

1 AN ACT in relation to 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 1961 is amended by
5 changing Sections 12-2, 12-4, and 31-1 as follows:

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

8 (a) A person commits an aggravated assault, when, in
9 committing an assault, he:

10 (1) Uses a deadly weapon or any device manufactured
11 and designed to be substantially similar in appearance to
12 a firearm, other than by discharging a firearm in the
13 direction of another person, a peace officer, a person
14 summoned or directed by a peace officer, a correctional
15 officer or a fireman or in the direction of a vehicle
16 occupied by another person, a peace officer, a person
17 summoned or directed by a peace officer, a correctional
18 officer or a fireman while the officer or fireman is
19 engaged in the execution of any of his official duties,
20 or to prevent the officer or fireman from performing his
21 official duties, or in retaliation for the officer or
22 fireman performing his official duties;

23 (2) Is hooded, robed or masked in such manner as to
24 conceal his identity or any device manufactured and
25 designed to be substantially similar in appearance to a
26 firearm;

27 (3) Knows the individual assaulted to be a teacher
28 or other person employed in any school and such teacher
29 or other employee is upon the grounds of a school or
30 grounds adjacent thereto, or is in any part of a building
31 used for school purposes;

1 (4) Knows the individual assaulted to be a
2 supervisor, director, instructor or other person employed
3 in any park district and such supervisor, director,
4 instructor or other employee is upon the grounds of the
5 park or grounds adjacent thereto, or is in any part of a
6 building used for park purposes;

7 (5) Knows the individual assaulted to be a
8 caseworker, investigator, or other person employed by the
9 State Department of Public Aid, a County Department of
10 Public Aid, or the Department of Human Services (acting
11 as successor to the Illinois Department of Public Aid
12 under the Department of Human Services Act) and such
13 caseworker, investigator, or other person is upon the
14 grounds of a public aid office or grounds adjacent
15 thereto, or is in any part of a building used for public
16 aid purposes, or upon the grounds of a home of a public
17 aid applicant, recipient or any other person being
18 interviewed or investigated in the employees' discharge
19 of his duties, or on grounds adjacent thereto, or is in
20 any part of a building in which the applicant, recipient,
21 or other such person resides or is located;

22 (6) Knows the individual assaulted to be a peace
23 officer, or a community policing volunteer, or a fireman
24 while the officer or fireman is engaged in the execution
25 of any of his official duties, or to prevent the officer,
26 community policing volunteer, or fireman from performing
27 his official duties, or in retaliation for the officer,
28 community policing volunteer, or fireman performing his
29 official duties, and the assault is committed other than
30 by the discharge of a firearm in the direction of the
31 officer or fireman or in the direction of a vehicle
32 occupied by the officer or fireman;

33 (7) Knows the individual assaulted to be an
34 emergency medical technician - ambulance, emergency

1 medical technician - intermediate, emergency medical
2 technician - paramedic, ambulance driver or other medical
3 assistance or first aid personnel employed by a
4 municipality or other governmental unit engaged in the
5 execution of any of his official duties, or to prevent
6 the emergency medical technician - ambulance, emergency
7 medical technician - intermediate, emergency medical
8 technician - paramedic, ambulance driver, or other
9 medical assistance or first aid personnel from performing
10 his official duties, or in retaliation for the emergency
11 medical technician - ambulance, emergency medical
12 technician - intermediate, emergency medical technician -
13 paramedic, ambulance driver, or other medical assistance
14 or first aid personnel performing his official duties;

15 (8) Knows the individual assaulted to be the
16 driver, operator, employee or passenger of any
17 transportation facility or system engaged in the business
18 of transportation of the public for hire and the
19 individual assaulted is then performing in such capacity
20 or then using such public transportation as a passenger
21 or using any area of any description designated by the
22 transportation facility or system as a vehicle boarding,
23 departure, or transfer location;

24 (9) Or the individual assaulted is on or about a
25 public way, public property, or public place of
26 accommodation or amusement;

27 (10) Knows the individual assaulted to be an
28 employee of the State of Illinois, a municipal
29 corporation therein or a political subdivision thereof,
30 engaged in the performance of his authorized duties as
31 such employee;

32 (11) Knowingly and without legal justification,
33 commits an assault on a physically handicapped person;

34 (12) Knowingly and without legal justification,

1 commits an assault on a person 60 years of age or older;

2 (13) Discharges a firearm;

3 (14) Knows the individual assaulted to be a
4 correctional officer, while the officer is engaged in the
5 execution of any of his or her official duties, or to
6 prevent the officer from performing his or her official
7 duties, or in retaliation for the officer performing his
8 or her official duties; or

9 (15) Knows the individual assaulted to be a
10 correctional employee or an employee of the Department of
11 Human Services supervising or controlling sexually
12 dangerous persons or sexually violent persons, while the
13 employee is engaged in the execution of any of his or her
14 official duties, or to prevent the employee from
15 performing his or her official duties, or in retaliation
16 for the employee performing his or her official duties,
17 and the assault is committed other than by the discharge
18 of a firearm in the direction of the employee or in the
19 direction of a vehicle occupied by the employee.

