



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3545

Introduced 2/17/2023, by Rep. Charles Meier

SYNOPSIS AS INTRODUCED:

225 ILCS 46/25

225 ILCS 46/27

225 ILCS 46/28

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Health Care Worker Background Check Act. Prohibits persons who fail to report to the Department of Public Health individuals who commit certain violations from being involved in direct care for clients, patients, or residents, or access to the living quarters or the financial, medical, or personal records of clients, patients, or residents unless they have been issued a waiver under the Act. Provides that reports of violations shall be made no later than 5 days after the incident constituting the violation. Amends the Criminal Code of 2012. Provides that a person commits aggravated battery when the person battered, other than by the discharge of a firearm, is known to be a patient at a Department of Human Services facility and the person who commits the battery is an employee of the Department of Human Services; and a recipient at a community-integrated living arrangement, as defined in the Community-Integrated Living Arrangements Licensure and Certification Act, who is battered by an employee of the community-integrated living arrangement. Provides that the offense is a Class 2 felony.

LRB103 27569 AMQ 53945 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 Health Care Worker Background Check Act is
5 amended by changing Sections 25, 27, and 28 as follows:

6 (225 ILCS 46/25)

7 Sec. 25. Hiring of people with criminal records by health
8 care employers and long-term care facilities.

9 (a) A health care employer or long-term care facility may
10 hire, employ, or retain any individual in a position involving
11 direct care for clients, patients, or residents, or access to
12 the living quarters or the financial, medical, or personal
13 records of clients, patients, or residents who has been
14 convicted of committing or attempting to commit one or more of
15 the following offenses, or any individual who fails to report
16 to the Department any such individual who committed a
17 violation described in this subsection, only with a waiver
18 described in Section 40: those defined in Sections 8-1(b),
19 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2,
20 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7,
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9.1,
22 11-9.2, 11-9.3, 11-9.4-1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B,
23 11-20.3, 12-1, 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4,

1 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
2 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19,
3 12-20.5, 12-21, 12-21.5, 12-21.6, 12-32, 12-33, 12C-5, 12C-10,
4 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1, 18-2, 18-3,
5 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1, 24-1,
6 24-1.2, 24-1.5, 24-1.8, 24-3.8, or 33A-2, or subdivision
7 (a)(4) of Section 11-14.4, or in subsection (a) of Section
8 12-3 or subsection (a) or (b) of Section 12-4.4a, of the
9 Criminal Code of 1961 or the Criminal Code of 2012; those
10 provided in Section 4 of the Wrongs to Children Act; those
11 provided in Section 53 of the Criminal Jurisprudence Act;
12 those defined in subsection (c), (d), (e), (f), or (g) of
13 Section 5 or Section 5.1, 5.2, 7, or 9 of the Cannabis Control
14 Act; those defined in the Methamphetamine Control and
15 Community Protection Act; those defined in Sections 401,
16 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
17 Controlled Substances Act; or those defined in subsection (a)
18 of Section 3.01, Section 3.02, or Section 3.03 of the Humane
19 Care for Animals Act.

20 (a-1) A health care employer or long-term care facility
21 may hire, employ, or retain any individual in a position
22 involving direct care for clients, patients, or residents, or
23 access to the living quarters or the financial, medical, or
24 personal records of clients, patients, or residents who has
25 been convicted of committing or attempting to commit one or
26 more of the following offenses, or any individual who fails to

1 report to the Department any such individual who committed a
2 violation described in this subsection, only with a waiver
3 described in Section 40: those offenses defined in Section
4 12-3.3, 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34,
5 17-36, 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2,
6 or 24-3.3, or subsection (b) of Section 17-32, subsection (b)
7 of Section 18-1, or subsection (b) of Section 20-1, of the
8 Criminal Code of 1961 or the Criminal Code of 2012; those
9 offenses defined in Section 4, 5, 6, 8, or 17.02 of the
10 Illinois Credit Card and Debit Card Act; those offenses
11 defined in ~~or~~ Section 11-9.1A of the Criminal Code of 1961 or
12 the Criminal Code of 2012 or Section 5.1 of the Wrongs to
13 Children Act; or those offenses defined in ~~(ii) violated~~
14 Section 50-50 of the Nurse Practice Act.

