



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**SB3444**

Introduced 1/18/2022, by Sen. Brian W. Stewart

#### 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 knowingly causes great bodily harm or permanent disability or disfigurement to an individual whom the person 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, 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 1 felony. Provides that a person also 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 person working under the Adult Protective Services Program or an Ombudsman under the State Long Term Care Ombudsman Program of the Department on Aging, 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. Defines "Department of Children and Family Services employee".

LRB102 23982 RLC 33187 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 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 working under the Adult Protective

1       Services Program or an Ombudsman under the State Long Term  
2       Care Ombudsman Program of the Department on Aging,  
3       Department of Children and Family Services employee, or  
4       Department of Human Services employee supervising or  
5       controlling sexually dangerous persons or sexually violent  
6       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              (4) Causes great bodily harm or permanent disability  
13       or disfigurement to an individual 60 years of age or  
14       older.

15              (5) Strangles another individual.

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

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

25              (2) causes bodily harm or disability or disfigurement  
26       to any child under the age of 13 years or to any person

1 with a severe or profound intellectual disability.

2 (c) Offense based on location of conduct. A person commits  
3 aggravated battery when, in committing a battery, other than  
4 by the discharge of a firearm, he or she is or the person  
5 battered is on or about a public way, public property, a public  
6 place of accommodation or amusement, a sports venue, or a  
7 domestic violence shelter, or in a church, synagogue, mosque,  
8 or other building, structure, or place used for religious  
9 worship.

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

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

15 (2) A person who is pregnant or has a physical  
16 disability.

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

20 (4) A peace officer, community policing volunteer,  
21 fireman, private security officer, correctional  
22 institution employee, a person working under the Adult  
23 Protective Services Program or an Ombudsman under the  
24 State Long Term Care Ombudsman Program of the Department  
25 on Aging, Department of Children and Family Services  
26 employee, or Department of Human Services employee

1 supervising or controlling sexually dangerous persons or  
2 sexually violent persons:

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

10 (i) performing his or her official duties;

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

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

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

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

20 (8) A taxi driver on duty.

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

25 (10) A person authorized to serve process under  
26 Section 2-202 of the Code of Civil Procedure or a special

1 process server appointed by the circuit court while that  
2 individual is in the performance of his or her duties as a  
3 process server.

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

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

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

19 (1) Discharges a firearm, other than a machine gun or  
20 a firearm equipped with a silencer, and causes any injury  
21 to another person.

22 (2) 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 a peace officer,  
25 community policing volunteer, person summoned by a police  
26 officer, fireman, private security officer, correctional

1 institution employee, or emergency management worker:

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

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) Discharges a firearm and causes any injury to a  
17 person he or she knows to be a teacher, a student in a  
18 school, or a school employee, and the teacher, student, or  
19 employee is upon school grounds or grounds adjacent to a  
20 school or in any part of a building used for school  
21 purposes.

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

24 (6) 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 a peace officer, community policing

1 volunteer, person summoned by a police officer, fireman,  
2 private security officer, correctional institution  
3 employee or emergency management worker:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her  
6 official duties; or

7 (iii) battered in retaliation for performing his  
8 or her official duties.

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

12 (i) performing his or her official duties;

13 (ii) battered to prevent performance of his or her  
14 official duties; or

15 (iii) battered in retaliation for performing his  
16 or her official duties.

17 (8) Discharges a machine gun or a firearm equipped  
18 with a silencer, and causes any injury to a person he or  
19 she knows to be a teacher, or a student in a school, or a  
20 school employee, and the teacher, student, or employee is  
21 upon school grounds or grounds adjacent to a school or in  
22 any part of a building used for school purposes.

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

26 (1) Uses a deadly weapon other than by discharge of a



1 firearm, or uses an air rifle as defined in Section  
2 24.8-0.1 of this Code.

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

5 (3) Knowingly and without lawful justification shines  
6 or flashes a laser gunsight or other laser device attached  
7 to a firearm, or used in concert with a firearm, so that  
8 the laser beam strikes upon or against the person of  
9 another.

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

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

15 (1) Violates Section 401 of the Illinois Controlled  
16 Substances Act by unlawfully delivering a controlled  
17 substance to another and any user experiences great bodily  
18 harm or permanent disability as a result of the injection,  
19 inhalation, or ingestion of any amount of the controlled  
20 substance.

21 (2) Knowingly administers to an individual or causes  
22 him or her to take, without his or her consent or by threat  
23 or deception, and for other than medical purposes, any  
24 intoxicating, poisonous, stupefying, narcotic,  
25 anesthetic, or controlled substance, or gives to another  
26 person any food containing any substance or object

1 intended to cause physical injury if eaten.

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

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

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

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

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

23 Aggravated battery as defined in subdivision (a)(1) is a  
24 Class 2 felony when the person causes great bodily harm or  
25 permanent disability to an individual whom the person knows to  
26 be a member of a congregation engaged in prayer or other

1 religious activities at a church, synagogue, mosque, or other  
2 building, structure, or place used for religious worship.

3 Aggravated battery under subdivision (a)(5) is a Class 1  
4 felony if:

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

7 (B) the person caused great bodily harm or permanent  
8 disability or disfigurement to the other person while  
9 committing the offense; or

10 (C) the person has been previously convicted of a  
11 violation of subdivision (a)(5) under the laws of this  
12 State or laws similar to subdivision (a)(5) of any other  
13 state.

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

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

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

24 Aggravated battery as defined in subdivision (e)(2),  
25 (e)(3), or (e)(4) is a Class X felony for which a person shall  
26 be sentenced to a term of imprisonment of a minimum of 15 years

1 and a maximum of 60 years.

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

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

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

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

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

20 (i) Definitions. In this Section:

21 "Building or other structure used to provide shelter" has  
22 the meaning ascribed to "shelter" in Section 1 of the Domestic  
23 Violence Shelters Act.

24 "Department of Children and Family Services employee"  
25 includes a worker, case worker, or investigator employed by an  
26 agency or organization providing social work, case work, or

1 investigative services under a contract with or a grant from  
2 the Department of Children and Family Services.

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.)