20 (a-5) A person commits an aggravated assault when he or
21 she knowingly and without lawful justification shines or
22 flashes a laser gunsight or other laser device that is
23 attached or affixed to a firearm, or used in concert with a
24 firearm, so that the laser beam strikes near or in the
25 immediate vicinity of any person.

26 (b) Sentence.

27 Aggravated assault as defined in paragraphs (1) through
28 (5) and (7) through (12) of subsection (a) of this Section is
29 a Class A misdemeanor. Aggravated assault as defined in
30 paragraphs (13), (14), and (15) of subsection (a) of this
31 Section and as defined in subsection (a-5) of this Section is
32 a Class 4 felony. Aggravated assault as defined in paragraph
33 (6) of subsection (a) of this Section is a Class A
34 misdemeanor if a firearm is not used in the commission of the

1 assault. Aggravated assault as defined in paragraph (6) of
2 subsection (a) of this Section is a Class 4 felony if a
3 firearm is used in the commission of the assault.

4 (Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99;
5 91-672, eff. 1-1-00.)

6 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
7 Sec. 12-4. Aggravated Battery.

8 (a) A person who, in committing a battery, intentionally
9 or knowingly causes great bodily harm, or permanent
10 disability or disfigurement commits aggravated battery.

11 (b) In committing a battery, a person commits aggravated
12 battery if he or she:

13 (1) Uses a deadly weapon other than by the
14 discharge of a firearm;

15 (2) Is hooded, robed or masked, in such manner as
16 to conceal his identity;

17 (3) Knows the individual harmed to be a teacher or
18 other person employed in any school and such teacher or
19 other employee is upon the grounds of a school or grounds
20 adjacent thereto, or is in any part of a building used
21 for school purposes;

22 (4) Knows the individual harmed to be a supervisor,
23 director, instructor or other person employed in any park
24 district and such supervisor, director, instructor or
25 other employee is upon the grounds of the park or grounds
26 adjacent thereto, or is in any part of a building used
27 for park purposes;

28 (5) Knows the individual harmed to be a caseworker,
29 investigator, or other person employed by the State
30 Department of Public Aid, a County Department of Public
31 Aid, or the Department of Human Services (acting as
32 successor to the Illinois Department of Public Aid under
33 the Department of Human Services Act) and such

1 caseworker, investigator, or other person is upon the
2 grounds of a public aid office or grounds adjacent
3 thereto, or is in any part of a building used for public
4 aid purposes, or upon the grounds of a home of a public
5 aid applicant, recipient, or any other person being
6 interviewed or investigated in the employee's discharge
7 of his duties, or on grounds adjacent thereto, or is in
8 any part of a building in which the applicant, recipient,
9 or other such person resides or is located;

10 (6) Knows the individual harmed to be a peace
11 officer, a community policing volunteer, a correctional
12 institution employee, an employee of the Department of
13 Human Services supervising or controlling sexually
14 dangerous persons or sexually violent persons, or a
15 fireman while such officer, volunteer, employee or
16 fireman is engaged in the execution of any official
17 duties including arrest or attempted arrest, or to
18 prevent the officer, volunteer, employee or fireman from
19 performing official duties, or in retaliation for the
20 officer, volunteer, employee or fireman performing
21 official duties, and the battery is committed other than
22 by the discharge of a firearm;

23 (7) Knows the individual harmed to be an emergency
24 medical technician - ambulance, emergency medical
25 technician - intermediate, emergency medical technician -
26 paramedic, ambulance driver, other medical assistance,
27 first aid personnel, or hospital emergency room personnel
28 engaged in the performance of any of his or her official
29 duties, or to prevent the emergency medical technician -
30 ambulance, emergency medical technician - intermediate,
31 emergency medical technician - paramedic, ambulance
32 driver, other medical assistance, first aid personnel, or
33 hospital emergency room personnel from performing
34 official duties, or in retaliation for performing

1 official duties;

2 (8) Is, or the person battered is, on or about a
3 public way, public property or public place of
4 accommodation or amusement;

5 (9) Knows the individual harmed to be the driver,
6 operator, employee or passenger of any transportation
7 facility or system engaged in the business of
8 transportation of the public for hire and the individual
9 assaulted is then performing in such capacity or then
10 using such public transportation as a passenger or using
11 any area of any description designated by the
12 transportation facility or system as a vehicle boarding,
13 departure, or transfer location;

14 (10) Knowingly and without legal justification and
15 by any means causes bodily harm to an individual of 60
16 years of age or older;

