



Sen. Tim Bivins

Filed: 4/26/2018

10000SB2272sam001

LRB100 15556 SLF 39407 a

1 AMENDMENT TO SENATE BILL 2272

2 AMENDMENT NO. _____. Amend Senate Bill 2272 by replacing
3 everything after the enacting clause with the following:

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

6 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

7 Sec. 12-3.05. Aggravated battery.

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

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

14 (2) Causes severe and permanent disability, great
15 bodily harm, or disfigurement by means of a caustic or
16 flammable substance, a poisonous gas, a deadly biological

1 or chemical contaminant or agent, a radioactive substance,
2 or a bomb or explosive compound.

3 (3) Causes great bodily harm or permanent disability or
4 disfigurement to an individual whom the person knows to be
5 a peace officer, community policing volunteer, fireman,
6 private security officer, correctional institution
7 employee, Department of Children and Family Services
8 investigator or caseworker, or Department of Human
9 Services employee supervising or controlling sexually
10 dangerous persons or sexually violent persons:

11 (i) performing his or her official duties;

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

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

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

18 (5) Strangles another individual.

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

24 (1) causes great bodily harm or permanent disability or
25 disfigurement to any child under the age of 13 years, or to
26 any person with a severe or profound intellectual

1 disability; or

2 (2) causes bodily harm or disability or disfigurement
3 to any child under the age of 13 years or to any person
4 with a severe or profound intellectual disability.

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

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

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

16 (2) A person who is pregnant or has a physical
17 disability.

18 (3) 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 (4) A peace officer, community policing volunteer,
22 fireman, private security officer, correctional
23 institution employee, Department of Children and Family
24 Services investigator or caseworker, or Department of
25 Human Services employee supervising or controlling
26 sexually dangerous persons or sexually violent persons:

1 (i) performing his or her official duties;

2 (ii) battered to prevent performance of his or her
3 official duties; or

4 (iii) battered in retaliation for performing his
5 or her official duties.

6 (5) A judge, emergency management worker, emergency
7 medical services personnel, or utility worker:

8 (i) performing his or her official duties;

9 (ii) battered to prevent performance of his or her
10 official duties; or

11 (iii) battered in retaliation for performing his
12 or her official duties.

13 (6) An officer or employee of the State of Illinois, a
14 unit of local government, or a school district, while
15 performing his or her official duties.

16 (7) A transit employee performing his or her official
17 duties, or a transit passenger.

18 (8) A taxi driver on duty.

19 (9) A merchant who detains the person for an alleged
20 commission of retail theft under Section 16-26 of this Code
21 and the person without legal justification by any means
22 causes bodily harm to the merchant.

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

1 server.

2 (11) A nurse while in the performance of his or her
3 duties as a nurse.

4 (e) Offense based on use of a firearm. A person commits
5 aggravated battery when, in committing a battery, he or she
6 knowingly does any of the following:

7 (1) Discharges a firearm, other than a machine gun or a
8 firearm equipped with a silencer, and causes any injury to
9 another person.

10 (2) Discharges a firearm, other than a machine gun or a
11 firearm equipped with a silencer, and causes any injury to
12 a person he or she knows to be a peace officer, community
13 policing volunteer, person summoned by a police officer,
14 fireman, private security officer, correctional
15 institution employee, or emergency management worker:

16 (i) performing his or her official duties;

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

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

21 (3) Discharges a firearm, other than a machine gun or a
22 firearm equipped with a silencer, and causes any injury to
23 a person he or she knows to be emergency medical services
24 personnel:

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her

1 official duties; or

2 (iii) battered in retaliation for performing his
3 or her official duties.

4 (4) Discharges a firearm and causes any injury to a
5 person he or she knows to be a teacher, a student in a
6 school, or a school employee, and the teacher, student, or
7 employee is upon school grounds or grounds adjacent to a
8 school or in any part of a building used for school
9 purposes.

10 (5) Discharges a machine gun or a firearm equipped with
11 a silencer, and causes any injury to another person.

12 (6) Discharges a machine gun or a firearm equipped with
13 a silencer, and causes any injury to a person he or she
14 knows to be a peace officer, community policing volunteer,
15 person summoned by a police officer, fireman, private
16 security officer, correctional institution employee or
17 emergency management worker:

18 (i) performing his or her official duties;

19 (ii) battered to prevent performance of his or her
20 official duties; or

21 (iii) battered in retaliation for performing his
22 or her official duties.

23 (7) Discharges a machine gun or a firearm equipped with
24 a silencer, and causes any injury to a person he or she
25 knows to be emergency medical services personnel:

26 (i) performing his or her official duties;

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

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

5 (8) Discharges a machine gun or a firearm equipped with
6 a silencer, and causes any injury to a person he or she
7 knows to be a teacher, or a student in a school, or a
8 school employee, and the teacher, student, or employee is
9 upon school grounds or grounds adjacent to a school or in
10 any part of a building used for school purposes.

11 (f) Offense based on use of a weapon or device. A person
12 commits aggravated battery when, in committing a battery, he or
13 she does any of the following:

14 (1) Uses a deadly weapon other than by discharge of a
15 firearm, or uses an air rifle as defined in Section
16 24.8-0.1 of this Code.

17 (2) Wears a hood, robe, or mask to conceal his or her
18 identity.

19 (3) Knowingly and without lawful justification shines
20 or flashes a laser gunsight or other laser device attached
21 to a firearm, or used in concert with a firearm, so that
22 the laser beam strikes upon or against the person of
23 another.

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

26 (g) Offense based on certain conduct. A person commits

1 aggravated battery when, other than by discharge of a firearm,
2 he or she does any of the following:

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

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

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

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

26 Aggravated battery as defined in subdivision (a)(4),

1 (d) (4), or (g) (3) is a Class 2 felony.

2 Aggravated battery as defined in subdivision (a) (3) or
3 (g) (1) is a Class 1 felony.

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

11 Aggravated battery under subdivision (a) (5) is a Class 1
12 felony if:

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

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

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

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

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

1 years.

2 Aggravated battery as defined in subdivision (e)(5) is a
3 Class X felony for which a person shall be sentenced to a term
4 of imprisonment of a minimum of 12 years and a maximum of 45
5 years.

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

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

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

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

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

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

1 imprisonment imposed by the court.

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

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

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

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

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

18 "Machine gun" has the meaning ascribed to it in Section
19 24-1 of this Code.

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

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

26 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,

1 eff. 7-16-14; 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)".