

# SB1974



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1974

Introduced 2/9/2023, by Sen. Terri Bryant

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.3

Amends the Criminal Code of 2012. Provides that a person who, in committing a domestic battery, other than by discharge of a firearm, knows the individual battered to be a person 60 years of age or older commits aggravated domestic battery.

LRB103 25578 RLC 51927 b

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 Section 12-3.3 as follows:

6 (720 ILCS 5/12-3.3)

7 Sec. 12-3.3. Aggravated domestic battery.

8 (a) A person who, in committing a domestic battery,  
9 knowingly causes great bodily harm, or permanent disability or  
10 disfigurement commits aggravated domestic battery.

11 (a-5) A person who, in committing a domestic battery,  
12 strangles another individual commits aggravated domestic  
13 battery. For the purposes of this subsection (a-5), "strangle"  
14 means intentionally impeding the normal breathing or  
15 circulation of the blood of an individual by applying pressure  
16 on the throat or neck of that individual or by blocking the  
17 nose or mouth of that individual.

18 (a-10) A person who, in committing a domestic battery,  
19 other than by discharge of a firearm, knows the individual  
20 battered to be a person 60 years of age or older commits  
21 aggravated domestic battery.

22 (b) Sentence. Aggravated domestic battery is a Class 2  
23 felony. Any order of probation or conditional discharge

1 entered following a conviction for an offense under this  
2 Section must include, in addition to any other condition of  
3 probation or conditional discharge, a condition that the  
4 offender serve a mandatory term of imprisonment of not less  
5 than 60 consecutive days. A person convicted of a second or  
6 subsequent violation of this Section must be sentenced to a  
7 mandatory term of imprisonment of not less than 3 years and not  
8 more than 7 years or an extended term of imprisonment of not  
9 less than 7 years and not more than 14 years.

10 (c) Upon conviction of aggravated domestic battery, the  
11 court shall advise the defendant orally or in writing,  
12 substantially as follows: "An individual convicted of  
13 aggravated domestic battery may be subject to federal criminal  
14 penalties for possessing, transporting, shipping, or receiving  
15 any firearm or ammunition in violation of the federal Gun  
16 Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation  
17 shall be made in the court file that the admonition was given.

18 (Source: P.A. 96-287, eff. 8-11-09; 96-363, eff. 8-13-09;  
19 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11.)