



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2372

Introduced 2/19/2009, by Rep. Emily McAsey

SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-8.5 new	
720 ILCS 5/10-2	from Ch. 38, par. 10-2
720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-4	from Ch. 38, par. 12-4
720 ILCS 5/18-5	
720 ILCS 5/20-1.1	from Ch. 38, par. 20-1.1

Amends the Criminal Code of 1961. Provides that kidnaping, assault, battery, robbery, or arson committed by a gang member is enhanced to an aggravated kidnaping, aggravated assault, aggravated battery, aggravated robbery, or aggravated arson.

LRB096 09814 RLC 19977 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 Sections 10-2, 12-2, 12-4, 18-5, and 20-1.1 and by adding
6 Section 2-8.5 as follows:

7 (720 ILCS 5/2-8.5 new)

8 Sec. 2-8.5. Gang member. "Gang member" has the meaning
9 ascribed to it in Section 10 of the Illinois Streetgang
10 Terrorism Omnibus Prevention Act.

11 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

12 Sec. 10-2. Aggravated kidnaping.

13 (a) A kidnaper within the definition of paragraph (a) of
14 Section 10-1 is guilty of the offense of aggravated kidnaping
15 when he:

16 (1) Kidnaps for the purpose of obtaining ransom from
17 the person kidnaped or from any other person, or

18 (2) Takes as his victim a child under the age of 13
19 years, or a severely or profoundly mentally retarded
20 person, or

21 (3) Inflicts great bodily harm, other than by the
22 discharge of a firearm, or commits another felony upon his

1 victim, or

2 (4) Wears a hood, robe or mask or conceals his
3 identity, or

4 (5) Commits the offense of kidnaping while armed with a
5 dangerous weapon, other than a firearm, as defined in
6 Section 33A-1 of the "Criminal Code of 1961", or

7 (6) Commits the offense of kidnaping while armed with a
8 firearm, or

9 (7) During the commission of the offense of kidnaping,
10 personally discharged a firearm, or

11 (8) During the commission of the offense of kidnaping,
12 personally discharged a firearm that proximately caused
13 great bodily harm, permanent disability, permanent
14 disfigurement, or death to another person, or

15 (9) Is a gang member.

16 As used in this Section, "ransom" includes money, benefit
17 or other valuable thing or concession.

18 (b) Sentence. Aggravated kidnaping in violation of
19 paragraph (1), (2), (3), (4), ~~or~~ (5), or (9) of subsection (a)
20 is a Class X felony. A violation of subsection (a)(6) is a
21 Class X felony for which 15 years shall be added to the term of
22 imprisonment imposed by the court. A violation of subsection
23 (a)(7) is a Class X felony for which 20 years shall be added to
24 the term of imprisonment imposed by the court. A violation of
25 subsection (a)(8) is a Class X felony for which 25 years or up
26 to a term of natural life shall be added to the term of

1 imprisonment imposed by the court.

2 A person who is convicted of a second or subsequent offense
3 of aggravated kidnaping shall be sentenced to a term of natural
4 life imprisonment; provided, however, that a sentence of
5 natural life imprisonment shall not be imposed under this
6 Section unless the second or subsequent offense was committed
7 after conviction on the first offense.

8 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02.)

9 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

10 Sec. 12-2. Aggravated assault.

11 (a) A person commits an aggravated assault, when, in
12 committing an assault, he:

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

1 official duties;

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

6 (3) Knows the individual assaulted to be a teacher or
7 other person employed in any school and such teacher or
8 other employee is upon the grounds of a school or grounds
9 adjacent thereto, or is in any part of a building used for
10 school purposes;

11 (4) Knows the individual assaulted to be a supervisor,
12 director, instructor or other person employed in any park
13 district and such supervisor, director, instructor or
14 other employee is upon the grounds of the park or grounds
15 adjacent thereto, or is in any part of a building used for
16 park purposes;

