

# SB3435



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3435

Introduced 2/8/2024, by Sen. Patrick J. Joyce

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

Amends the Criminal Code of 2012. Provides that a person commits aggravated assault when, in committing an assault, he or she knows the individual assaulted to be a construction worker, maintenance worker, engineer, survey worker, truck driver, material supplier, employee of the State of Illinois or a unit of local government, or any other person while performing any type of work related to a public works project. Defines "public works". Provides that a violation is a Class A misdemeanor.

LRB103 38406 RLC 68541 b

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  
5 changing 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  
10 an individual who is on or about a public way, public property,  
11 a public place of accommodation or amusement, or a sports  
12 venue, or in a church, synagogue, mosque, or other building,  
13 structure, or place used for religious worship.

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

17 (1) A person with a physical disability or a person 60  
18 years of age or older and the assault is without legal  
19 justification.

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

23 (3) A park district employee upon park grounds or

1 grounds adjacent to a park or in any part of a building  
2 used for park purposes.

3 (4) A community policing volunteer, private security  
4 officer, or utility worker:

5 (i) performing his or her official duties;

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

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

10 (4.1) A peace officer, fireman, emergency management  
11 worker, or emergency medical services personnel:

12 (i) performing his or her official duties;

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

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

17 (5) A correctional officer or probation officer:

18 (i) performing his or her official duties;

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

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

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

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

7 (i) performing his or her official duties;

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

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

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

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

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

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

1           (11) A construction worker, maintenance worker,  
2           engineer, survey worker, truck driver, material supplier,  
3           employee of the State of Illinois or a unit of local  
4           government, or any other person while performing any type  
5           of work related to a public works project. In this  
6           paragraph (11), "public works" has the meaning ascribed to  
7           the term in Section 2 of the Prevailing Wage Act.

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

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

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

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

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

20           (5) Knowingly and without lawful justification shines  
21           or flashes a laser gun sight or other laser device  
22           attached to a firearm, or used in concert with a firearm,  
23           so that the laser beam strikes near or in the immediate  
24           vicinity of any person.

25           (6) Uses a firearm, other than by discharging the  
26           firearm, against a peace officer, community policing

1 volunteer, fireman, private security officer, emergency  
2 management worker, emergency medical services personnel,  
3 employee of a police department, employee of a sheriff's  
4 department, or traffic control municipal employee:

5 (i) performing his or her official duties;

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

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

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

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

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

20 (d) Sentence. Aggravated assault as defined in subdivision  
21 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),  
22 (b) (11), (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor,  
23 except that aggravated assault as defined in subdivision  
24 (b) (4) and (b) (7) is a Class 4 felony if a Category I, Category  
25 II, or Category III weapon is used in the commission of the  
26 assault. Aggravated assault as defined in subdivision

1 (b) (4.1), (b) (5), (b) (6), (b) (10), (c) (2), (c) (5), (c) (6), or  
2 (c) (7) is a Class 4 felony. Aggravated assault as defined in  
3 subdivision (c) (3) or (c) (8) is a Class 3 felony.

4 (e) For the purposes of this Section, "Category I weapon",  
5 "Category II weapon", and "Category III weapon" have the  
6 meanings ascribed to those terms in Section 33A-1 of this  
7 Code.

8 (Source: P.A. 101-223, eff. 1-1-20; 102-558, eff. 8-20-21.)