



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3698

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

Amends the Criminal Code of 2012. Changes the penalty for aggravated assault of a transit employee from a Class A misdemeanor to a Class 4 felony if a Category I, Category II, or Category III weapon is used in the commission of the assault and the offender knows the individual assaulted to be a transit employee: (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. Provides that the aggravated assault of a transit employee is a Class 4 felony if a firearm is used in the assault, other than by discharging the firearm, and the transit employee is: (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.

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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, transit employee, or
4 utility worker:

5 (i) performing his or her official duties;

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

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

10 (5) A correctional officer or probation officer:

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 (6) A correctional institution employee, a county
17 juvenile detention center employee who provides direct and
18 continuous supervision of residents of a juvenile
19 detention center, including a county juvenile detention
20 center employee who supervises recreational activity for
21 residents of a juvenile detention center, or a Department
22 of Human Services employee, Department of Human Services
23 officer, or employee of a subcontractor of the Department
24 of Human Services supervising or controlling sexually
25 dangerous persons or sexually violent persons:

26 (i) performing his or her official duties;

1 (ii) assaulted to prevent performance of his or her
2 official duties; or

3 (iii) assaulted in retaliation for performing his
4 or her official duties.

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

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

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

14 (10) A person authorized to serve process under Section
15 2-202 of the Code of Civil Procedure or a special process
16 server appointed by the circuit court, while that
17 individual is in the performance of his or her duties as a
18 process server.

19 (c) Offense based on use of firearm, device, or motor
20 vehicle. A person commits aggravated assault when, in
21 committing an assault, he or she does any of the following:

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

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

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

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

6 (5) Knowingly and without lawful justification shines
7 or flashes a laser gun sight or other laser device attached
8 to a firearm, or used in concert with a firearm, so that
9 the laser beam strikes near or in the immediate vicinity of
10 any person.

11 (6) Uses a firearm, other than by discharging the
12 firearm, against a peace officer, community policing
13 volunteer, fireman, private security officer, emergency
14 management worker, emergency medical technician, employee
15 of a police department, employee of a sheriff's department,
16 transit employee, or traffic control municipal employee:

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

26 (8) Without justification operates a motor vehicle in a

1 manner which places a person listed in subdivision (b)(4),
2 in reasonable apprehension of being struck by the moving
3 motor vehicle.

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

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

16 (e) For the purposes of this Section, "Category I weapon",
17 "Category II weapon, and "Category III weapon" have the
18 meanings ascribed to those terms in Section 33A-1 of this Code.
19 (Source: P.A. 97-225, eff. 7-28-11; 97-313, eff. 1-1-12;
20 97-333, eff. 8-12-11; 97-1109, eff. 1-1-13; 98-385, eff.
21 1-1-14; revised 12-10-14.)