17 (5) Knows the individual assaulted to be a caseworker,
18 investigator, or other person employed by the Department of
19 Healthcare and Family Services (formerly State Department
20 of Public Aid), a County Department of Public Aid, or the
21 Department of Human Services (acting as successor to the
22 Illinois Department of Public Aid under the Department of
23 Human Services Act) and such caseworker, investigator, or
24 other person is upon the grounds of a public aid office or
25 grounds adjacent thereto, or is in any part of a building
26 used for public aid purposes, or upon the grounds of a home

1 of a public aid applicant, recipient or any other person
2 being interviewed or investigated in the employees'
3 discharge of his duties, or on grounds adjacent thereto, or
4 is in any part of a building in which the applicant,
5 recipient, or other such person resides or is located;

6 (6) Knows the individual assaulted to be a peace
7 officer, a community policing volunteer, a private
8 security officer, or a fireman while the officer or fireman
9 is engaged in the execution of any of his official duties,
10 or to prevent the officer, community policing volunteer, or
11 fireman from performing his official duties, or in
12 retaliation for the officer, community policing volunteer,
13 or fireman performing his official duties, and the assault
14 is committed other than by the discharge of a firearm in
15 the direction of the officer or fireman or in the direction
16 of a vehicle occupied by the officer or fireman;

17 (7) Knows the individual assaulted to be an emergency
18 medical technician - ambulance, emergency medical
19 technician - intermediate, emergency medical technician -
20 paramedic, ambulance driver or other medical assistance or
21 first aid personnel engaged in the execution of any of his
22 official duties, or to prevent the emergency medical
23 technician - ambulance, emergency medical technician -
24 intermediate, emergency medical technician - paramedic,
25 ambulance driver, or other medical assistance or first aid
26 personnel from performing his official duties, or in

1 retaliation for the emergency medical technician -
2 ambulance, emergency medical technician - intermediate,
3 emergency medical technician - paramedic, ambulance
4 driver, or other medical assistance or first aid personnel
5 performing his official duties;

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

15 (9) Or the individual assaulted is on or about a public
16 way, public property, or public place of accommodation or
17 amusement;

18 (9.5) Is, or the individual assaulted is, in or about a
19 publicly or privately owned sports or entertainment arena,
20 stadium, community or convention hall, special event
21 center, amusement facility, or a special event center in a
22 public park during any 24-hour period when a professional
23 sporting event, National Collegiate Athletic Association
24 (NCAA)-sanctioned sporting event, United States Olympic
25 Committee-sanctioned sporting event, or International
26 Olympic Committee-sanctioned sporting event is taking

1 place in this venue;

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

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

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

10 (13) Discharges a firearm, other than from a motor
11 vehicle;

12 (13.5) Discharges a firearm from a motor vehicle;

13 (14) Knows the individual assaulted to be a
14 correctional officer, while the officer is engaged in the
15 execution of any of his or her official duties, or to
16 prevent the officer from performing his or her official
17 duties, or in retaliation for the officer performing his or
18 her official duties;

19 (15) Knows the individual assaulted to be a
20 correctional employee or an employee of the Department of
21 Human Services supervising or controlling sexually
22 dangerous persons or sexually violent persons, while the
23 employee is engaged in the execution of any of his or her
24 official duties, or to prevent the employee from performing
25 his or her official duties, or in retaliation for the
26 employee performing his or her official duties, and the

1 assault is committed other than by the discharge of a
2 firearm in the direction of the employee or in the
3 direction of a vehicle occupied by the employee;

4 (16) Knows the individual assaulted to be an employee
5 of a police or sheriff's department, or a person who is
6 employed by a municipality and whose duties include traffic
7 control, engaged in the performance of his or her official
8 duties as such employee;