15 A health care employer is not required to retain an
16 individual in a position with duties involving direct care for
17 clients, patients, or residents, and no long-term care
18 facility is required to retain an individual in a position
19 with duties that involve or may involve contact with residents
20 or access to the living quarters or the financial, medical, or
21 personal records of residents, who has been convicted of
22 committing or attempting to commit one or more of the offenses
23 enumerated in this subsection.

24 (b) A health care employer shall not hire, employ, or
25 retain, whether paid or on a volunteer basis, any individual
26 in a position with duties involving direct care of clients,

1 patients, or residents, and no long-term care facility shall
2 knowingly hire, employ, or retain, whether paid or on a
3 volunteer basis, any individual in a position with duties that
4 involve or may involve contact with residents or access to the
5 living quarters or the financial, medical, or personal records
6 of residents, if the health care employer becomes aware that
7 the individual: (i) has been convicted in another state of
8 committing or attempting to commit an offense that has the
9 same or similar elements as an offense listed in subsection
10 (a) or (a-1), as verified by court records, records from a
11 state agency, or an FBI criminal history record check; or (ii)
12 has failed to report to the Department any such individual who
13 committed in another state an offense listed in subsection (a)
14 or (a-1), unless the applicant or employee obtains a waiver
15 pursuant to Section 40 of this Act. This shall not be construed
16 to mean that a health care employer has an obligation to
17 conduct a criminal history records check in other states in
18 which an employee has resided.

19 (c) A health care employer shall not hire, employ, or
20 retain, whether paid or on a volunteer basis, any individual
21 in a position with duties involving direct care of clients,
22 patients, or residents, who has a finding by the Department of
23 abuse, neglect, misappropriation of property, or theft denoted
24 on the Health Care Worker Registry, or a finding by the
25 Department denoted on the Health Care Worker Registry of
26 failure to report neglect, misappropriation of property, or

1 theft to the Department.

2 (d) A health care employer shall not hire, employ, or
3 retain, whether paid or on a volunteer basis, any individual
4 in a position with duties involving direct care of clients,
5 patients, or residents if the individual has a verified and
6 substantiated finding of abuse, neglect, or financial
7 exploitation, as identified within the Adult Protective
8 Service Registry established under Section 7.5 of the Adult
9 Protective Services Act, or any individual who fails to report
10 to the Department any such individual who committed abuse,
11 neglect, or financial exploitation.

12 (e) A health care employer shall not hire, employ, or
13 retain, whether paid or on a volunteer basis, any individual
14 in a position with duties involving direct care of clients,
15 patients, or residents who has a finding by the Department of
16 Human Services of physical or sexual abuse, financial
17 exploitation, or egregious neglect of an individual denoted on
18 the Health Care Worker Registry, or any individual who fails
19 to report to the Department any such individual who committed
20 the physical or sexual abuse, financial exploitation, or
21 egregious neglect.

22 (f) Reports of violations required under this Section
23 shall be made no later than 5 days after the incident
24 constituting the violation.

25 (Source: P.A. 99-872, eff. 1-1-17; 100-432, eff. 8-25-17.)

1 (225 ILCS 46/27)

2 Sec. 27. Notice and hearing prior to designation on Health
3 Care Worker Registry for offense.

4 (a) If the Department finds that an employee or former
5 employee has abused or neglected a resident or misappropriated
6 property of a resident, then the Department shall notify the
7 employee or individual of this finding by certified mail sent
8 to the address contained in the Health Care Worker Registry.
9 The notice shall give the employee or individual an
10 opportunity to contest the finding in a hearing before the
11 Department or to submit a written response to the findings in
12 lieu of requesting a hearing. As used in this subsection,
13 "abuse" and "neglect" shall have the meanings provided in the
14 Nursing Home Care Act, except that: (1) the term "resident" as
15 used in those definitions shall have the meaning provided in
16 this Act; and (ii) "abuse" and "neglect" shall include the
17 failure to report any abuse, neglect, or misappropriation of a
18 resident's property to the Department. As used in this
19 subsection, "misappropriate property of a resident" shall have
20 the meaning provided to "misappropriation of a resident's
21 property" in the Nursing Home Care Act, except that the term
22 "resident" as used in that definition shall have the meaning
23 provided in this Act.

