



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4322

Introduced 1/29/2020, by Rep. Tony McCombie

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that aggravated battery, other than by the discharge of a firearm, includes a battery committed by a person who, at the time of the commission of the offense, is 21 years of age or older and the battery was committed upon an individual whom the person committing the offense knows to be a person working under the Adult Protective Services Program or an Ombudsman under the State Long Term Care Ombudsman Program of the Department on Aging, or a Department of Children and Family Services employee: (1) performing his or her official duties; (2) battered to prevent performance of his or her official duties; or (3) battered in retaliation for performing his or her official duties. Provides that a violation is a Class 2 felony, except if the battery causes great bodily harm or permanent disability or disfigurement to an individual, a violation is a Class 1 felony. Defines "Department of Children and Family Services employee" and "ombudsman".

LRB101 15234 RLC 67231 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 2012 is amended by changing
5 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 (2) Causes severe and permanent disability, great
15 bodily harm, or disfigurement by means of a caustic or
16 flammable substance, a poisonous gas, a deadly biological
17 or chemical contaminant or agent, a radioactive substance,
18 or a bomb or explosive compound.

19 (3) Causes great bodily harm or permanent disability or
20 disfigurement to an individual whom the person knows to be
21 a peace officer, community policing volunteer, fireman,
22 private security officer, correctional institution
23 employee, a person performing duties related to the Adult

1 Protective Services Act or ombudsman under the State Long
2 Term Care Ombudsman Program of the Department on Aging, or
3 Department of Human Services employee supervising or
4 controlling sexually dangerous persons or sexually violent
5 persons:

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 (3.1) Is, at the time of the commission of the offense,
12 21 years of age or older and causes great bodily harm or
13 permanent disability or disfigurement to an individual
14 whom the person knows to be a Department of Children and
15 Family Services employee:

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, or in a church, synagogue, mosque, or other
16 building, structure, or place used for religious worship.

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

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

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

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

1 (4) A peace officer, community policing volunteer,
2 fireman, private security officer, correctional
3 institution employee, a person performing duties related
4 to the Adult Protective Services Act or ombudsman under the
5 State Long Term Care Ombudsman Program of the Department on
6 Aging, or Department of Human Services employee
7 supervising or controlling sexually dangerous persons or
8 sexually violent persons:

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her
11 official duties; or

12 (iii) battered in retaliation for performing his
13 or her official duties.

14 (4.1) (A) A Department of Children and Family Services
15 employee:

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; and

21 (B) the person committing the offense, at the time of
22 the commission of the offense, is 21 years of age or older.

23 (5) A judge, emergency management worker, emergency
24 medical services personnel, or utility worker:

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her

1 official duties; or

2 (iii) battered in retaliation for performing his
3 or her official duties.

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

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

9 (8) A taxi driver on duty.

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

14 (10) A person authorized to serve process under Section
15 2-202 of the Code of Civil Procedure or a special process
16 server appointed by the circuit court while that individual
17 is in the performance of his or her duties as a process
18 server.

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

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

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

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

7 (i) performing his or her official duties;

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

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

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

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) Discharges a firearm and causes any injury to a
22 person he or she knows to be a teacher, a student in a
23 school, or a school employee, and the teacher, student, or
24 employee is upon school grounds or grounds adjacent to a
25 school or in any part of a building used for school
26 purposes.

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

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

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her
11 official duties; or

12 (iii) battered in retaliation for performing his
13 or her official duties.

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

17 (i) performing his or her official duties;

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

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

22 (8) Discharges a machine gun or a firearm equipped with
23 a silencer, and causes any injury to a person he or she
24 knows to be a teacher, or a student in a school, or a
25 school employee, and the teacher, student, or employee is
26 upon school grounds or grounds adjacent to a school or in

1 any part of a building used for school purposes.

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

5 (1) Uses a deadly weapon other than by discharge of a
6 firearm, or uses an air rifle as defined in Section
7 24.8-0.1 of this Code.

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

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

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

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

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

26 (2) Knowingly administers to an individual or causes

1 him or her to take, without his or her consent or by threat
2 or deception, and for other than medical purposes, any
3 intoxicating, poisonous, stupefying, narcotic, anesthetic,
4 or controlled substance, or gives to another person any
5 food containing any substance or object intended to cause
6 physical injury if eaten.

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

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

17 Aggravated battery as defined in subdivision (a)(4),
18 (d)(4), (d)(4.1), or (g)(3) is a Class 2 felony.

19 Aggravated battery as defined in subdivision (a)(3),
20 (a)(3.1), or (g)(1) is a Class 1 felony.

21 Aggravated battery as defined in subdivision (a)(1) is a
22 Class 1 felony when the aggravated battery was intentional and
23 involved the infliction of torture, as defined in paragraph
24 (14) of subsection (b) of Section 9-1 of this Code, as the
25 infliction of or subjection to extreme physical pain, motivated
26 by an intent to increase or prolong the pain, suffering, or

1 agony of the victim.

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

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

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

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

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

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

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

25 Aggravated battery as defined in subdivision (e)(5) is a
26 Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 12 years and a maximum of 45
2 years.

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

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

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

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

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

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

25 (i) Definitions. In this Section:

26 "Building or other structure used to provide shelter" has

1 the meaning ascribed to "shelter" in Section 1 of the Domestic
2 Violence Shelters Act.

3 "Department of Children and Family Services employee"
4 includes a worker, case worker, or investigator employed by an
5 agency or organization providing social work, case work, or
6 investigative services under a contract with or a grant from
7 the Department of Children and Family Services.

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

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

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

20 "Machine gun" has the meaning ascribed to it in Section
21 24-1 of this Code.

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

24 "Ombudsman" has the meaning ascribed to it in paragraph
25 (3.1) of subsection (b) of Section 4.04 of the Illinois Act on
26 the Aging.

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

5 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)