



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4023

Introduced 1/14/2004, by Paul D. Froehlich, Kevin Joyce, James D. Brosnahan, Terry R. Parke

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

Amends the Criminal Code of 1961. Provides that a person commits aggravated assault when he or she knows the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. Provides that a violation is a Class A misdemeanor.

LRB093 15441 RLC 41044 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 1961 is amended by changing
5 Section 12-2 as follows:

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

7 Sec. 12-2. Aggravated assault.

8 (a) A person commits an aggravated assault, when, in
9 committing an assault, he:

10 (1) Uses a deadly weapon or any device manufactured and
11 designed to be substantially similar in appearance to a
12 firearm, other than by discharging a firearm in the
13 direction of another person, a peace officer, a person
14 summoned or directed by a peace officer, a correctional
15 officer or a fireman or in the direction of a vehicle
16 occupied by another person, a peace officer, a person
17 summoned or directed by a peace officer, a correctional
18 officer or a fireman while the officer or fireman is
19 engaged in the execution of any of his official duties, or
20 to prevent the officer or fireman from performing his
21 official duties, or in retaliation for the officer or
22 fireman performing his official duties;

23 (2) Is hooded, robed or masked in such manner as to
24 conceal his identity or any device manufactured and
25 designed to be substantially similar in appearance to a
26 firearm;

27 (3) Knows the individual assaulted to be a teacher or
28 other person employed in any school and such teacher or
29 other employee is upon the grounds of a school or grounds
30 adjacent thereto, or is in any part of a building used for
31 school purposes;

32 (4) Knows the individual assaulted to be a supervisor,

1 director, instructor or other person employed in any park
2 district and such supervisor, director, instructor or
3 other employee is upon the grounds of the park or grounds
4 adjacent thereto, or is in any part of a building used for
5 park purposes;

6 (5) Knows the individual assaulted to be a caseworker,
7 investigator, or other person employed by the State
8 Department of Public Aid, a County Department of Public
9 Aid, or the Department of Human Services (acting as
10 successor to the Illinois Department of Public Aid under
11 the Department of Human Services Act) and such caseworker,
12 investigator, or other person is upon the grounds of a
13 public aid office or grounds adjacent thereto, or is in any
14 part of a building used for public aid purposes, or upon
15 the grounds of a home of a public aid applicant, recipient
16 or any other person being interviewed or investigated in
17 the employees' discharge of his duties, or on grounds
18 adjacent thereto, or is in any part of a building in which
19 the applicant, recipient, or other such person resides or
20 is located;

21 (6) Knows the individual assaulted to be a peace
22 officer, or a community policing volunteer, or a fireman
23 while the officer or fireman is engaged in the execution of
24 any of his official duties, or to prevent the officer,
25 community policing volunteer, or fireman from performing
26 his official duties, or in retaliation for the officer,
27 community policing volunteer, or fireman performing his
28 official duties, and the assault is committed other than by
29 the discharge of a firearm in the direction of the officer
30 or fireman or in the direction of a vehicle occupied by the
31 officer or fireman;

32 (7) Knows the individual assaulted to be an emergency
33 medical technician - ambulance, emergency medical
34 technician - intermediate, emergency medical technician -
35 paramedic, ambulance driver or other medical assistance or
36 first aid personnel engaged in the execution of any of his

1 official duties, or to prevent the emergency medical
2 technician - ambulance, emergency medical technician -
3 intermediate, emergency medical technician - paramedic,
4 ambulance driver, or other medical assistance or first aid
5 personnel from performing his official duties, or in
6 retaliation for the emergency medical technician -
7 ambulance, emergency medical technician - intermediate,
8 emergency medical technician - paramedic, ambulance
9 driver, or other medical assistance or first aid personnel
10 performing his official duties;

11 (8) Knows the individual assaulted to be the driver,
12 operator, employee or passenger of any transportation
13 facility or system engaged in the business of
14 transportation of the public for hire and the individual
15 assaulted is then performing in such capacity or then using
16 such public transportation as a passenger or using any area
17 of any description designated by the transportation
18 facility or system as a vehicle boarding, departure, or
19 transfer location;

20 (9) Or the individual assaulted is on or about a public
21 way, public property, or public place of accommodation or
22 amusement;

23 (10) Knows the individual assaulted to be an employee
24 of the State of Illinois, a municipal corporation therein
25 or a political subdivision thereof, engaged in the
26 performance of his authorized duties as such employee;

27 (11) Knowingly and without legal justification,
28 commits an assault on a physically handicapped person;

29 (12) Knowingly and without legal justification,
30 commits an assault on a person 60 years of age or older;

31 (13) Discharges a firearm;

32 (14) Knows the individual assaulted to be a
33 correctional officer, while the officer is engaged in the
34 execution of any of his or her official duties, or to
35 prevent the officer from performing his or her official
36 duties, or in retaliation for the officer performing his or

1 her official duties;

2 (15) Knows the individual assaulted to be a
3 correctional employee or an employee of the Department of
4 Human Services supervising or controlling sexually
5 dangerous persons or sexually violent persons, while the
6 employee is engaged in the execution of any of his or her
7 official duties, or to prevent the employee from performing
8 his or her official duties, or in retaliation for the
9 employee performing his or her official duties, and the
10 assault is committed other than by the discharge of a
11 firearm in the direction of the employee or in the
12 direction of a vehicle occupied by the employee; ~~or~~

13 (16) Knows the individual assaulted to be an employee
14 of a police or sheriff's department engaged in the
15 performance of his or her official duties as such employee;
16 or.

17 (17) Knows the individual assaulted to be a sports
18 official or coach at any level of competition and the act
19 causing the assault to the sports official or coach
20 occurred within an athletic facility or within the
21 immediate vicinity of the athletic facility at which the
22 sports official or coach was an active participant in the
23 athletic contest held at the athletic facility. For the
24 purposes of this paragraph (17), "sports official" means a
25 person at an athletic contest who enforces the rules of the
26 contest, such as an umpire or referee; and "coach" means a
27 person recognized as a coach by the sanctioning authority
28 that conducted the athletic contest.

29 (a-5) A person commits an aggravated assault when he or she
30 knowingly and without lawful justification shines or flashes a
31 laser gunsight or other laser device that is attached or
32 affixed to a firearm, or used in concert with a firearm, so
33 that the laser beam strikes near or in the immediate vicinity
34 of any person.

35 (b) Sentence.

36 Aggravated assault as defined in paragraphs (1) through (5)

1 and (8) through (12) and (17) of subsection (a) of this Section
2 is a Class A misdemeanor. Aggravated assault as defined in
3 paragraphs (13), (14), and (15) of subsection (a) of this
4 Section and as defined in subsection (a-5) of this Section is a
5 Class 4 felony. Aggravated assault as defined in paragraphs
6 (6), (7), and (16) of subsection (a) of this Section is a Class
7 A misdemeanor if a firearm is not used in the commission of the
8 assault. Aggravated assault as defined in paragraphs (6), (7),
9 and (16) of subsection (a) of this Section is a Class 4 felony
10 if a firearm is used in the commission of the assault.

11 (Source: P.A. 91-672, eff. 1-1-00; 92-841, eff. 8-22-02;
12 92-865, eff. 1-3-03; revised 1-9-03.)