

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 Sections 9-1, 12-2, 12-3.05, and 24-1 as follows:

6 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

7 Sec. 9-1. First degree murder; death penalties;
8 exceptions; separate hearings; proof; findings; appellate
9 procedures; reversals. ~~First degree murder; death penalties;~~
10 ~~exceptions; separate hearings; proof; findings; appellate~~
11 ~~procedures; reversals.~~

12 (a) A person who kills an individual without lawful
13 justification commits first degree murder if, in performing the
14 acts which cause the death:

15 (1) he or she either intends to kill or do great bodily
16 harm to that individual or another, or knows that such acts
17 will cause death to that individual or another; or

18 (2) he or she knows that such acts create a strong
19 probability of death or great bodily harm to that
20 individual or another; or

21 (3) he or she is attempting or committing a forcible
22 felony other than second degree murder.

23 (b) Aggravating Factors. A defendant who at the time of the

1 commission of the offense has attained the age of 18 or more
2 and who has been found guilty of first degree murder may be
3 sentenced to death if:

4 (1) the murdered individual was a peace officer or
5 fireman killed in the course of performing his official
6 duties, to prevent the performance of his or her official
7 duties, or in retaliation for performing his or her
8 official duties, and the defendant knew or should have
9 known that the murdered individual was a peace officer or
10 fireman; or

11 (2) the murdered individual was an employee of an
12 institution or facility of the Department of Corrections,
13 or any similar local correctional agency, killed in the
14 course of performing his or her official duties, to prevent
15 the performance of his or her official duties, or in
16 retaliation for performing his or her official duties, or
17 the murdered individual was an inmate at such institution
18 or facility and was killed on the grounds thereof, or the
19 murdered individual was otherwise present in such
20 institution or facility with the knowledge and approval of
21 the chief administrative officer thereof; or

22 (3) the defendant has been convicted of murdering two
23 or more individuals under subsection (a) of this Section or
24 under any law of the United States or of any state which is
25 substantially similar to subsection (a) of this Section
26 regardless of whether the deaths occurred as the result of

1 the same act or of several related or unrelated acts so
2 long as the deaths were the result of either an intent to
3 kill more than one person or of separate acts which the
4 defendant knew would cause death or create a strong
5 probability of death or great bodily harm to the murdered
6 individual or another; or

7 (4) the murdered individual was killed as a result of
8 the hijacking of an airplane, train, ship, bus, or other
9 public conveyance; or

10 (5) the defendant committed the murder pursuant to a
11 contract, agreement, or understanding by which he or she
12 was to receive money or anything of value in return for
13 committing the murder or procured another to commit the
14 murder for money or anything of value; or

15 (6) the murdered individual was killed in the course of
16 another felony if:

17 (a) the murdered individual:

18 (i) was actually killed by the defendant, or

19 (ii) received physical injuries personally
20 inflicted by the defendant substantially
21 contemporaneously with physical injuries caused by
22 one or more persons for whose conduct the defendant
23 is legally accountable under Section 5-2 of this
24 Code, and the physical injuries inflicted by
25 either the defendant or the other person or persons
26 for whose conduct he is legally accountable caused

1 the death of the murdered individual; and

2 (b) in performing the acts which caused the death
3 of the murdered individual or which resulted in
4 physical injuries personally inflicted by the
5 defendant on the murdered individual under the
6 circumstances of subdivision (ii) of subparagraph (a)
7 of paragraph (6) of subsection (b) of this Section, the
8 defendant acted with the intent to kill the murdered
9 individual or with the knowledge that his acts created
10 a strong probability of death or great bodily harm to
11 the murdered individual or another; and

12 (c) the other felony was an inherently violent
13 crime or the attempt to commit an inherently violent
14 crime. In this subparagraph (c), "inherently violent
15 crime" includes, but is not limited to, armed robbery,
16 robbery, predatory criminal sexual assault of a child,
17 aggravated criminal sexual assault, aggravated
18 kidnapping, aggravated vehicular hijacking, aggravated
19 arson, aggravated stalking, residential burglary, and
20 home invasion; or

