

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 2012 is amended by changing  
5 Section 12-3.2 as follows:

6 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

7 Sec. 12-3.2. Domestic battery.

8 (a) A person commits domestic battery if he or she  
9 knowingly without legal justification by any means:

10 (1) Causes bodily harm to any family or household  
11 member;

12 (2) Makes physical contact of an insulting or provoking  
13 nature with any family or household member.

14 (b) Sentence. Domestic battery is a Class A misdemeanor.  
15 Domestic battery is a Class 4 felony if the defendant has any  
16 prior conviction under this Code for ~~domestic battery (Section~~  
17 ~~12-3.2)~~ or violation of an order of protection (Section 12-3.4  
18 or 12-30), or any prior conviction under the law of another  
19 jurisdiction for an offense which is substantially similar.  
20 Domestic battery is a Class 4 felony if the defendant has any  
21 prior conviction under this Code for first degree murder  
22 (Section 9-1), attempt to commit first degree murder (Section  
23 8-4), aggravated domestic battery (Section 12-3.3), aggravated

1 battery (Section 12-3.05 or 12-4), heinous battery (Section  
2 12-4.1), aggravated battery with a firearm (Section 12-4.2),  
3 aggravated battery with a machine gun or a firearm equipped  
4 with a silencer (Section 12-4.2-5), aggravated battery of a  
5 child (Section 12-4.3), aggravated battery of an unborn child  
6 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),  
7 aggravated battery of a senior citizen (Section 12-4.6),  
8 stalking (Section 12-7.3), aggravated stalking (Section  
9 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),  
10 aggravated criminal sexual assault (Section 11-1.30 or 12-14),  
11 kidnapping (Section 10-1), aggravated kidnapping (Section  
12 10-2), predatory criminal sexual assault of a child (Section  
13 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section  
14 11-1.60 or 12-16), unlawful restraint (Section 10-3),  
15 aggravated unlawful restraint (Section 10-3.1), aggravated  
16 arson (Section 20-1.1), or aggravated discharge of a firearm  
17 (Section 24-1.2), or any prior conviction under the law of  
18 another jurisdiction for any offense that is substantially  
19 similar to the offenses listed in this Section, when any of  
20 these offenses have been committed against a family or  
21 household member. Domestic battery is a Class 4 felony if the  
22 defendant has one or 2 prior convictions under this Code for  
23 domestic battery (Section 12-3.2). Domestic battery is a Class  
24 3 felony if the defendant had 3 prior convictions under this  
25 Code for domestic battery (Section 12-3.2). Domestic battery is  
26 a Class 2 felony if the defendant had 4 or more prior

1 convictions under this Code for domestic battery (Section  
2 12-3.2). In addition to any other sentencing alternatives, for  
3 any second or subsequent conviction of violating this Section,  
4 the offender shall be mandatorily sentenced to a minimum of 72  
5 consecutive hours of imprisonment. The imprisonment shall not  
6 be subject to suspension, nor shall the person be eligible for  
7 probation in order to reduce the sentence.

8 (c) Domestic battery committed in the presence of a child.  
9 In addition to any other sentencing alternatives, a defendant  
10 who commits, in the presence of a child, a felony domestic  
11 battery (enhanced under subsection (b)), aggravated domestic  
12 battery (Section 12-3.3), aggravated battery (Section 12-3.05  
13 or 12-4), unlawful restraint (Section 10-3), or aggravated  
14 unlawful restraint (Section 10-3.1) against a family or  
15 household member shall be required to serve a mandatory minimum  
16 imprisonment of 10 days or perform 300 hours of community  
17 service, or both. The defendant shall further be liable for the  
18 cost of any counseling required for the child at the discretion  
19 of the court in accordance with subsection (b) of Section 5-5-6  
20 of the Unified Code of Corrections. For purposes of this  
21 Section, "child" means a person under 18 years of age who is  
22 the defendant's or victim's child or step-child or who is a  
23 minor child residing within or visiting the household of the  
24 defendant or victim.

25 (d) Upon conviction of domestic battery, the court shall  
26 advise the defendant orally or in writing, substantially as

1 follows: "An individual convicted of domestic battery may be  
2 subject to federal criminal penalties for possessing,  
3 transporting, shipping, or receiving any firearm or ammunition  
4 in violation of the federal Gun Control Act of 1968 (18 U.S.C.  
5 922(g)(8) and (9))." A notation shall be made in the court file  
6 that the admonition was given.

7 (Source: P.A. 96-287, eff. 8-11-09; 96-1551, Article 1, Section  
8 5, eff. 7-1-11; 96-1551, Article 2, Section 1035, eff. 7-1-11;  
9 97-1109, eff. 1-1-13.)