



Rep. Sue Scherer

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1 AMENDMENT TO HOUSE BILL 801

2 AMENDMENT NO. _____. Amend House Bill 801 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 12-3.05 as follows:

6 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

7 Sec. 12-3.05. Aggravated battery.

8 (a) Offense based on injury. A person commits aggravated
9 battery when, in committing a battery, other than by the
10 discharge of a firearm, he or she knowingly does any of the
11 following:

12 (1) Causes great bodily harm or permanent disability or
13 disfigurement.

14 (2) Causes severe and permanent disability, great
15 bodily harm, or disfigurement by means of a caustic or
16 flammable substance, a poisonous gas, a deadly biological

1 or chemical contaminant or agent, a radioactive substance,
2 or a bomb or explosive compound.

3 (3) Causes great bodily harm or permanent disability or
4 disfigurement to an individual whom the person knows to be
5 a peace officer, community policing volunteer, fireman,
6 private security officer, correctional institution
7 employee, or Department of Human Services employee
8 supervising or controlling sexually dangerous persons or
9 sexually violent persons:

10 (i) performing his or her official duties;

11 (ii) battered to prevent performance of his or her
12 official duties; or

13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (4) Causes great bodily harm or permanent disability or
16 disfigurement to an individual 60 years of age or older.

17 (5) Strangles another individual.

18 (b) Offense based on injury to a child or intellectually
19 disabled person. A person who is at least 18 years of age
20 commits aggravated battery when, in committing a battery, he or
21 she knowingly and without legal justification by any means:

22 (1) causes great bodily harm or permanent disability or
23 disfigurement to any child under the age of 13 years, or to
24 any severely or profoundly intellectually disabled person;
25 or

26 (2) causes bodily harm or disability or disfigurement

1 to any child under the age of 13 years or to any severely
2 or profoundly intellectually disabled person.

3 (c) Offense based on location of conduct. A person commits
4 aggravated battery when, in committing a battery, other than by
5 the discharge of a firearm, he or she is or the person battered
6 is on or about a public way, public property, a public place of
7 accommodation or amusement, a sports venue, or a domestic
8 violence shelter.

9 (d) Offense based on status of victim. A person commits
10 aggravated battery when, in committing a battery, other than by
11 discharge of a firearm, he or she knows the individual battered
12 to be any of the following:

13 (1) A person 60 years of age or older.

14 (2) A person who is pregnant or physically handicapped.

15 (3) A teacher or school employee upon school grounds or
16 grounds adjacent to a school or in any part of a building
17 used for school purposes.

18 (4) A peace officer, community policing volunteer,
19 fireman, private security officer, correctional
20 institution employee, or Department of Human Services
21 employee supervising or controlling sexually dangerous
22 persons or sexually violent persons:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

26 (iii) battered in retaliation for performing his

1 or her official duties.

2 (5) A judge, emergency management worker, emergency
3 medical technician, or utility worker:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her
6 official duties; or

7 (iii) battered in retaliation for performing his
8 or her official duties.

9 (6) An officer or employee of the State of Illinois, a
10 unit of local government, or a school district, while
11 performing his or her official duties.

12 (7) A transit employee performing his or her official
13 duties, or a transit passenger.

14 (8) A taxi driver on duty.

15 (9) A merchant who detains the person for an alleged
16 commission of retail theft under Section 16-26 of this Code
17 and the person without legal justification by any means
18 causes bodily harm to the merchant.

19 (10) A person authorized to serve process under Section
20 2-202 of the Code of Civil Procedure or a special process
21 server appointed by the circuit court while that individual
22 is in the performance of his or her duties as a process
23 server.

24 (11) A nurse while in the performance of his or her
25 duties as a nurse.

26 (e) Offense based on use of a firearm. A person commits

1 aggravated battery when, in committing a battery, he or she
2 knowingly does any of the following:

3 (1) Discharges a firearm, other than a machine gun or a
4 firearm equipped with a silencer, and causes any injury to
5 another person.

