



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4385

Introduced 1/21/2022, by Rep. LaToya Greenwood - Tony McCombie
- Natalie A. Manley, Michael Halpin and Sue Scherer

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that a person also commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she: (1) knowingly causes great bodily harm or permanent disability or disfigurement to an individual whom the person knows to be a Department of Children and Family Services employee; and (2) is, at the time of the commission of the offense, 21 years of age or older and causes great bodily harm or permanent disability or disfigurement to an individual whom the person knows to be a Department of Children and Family Services employee: (i) performing his or her official duties; (ii) battered to prevent performance of his or her official duties; or (iii) battered in retaliation for performing his or her official duties. Provides that "Department of Children and Family Services employee" includes any Department employee or a worker, case worker, or investigator employed by an agency or organization providing social work, case work, or investigative services under a contract with or a grant from the Department of Children and Family Services. Provides that a violation is a Class 2 felony. Provides that if the battery causes great bodily harm or permanent disability or disfigurement to the employee, the penalty is a Class 1 felony. Effective immediately.

LRB102 23969 RLC 33174 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 1. This Act may be referred to as the Knight-Silas
5 Legacy Act.

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

8 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

9 Sec. 12-3.05. Aggravated battery.

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

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

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

21 (3) Causes great bodily harm or permanent disability
22 or disfigurement to an individual whom the person knows to

1 be a peace officer, community policing volunteer, fireman,
2 private security officer, correctional institution
3 employee, a Department of Children and Family Services
4 employee, or Department of Human Services employee
5 supervising or controlling sexually dangerous persons or
6 sexually violent persons:

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

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

25 (5) Strangles another individual.

26 (b) Offense based on injury to a child or person with an

1 intellectual disability. A person who is at least 18 years of
2 age commits aggravated battery when, in committing a battery,
3 he or she knowingly and without legal justification by any
4 means:

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

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

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

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

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

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

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

4 (4) A peace officer, community policing volunteer,
5 fireman, private security officer, correctional
6 institution employee, or Department of Human Services
7 employee supervising or controlling sexually dangerous
8 persons or 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
12 Code and the person without legal justification by any
13 means causes bodily harm to the merchant.

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

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

21 (12) A merchant: (i) while performing his or her
22 duties, including, but not limited to, relaying directions
23 for healthcare or safety from his or her supervisor or
24 employer or relaying health or safety guidelines,
25 recommendations, regulations, or rules from a federal,
26 State, or local public health agency; and (ii) during a

1 disaster declared by the Governor, or a state of emergency
2 declared by the mayor of the municipality in which the
3 merchant is located, due to a public health emergency and
4 for a period of 6 months after such declaration.

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

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

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

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

26 (i) performing his or her official duties;

1 (ii) battered to prevent performance of his or her
2 official duties; or

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

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

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

13 (6) Discharges a machine gun or a firearm equipped
14 with a silencer, and causes any injury to a person he or
15 she knows to be a peace officer, community policing
16 volunteer, person summoned by a police officer, fireman,
17 private security officer, correctional institution
18 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 (7) Discharges a machine gun or a firearm equipped
25 with a silencer, and causes any injury to a person he or
26 she knows to be emergency medical services personnel:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (C) the person has been previously convicted of a
26 violation of subdivision (a)(5) under the laws of this

1 State or laws similar to subdivision (a)(5) of any other
2 state.

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

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

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

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

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

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

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

26 (2) if, during the commission of the offense, the

1 person personally discharged a firearm, 20 years shall be
2 added to the term of imprisonment imposed by the court;

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

9 (i) Definitions. In this Section:

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

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

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

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

1 who is going to or from such a building or other structure.

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

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

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

10 "Strangle" means intentionally impeding the normal
11 breathing or circulation of the blood of an individual by
12 applying pressure on the throat or neck of that individual or
13 by blocking the nose or mouth of that individual.

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.