

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, an air rifle as defined in  
11 the Air Rifle Act, or any device manufactured and designed  
12 to be substantially similar in appearance to a firearm,  
13 other than by discharging a firearm in the direction of  
14 another person, a peace officer, a person summoned or  
15 directed by a peace officer, a correctional officer, a  
16 private security officer, or a fireman or in the direction  
17 of a vehicle occupied by another person, a peace officer, a  
18 person summoned or directed by a peace officer, a  
19 correctional officer, a private security officer, or a  
20 fireman while the officer or fireman is engaged in the  
21 execution of any of his official duties, or to prevent the  
22 officer or fireman from performing his official duties, or  
23 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 employee's  
3 ~~employees'~~ discharge of his duties, or on grounds adjacent  
4 thereto, or is in any part of a building in which the  
5 applicant, recipient, or other such person resides or is  
6 located;

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

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

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

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

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

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

1 Olympic Committee-sanctioned sporting event is taking  
2 place in this venue;

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

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

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

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

13 (13.5) Discharges a firearm from a motor vehicle;

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

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

1 employee performing his or her official duties, and the  
2 assault is committed other than by the discharge of a  
3 firearm in the direction of the employee or in the  
4 direction of a vehicle occupied by the employee;

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

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

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

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

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

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

6 (a-5) A person commits an aggravated assault 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 near or in the immediate vicinity  
11 of any person.

12 (a-10) A person commits an aggravated assault when he or  
13 she knowingly and without justification operates a motor  
14 vehicle in a manner which places a person in reasonable  
15 apprehension of being struck by a moving vehicle.

16 (b) Sentence.

17 Aggravated assault as defined in paragraphs (1) through (5)  
18 and (8) through (12) and (17) and (19) of subsection (a) of  
19 this Section is a Class A misdemeanor. Aggravated assault as  
20 defined in paragraphs (13), (14), and (15) of subsection (a) of  
21 this Section and as defined in subsection (a-5) or (a-10) of  
22 this Section is a Class 4 felony. Aggravated assault as defined  
23 in paragraphs (6), (7), (16), and (18) of subsection (a) of  
24 this Section is a Class A misdemeanor if a firearm is not used  
25 in the commission of the assault. Aggravated assault as defined  
26 in paragraphs (6), (7), (16), and (18) of subsection (a) of



1 this Section is a Class 4 felony if a firearm is used in the  
2 commission of the assault. Aggravated assault as defined in  
3 subsection (a-10) where the victim was a person defined in  
4 paragraph (6) or paragraph (13.5) of subsection (a) is a Class  
5 3 felony.

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

11 (Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;  
12 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.  
13 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; revised  
14 11-4-09.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.