17 (11) Knows the individual harmed is pregnant;

18 (12) Knows the individual harmed to be a judge whom
19 the person intended to harm as a result of the judge's
20 performance of his or her official duties as a judge;

21 (13) Knows the individual harmed to be an employee
22 of the Illinois Department of Children and Family
23 Services engaged in the performance of his authorized
24 duties as such employee;

25 (14) Knows the individual harmed to be a person who
26 is physically handicapped;

27 (15) Knowingly and without legal justification and
28 by any means causes bodily harm to a merchant who detains
29 the person for an alleged commission of retail theft
30 under Section 16A-5 of this Code. In this item (15),
31 "merchant" has the meaning ascribed to it in Section
32 16A-2.4 of this Code; or

33 (16) Is, or the person battered is, in any building
34 or other structure used to provide shelter or other

1 services to victims or to the dependent children of
2 victims of domestic violence pursuant to the Illinois
3 Domestic Violence Act of 1986 or the Domestic Violence
4 Shelters Act, or the person battered is within 500 feet
5 of such a building or other structure while going to or
6 from such a building or other structure. "Domestic
7 violence" has the meaning ascribed to it in Section 103
8 of the Illinois Domestic Violence Act of 1986. "Building
9 or other structure used to provide shelter" has the
10 meaning ascribed to "shelter" in Section 1 of the
11 Domestic Violence Shelters Act.

12 For the purpose of paragraph (14) of subsection (b) of
13 this Section, a physically handicapped person is a person who
14 suffers from a permanent and disabling physical
15 characteristic, resulting from disease, injury, functional
16 disorder or congenital condition.

17 (c) A person who administers to an individual or causes
18 him to take, without his consent or by threat or deception,
19 and for other than medical purposes, any intoxicating,
20 poisonous, stupefying, narcotic, anesthetic, or controlled
21 substance commits aggravated battery.

22 (d) A person who knowingly gives to another person any
23 food that contains any substance or object that is intended
24 to cause physical injury if eaten, commits aggravated
25 battery.

26 (d-3) A person commits aggravated battery when he or she
27 knowingly and without lawful justification shines or flashes
28 a laser gunsight or other laser device that is attached or
29 affixed to a firearm, or used in concert with a firearm, so
30 that the laser beam strikes upon or against the person of
31 another.

32 (d-5) An inmate of a penal institution or a sexually
33 dangerous person or a sexually violent person in the custody
34 of the Department of Human Services who causes or attempts to

1 cause a correctional employee of the penal institution or an
2 employee of the Department of Human Services to come into
3 contact with blood, seminal fluid, urine, or feces, by
4 throwing, tossing, or expelling that fluid or material
5 commits aggravated battery. For purposes of this subsection
6 (d-5), "correctional employee" means a person who is employed
7 by a penal institution.

8 (e) Sentence.

9 Aggravated battery is a Class 3 felony, except a
10 violation of subsection (a) is a Class 2 felony when the
11 person knows the individual harmed to be a peace officer
12 engaged in the execution of any of his or her official
13 duties, or the battery is to prevent the officer from
14 performing his or her official duties, or in retaliation for
15 the officer performing his or her official duties.

16 (Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00;
17 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff.
18 6-28-01; 92-516, eff. 1-1-02.)

19 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

20 Sec. 31-1. Resisting or obstructing a peace officer or
21 correctional institution employee.

22 (a) A person who knowingly resists or obstructs the
23 performance by one known to the person to be a peace officer
24 or correctional institution employee of any authorized act
25 within his official capacity commits a Class A misdemeanor.

26 (a-5) In addition to any other sentence that may be
27 imposed, a court shall order any person convicted of
28 resisting or obstructing a peace officer to be sentenced to a
29 minimum of 48 consecutive hours of imprisonment or ordered to
30 perform community service for not less than 100 hours as may
31 be determined by the court. The person shall not be eligible
32 for probation in order to reduce the sentence of imprisonment
33 or community service.

1 (a-7) A person convicted for a violation of this Section
2 whose violation was the proximate cause of an injury to a
3 peace officer is guilty of a Class 4 felony.

4 (b) For purposes of this Section, "correctional
5 institution employee" means any person employed to supervise
6 and control inmates incarcerated in a penitentiary, State
7 farm, reformatory, prison, jail, house of correction, police
8 detention area, half-way house, or other institution or place
9 for the incarceration or custody of persons under sentence
10 for offenses or awaiting trial or sentence for offenses,
11 under arrest for an offense, a violation of probation, a
12 violation of parole, or a violation of mandatory supervised
13 release, or awaiting a bail setting hearing or preliminary
14 hearing, or who are sexually dangerous persons or who are
15 sexually violent persons.

16 (Source: P.A. 87-1198.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.