

SB3547



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3547

Introduced 2/5/2026, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that the penalty for aggravated battery is a Class 2 felony (rather than a Class 3 felony) when the person knows the individual battered to be a judge, State's Attorney, or Assistant State's Attorney: (1) performing his or her official duties; (2) battered to prevent performance of his or her official duties; or (3) battered in retaliation for performing his or her official duties. Effective immediately.

LRB104 16489 RLC 29885 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) An ~~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 (6.5) A judge, State's Attorney, or Assistant State's
11 Attorney:

12 (i) performing his or her official duties;

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

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

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

19 (8) A taxi driver on duty.

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

24 (10) A person authorized to serve process under
25 Section 2-202 of the Code of Civil Procedure or a special
26 process server appointed by the circuit court while that

1 individual is in the performance of his or her duties as a
2 process server.

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

5 (12) A merchant: (i) while performing his or her
6 duties, including, but not limited to, relaying directions
7 for healthcare or safety from his or her supervisor or
8 employer or relaying health or safety guidelines,
9 recommendations, regulations, or rules from a federal,
10 State, or local public health agency; and (ii) during a
11 disaster declared by the Governor, or a state of emergency
12 declared by the mayor of the municipality in which the
13 merchant is located, due to a public health emergency and
14 for a period of 6 months after such declaration.

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

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

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

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

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

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

1 private security officer, correctional institution
2 employee or emergency management 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 (7) Discharges a machine gun or a firearm equipped
9 with a silencer, and causes any injury to a person he or
10 she knows to be emergency medical services personnel:

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 (8) 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 a teacher, or a student in a school, or a
19 school employee, and the teacher, student, or employee is
20 upon school grounds or grounds adjacent to a school or in
21 any part of a building used for school purposes.

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

25 (1) Uses a deadly weapon other than by discharge of a
26 firearm, or uses an air rifle as defined in Section

1 24.8-0.1 of this Code.

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

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

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

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

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

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

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

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

11 Aggravated battery as defined in subdivision (a)(4),
12 (d)(4), (d)(6.5), or (g)(3) is a Class 2 felony.

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

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

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

1 building, structure, or place used for religious worship.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (i) Definitions. In this Section:

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

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

25 "Domestic violence shelter" means any building or other
26 structure used to provide shelter or other services to victims

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

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

10 "Machine gun" has the meaning ascribed to it in Section
11 24-1 of this Code.

12 "Merchant" has the meaning ascribed to it in Section
13 16-0.1 of this Code.

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

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.