

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 12-3.05 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  
17 or chemical contaminant or agent, a radioactive substance,  
18 or a bomb or explosive compound.

19 (3) Causes great bodily harm or permanent disability or  
20 disfigurement to an individual whom the person knows to be  
21 a peace officer, community policing volunteer, fireman,  
22 private security officer, correctional institution  
23 employee, or Department of Human Services employee

1 supervising or controlling sexually dangerous persons or  
2 sexually violent persons:

3 (i) performing his or her official duties;

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

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

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

10 (5) Strangles another individual.

11 (b) Offense based on injury to a child or intellectually  
12 disabled person. A person who is at least 18 years of age  
13 commits aggravated battery when, in committing a battery, he or  
14 she knowingly and without legal justification by any means:

15 (1) causes great bodily harm or permanent disability or  
16 disfigurement to any child under the age of 13 years, or to  
17 any severely or profoundly intellectually disabled person;  
18 or

19 (2) causes bodily harm or disability or disfigurement  
20 to any child under the age of 13 years or to any severely  
21 or profoundly intellectually disabled person.

22 (c) Offense based on location of conduct. A person commits  
23 aggravated battery when, in committing a battery, other than by  
24 the discharge of a firearm, he or she is or the person battered  
25 is on or about a public way, public property, a public place of  
26 accommodation or amusement, a sports venue, or a domestic

1 violence shelter.

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

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

7 (2) A person who is pregnant or physically handicapped.

8 (3) A teacher or school employee upon school grounds or  
9 grounds adjacent to a school or in any part of a building  
10 used for school purposes.

11 (4) A peace officer, community policing volunteer,  
12 fireman, private security officer, correctional  
13 institution employee, or Department of Human Services  
14 employee supervising or controlling sexually dangerous  
15 persons or sexually violent persons:

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 (5) A judge, emergency management worker, emergency  
22 medical technician, or utility worker:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her  
25 official duties; or

26 (iii) battered in retaliation for performing his

1 or her official duties.

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

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

7 (8) A taxi driver on duty.

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

12 (10) A person authorized to serve process under Section  
13 2-202 of the Code of Civil Procedure or a special process  
14 server appointed by the circuit court while that individual  
15 is in the performance of his or her duties as a process  
16 server.

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

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

22 (1) Discharges a firearm, other than a machine gun or a  
23 firearm equipped with a silencer, and causes any injury to  
24 another person.

25 (2) Discharges a firearm, other than a machine gun or a  
26 firearm equipped with a silencer, and causes any injury to

1 a person he or she knows to be a peace officer, community  
2 policing volunteer, person summoned by a police officer,  
3 fireman, private security officer, correctional  
4 institution employee, or emergency management worker:

5 (i) performing his or her official duties;

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

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

10 (3) 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 an emergency medical  
13 technician employed by a municipality or other  
14 governmental unit:

15 (i) performing his or her official duties;

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

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

20 (4) Discharges a firearm and causes any injury to a  
21 person he or she knows to be a teacher, a student in a  
22 school, or a school employee, and the teacher, student, or  
23 employee is upon school grounds or grounds adjacent to a  
24 school or in any part of a building used for school  
25 purposes.

26 (5) Discharges a machine gun or a firearm equipped with

1 a silencer, and causes any injury to another person.

2 (6) Discharges a machine gun or a firearm equipped with  
3 a silencer, and causes any injury to a person he or she  
4 knows to be a peace officer, community policing volunteer,  
5 person summoned by a police officer, fireman, private  
6 security officer, correctional institution employee or  
7 emergency management 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 (7) Discharges a machine gun or a firearm equipped with  
14 a silencer, and causes any injury to a person he or she  
15 knows to be an emergency medical technician employed by a  
16 municipality or other governmental unit:

17 (i) performing his or her official duties;

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

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

22 (8) Discharges a machine gun or a firearm equipped with  
23 a silencer, and causes any injury to a person he or she  
24 knows to be a teacher, or a student in a school, or a  
25 school employee, and the teacher, student, or employee is  
26 upon school grounds or grounds adjacent to a school or in

1 any part of a building used for school purposes.

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

5 (1) Uses a deadly weapon other than by discharge of a  
6 firearm, or uses an air rifle as defined in the Air Rifle  
7 Act.

