



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB4996

Introduced 1/27/2022, by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

70 ILCS 3605/31	from Ch. 111 2/3, par. 331
720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4

Amends the Metropolitan Transit Authority Act. Provides that the Chicago Transit Board's rules and regulations may include the suspension of riding privileges or confiscation of fare media. Amends the Criminal Code of 2012. Changes the penalties for aggravated assault on a transit employee performing his or her official duties, or a transit passenger.

LRB102 25237 AWJ 34509 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Metropolitan Transit Authority Act is  
5 amended by changing Section 31 as follows:

6 (70 ILCS 3605/31) (from Ch. 111 2/3, par. 331)

7 Sec. 31. The Board shall have power to pass all ordinances  
8 and make all rules and regulations proper or necessary to  
9 regulate the use, operation and maintenance of its property  
10 and facilities, and to carry into effect the powers granted to  
11 the Authority, with such fines or penalties, including the  
12 suspension of riding privileges or confiscation of fare media,  
13 as may be deemed proper. No fine or penalty shall exceed  
14 \$300.00, and no imprisonment shall exceed six (6) months for  
15 one offense. All fines and penalties shall be imposed by  
16 ordinances, which shall be published in a newspaper of general  
17 circulation published in the metropolitan area. No such  
18 ordinance shall take effect until ten days after its  
19 publication.

20 (Source: P.A. 80-937.)

21 Section 10. The Criminal Code of 2012 is amended by  
22 changing Sections 12-2 and 12-3.05 as follows:

1 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

2 Sec. 12-2. Aggravated assault.

3 (a) Offense based on location of conduct. A person commits  
4 aggravated assault when he or she commits an assault against  
5 an individual who is on or about a public way, public property,  
6 a public place of accommodation or amusement, or a sports  
7 venue, or in a church, synagogue, mosque, or other building,  
8 structure, or place used for religious worship.

9 (b) Offense based on status of victim. A person commits  
10 aggravated assault when, in committing an assault, he or she  
11 knows the individual assaulted to be any of the following:

12 (1) A person with a physical disability or a person 60  
13 years of age or older and the assault is without legal  
14 justification.

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

18 (3) A park district employee upon park grounds or  
19 grounds adjacent to a park or in any part of a building  
20 used for park purposes.

21 (4) A community policing volunteer, private security  
22 officer, or utility worker:

23 (i) performing his or her official duties;

24 (ii) assaulted to prevent performance of his or  
25 her official duties; or

1 (iii) assaulted in retaliation for performing his  
2 or her official duties.

3 (4.1) A peace officer, fireman, emergency management  
4 worker, or emergency medical services personnel:

5 (i) performing his or her official duties;

6 (ii) assaulted to prevent performance of his or  
7 her official duties; or

8 (iii) assaulted in retaliation for performing his  
9 or her official duties.

10 (5) A correctional officer or probation officer:

11 (i) performing his or her official duties;

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

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

16 (6) A correctional institution employee, a county  
17 juvenile detention center employee who provides direct and  
18 continuous supervision of residents of a juvenile  
19 detention center, including a county juvenile detention  
20 center employee who supervises recreational activity for  
21 residents of a juvenile detention center, or a Department  
22 of Human Services employee, Department of Human Services  
23 officer, or employee of a subcontractor of the Department  
24 of Human Services supervising or controlling sexually  
25 dangerous persons or sexually violent persons:

26 (i) performing his or her official duties;

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

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

5           (7) An employee of the State of Illinois, a municipal  
6 corporation therein, or a political subdivision thereof,  
7 performing his or her official duties.

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

10           (9) A sports official or coach actively participating  
11 in any level of athletic competition within a sports  
12 venue, on an indoor playing field or outdoor playing  
13 field, or within the immediate vicinity of such a facility  
14 or field.

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

20           (c) Offense based on use of firearm, device, or motor  
21 vehicle. A person commits aggravated assault when, in  
22 committing an assault, he or she does any of the following:

23           (1) Uses a deadly weapon, an air rifle as defined in  
24 Section 24.8-0.1 of this Act, or any device manufactured  
25 and designed to be substantially similar in appearance to  
26 a firearm, other than by discharging a firearm.

1           (2) Discharges a firearm, other than from a motor  
2 vehicle.

3           (3) Discharges a firearm from a motor vehicle.

4           (4) Wears a hood, robe, or mask to conceal his or her  
5 identity.

