



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3933

Introduced 2/22/2021, 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".

LRB102 17061 KMF 22489 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  
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  
13 or 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  
20 or disfigurement to an individual whom the person knows to  
21 be 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  
12 offense, 21 years of age or older and causes great bodily  
13 harm or permanent disability or disfigurement to an  
14 individual whom the person knows to be a Department of  
15 Children and 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  
22 or disfigurement to an individual 60 years of age or  
23 older.

24 (5) Strangles another individual.

25 (b) Offense based on injury to a child or person with an  
26 intellectual disability. A person who is at least 18 years of

1 age commits aggravated battery when, in committing a battery,  
2 he or she knowingly and without legal justification by any  
3 means:

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

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

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

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

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

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

26 (3) A teacher or school employee upon school grounds

1 or grounds adjacent to a school or in any part of a  
2 building used for school purposes.

3 (4) A peace officer, community policing volunteer,  
4 fireman, private security officer, correctional  
5 institution employee, a person performing duties related  
6 to the Adult Protective Services Act or ombudsman under  
7 the State Long Term Care Ombudsman Program of the  
8 Department on Aging, or Department of Human Services  
9 employee supervising or controlling sexually dangerous  
10 persons or 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 (4.1) (A) A Department of Children and Family Services  
17 employee:

18 (i) performing his or her official duties;

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

21 (iii) battered in retaliation for performing his  
22 or her official duties; and

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

25 (5) A judge, emergency management worker, emergency  
26 medical services personnel, or utility worker:

- 1 (i) performing his or her official duties;
- 2 (ii) battered to prevent performance of his or her  
3 official duties; or
- 4 (iii) battered in retaliation for performing his  
5 or her official duties.
- 6 (6) An officer or employee of the State of Illinois, a  
7 unit of local government, or a school district, while  
8 performing his or her official duties.
- 9 (7) A transit employee performing his or her official  
10 duties, or a transit passenger.
- 11 (8) A taxi driver on duty.
- 12 (9) A merchant who detains the person for an alleged  
13 commission of retail theft under Section 16-26 of this  
14 Code and the person without legal justification by any  
15 means causes bodily harm to the merchant.
- 16 (10) A person authorized to serve process under  
17 Section 2-202 of the Code of Civil Procedure or a special  
18 process server appointed by the circuit court while that  
19 individual is in the performance of his or her duties as a  
20 process server.
- 21 (11) A nurse while in the performance of his or her  
22 duties as a nurse.
- 23 (12) A merchant: (i) while performing his or her  
24 duties, including, but not limited to, relaying directions  
25 for healthcare or safety from his or her supervisor or  
26 employer or relaying health or safety guidelines,

1 recommendations, regulations, or rules from a federal,  
2 State, or local public health agency; and (ii) during a  
3 disaster declared by the Governor, or a state of emergency  
4 declared by the mayor of the municipality in which the  
5 merchant is located, due to a public health emergency and  
6 for a period of 6 months after such declaration.

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

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

13 (2) Discharges a firearm, other than a machine gun or  
14 a firearm equipped with a silencer, and causes any injury  
15 to a person he or she knows to be a peace officer,  
16 community policing volunteer, person summoned by a police  
17 officer, fireman, private security officer, correctional  
18 institution employee, or emergency management 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 (3) 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 emergency medical

1 services personnel:

2 (i) performing his or her official duties;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (C) the person has been previously convicted of a  
2 violation of subdivision (a)(5) under the laws of this  
3 State or laws similar to subdivision (a)(5) of any other  
4 state.

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

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

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

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

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

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

25 (1) if the person committed the offense while armed  
26 with a firearm, 15 years shall be added to the term of

1 imprisonment imposed by the court;

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

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

11 (i) Definitions. In this Section:

12 "Building or other structure used to provide shelter" has  
13 the meaning ascribed to "shelter" in Section 1 of the Domestic  
14 Violence Shelters Act.

15 "Department of Children and Family Services employee"  
16 includes a worker, case worker, or investigator employed by an  
17 agency or organization providing social work, case work, or  
18 investigative services under a contract with or a grant from  
19 the Department of Children and Family Services.

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

22 "Domestic violence shelter" means any building or other  
23 structure used to provide shelter or other services to victims  
24 or to the dependent children of victims of domestic violence  
25 pursuant to the Illinois Domestic Violence Act of 1986 or the  
26 Domestic Violence Shelters Act, or any place within 500 feet

1 of such a building or other structure in the case of a person  
2 who is going to or from such a building or other structure.

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

7 "Machine gun" has the meaning ascribed to it in Section  
8 24-1 of this Code.

9 "Merchant" has the meaning ascribed to it in Section  
10 16-0.1 of this Code.

11 "Ombudsman" has the meaning ascribed to it in paragraph  
12 (3.1) of subsection (b) of Section 4.04 of the Illinois Act on  
13 the Aging.

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

18 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)