silencer, and causes any injury to

1 a person he or she knows to be emergency medical services  
2 personnel:

3 (i) performing his or her official duties;

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

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

8 (4) Discharges a firearm and causes any injury to a  
9 person he or she knows to be a teacher, a student in a  
10 school, or a school employee, and the teacher, student, or  
11 employee is upon school grounds or grounds adjacent to a  
12 school or in any part of a building used for school  
13 purposes.

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

16 (6) Discharges a machine gun or a firearm equipped with  
17 a silencer, and causes any injury to a person he or she  
18 knows to be a peace officer, community policing volunteer,  
19 person summoned by a police officer, fireman, private  
20 security officer, correctional institution employee or  
21 emergency management worker:

22 (i) performing his or her official duties;

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

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

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

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           (8) Discharges a machine gun or a firearm equipped with  
10 a silencer, and causes any injury to a person he or she  
11 knows to be a teacher, or a student in a school, or a  
12 school employee, and the teacher, student, or employee is  
13 upon school grounds or grounds adjacent to a school or in  
14 any part of a building used for school purposes.

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

18           (1) Uses a deadly weapon other than by discharge of a  
19 firearm, or uses an air rifle as defined in Section  
20 24.8-0.1 of this Code.

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

23           (3) Knowingly and without lawful justification shines  
24 or flashes a laser gunsight or other laser device attached  
25 to a firearm, or used in concert with a firearm, so that  
26 the laser beam strikes upon or against the person of

1 another.

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

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

7 (1) Violates Section 401 of the Illinois Controlled  
8 Substances Act by unlawfully delivering a controlled  
9 substance to another and any user experiences great bodily  
10 harm or permanent disability as a result of the injection,  
11 inhalation, or ingestion of any amount of the controlled  
12 substance.

13 (2) Knowingly administers to an individual or causes  
14 him or her to take, without his or her consent or by threat  
15 or deception, and for other than medical purposes, any  
16 intoxicating, poisonous, stupefying, narcotic, anesthetic,  
17 or controlled substance, or gives to another person any  
18 food containing any substance or object intended to cause  
19 physical injury if eaten.

20 (3) Knowingly causes or attempts to cause a  
21 correctional institution employee or Department of Human  
22 Services employee to come into contact with blood, seminal  
23 fluid, urine, or feces by throwing, tossing, or expelling  
24 the fluid or material, and the person is an inmate of a  
25 penal institution or is a sexually dangerous person or  
26 sexually violent person in the custody of the Department of



1 Human Services.

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

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

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

8 Aggravated battery as defined in subdivision (a)(1.5) is a  
9 Class 1 felony.

10 Aggravated battery as defined in subdivision (a)(1) is a  
11 Class 1 felony when the aggravated battery was intentional and  
12 involved the infliction of torture, as defined in paragraph  
13 (14) of subsection (b) of Section 9-1 of this Code, as the  
14 infliction of or subjection to extreme physical pain, motivated  
15 by an intent to increase or prolong the pain, suffering, or  
16 agony of the victim.

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

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

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

24 (C) the person has been previously convicted of a  
25 violation of subdivision (a)(5) under the laws of this  
26 State or laws similar to subdivision (a)(5) of any other

1 state.

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

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

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

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

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

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

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

25 (2) if, during the commission of the offense, the  
26 person personally discharged a firearm, 20 years shall be

1 added to the term of imprisonment imposed by the court;

2 (3) if, during the commission of the offense, the  
3 person personally discharged a firearm that proximately  
4 caused great bodily harm, permanent disability, permanent  
5 disfigurement, or death to another person, 25 years or up  
6 to a term of natural life shall be added to the term of  
7 imprisonment imposed by the court.

8 (i) Definitions. For the purposes of this Section:

9 "Building or other structure used to provide shelter" has  
10 the meaning ascribed to "shelter" in Section 1 of the Domestic  
11 Violence Shelters Act.

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

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

21 "Firearm" has the meaning provided under Section 1.1 of the  
22 Firearm Owners Identification Card Act, and does not include an  
23 air rifle as defined by Section 24.8-0.1 of this 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 16-0.1

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. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,  
7 eff. 7-16-14; 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)".