



Sen. William R. Haine

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09600SB3030sam001

LRB096 18303 RLC 38191 a

1 AMENDMENT TO SENATE BILL 3030

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3030 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing 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

1 of a vehicle occupied by another person, a peace officer, a  
2 person summoned or directed by a peace officer, a  
3 correctional officer, a private security officer, or a  
4 fireman while the officer or fireman is engaged in the  
5 execution of any of his official duties, or to prevent the  
6 officer or fireman from performing his official duties, or  
7 in retaliation for the officer or fireman performing his  
8 official duties;

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

13 (3) Knows the individual assaulted to be a teacher or  
14 other person employed in any school and such teacher or  
15 other employee is upon the grounds of a school or grounds  
16 adjacent thereto, or is in any part of a building used for  
17 school purposes;

18 (4) Knows the individual assaulted to be a supervisor,  
19 director, instructor or other person employed in any park  
20 district and such supervisor, director, instructor or  
21 other employee is upon the grounds of the park or grounds  
22 adjacent thereto, or is in any part of a building used for  
23 park purposes;

24 (5) Knows the individual assaulted to be a caseworker,  
25 investigator, or other person employed by the Department of  
26 Healthcare and Family Services (formerly State Department

1 of Public Aid), a County Department of Public Aid, or the  
2 Department of Human Services (acting as successor to the  
3 Illinois Department of Public Aid under the Department of  
4 Human Services Act) and such caseworker, investigator, or  
5 other person is upon the grounds of a public aid office or  
6 grounds adjacent thereto, or is in any part of a building  
7 used for public aid purposes, or upon the grounds of a home  
8 of a public aid applicant, recipient or any other person  
9 being interviewed or investigated in the employee's  
10 ~~employees'~~ discharge of his duties, or on grounds adjacent  
11 thereto, or is in any part of a building in which the  
12 applicant, recipient, or other such person resides or is  
13 located;

14 (6) Knows the individual assaulted to be a peace  
15 officer, a community policing volunteer, a private  
16 security officer, or a fireman while the officer or fireman  
17 is engaged in the execution of any of his official duties,  
18 or to prevent the officer, community policing volunteer, or  
19 fireman from performing his official duties, or in  
20 retaliation for the officer, community policing volunteer,  
21 or fireman performing his official duties, and the assault  
22 is committed other than by the discharge of a firearm in  
23 the direction of the officer or fireman or in the direction  
24 of a vehicle occupied by the officer or fireman;

25 (7) Knows the individual assaulted to be an emergency  
26 medical technician - ambulance, emergency medical

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

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

23 (9) Or the individual assaulted is on or about a public  
24 way, public property, or public place of accommodation or  
25 amusement;

26 (9.5) Is, or the individual assaulted is, in or about a

1 publicly or privately owned sports or entertainment arena,  
2 stadium, community or convention hall, special event  
3 center, amusement facility, or a special event center in a  
4 public park during any 24-hour period when a professional  
5 sporting 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 (10) Knows the individual assaulted to be an employee  
11 of the State of Illinois, a municipal corporation therein  
12 or a political subdivision thereof, engaged in the  
13 performance of his authorized duties as such employee;

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

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

18 (13) Discharges a firearm, other than from a motor  
19 vehicle;

20 (13.5) Discharges a firearm from a motor vehicle;

21 (14) Knows the individual assaulted to be a  
22 correctional officer, while the officer is engaged in the  
23 execution of any of his or her official duties, or to  
24 prevent the officer from performing his or her official  
25 duties, or in retaliation for the officer performing his or  
26 her official duties;

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

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

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 an indoor or  
21          outdoor playing field or within the immediate vicinity of  
22          the athletic facility or an indoor or outdoor playing field  
23          at which the sports official or coach was an active  
24          participant in the athletic contest held at the athletic  
25          facility. For the purposes of this paragraph (17), "sports  
26          official" means a person at an athletic contest who

1 enforces the rules of the contest, such as an umpire or  
2 referee; and "coach" means a person recognized as a coach  
3 by the sanctioning authority that conducted the athletic  
4 contest;

5 (18) Knows the individual assaulted to be an emergency  
6 management worker, while the emergency management worker  
7 is engaged in the execution of any of his or her official  
8 duties, or to prevent the emergency management worker from  
9 performing his or her official duties, or in retaliation  
10 for the emergency management worker performing his or her  
11 official duties, and the assault is committed other than by  
12 the discharge of a firearm in the direction of the  
13 emergency management worker or in the direction of a  
14 vehicle occupied by the emergency management worker; or

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

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

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

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

23 (b) Sentence.

24 Aggravated assault as defined in paragraphs (1) through (5)  
25 and (8) through (12) and (17) and (19) of subsection (a) of  
26 this Section is a Class A misdemeanor. Aggravated assault as



1 defined in paragraphs (13), (14), and (15) of subsection (a) of  
2 this Section and as defined in subsection (a-5) or (a-10) of  
3 this Section is a Class 4 felony. Aggravated assault as defined  
4 in paragraphs (6), (7), (16), and (18) of subsection (a) of  
5 this Section is a Class A misdemeanor if a firearm is not used  
6 in the commission of the assault. Aggravated assault as defined  
7 in paragraphs (6), (7), (16), and (18) of subsection (a) of  
8 this Section is a Class 4 felony if a firearm is used in the  
9 commission of the assault. Aggravated assault as defined in  
10 subsection (a-10) where the victim was a person defined in  
11 paragraph (6) or paragraph (13.5) of subsection (a) is a Class  
12 3 felony.

13 (c) For the purposes of paragraphs (1) and (6) of  
14 subsection (a), "private security officer" means a registered  
15 employee of a private security contractor agency under the  
16 Private Detective, Private Alarm, Private Security,  
17 Fingerprint Vendor, and Locksmith Act of 2004.

18 (Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;  
19 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.  
20 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; revised  
21 11-4-09.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."