

# HB3458



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

**HB3458**

Introduced 2/18/2025, by Rep. Lisa Davis

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that it is a defense to aggravated battery when the individual battered is a peace officer and the officer responded to an incident in which the officer interacted with a person whom a reasonable officer could believe was having a mental health episode and the person with whom the officer interacted has a documented mental illness and acted abruptly.

LRB104 08642 RLC 18695 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 12-3.05 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  
13 or 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  
20 or disfigurement to an individual whom the person knows to  
21 be 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  
9 or disfigurement to an individual 60 years of age or  
10 older.

11 (5) Strangles another individual.

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

17 (1) causes great bodily harm or permanent disability  
18 or disfigurement to any child under the age of 13 years, or  
19 to any person with a severe or profound intellectual  
20 disability; or

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

24 (c) Offense based on location of conduct. A person commits  
25 aggravated battery when, in committing a battery, other than  
26 by the discharge of a firearm, he or she is or the person

1 battered is on or about a public way, public property, a public  
2 place of accommodation or amusement, a sports venue, or a  
3 domestic violence shelter, or in a church, synagogue, mosque,  
4 or other building, structure, or place used for religious  
5 worship.

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

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

11 (2) A person who is pregnant or has a physical  
12 disability.

13 (3) A teacher or school employee upon school grounds  
14 or grounds adjacent to a school or in any part of a  
15 building used for school purposes.

16 (4) A peace officer, community policing volunteer,  
17 fireman, private security officer, correctional  
18 institution employee, or Department of Human Services  
19 employee supervising or controlling sexually dangerous  
20 persons or sexually violent persons:

21 (i) performing his or her official duties;

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

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

26 (5) A judge, emergency management worker, emergency

1 medical services personnel, or utility worker:

2 (i) performing his or her official duties;

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

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

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

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

12 (8) A taxi driver on duty.

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

17 (10) A person authorized to serve process under  
18 Section 2-202 of the Code of Civil Procedure or a special  
19 process server appointed by the circuit court while that  
20 individual is in the performance of his or her duties as a  
21 process server.

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

24 (12) A merchant: (i) while performing his or her  
25 duties, including, but not limited to, relaying directions  
26 for healthcare or safety from his or her supervisor or

1 employer or relaying health or safety guidelines,  
2 recommendations, regulations, or rules from a federal,  
3 State, or local public health agency; and (ii) during a  
4 disaster declared by the Governor, or a state of emergency  
5 declared by the mayor of the municipality in which the  
6 merchant is located, due to a public health emergency and  
7 for a period of 6 months after such declaration.

8 (d-1) It is a defense to aggravated battery when the  
9 individual battered is a peace officer and the officer  
10 responded to an incident in which the officer interacted with  
11 a person whom a reasonable officer could believe was having a  
12 mental health episode and the person with whom the officer  
13 interacted has a documented mental illness and acted abruptly.

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

17 (1) Discharges a firearm, other than a machine gun or  
18 a firearm equipped with a silencer, and causes any injury  
19 to another person.

20 (2) Discharges a firearm, other than a machine gun or  
21 a firearm equipped with a silencer, and causes any injury  
22 to a person he or she knows to be a peace officer,  
23 community policing volunteer, person summoned by a police  
24 officer, fireman, private security officer, correctional  
25 institution employee, or emergency management worker:

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

9           (i) performing his or her official duties;

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

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

14           (4) Discharges a firearm and causes any injury to a  
15           person he or she knows to be a teacher, a student in a  
16           school, or a school employee, and the teacher, student, or  
17           employee is upon school grounds or grounds adjacent to a  
18           school or in any part of a building used for school  
19           purposes.

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

22           (6) Discharges a machine gun or a firearm equipped  
23           with a silencer, and causes any injury to a person he or  
24           she knows to be a peace officer, community policing  
25           volunteer, person summoned by a police officer, fireman,  
26           private security officer, correctional institution

1 employee or emergency management worker:

2 (i) performing his or her official duties;

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

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

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

10 (i) performing his or her official duties;

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

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

15 (8) Discharges a machine gun or a firearm equipped  
16 with a silencer, and causes any injury to a person he or  
17 she knows to be a teacher, or a student in a school, or a  
18 school employee, and the teacher, student, or employee is  
19 upon school grounds or grounds adjacent to a school or in  
20 any part of a building used for school purposes.

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

24 (1) Uses a deadly weapon other than by discharge of a  
25 firearm, or uses an air rifle as defined in Section  
26 24.8-0.1 of this Code.

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

3           (3) Knowingly and without lawful justification shines  
4 or flashes a laser gunsight or other laser device attached  
5 to a firearm, or used in concert with a firearm, so that  
6 the laser beam strikes upon or against the person of  
7 another.

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

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

13           (1) Violates Section 401 of the Illinois Controlled  
14 Substances Act by unlawfully delivering a controlled  
15 substance to another and any user experiences great bodily  
16 harm or permanent disability as a result of the injection,  
17 inhalation, or ingestion of any amount of the controlled  
18 substance.

19           (2) Knowingly administers to an individual or causes  
20 him or her to take, without his or her consent or by threat  
21 or deception, and for other than medical purposes, any  
22 intoxicating,       poisonous,       stupefying,       narcotic,  
23 anesthetic, or controlled substance, or gives to another  
24 person any food containing any substance or object  
25 intended to cause physical injury if eaten.

26           (3) Knowingly causes or attempts to cause a

1           correctional institution employee or Department of Human  
2           Services employee to come into contact with blood, seminal  
3           fluid, urine, or feces by throwing, tossing, or expelling  
4           the fluid or material, and the person is an inmate of a  
5           penal institution or is a sexually dangerous person or  
6           sexually violent person in the custody of the Department  
7           of Human Services.

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

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

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

14           Aggravated battery as defined in subdivision (a)(1) is a  
15           Class 1 felony when the aggravated battery was intentional and  
16           involved the infliction of torture, as defined in paragraph  
17           (10) of subsection (b-5) of Section 5-8-1 of the Unified Code  
18           of Corrections, as the infliction of or subjection to extreme  
19           physical pain, motivated by an intent to increase or prolong  
20           the pain, suffering, or agony of the victim.

21           Aggravated battery as defined in subdivision (a)(1) is a  
22           Class 2 felony when the person causes great bodily harm or  
23           permanent disability to an individual whom the person knows to  
24           be a member of a congregation engaged in prayer or other  
25           religious activities at a church, synagogue, mosque, or other  
26           building, structure, or place used for religious worship.

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

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

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

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

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

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

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

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

26           Aggravated battery as defined in subdivision (e)(6),

1 (e) (7), or (e) (8) is a Class X felony for which a person shall  
2 be sentenced to a term of imprisonment of a minimum of 20 years  
3 and a maximum of 60 years.

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

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

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

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

18 (i) Definitions. In this Section:

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

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

24 "Domestic violence shelter" means any building or other  
25 structure used to provide shelter or other services to victims  
26 or to the dependent children of victims of domestic violence

1 pursuant to the Illinois Domestic Violence Act of 1986 or the  
2 Domestic Violence Shelters Act, or any place within 500 feet  
3 of such a building or other structure in the case of a person  
4 who is going to or from such a building or other structure.

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

9 "Machine gun" has the meaning ascribed to it in Section  
10 24-1 of this Code.

11 "Merchant" has the meaning ascribed to it in Section  
12 16-0.1 of this Code.

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

17 (Source: P.A. 103-51, eff. 1-1-24.)