6 (2) Discharges a firearm, other than a machine gun or a
7 firearm equipped with a silencer, and causes any injury to
8 a person he or she knows to be a peace officer, community
9 policing volunteer, person summoned by a police officer,
10 fireman, private security officer, correctional
11 institution employee, or emergency management worker:

12 (i) performing his or her official duties;

13 (ii) battered to prevent performance of his or her
14 official duties; or

15 (iii) battered in retaliation for performing his
16 or her official duties.

17 (3) Discharges a firearm, other than a machine gun or a
18 firearm equipped with a silencer, and causes any injury to
19 a person he or she knows to be an emergency medical
20 technician employed by a municipality or other
21 governmental unit:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her
24 official duties; or

25 (iii) battered in retaliation for performing his
26 or her official duties.

1 (4) Discharges a firearm and causes any injury to a
2 person he or she knows to be a teacher, a student in a
3 school, or a school employee, and the teacher, student, or
4 employee is upon school grounds or grounds adjacent to a
5 school or in any part of a building used for school
6 purposes.

7 (5) Discharges a machine gun or a firearm equipped with
8 a silencer, and causes any injury to another person.

9 (6) Discharges a machine gun or a firearm equipped with
10 a silencer, and causes any injury to a person he or she
11 knows to be a peace officer, community policing volunteer,
12 person summoned by a police officer, fireman, private
13 security officer, correctional institution employee or
14 emergency management worker:

15 (i) performing his or her official duties;

16 (ii) battered to prevent performance of his or her
17 official duties; or

18 (iii) battered in retaliation for performing his
19 or her official duties.

20 (7) Discharges a machine gun or a firearm equipped with
21 a silencer, and causes any injury to a person he or she
22 knows to be an emergency medical technician employed by a
23 municipality or other governmental unit:

24 (i) performing his or her official duties;

25 (ii) battered to prevent performance of his or her
26 official duties; or

1 (iii) battered in retaliation for performing his
2 or her official duties.

3 (8) Discharges a machine gun or a firearm equipped with
4 a silencer, and causes any injury to a person he or she
5 knows to be a teacher, or a student in a school, or a
6 school employee, and the teacher, student, or employee is
7 upon school grounds or grounds adjacent to a school or in
8 any part of a building used for school purposes.

9 (f) Offense based on use of a weapon or device. A person
10 commits aggravated battery when, in committing a battery, he or
11 she does any of the following:

12 (1) Uses a deadly weapon other than by discharge of a
13 firearm, or uses an air rifle as defined in the Air Rifle
14 Act.

15 (2) Wears a hood, robe, or mask to conceal his or her
16 identity.

17 (3) Knowingly and without lawful justification shines
18 or flashes a laser gunsight or other laser device attached
19 to a firearm, or used in concert with a firearm, so that
20 the laser beam strikes upon or against the person of
21 another.

22 (g) Offense based on certain conduct. A person commits
23 aggravated battery when, other than by discharge of a firearm,
24 he or she does any of the following:

25 (1) Violates Section 401 of the Illinois Controlled
26 Substances Act by unlawfully delivering a controlled

1 substance to another and any user experiences great bodily
2 harm or permanent disability as a result of the injection,
3 inhalation, or ingestion of any amount of the controlled
4 substance.

5 (2) Knowingly administers to an individual or causes
6 him or her to take, without his or her consent or by threat
7 or deception, and for other than medical purposes, any
8 intoxicating, poisonous, stupefying, narcotic, anesthetic,
9 or controlled substance, or gives to another person any
10 food containing any substance or object intended to cause
11 physical injury if eaten.

12 (3) Knowingly causes or attempts to cause a
13 correctional institution employee or Department of Human
14 Services employee to come into contact with blood, seminal
15 fluid, urine, or feces by throwing, tossing, or expelling
16 the fluid or material, and the person is an inmate of a
17 penal institution or is a sexually dangerous person or
18 sexually violent person in the custody of the Department of
19 Human Services.

20 (h) Sentence. Unless otherwise provided, aggravated
21 battery is a Class 3 felony.

