

HB5523



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5523

by Rep. Brian W. Stewart

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

Amends the Criminal Code of 2012. Provides that aggravated assault committed by using an air rifle, any device manufactured and designed to be substantially similar in appearance to a firearm, or a deadly weapon other than a firearm, is a Class 4 felony (rather than a Class A misdemeanor) when the victim is a peace officer.

LRB099 18383 RLC 42758 b

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 person with a physical disability 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 community policing volunteer, private security
2 officer, or utility worker:

3 (i) performing his or her official duties;

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

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

8 (4.1) A peace officer, fireman, emergency management
9 worker, or emergency medical technician:

10 (i) performing his or her official duties;

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

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

15 (5) A correctional officer or probation officer:

16 (i) performing his or her official duties;

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

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

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

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

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

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

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

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
22 individual is in the performance of his or her duties as a
23 process server.

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

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

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

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

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

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

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

21 (i) performing his or her official duties;

22 (ii) assaulted to prevent performance of his or her
23 official duties; or

24 (iii) assaulted in retaliation for performing his
25 or her official duties.

26 (6.5) Uses an air rifle, any device manufactured and

1 designed to be substantially similar in appearance to a
2 firearm, or a deadly weapon other than a firearm against a
3 peace officer:

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

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

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

19 (d) Sentence. Aggravated assault as defined in subdivision
20 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
21 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except that
22 aggravated assault as defined in subdivision (b) (4) and (b) (7)
23 is a Class 4 felony if a Category I, Category II, or Category
24 III weapon is used in the commission of the assault. Aggravated
25 assault as defined in subdivision (b) (4.1), (b) (5), (b) (6),
26 (b) (10), (c) (2), (c) (5), (c) (6), (c) (6.5), or (c) (7) is a Class

1 4 felony. Aggravated assault as defined in subdivision (c) (3)
2 or (c) (8) is a Class 3 felony.

3 (e) For the purposes of this Section:

4 "Air rifle" has the meaning ascribed to that term in
5 Section 24.8-0.1 of this Code.

6 "Category I weapon", "Category II weapon, and "Category III
7 weapon" have the meanings ascribed to those terms in Section
8 33A-1 of this Code.

9 (Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143,
10 eff. 7-27-15; 99-256, eff. 1-1-16; revised 10-19-15.)