



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3184

by Rep. Frances Ann Hurley

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

Amends the Criminal Code of 2012. Provides that aggravated assault of a peace officer, fireman, emergency management worker, or emergency medical technician: (1) performing his or her official duties; (2) assaulted to prevent performance of his or her official duties; or (3) assaulted in retaliation for performing his or her official duties is a Class 4 felony (rather than a Class A misdemeanor if a Category I, Category II, or Category III weapon is not used in the commission of the assault).

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 12-2 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

8 (a) Offense based on location of conduct. A person commits
9 aggravated assault when he or she commits an assault against an
10 individual who is on or about a public way, public property, a
11 public place of accommodation or amusement, or a sports venue.

12 (b) Offense based on status of victim. A person commits
13 aggravated assault when, in committing an assault, he or she
14 knows the individual assaulted to be any of the following:

15 (1) A physically handicapped person or a person 60
16 years of age or older and the assault is without legal
17 justification.

18 (2) A teacher or school employee upon school grounds or
19 grounds adjacent to a school or in any part of a building
20 used for school purposes.

21 (3) A park district employee upon park grounds or
22 grounds adjacent to a park or in any part of a building
23 used for park purposes.

1 (4) A ~~peace officer,~~ community policing volunteer,
2 ~~fireman,~~ private security officer, ~~emergency management~~
3 ~~worker, emergency medical technician,~~ or utility worker:

4 (i) performing his or her official duties;

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

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

9 (4.1) A peace officer, fireman, emergency management
10 worker, or emergency medical technician:

11 (i) performing his or her official duties;

12 (ii) assaulted to prevent performance of his or her
13 official duties; or

14 (iii) assaulted in retaliation for performing his
15 or her official duties.

16 (5) A correctional officer or probation officer:

17 (i) performing his or her official duties;

18 (ii) assaulted to prevent performance of his or her
19 official duties; or

20 (iii) assaulted in retaliation for performing his
21 or her official duties.

22 (6) A correctional institution employee, a county
23 juvenile detention center employee who provides direct and
24 continuous supervision of residents of a juvenile
25 detention center, including a county juvenile detention
26 center employee who supervises recreational activity for

1 residents of a juvenile detention center, or a Department
2 of Human Services employee, Department of Human Services
3 officer, or employee of a subcontractor of the Department
4 of Human Services supervising or controlling sexually
5 dangerous persons or sexually violent persons:

6 (i) performing his or her official duties;

7 (ii) assaulted to prevent performance of his or her
8 official duties; or

9 (iii) assaulted in retaliation for performing his
10 or her official duties.

11 (7) An employee of the State of Illinois, a municipal
12 corporation therein, or a political subdivision thereof,
13 performing his or her official duties.

14 (8) A transit employee performing his or her official
15 duties, or a transit passenger.

16 (9) A sports official or coach actively participating
17 in any level of athletic competition within a sports venue,
18 on an indoor playing field or outdoor playing field, or
19 within the immediate vicinity of such a facility or field.

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

25 (c) Offense based on use of firearm, device, or motor
26 vehicle. A person commits aggravated assault when, in

1 committing an assault, he or she does any of the following:

2 (1) Uses a deadly weapon, an air rifle as defined in
3 Section 24.8-0.1 of this Act ~~the Air Rifle Act~~, or any
4 device manufactured and designed to be substantially
5 similar in appearance to a firearm, other than by
6 discharging a firearm.

7 (2) Discharges a firearm, other than from a motor
8 vehicle.

9 (3) Discharges a firearm from a motor vehicle.

10 (4) Wears a hood, robe, or mask to conceal his or her
11 identity.

12 (5) Knowingly and without lawful justification shines
13 or flashes a laser gun sight or other laser device attached
14 to a firearm, or used in concert with a firearm, so that
15 the laser beam strikes near or in the immediate vicinity of
16 any person.

17 (6) Uses a firearm, other than by discharging the
18 firearm, against a peace officer, community policing
19 volunteer, fireman, private security officer, emergency
20 management worker, emergency medical technician, employee
21 of a police department, employee of a sheriff's department,
22 or traffic control municipal employee:

23 (i) performing his or her official duties;

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

26 (iii) assaulted in retaliation for performing his

1 or her official duties.

2 (7) Without justification operates a motor vehicle in a
3 manner which places a person, other than a person listed in
4 subdivision (b) (4), in reasonable apprehension of being
5 struck by the moving motor vehicle.

6 (8) Without justification operates a motor vehicle in a
7 manner which places a person listed in subdivision (b) (4),
8 in reasonable apprehension of being struck by the moving
9 motor vehicle.

10 (9) Knowingly video or audio records the offense with
11 the intent to disseminate the recording.

12 (d) Sentence. Aggravated assault as defined in subdivision
13 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
14 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except that
15 aggravated assault as defined in subdivision (b) (4) and (b) (7)
16 is a Class 4 felony if a Category I, Category II, or Category
17 III weapon is used in the commission of the assault. Aggravated
18 assault as defined in subdivision (b) (4.1), (b) (5), (b) (6),
19 (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class 4 felony.
20 Aggravated assault as defined in subdivision (c) (3) or (c) (8)
21 is a Class 3 felony.

22 (e) For the purposes of this Section, "Category I weapon",
23 "Category II weapon, and "Category III weapon" have the
24 meanings ascribed to those terms in Section 33A-1 of this Code.
25 (Source: P.A. 97-225, eff. 7-28-11; 97-313, eff. 1-1-12;
26 97-333, eff. 8-12-11; 97-1109, eff. 1-1-13; 98-385, eff.

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1 1-1-14; revised 12-10-14.)