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

10 (3) Knowingly and without lawful justification shines  
11 or flashes a laser gunsight or other laser device attached  
12 to a firearm, or used in concert with a firearm, so that  
13 the laser beam strikes upon or against the person of  
14 another.

15 (g) Offense based on certain conduct. A person commits  
16 aggravated battery when, other than by discharge of a firearm,  
17 he or she does any of the following:

18 (1) Violates Section 401 of the Illinois Controlled  
19 Substances Act by unlawfully delivering a controlled  
20 substance to another and any user experiences great bodily  
21 harm or permanent disability as a result of the injection,  
22 inhalation, or ingestion of any amount of the controlled  
23 substance.

24 (2) Knowingly administers to an individual or causes  
25 him or her to take, without his or her consent or by threat  
26 or deception, and for other than medical purposes, any

1           intoxicating, poisonous, stupefying, narcotic, anesthetic,  
2           or controlled substance, or gives to another person any  
3           food containing any substance or object intended to cause  
4           physical injury if eaten.

5           (3) Knowingly causes or attempts to cause a  
6           correctional institution employee or Department of Human  
7           Services employee to come into contact with blood, seminal  
8           fluid, urine, or feces by throwing, tossing, or expelling  
9           the fluid or material, and the person is an inmate of a  
10          penal institution or is a sexually dangerous person or  
11          sexually violent person in the custody of the Department of  
12          Human Services.

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

15          Aggravated battery as defined in subdivision (a)(4),  
16          (d)(4), or (g)(3) is a Class 2 felony.

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

19          Aggravated battery as defined in subdivision (a)(1) is a  
20          Class 1 felony when the aggravated battery was intentional and  
21          involved the infliction of torture, as defined in paragraph  
22          (14) of subsection (b) of Section 9-1 of this Code, as the  
23          infliction of or subjection to extreme physical pain, motivated  
24          by an intent to increase or prolong the pain, suffering, or  
25          agony of the victim.

26          Aggravated battery under subdivision (a)(5) is a Class 1



1 felony if:

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

4 (B) the person caused great bodily harm or permanent  
5 disability or disfigurement to the other person while  
6 committing the offense; or

7 (C) the person has been previously convicted of a  
8 violation of subdivision (a)(5) under the laws of this  
9 State or laws similar to subdivision (a)(5) of any other  
10 state.

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

13 Aggravated battery as defined in subdivision (a)(2) is a  
14 Class X felony for which a person shall be sentenced to a term  
15 of imprisonment of a minimum of 6 years and a maximum of 45  
16 years.

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

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

25 Aggravated battery as defined in subdivision (e)(6),  
26 (e)(7), or (e)(8) is a Class X felony for which a person shall

1 be sentenced to a term of imprisonment of a minimum of 20 years  
2 and a maximum of 60 years.

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

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

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

11 (3) if, during the commission of the offense, the  
12 person personally discharged a firearm that proximately  
13 caused great bodily harm, permanent disability, permanent  
14 disfigurement, or death to another person, 25 years or up  
15 to a term of natural life shall be added to the term of  
16 imprisonment imposed by the court.

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

18 "Building or other structure used to provide shelter" has  
19 the meaning ascribed to "shelter" in Section 1 of the Domestic  
20 Violence Shelters Act.

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

23 "Domestic violence shelter" means any building or other  
24 structure used to provide shelter or other services to victims  
25 or to the dependent children of victims of domestic violence  
26 pursuant to the Illinois Domestic Violence Act of 1986 or the

1 Domestic Violence Shelters Act, or any place within 500 feet of  
2 such a building or other structure in the case of a person who  
3 is going to or from such a building or other structure.

4 "Firearm" has the meaning provided under Section 1.1 of the  
5 Firearm Owners Identification Card Act, and does not include an  
6 air rifle as defined by Section 1 of the Air Rifle Act.

7 "Machine gun" has the meaning ascribed to it in Section  
8 24-1 of this Code.

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

11 "Strangle" means intentionally impeding the normal  
12 breathing or circulation of the blood of an individual by  
13 applying pressure on the throat or neck of that individual or  
14 by blocking the nose or mouth of that individual.

15 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;  
16 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.  
17 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,  
18 and 97-467, eff. 1-1-12; 97-1109, eff. 1-1-13.)