21 (7) the murdered individual was under 12 years of age
22 and the death resulted from exceptionally brutal or heinous
23 behavior indicative of wanton cruelty; or

24 (8) the defendant committed the murder with intent to
25 prevent the murdered individual from testifying or
26 participating in any criminal investigation or prosecution

1 or giving material assistance to the State in any
2 investigation or prosecution, either against the defendant
3 or another; or the defendant committed the murder because
4 the murdered individual was a witness in any prosecution or
5 gave material assistance to the State in any investigation
6 or prosecution, either against the defendant or another;
7 for purposes of this paragraph (8), "participating in any
8 criminal investigation or prosecution" is intended to
9 include those appearing in the proceedings in any capacity
10 such as trial judges, prosecutors, defense attorneys,
11 investigators, witnesses, or jurors; or

12 (9) the defendant, while committing an offense
13 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
14 407 or 407.1 or subsection (b) of Section 404 of the
15 Illinois Controlled Substances Act, or while engaged in a
16 conspiracy or solicitation to commit such offense,
17 intentionally killed an individual or counseled,
18 commanded, induced, procured or caused the intentional
19 killing of the murdered individual; or

20 (10) the defendant was incarcerated in an institution
21 or facility of the Department of Corrections at the time of
22 the murder, and while committing an offense punishable as a
23 felony under Illinois law, or while engaged in a conspiracy
24 or solicitation to commit such offense, intentionally
25 killed an individual or counseled, commanded, induced,
26 procured or caused the intentional killing of the murdered

1 individual; or

2 (11) the murder was committed in a cold, calculated and
3 premeditated manner pursuant to a preconceived plan,
4 scheme or design to take a human life by unlawful means,
5 and the conduct of the defendant created a reasonable
6 expectation that the death of a human being would result
7 therefrom; or

8 (12) the murdered individual was an emergency medical
9 technician - ambulance, emergency medical technician -
10 intermediate, emergency medical technician - paramedic,
11 ambulance driver, or other medical assistance or first aid
12 personnel, employed by a municipality or other
13 governmental unit, killed in the course of performing his
14 official duties, to prevent the performance of his official
15 duties, or in retaliation for performing his official
16 duties, and the defendant knew or should have known that
17 the murdered individual was an emergency medical
18 technician - ambulance, emergency medical technician -
19 intermediate, emergency medical technician - paramedic,
20 ambulance driver, or other medical assistance or first aid
21 personnel; or

22 (13) the defendant was a principal administrator,
23 organizer, or leader of a calculated criminal drug
24 conspiracy consisting of a hierarchical position of
25 authority superior to that of all other members of the
26 conspiracy, and the defendant counseled, commanded,

1 induced, procured, or caused the intentional killing of the
2 murdered person; or

3 (14) the murder was intentional and involved the
4 infliction of torture. For the purpose of this Section
5 torture means the infliction of or subjection to extreme
6 physical pain, motivated by an intent to increase or
7 prolong the pain, suffering or agony of the victim; or

8 (15) the murder was committed as a result of the
9 intentional discharge of a firearm by the defendant from a
10 motor vehicle and the victim was not present within the
11 motor vehicle; or

12 (16) the murdered individual was 60 years of age or
13 older and the death resulted from exceptionally brutal or
14 heinous behavior indicative of wanton cruelty; or

15 (17) the murdered individual was a person with a
16 disability and the defendant knew or should have known that
17 the murdered individual was a person with a disability. For
18 purposes of this paragraph (17), "person with a disability"
19 means a person who suffers from a permanent physical or
20 mental impairment resulting from disease, an injury, a
21 functional disorder, or a congenital condition that
22 renders the person incapable of adequately providing for
23 his or her own health or personal care; or

24 (18) the murder was committed by reason of any person's
25 activity as a community policing volunteer or to prevent
26 any person from engaging in activity as a community