9 (17) Knows the individual assaulted to be a sports
10 official or coach at any level of competition and the act
11 causing the assault to the sports official or coach
12 occurred within an athletic facility or an indoor or
13 outdoor playing field or within the immediate vicinity of
14 the athletic facility or an indoor or outdoor playing field
15 at which the sports official or coach was an active
16 participant in the athletic contest held at the athletic
17 facility. For the purposes of this paragraph (17), "sports
18 official" means a person at an athletic contest who
19 enforces the rules of the contest, such as an umpire or
20 referee; and "coach" means a person recognized as a coach
21 by the sanctioning authority that conducted the athletic
22 contest;

23 (18) Knows the individual assaulted to be an emergency
24 management worker, while the emergency management worker
25 is engaged in the execution of any of his or her official
26 duties, or to prevent the emergency management worker from

1 performing his or her official duties, or in retaliation
2 for the emergency management worker performing his or her
3 official duties, and the assault is committed other than by
4 the discharge of a firearm in the direction of the
5 emergency management worker or in the direction of a
6 vehicle occupied by the emergency management worker; or

7 (19) Knows the individual assaulted to be a utility
8 worker, while the utility worker is engaged in the
9 execution of his or her duties, or to prevent the utility
10 worker from performing his or her duties, or in retaliation
11 for the utility worker performing his or her duties. In
12 this paragraph (19), "utility worker" means a person
13 employed by a public utility as defined in Section 3-105 of
14 the Public Utilities Act and also includes an employee of a
15 municipally owned utility, an employee of a cable
16 television company, an employee of an electric cooperative
17 as defined in Section 3-119 of the Public Utilities Act, an
18 independent contractor or an employee of an independent
19 contractor working on behalf of a cable television company,
20 public utility, municipally owned utility, or an electric
21 cooperative, or an employee of a telecommunications
22 carrier as defined in Section 13-202 of the Public
23 Utilities Act, an independent contractor or an employee of
24 an independent contractor working on behalf of a
25 telecommunications carrier, or an employee of a telephone
26 or telecommunications cooperative as defined in Section

1 13-212 of the Public Utilities Act, or an independent
2 contractor or an employee of an independent contractor
3 working on behalf of a telephone or telecommunications
4 cooperative.

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

11 (a-6) A person commits an aggravated assault when he or she
12 commits an assault and at the time of the commission of the
13 assault was a gang member.

14 (b) Sentence.

15 Aggravated assault as defined in paragraphs (1) through (5)
16 and (8) through (12) and (17) and (19) of subsection (a) of
17 this Section is a Class A misdemeanor. Aggravated assault as
18 defined in paragraphs (13), (14), and (15) of subsection (a) of
19 this Section and as defined in subsections ~~subsection~~ (a-5) and
20 (a-6) of this Section is a Class 4 felony. Aggravated assault
21 as defined in paragraphs (6), (7), (16), and (18) of subsection
22 (a) of this Section is a Class A misdemeanor if a firearm is
23 not used in the commission of the assault. Aggravated assault
24 as defined in paragraphs (6), (7), (16), and (18) of subsection
25 (a) of this Section is a Class 4 felony if a firearm is used in
26 the commission of the assault. Aggravated assault as defined in

1 paragraph (13.5) of subsection (a) is a Class 3 felony.

2 (c) For the purposes of paragraphs (1) and (6) of
3 subsection (a), "private security officer" means a registered
4 employee of a private security contractor agency under the
5 Private Detective, Private Alarm, Private Security,
6 Fingerprint Vendor, and Locksmith Act of 2004.

7 (Source: P.A. 94-243, eff. 1-1-06; 94-482, eff. 1-1-06; 95-236,
8 eff. 1-1-08; 95-292, eff. 8-20-07; 95-331, eff. 8-21-07;
9 95-429, eff. 1-1-08; 95-591, eff. 9-10-07; 95-876, eff.
10 8-21-08.)

11 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

12 Sec. 12-4. Aggravated Battery.

13 (a) A person who, in committing a battery, intentionally or
14 knowingly causes great bodily harm, or permanent disability or
15 disfigurement commits aggravated battery.