24 (b) The Department shall have the authority to hold
25 hearings to be conducted by the Director, or by an individual
26 designated by the Director as hearing officer to conduct the

1 hearing. On the basis of a hearing, or upon default of the
2 employee, the Director shall make a determination specifying
3 his or her findings and conclusions. A copy of the
4 determination shall be sent by certified mail, return receipt
5 requested, or served personally upon the employee to the
6 address last provided by the employee to the Department.

7 (c) The procedure governing hearings authorized by this
8 Section shall be in accordance with rules adopted by the
9 Department. A full and complete record shall be kept of all
10 proceedings, including the notice of hearing, and all other
11 documents in the nature of pleadings, written motions filed in
12 the proceedings, and the report and orders of the Director or
13 the Director's designee. All testimony shall be reported but
14 need not be transcribed unless the decision is sought to be
15 reviewed under the Administrative Review Law. A copy or copies
16 of the transcript and record of the proceedings may be
17 obtained by any interested party subsequent to payment to the
18 Department of the cost of preparing the copy or copies. All
19 final administrative decisions of the Department under this
20 Act are subject to judicial review under the Administrative
21 Review Law and the rules adopted pursuant thereto. For
22 purposes of this subsection, "administrative decision" has the
23 meaning provided in Section 3-101 of the Code of Civil
24 Procedure.

25 (d) The Department may issue subpoenas requiring the
26 attendance and the giving of testimony by witnesses, and

1 subpoenas duces tecum requiring the production of books,
2 papers, records, or memoranda. All subpoenas and subpoenas
3 duces tecum issued under this Act may be served by mail or by
4 any person of legal age. The fees of witnesses for attendance
5 and travel shall be the same as the fees of witnesses before
6 the courts of this State. The fees shall be paid when the
7 witness is excused from further attendance. When the witness
8 is subpoenaed at the instance of the Department, the fees
9 shall be paid in the same manner as other expenses of the
10 Department, and when the witness is subpoenaed at the instance
11 of any other party to any such proceeding, the Department may
12 require that the cost of service of the subpoena or subpoena
13 duces tecum and the fee of the witness be borne by the party at
14 whose instance the witness is summoned. A subpoena or subpoena
15 duces tecum issued pursuant to this Section shall be served in
16 the same manner as a subpoena issued by a circuit court.

17 (e) If, after a hearing or if the employee, or former
18 employee, does not request a hearing, the Department finds
19 that the employee, or former employee, abused a resident,
20 neglected a resident, ~~or~~ misappropriated resident property, or
21 failed to report any abuse, neglect, or misappropriation to
22 the Department or makes any other applicable finding as set
23 forth by rule, the finding shall be included as part of the
24 Health Care Worker Registry as well as a clear and accurate
25 summary from the employee, if he or she chooses to make a
26 statement.

1 (f) The Department shall make the following information in
2 the Health Care Worker Registry available to the public: an
3 individual's full name; the date an individual successfully
4 completed a nurse aide training or competency evaluation; and
5 whether the Department has made a finding that an employee, or
6 former employee, has been guilty of abuse or neglect of a
7 resident or misappropriation of resident property or failure
8 to report any abuse, neglect, or misappropriation of resident
9 property to the Department or has made any other applicable
10 finding as set forth by rule. In the case of inquiries to the
11 Health Care Worker Registry concerning an employee, or former
12 employee, listed in the Health Care Worker Registry, any
13 information disclosed concerning a finding shall also include
14 disclosure of the employee's, or former employee's, statement
15 in the Health Care Worker Registry relating to the finding or a
16 clear and accurate summary of the statement.

17 (g) The Department shall add to the Health Care Worker
18 Registry records of findings as reported by the Inspector
19 General or remove from the Health Care Worker Registry records
20 of findings as reported by the Department of Human Services,
21 under subsection (s) of Section 1-17 of the Department of
22 Human Services Act.