22 Aggravated battery as defined in subdivision (a)(4),
23 (d)(4), or (g)(3) is a Class 2 felony.

24 Aggravated battery as defined in subdivision (a)(3) or
25 (g)(1) is a Class 1 felony.

26 Aggravated battery as defined in subdivision (a)(1) is a

1 Class 1 felony when the aggravated battery was intentional and
2 involved the infliction of torture, as defined in paragraph
3 (14) of subsection (b) of Section 9-1 of this Code, as the
4 infliction of or subjection to extreme physical pain, motivated
5 by an intent to increase or prolong the pain, suffering, or
6 agony of the victim.

7 Aggravated battery under subdivision (a)(5) is a Class 1
8 felony if:

9 (A) the person used or attempted to use a dangerous
10 instrument while committing the offense; or

11 (B) the person caused great bodily harm or permanent
12 disability or disfigurement to the other person while
13 committing the offense; or

14 (C) the person has been previously convicted of a
15 violation of subdivision (a)(5) under the laws of this
16 State or laws similar to subdivision (a)(5) of any other
17 state.

18 Aggravated battery as defined in subdivision (e)(1) is a
19 Class X felony.

20 Aggravated battery as defined in subdivision (a)(2) is a
21 Class X felony for which a person shall be sentenced to a term
22 of imprisonment of a minimum of 6 years and a maximum of 45
23 years.

24 Aggravated battery as defined in subdivision (e)(5) is a
25 Class X felony for which a person shall be sentenced to a term
26 of imprisonment of a minimum of 12 years and a maximum of 45

1 years.

2 Aggravated battery as defined in subdivision (e)(2),
3 (e)(3), or (e)(4) is a Class X felony for which a person shall
4 be sentenced to a term of imprisonment of a minimum of 15 years
5 and a maximum of 60 years.

6 Aggravated battery as defined in subdivision (e)(6),
7 (e)(7), or (e)(8) is a Class X felony for which a person shall
8 be sentenced to a term of imprisonment of a minimum of 20 years
9 and a maximum of 60 years.

10 Aggravated battery as defined in subdivision (b)(1) is a
11 Class X felony, except that:

12 (1) if the person committed the offense while armed
13 with a firearm, 15 years shall be added to the term of
14 imprisonment imposed by the court;

15 (2) if, during the commission of the offense, the
16 person personally discharged a firearm, 20 years shall be
17 added to the term of imprisonment imposed by the court;

18 (3) if, during the commission of the offense, the
19 person personally discharged a firearm that proximately
20 caused great bodily harm, permanent disability, permanent
21 disfigurement, or death to another person, 25 years or up
22 to a term of natural life shall be added to the term of
23 imprisonment imposed by the court.

24 (i) Definitions. For the purposes of this Section:

25 "Building or other structure used to provide shelter" has
26 the meaning ascribed to "shelter" in Section 1 of the Domestic

1 Violence Shelters Act.

2 "Domestic violence" has the meaning ascribed to it in
3 Section 103 of the Illinois Domestic Violence Act of 1986.

4 "Domestic violence shelter" means any building or other
5 structure used to provide shelter or other services to victims
6 or to the dependent children of victims of domestic violence
7 pursuant to the Illinois Domestic Violence Act of 1986 or the
8 Domestic Violence Shelters Act, or any place within 500 feet of
9 such a building or other structure in the case of a person who
10 is going to or from such a building or other structure.

11 "Firearm" has the meaning provided under Section 1.1 of the
12 Firearm Owners Identification Card Act, and does not include an
13 air rifle as defined by Section 1 of the Air Rifle Act.

14 "Machine gun" has the meaning ascribed to it in Section
15 24-1 of this Code.

16 "Merchant" has the meaning ascribed to it in Section 16-0.1
17 of this Code.

18 "Strangle" means intentionally impeding the normal
19 breathing or circulation of the blood of an individual by
20 applying pressure on the throat or neck of that individual or
21 by blocking the nose or mouth of that individual.

22 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
23 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.
24 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,
25 and 97-467, eff. 1-1-12; 97-1109, eff. 1-1-13.)".