16 (b) In committing a battery, a person commits aggravated
17 battery if he or she:

18 (1) Uses a deadly weapon other than by the discharge of
19 a firearm;

20 (2) Is hooded, robed or masked, in such manner as to
21 conceal his identity;

22 (3) Knows the individual harmed to be a teacher or
23 other person employed in any school and such teacher or
24 other employee is upon the grounds of a school or grounds
25 adjacent thereto, or is in any part of a building used for

1 school purposes;

2 (4) (Blank);

3 (5) (Blank);

4 (6) Knows the individual harmed to be a community
5 policing volunteer while such volunteer is engaged in the
6 execution of any official duties, or to prevent the
7 volunteer from performing official duties, or in
8 retaliation for the volunteer performing official duties,
9 and the battery is committed other than by the discharge of
10 a firearm;

11 (7) Knows the individual harmed to be an emergency
12 medical technician - ambulance, emergency medical
13 technician - intermediate, emergency medical technician -
14 paramedic, ambulance driver, other medical assistance,
15 first aid personnel, or hospital personnel engaged in the
16 performance of any of his or her official duties, or to
17 prevent the emergency medical technician - ambulance,
18 emergency medical technician - intermediate, emergency
19 medical technician - paramedic, ambulance driver, other
20 medical assistance, first aid personnel, or hospital
21 personnel from performing official duties, or in
22 retaliation for performing official duties;

23 (8) Is, or the person battered is, on or about a public
24 way, public property or public place of accommodation or
25 amusement;

26 (8.5) Is, or the person battered is, on a publicly or

1 privately owned sports or entertainment arena, stadium,
2 community or convention hall, special event center,
3 amusement facility, or a special event center in a public
4 park during any 24-hour period when a professional sporting
5 event, National Collegiate Athletic Association
6 (NCAA)-sanctioned sporting event, United States Olympic
7 Committee-sanctioned sporting event, or International
8 Olympic Committee-sanctioned sporting event is taking
9 place in this venue;

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

19 (10) Knows the individual harmed to be an individual of
20 60 years of age or older;

21 (11) Knows the individual harmed is pregnant;

22 (12) Knows the individual harmed to be a judge whom the
23 person intended to harm as a result of the judge's
24 performance of his or her official duties as a judge;

25 (13) (Blank);

26 (14) Knows the individual harmed to be a person who is

1 physically handicapped;

2 (15) Knowingly and without legal justification and by
3 any means causes bodily harm to a merchant who detains the
4 person for an alleged commission of retail theft under
5 Section 16A-5 of this Code. In this item (15), "merchant"
6 has the meaning ascribed to it in Section 16A-2.4 of this
7 Code;

8 (16) Is, or the person battered is, in any building or
9 other structure used to provide shelter or other services
10 to victims or to the dependent children of victims of
11 domestic violence pursuant to the Illinois Domestic
12 Violence Act of 1986 or the Domestic Violence Shelters Act,
13 or the person battered is within 500 feet of such a
14 building or other structure while going to or from such a
15 building or other structure. "Domestic violence" has the
16 meaning ascribed to it in Section 103 of the Illinois
17 Domestic Violence Act of 1986. "Building or other structure
18 used to provide shelter" has the meaning ascribed to
19 "shelter" in Section 1 of the Domestic Violence Shelters
20 Act;

21 (17) (Blank);

22 (18) Knows the individual harmed to be an officer or
23 employee of the State of Illinois, a unit of local
24 government, or school district engaged in the performance
25 of his or her authorized duties as such officer or
26 employee;

1 (19) Knows the individual harmed to be an emergency
2 management worker engaged in the performance of any of his
3 or her official duties, or to prevent the emergency
4 management worker from performing official duties, or in
5 retaliation for the emergency management worker performing
6 official duties;

7 (20) Knows the individual harmed to be a private
8 security officer engaged in the performance of any of his
9 or her official duties, or to prevent the private security
10 officer from performing official duties, or in retaliation
11 for the private security officer performing official
12 duties; or

