



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5965

by Rep. Natalie A. Manley

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that a person commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she knowingly causes great bodily harm or permanent disability or disfigurement to an individual whom the person knows to be a State's Attorney or Assistant State's Attorney. Provides that a person commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she knowingly causes severe and permanent disability which renders the individual incapable of independently performing basic life-sustaining functions for the remainder of his or her life. Provides that a person commits aggravated battery when, in committing a battery, other than by discharge of a firearm, he or she knows the individual battered to be a State's Attorney or Assistant State's Attorney: (1) performing his or her official duties; (2) battered to prevent performance of his or her official duties; or (3) battered in retaliation for performing his or her official duties. Establishes penalties.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law, which may be referred to as
2 Eric's Law.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

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

7 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

8 Sec. 12-3.05. Aggravated battery.

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

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

15 (2) Causes severe and permanent disability, great
16 bodily harm, or disfigurement by means of a caustic or
17 flammable substance, a poisonous gas, a deadly biological
18 or chemical contaminant or agent, a radioactive substance,
19 or a bomb or explosive compound.

20 (3) Causes great bodily harm or permanent disability or
21 disfigurement to an individual whom the person knows to be
22 a peace officer, community policing volunteer, fireman,
23 private security officer, correctional institution

1 employee, State's Attorney, Assistant State's Attorney, or
2 Department of Human Services employee supervising or
3 controlling sexually dangerous persons or sexually violent
4 persons:

5 (i) performing his or her official duties;

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

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

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

12 (5) Strangles another individual.

13 (6) Causes severe and permanent disability which
14 renders the individual incapable of independently
15 performing basic life-sustaining functions for the
16 remainder of his or her life.

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

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

25 (2) causes bodily harm or disability or disfigurement
26 to any child under the age of 13 years or to any severely

1 or profoundly intellectually disabled person.

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

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

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

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

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

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

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 (5) A judge, State's Attorney, Assistant State's
2 Attorney, emergency management worker, emergency medical
3 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 Section
14 24.8-0.1 of this Code ~~the Air Rifle 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 (4) Knowingly video or audio records the offense with
23 the intent to disseminate the recording.

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

1 (1) Violates Section 401 of the Illinois Controlled
2 Substances Act by unlawfully delivering a controlled
3 substance to another and any user experiences great bodily
4 harm or permanent disability as a result of the injection,
5 inhalation, or ingestion of any amount of the controlled
6 substance.

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

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

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

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

26 Aggravated battery as defined in subdivision (a)(3) or

1 (g) (1) is a Class 1 felony.

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

9 Aggravated battery under subdivision (a)(5) is a Class 1
10 felony if:

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

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

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

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

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

26 Aggravated battery as defined in subdivision (a)(6) or

1 (e) (5) is a Class X felony for which a person shall be
2 sentenced to a term of imprisonment of a minimum of 12 years
3 and a maximum of 45 years.

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

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

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

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

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

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

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

1 "Building or other structure used to provide shelter" has
2 the meaning ascribed to "shelter" in Section 1 of the Domestic
3 Violence Shelters Act.

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

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

13 "Firearm" has the meaning provided under Section 1.1 of the
14 Firearm Owners Identification Card Act, and does not include an
15 air rifle as defined by Section 24.8-0.1 of this Code.

16 "Machine gun" has the meaning ascribed to it in Section
17 24-1 of this Code.

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

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

24 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-227, eff.
25 1-1-12, 97-313, eff. 1-1-12, and 97-467, eff. 1-1-12; 97-1109,
26 eff. 1-1-13; 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; revised

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1 9-24-13.)