



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2931

Introduced 10/13/2021, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
720 ILCS 5/12-2	from Ch. 38, par. 12-2

Amends the Criminal Code of 2012. Provides that a person commits aggravated assault when, in committing an assault, he or she knows the individual assaulted to be a judge of election: (i) performing his or her official duties; (ii) assaulted to prevent performance of his or her official duties; or (iii) assaulted in retaliation for performing his or her official duties. Provides that the penalty is a Class 4 felony. Provides that a person commits aggravated battery when, in committing a battery, other than by discharge of a firearm, he or she knows the individual battered to be a judge of election: (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 the penalty is a Class 3 felony.

LRB102 20425 RLC 29286 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 Sections 12-2 and 12-3.05 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

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

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

17 (1) A person with a physical disability or a person 60
18 years of age or older and the assault is without legal
19 justification.

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

23 (3) A park district employee upon park grounds or

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

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

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 (4.1) A peace officer, fireman, emergency management
11 worker, or emergency medical services personnel, or judge
12 of election selected or appointed in accordance with
13 Article 13 or 14 of the Election Code:

14 (i) performing his or her official duties;

15 (ii) assaulted to prevent performance of his or
16 her official duties; or

17 (iii) assaulted in retaliation for performing his
18 or her official duties.

19 (5) A correctional officer or probation officer:

20 (i) performing his or her official duties;

21 (ii) assaulted to prevent performance of his or
22 her official duties; or

23 (iii) assaulted in retaliation for performing his
24 or her official duties.

25 (6) A correctional institution employee, a county
26 juvenile detention center employee who provides direct and

1 continuous supervision of residents of a juvenile
2 detention center, including a county juvenile detention
3 center employee who supervises recreational activity for
4 residents of a juvenile detention center, or a Department
5 of Human Services employee, Department of Human Services
6 officer, or employee of a subcontractor of the Department
7 of Human Services supervising or controlling sexually
8 dangerous persons or sexually violent persons:

9 (i) performing his or her official duties;

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

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

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

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

19 (9) A sports official or coach actively participating
20 in any level of athletic competition within a sports
21 venue, on an indoor playing field or outdoor playing
22 field, or within the immediate vicinity of such a facility
23 or field.

24 (10) A person authorized to serve process under
25 Section 2-202 of the Code of Civil Procedure or a special
26 process server appointed by the circuit court, while that

1 individual is in the performance of his or her duties as a
2 process server.

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

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

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

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

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

15 (5) Knowingly and without lawful justification shines
16 or flashes a laser gun sight or other laser device
17 attached to a firearm, or used in concert with a firearm,
18 so that the laser beam strikes near or in the immediate
19 vicinity of any person.

20 (6) Uses a firearm, other than by discharging the
21 firearm, against a peace officer, community policing
22 volunteer, fireman, private security officer, emergency
23 management worker, emergency medical services personnel,
24 employee of a police department, employee of a sheriff's
25 department, or traffic control municipal employee:

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

9 (8) Without justification operates a motor vehicle in
10 a manner which places a person listed in subdivision
11 (b) (4), in reasonable apprehension of being struck by the
12 moving motor vehicle.

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

15 (d) Sentence. Aggravated assault as defined in subdivision
16 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
17 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except
18 that aggravated assault as defined in subdivision (b) (4) and
19 (b) (7) is a Class 4 felony if a Category I, Category II, or
20 Category III weapon is used in the commission of the assault.
21 Aggravated assault as defined in subdivision (b) (4.1), (b) (5),
22 (b) (6), (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class
23 4 felony. Aggravated assault as defined in subdivision (c) (3)
24 or (c) (8) is a Class 3 felony.

25 (e) For the purposes of this Section, "Category I weapon",
26 "Category II weapon", and "Category III weapon" have the

1 meanings ascribed to those terms in Section 33A-1 of this
2 Code.

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

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

5 Sec. 12-3.05. Aggravated battery.

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

10 (1) Causes great bodily harm or permanent disability
11 or disfigurement.

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

17 (3) Causes great bodily harm or permanent disability
18 or disfigurement to an individual whom the person knows to
19 be a peace officer, community policing volunteer, fireman,
20 private security officer, correctional institution
21 employee, or Department of Human Services employee
22 supervising or controlling sexually dangerous persons or
23 sexually violent persons:

24 (i) performing his or her official duties;

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

7 (5) Strangles another individual.

8 (b) Offense based on injury to a child or person with an
9 intellectual disability. A person who is at least 18 years of
10 age commits aggravated battery when, in committing a battery,
11 he or she knowingly and without legal justification by any
12 means:

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

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

20 (c) Offense based on location of conduct. A person commits
21 aggravated battery when, in committing a battery, other than
22 by the discharge of a firearm, he or she is or the person
23 battered is on or about a public way, public property, a public
24 place of accommodation or amusement, a sports venue, or a
25 domestic violence shelter, or in a church, synagogue, mosque,
26 or other building, structure, or place used for religious

1 worship.

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

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

7 (2) A person who is pregnant or has a physical
8 disability.

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

12 (4) A peace officer, community policing volunteer,
13 fireman, private security officer, correctional
14 institution employee, ~~or~~ Department of Human Services
15 employee supervising or controlling sexually dangerous
16 persons or sexually violent persons:

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 (5) A judge, emergency management worker, emergency
23 medical services personnel, ~~or~~ utility worker, or judge of
24 election selected or appointed in accordance with Article
25 13 or 14 of the Election Code:

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

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

10 (8) A taxi driver on duty.

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

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

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

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

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

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

12 (2) 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 a peace officer,
15 community policing volunteer, person summoned by a police
16 officer, fireman, private security officer, correctional
17 institution employee, or emergency management worker:

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.

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

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

14 (6) 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 a peace officer, community policing
17 volunteer, person summoned by a police officer, fireman,
18 private security officer, correctional institution
19 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 (7) Discharges a machine gun or a firearm equipped
26 with a silencer, and causes any injury to a person he or

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

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

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

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

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

26 (4) Knowingly video or audio records the offense with

1 the intent to disseminate the recording.

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

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

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

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

26 (h) Sentence. Unless otherwise provided, aggravated

1 battery is a Class 3 felony.

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

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

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

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

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

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

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

26 (C) the person has been previously convicted of a

1 violation of subdivision (a)(5) under the laws of this
2 State or laws similar to subdivision (a)(5) of any other
3 state.

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

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

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

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

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

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

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

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

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

10 (i) Definitions. In this Section:

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

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

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

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

1 "Machine gun" has the meaning ascribed to it in Section
2 24-1 of this Code.

3 "Merchant" has the meaning ascribed to it in Section
4 16-0.1 of this Code.

5 "Strangle" means intentionally impeding the normal
6 breathing or circulation of the blood of an individual by
7 applying pressure on the throat or neck of that individual or
8 by blocking the nose or mouth of that individual.

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