23 (h) Reports of violations required under this Section
24 shall be made no later than 5 days after the incident
25 constituting the violation.

26 (Source: P.A. 100-432, eff. 8-25-17.)

1 (225 ILCS 46/28)

2 Sec. 28. Designation on Registry for offense.

3 (a) The Department, after notice to the employee, or
4 former employee, may denote on the Health Care Worker Registry
5 that the Department has found any of the following:

6 (1) The employee, or former employee, has abused a
7 resident.

8 (2) The employee, or former employee, has neglected a
9 resident.

10 (3) The employee, or former employee, has
11 misappropriated resident property.

12 (3.5) The employee, or former employee, failed to
13 report abuse of a resident, neglect of a resident, or
14 misappropriation of resident property by another employee
15 or former employee to the Department.

16 (4) The employee, or former employee, has been
17 convicted of (i) a felony; (ii) a misdemeanor, an
18 essential element of which is dishonesty; or (iii) any
19 crime that is directly related to the duties of an
20 employee, a nursing assistant, habilitation aide, or child
21 care aide.

22 (b) Notice under this Section shall include a clear and
23 concise statement of the grounds denoting abuse, neglect,
24 theft, or other applicable finding, and notice of the
25 opportunity for a hearing to contest the designation.

1 (c) The Department shall document criminal history records
2 check results pursuant to the requirements of this Act.

3 (d) After the designation of neglect on the Health Care
4 Worker Registry, made pursuant to this Section, an employee,
5 or former employee, may petition the Department for removal of
6 a designation of neglect on the Health Care Worker Registry,
7 after durations set forth within the Department's notice made
8 pursuant to subsections (a) and (b) of this Section. Upon
9 receipt of a petition, the Department may remove the
10 designation for a finding of neglect after no less than one
11 year, or the designation of applicable findings set forth by
12 rule of an employee, or former employee, for minimum durations
13 set forth by the Department, on the Health Care Worker
14 Registry unless the Department determines that removal of
15 designation is not in the public interest. The Department
16 shall set forth by rule the discretionary factors by which
17 designations of employees or former employees may be removed.

18 (e) Reports of violations required under this Section
19 shall be made no later than 5 days after the incident
20 constituting the violation.

21 (Source: P.A. 100-432, eff. 8-25-17.)

22 Section 10. The Criminal Code of 2012 is amended by
23 changing Section 12-3.05 as follows:

24 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

1 Sec. 12-3.05. Aggravated battery.

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

6 (1) Causes great bodily harm or permanent disability
7 or disfigurement.

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

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

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 (4) Causes great bodily harm or permanent disability
26 or disfigurement to an individual 60 years of age or

1 older.

2 (5) Strangles another individual.

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

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

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

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

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

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

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

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

7 (4) A peace officer, community policing volunteer,
8 fireman, private security officer, correctional
9 institution employee, or Department of Human Services
10 employee supervising or controlling sexually dangerous
11 persons or sexually violent persons:

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 (5) A judge, emergency management worker, emergency
18 medical services personnel, or utility 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 (6) An officer or employee of the State of Illinois, a
25 unit of local government, or a school district, while
26 performing his or her official duties.

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

3 (8) A taxi driver on duty.

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

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

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

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

25 (13) A patient at an Illinois Department of Human
26 Services facility who is battered by an employee of the

1 Illinois Department of Human Services.

2 (14) A recipient at a community-integrated living
3 arrangement, as defined in the Community-Integrated Living
4 Arrangements Licensure and Certification Act, who is
5 battered by an employee of the community-integrated living
6 arrangement.

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)(13), or (g)(3) is a Class 2 felony.

5 Aggravated battery as defined in subdivision (a)(3) or
6 (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 "Domestic violence" has the meaning ascribed to it in
16 Section 103 of the Illinois Domestic Violence Act of 1986.

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

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

1 Code.

2 "Machine gun" has the meaning ascribed to it in Section
3 24-1 of this Code.

4 "Merchant" has the meaning ascribed to it in Section
5 16-0.1 of this Code.

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

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