6           (5) Knowingly and without lawful justification shines  
7 or flashes a laser gun sight or other laser device  
8 attached to a firearm, or used in concert with a firearm,  
9 so that the laser beam strikes near or in the immediate  
10 vicinity of any person.

11           (6) Uses a firearm, other than by discharging the  
12 firearm, against a peace officer, community policing  
13 volunteer, fireman, private security officer, emergency  
14 management worker, emergency medical services personnel,  
15 employee of a police department, employee of a sheriff's  
16 department, or traffic control municipal employee:

17                 (i) performing his or her official duties;

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

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

22           (7) Without justification operates a motor vehicle in  
23 a manner which places a person, other than a person listed  
24 in subdivision (b) (4), in reasonable apprehension of being  
25 struck by the moving motor vehicle.

26           (8) Without justification operates a motor vehicle in

1 a manner which places a person listed in subdivision  
2 (b) (4), in reasonable apprehension of being struck by the  
3 moving motor vehicle.

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

6 (d) Sentence. Aggravated assault as defined in subdivision  
7 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), ~~(b) (8)~~, (b) (9),  
8 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except  
9 that aggravated assault as defined in subdivision (b) (4) and  
10 (b) (7) is a Class 4 felony if a Category I, Category II, or  
11 Category III weapon is used in the commission of the assault.  
12 Aggravated assault as defined in subdivision (b) (4.1), (b) (5),  
13 (b) (6), (b) (8) (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a  
14 Class 4 felony. Aggravated assault as defined in subdivision  
15 (c) (3) or (c) (8) is a Class 3 felony.

16 (e) For the purposes of this Section, "Category I weapon",  
17 "Category II weapon", and "Category III weapon" have the  
18 meanings ascribed to those terms in Section 33A-1 of this  
19 Code.

20 (Source: P.A. 101-223, eff. 1-1-20; 102-558, eff. 8-20-21.)

21 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

22 Sec. 12-3.05. Aggravated battery.

23 (a) Offense based on injury. A person commits aggravated  
24 battery when, in committing a battery, other than by the  
25 discharge of a firearm, he or she knowingly does any of the

1 following:

2 (1) Causes great bodily harm or permanent disability  
3 or disfigurement.

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  
10 or disfigurement to an individual whom the person knows to  
11 be 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  
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, or Department of Human Services  
6 employee supervising or controlling sexually dangerous  
7 persons or sexually violent persons:

8 (i) performing his or her official duties;

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

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

13 (5) A judge, emergency management worker, emergency  
14 medical services personnel, or utility worker:

15 (i) performing his or her official duties;

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

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

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

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

25 (8) A taxi driver on duty.

26 (9) A merchant who detains the person for an alleged

1 commission of retail theft under Section 16-26 of this  
2 Code and the person without legal justification by any  
3 means causes bodily harm to the merchant.

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

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

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

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  
25 a firearm equipped with a silencer, and causes any injury  
26 to another person.

1           (2) Discharges a firearm, other than a machine gun or  
2           a firearm equipped with a silencer, and causes any injury  
3           to a person he or she knows to be a peace officer,  
4           community policing volunteer, person summoned by a police  
5           officer, 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  
13           a firearm equipped with a silencer, and causes any injury  
14           to a person he or she knows to be emergency medical  
15           services 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  
2 with a silencer, and causes any injury to another person.

3           (6) Discharges a machine gun or a firearm equipped  
4 with a silencer, and causes any injury to a person he or  
5 she knows to be a peace officer, community policing  
6 volunteer, person summoned by a police officer, fireman,  
7 private security officer, correctional institution  
8 employee or 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  
15 with a silencer, and causes any injury to a person he or  
16 she 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  
23 with a silencer, and causes any injury to a person he or  
24 she 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  
4 or 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,  
4           anesthetic, or controlled substance, or gives to another  
5           person any food containing any substance or object  
6           intended to cause 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  
14          of 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)(7), or (g)(3) is a Class 2 felony.

19          Aggravated battery as defined in subdivision (a)(3) or  
20          (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,  
26          motivated by an intent to increase or prolong the pain,

1 suffering, or 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;

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

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

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

16 "Machine gun" has the meaning ascribed to it in Section  
17 24-1 of this Code.

18 "Merchant" has the meaning ascribed to it in Section  
19 16-0.1 of this Code.

20 "Strangle" means intentionally impeding the normal  
21 breathing or circulation of the blood of an individual by  
22 applying pressure on the throat or neck of that individual or  
23 by blocking the nose or mouth of that individual.

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