13 (21) Knows the individual harmed to be a taxi driver
14 and the battery is committed while the taxi driver is on
15 duty; or

16 (22) Knows the individual harmed to be a utility
17 worker, while the utility worker is engaged in the
18 execution of his or her duties, or to prevent the utility
19 worker from performing his or her duties, or in retaliation
20 for the utility worker performing his or her duties. In
21 this paragraph (22), "utility worker" means a person
22 employed by a public utility as defined in Section 3-105 of
23 the Public Utilities Act and also includes an employee of a
24 municipally owned utility, an employee of a cable
25 television company, an employee of an electric cooperative
26 as defined in Section 3-119 of the Public Utilities Act, an

1 independent contractor or an employee of an independent
2 contractor working on behalf of a cable television company,
3 public utility, municipally owned utility, or an electric
4 cooperative, or an employee of a telecommunications
5 carrier as defined in Section 13-202 of the Public
6 Utilities Act, an independent contractor or an employee of
7 an independent contractor working on behalf of a
8 telecommunications carrier, or an employee of a telephone
9 or telecommunications cooperative as defined in Section
10 13-212 of the Public Utilities Act, or an independent
11 contractor or an employee of an independent contractor
12 working on behalf of a telephone or telecommunications
13 cooperative.

14 For the purpose of paragraph (14) of subsection (b) of this
15 Section, a physically handicapped person is a person who
16 suffers from a permanent and disabling physical
17 characteristic, resulting from disease, injury, functional
18 disorder or congenital condition.

19 For the purpose of paragraph (20) of subsection (b) and
20 subsection (e) of this Section, "private security officer"
21 means a registered employee of a private security contractor
22 agency under the Private Detective, Private Alarm, Private
23 Security, Fingerprint Vendor, and Locksmith Act of 2004.

24 (c) A person who administers to an individual or causes him
25 to take, without his consent or by threat or deception, and for
26 other than medical purposes, any intoxicating, poisonous,

1 stupefying, narcotic, anesthetic, or controlled substance
2 commits aggravated battery.

3 (d) A person who knowingly gives to another person any food
4 that contains any substance or object that is intended to cause
5 physical injury if eaten, commits aggravated battery.

6 (d-3) A person commits aggravated battery when he or she
7 knowingly and without lawful justification shines or flashes a
8 laser gunsight or other laser device that is attached or
9 affixed to a firearm, or used in concert with a firearm, so
10 that the laser beam strikes upon or against the person of
11 another.

12 (d-5) An inmate of a penal institution or a sexually
13 dangerous person or a sexually violent person in the custody of
14 the Department of Human Services who causes or attempts to
15 cause a correctional employee of the penal institution or an
16 employee of the Department of Human Services to come into
17 contact with blood, seminal fluid, urine, or feces, by
18 throwing, tossing, or expelling that fluid or material commits
19 aggravated battery. For purposes of this subsection (d-5),
20 "correctional employee" means a person who is employed by a
21 penal institution.

22 (d-6) A person commits aggravated battery when he or she
23 commits battery and at the time of the commission of the
24 offense was a gang member.

25 (e) Sentence.

26 (1) Except as otherwise provided in paragraphs (2),

1 (3), and (4) aggravated battery is a Class 3 felony.

2 (2) Aggravated battery that does not cause great bodily
3 harm or permanent disability or disfigurement is a Class 2
4 felony when the person knows the individual harmed to be a
5 peace officer, a community policing volunteer, a private
6 security officer, a correctional institution employee, an
7 employee of the Department of Human Services supervising or
8 controlling sexually dangerous persons or sexually violent
9 persons, or a fireman while such officer, volunteer,
10 employee, or fireman is engaged in the execution of any
11 official duties including arrest or attempted arrest, or to
12 prevent the officer, volunteer, employee, or fireman from
13 performing official duties, or in retaliation for the
14 officer, volunteer, employee, or fireman performing
15 official duties, and the battery is committed other than by
16 the discharge of a firearm.

