

SB2640



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2640

Introduced 4/1/2025, by Sen. Andrew S. Chesney

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that, if and only if House Bill 3458 of the 104th General Assembly as introduced becomes law, it is a defense to aggravated battery when the individual battered is a member of the General Assembly and the General Assembly member responded to an incident in which the General Assembly member interacted with a person whom a reasonable person could believe was having a mental health episode and the person with whom the member of the General Assembly interacted has a documented mental illness and acted abruptly.

LRB104 12856 RLC 24215 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. If and only if House Bill 3458 of the 104th
5 General Assembly as introduced becomes law, the Criminal Code
6 of 2012 is amended by changing Section 12-3.05 as follows:

7 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

8 Sec. 12-3.05. Aggravated battery.

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

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

15 (2) Causes severe and permanent disability, great
16 bodily harm, or disfigurement by means of a caustic or
17 flammable substance, a poisonous gas, a deadly biological
18 or chemical contaminant or agent, a radioactive substance,
19 or a bomb or explosive compound.

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

1 employee, or Department of Human Services employee
2 supervising or controlling sexually dangerous persons or
3 sexually violent persons:

4 (i) performing his or her official duties;

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

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

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

12 (5) Strangles another individual.

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

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

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

25 (c) Offense based on location of conduct. A person commits
26 aggravated battery when, in committing a battery, other than

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

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

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

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

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

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

22 (i) performing his or her official duties;

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

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

1 (5) A judge, emergency management worker, emergency
2 medical services personnel, or utility worker:

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

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

13 (8) A taxi driver on duty.

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

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

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

25 (12) A merchant: (i) while performing his or her
26 duties, including, but not limited to, relaying directions

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

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

15 (d-2) It is a defense to aggravated battery when the
16 individual battered is a member of the General Assembly and
17 the General Assembly member responded to an incident in which
18 the General Assembly member interacted with a person whom a
19 reasonable person could believe was having a mental health
20 episode and the person with whom the member of the General
21 Assembly interacted has a documented mental illness and acted
22 abruptly.

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

26 (1) Discharges a firearm, other than a machine gun or

1 a firearm equipped with a silencer, and causes any injury
2 to another person.

3 (2) Discharges a firearm, other than a machine gun or
4 a firearm equipped with a silencer, and causes any injury
5 to a person he or she knows to be a peace officer,
6 community policing volunteer, person summoned by a police
7 officer, fireman, private security officer, correctional
8 institution employee, or emergency management worker:

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

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 (4) Discharges a firearm and causes any injury to a
24 person he or she knows to be a teacher, a student in a
25 school, or a school employee, and the teacher, student, or
26 employee is upon school grounds or grounds adjacent to a

1 school or in any part of a building used for school
2 purposes.

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

5 (6) Discharges a machine gun or a firearm equipped
6 with a silencer, and causes any injury to a person he or
7 she knows to be a peace officer, community policing
8 volunteer, person summoned by a police officer, fireman,
9 private security officer, correctional institution
10 employee or emergency management worker:

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

19 (i) performing his or her official duties;

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

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

24 (8) Discharges a machine gun or a firearm equipped
25 with a silencer, and causes any injury to a person he or
26 she knows to be a teacher, or a student in a school, or a

1 school employee, and the teacher, student, or employee is
2 upon school grounds or grounds adjacent to a school or in
3 any part of a building used for school purposes.

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

7 (1) Uses a deadly weapon other than by discharge of a
8 firearm, or uses an air rifle as defined in Section
9 24.8-0.1 of this Code.

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

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

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

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

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

1 substance.

2 (2) Knowingly administers to an individual or causes
3 him or her to take, without his or her consent or by threat
4 or deception, and for other than medical purposes, any
5 intoxicating, poisonous, stupefying, narcotic,
6 anesthetic, or controlled substance, or gives to another
7 person any food containing any substance or object
8 intended to cause physical injury if eaten.

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

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

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

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

23 Aggravated battery as defined in subdivision (a)(1) is a
24 Class 1 felony when the aggravated battery was intentional and
25 involved the infliction of torture, as defined in paragraph
26 (10) of subsection (b-5) of Section 5-8-1 of the Unified Code

1 of Corrections, as the infliction of or subjection to extreme
2 physical pain, motivated by an intent to increase or prolong
3 the pain, suffering, or agony of the victim.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (i) Definitions. In this Section:

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

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

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

14 "Firearm" has the meaning provided under Section 1.1 of
15 the Firearm Owners Identification Card Act, and does not
16 include an air rifle as defined by Section 24.8-0.1 of this
17 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
21 16-0.1 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. 103-51, eff. 1-1-24; 10400HB3458.)