17 (3) Aggravated battery that causes great bodily harm or
18 permanent disability or disfigurement in violation of
19 subsection (a) is a Class 1 felony when the person knows
20 the individual harmed to be a peace officer, a community
21 policing volunteer, a private security officer, a
22 correctional institution employee, an employee of the
23 Department of Human Services supervising or controlling
24 sexually dangerous persons or sexually violent persons, or
25 a fireman while such officer, volunteer, employee, or
26 fireman is engaged in the execution of any official duties

1 including arrest or attempted arrest, or to prevent the
2 officer, volunteer, employee, or fireman from performing
3 official duties, or in retaliation for the officer,
4 volunteer, employee, or fireman performing official
5 duties, and the battery is committed other than by the
6 discharge of a firearm.

7 (4) Aggravated battery under subsection (d-5) is a
8 Class 2 felony.

9 (Source: P.A. 94-243, eff. 1-1-06; 94-327, eff. 1-1-06; 94-333,
10 eff. 7-26-05; 94-363, eff. 7-29-05; 94-482, eff. 1-1-06;
11 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331, eff. 8-21-07;
12 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876, eff.
13 8-21-08.)

14 (720 ILCS 5/18-5)

15 Sec. 18-5. Aggravated robbery.

16 (a) A person commits aggravated robbery when he or she
17 takes property from the person or presence of another by the
18 use of force or by threatening the imminent use of force while
19 indicating verbally or by his or her actions to the victim that
20 he or she is presently armed with a firearm or other dangerous
21 weapon, including a knife, club, ax, or bludgeon. This offense
22 shall be applicable even though it is later determined that he
23 or she had no firearm or other dangerous weapon, including a
24 knife, club, ax, or bludgeon, in his or her possession when he
25 or she committed the robbery.

1 (a-5) A person commits aggravated robbery when he or she
2 takes property from the person or presence of another by
3 delivering (by injection, inhalation, ingestion, transfer of
4 possession, or any other means) to the victim without his or
5 her consent, or by threat or deception, and for other than
6 medical purposes, any controlled substance.

7 (a-6) A person commits aggravated robbery when he or she
8 commits a robbery and at the time of the commission of the
9 offense was a gang member.

10 (b) Sentence. Aggravated robbery is a Class 1 felony.
11 (Source: P.A. 90-593, eff. 1-1-99; 90-735, eff. 8-11-98;
12 91-357, eff. 7-29-99.)

13 (720 ILCS 5/20-1.1) (from Ch. 38, par. 20-1.1)
14 Sec. 20-1.1. Aggravated Arson.

15 (a) A person commits aggravated arson when in the course of
16 committing arson he or she knowingly damages, partially or
17 totally, any building or structure, including any adjacent
18 building or structure, including all or any part of a school
19 building, house trailer, watercraft, motor vehicle, or
20 railroad car, and (1) he knows or reasonably should know that
21 one or more persons are present therein or (2) any person
22 suffers great bodily harm, or permanent disability or
23 disfigurement as a result of the fire or explosion or (3) a
24 fireman, policeman, or correctional officer who is present at
25 the scene acting in the line of duty is injured as a result of

1 the fire or explosion. For purposes of this Section, property
2 "of another" means a building or other property, whether real
3 or personal, in which a person other than the offender has an
4 interest that the offender has no authority to defeat or
5 impair, even though the offender may also have an interest in
6 the building or property; and "school building" means any
7 public or private preschool, elementary or secondary school,
8 community college, college, or university.

9 (a-5) A person commits aggravated arson when he or she
10 commits an arson and at the time of the commission of the
11 offense was a gang member.

12 (b) Sentence. Aggravated arson is a Class X felony.

13 (Source: P.A. 93-335, eff. 7-24-03; 94-127, eff. 7-7-05;
14 94-393, eff. 8-1-05.)