1 policing volunteer; or

2 (19) the murdered individual was subject to an order of
3 protection and the murder was committed by a person against
4 whom the same order of protection was issued under the
5 Illinois Domestic Violence Act of 1986; or

6 (20) the murdered individual was known by the defendant
7 to be a teacher or other person employed in any school and
8 the teacher or other employee is upon the grounds of a
9 school or grounds adjacent to a school, or is in any part
10 of a building used for school purposes; or

11 (21) the murder was committed by the defendant in
12 connection with or as a result of the offense of terrorism
13 as defined in Section 29D-14.9 of this Code; or -

14 (22) the murdered individual was a member of a
15 congregation engaged in prayer or other religious
16 activities at a church, synagogue, mosque, or other
17 building, structure, or place used for religious worship.

18 (b-5) Aggravating Factor; Natural Life Imprisonment. A
19 defendant who has been found guilty of first degree murder and
20 who at the time of the commission of the offense had attained
21 the age of 18 years or more may be sentenced to natural life
22 imprisonment if (i) the murdered individual was a physician,
23 physician assistant, psychologist, nurse, or advanced practice
24 registered nurse, (ii) the defendant knew or should have known
25 that the murdered individual was a physician, physician
26 assistant, psychologist, nurse, or advanced practice

1 registered nurse, and (iii) the murdered individual was killed
2 in the course of acting in his or her capacity as a physician,
3 physician assistant, psychologist, nurse, or advanced practice
4 registered nurse, or to prevent him or her from acting in that
5 capacity, or in retaliation for his or her acting in that
6 capacity.

7 (c) Consideration of factors in Aggravation and
8 Mitigation.

9 The court shall consider, or shall instruct the jury to
10 consider any aggravating and any mitigating factors which are
11 relevant to the imposition of the death penalty. Aggravating
12 factors may include but need not be limited to those factors
13 set forth in subsection (b). Mitigating factors may include but
14 need not be limited to the following:

15 (1) the defendant has no significant history of prior
16 criminal activity;

17 (2) the murder was committed while the defendant was
18 under the influence of extreme mental or emotional
19 disturbance, although not such as to constitute a defense
20 to prosecution;

21 (3) the murdered individual was a participant in the
22 defendant's homicidal conduct or consented to the
23 homicidal act;

24 (4) the defendant acted under the compulsion of threat
25 or menace of the imminent infliction of death or great
26 bodily harm;

1 (5) the defendant was not personally present during
2 commission of the act or acts causing death;

3 (6) the defendant's background includes a history of
4 extreme emotional or physical abuse;

5 (7) the defendant suffers from a reduced mental
6 capacity.

7 Provided, however, that an action that does not otherwise
8 mitigate first degree murder cannot qualify as a mitigating
9 factor for first degree murder because of the discovery,
10 knowledge, or disclosure of the victim's sexual orientation as
11 defined in Section 1-103 of the Illinois Human Rights Act.

12 (d) Separate sentencing hearing.

13 Where requested by the State, the court shall conduct a
14 separate sentencing proceeding to determine the existence of
15 factors set forth in subsection (b) and to consider any
16 aggravating or mitigating factors as indicated in subsection
17 (c). The proceeding shall be conducted:

18 (1) before the jury that determined the defendant's
19 guilt; or

20 (2) before a jury impanelled for the purpose of the
21 proceeding if:

22 A. the defendant was convicted upon a plea of
23 guilty; or

24 B. the defendant was convicted after a trial before
25 the court sitting without a jury; or

26 C. the court for good cause shown discharges the

1 jury that determined the defendant's guilt; or
2 (3) before the court alone if the defendant waives a
3 jury for the separate proceeding.

4 (e) Evidence and Argument.

5 During the proceeding any information relevant to any of
6 the factors set forth in subsection (b) may be presented by
7 either the State or the defendant under the rules governing the
8 admission of evidence at criminal trials. Any information
9 relevant to any additional aggravating factors or any
10 mitigating factors indicated in subsection (c) may be presented
11 by the State or defendant regardless of its admissibility under
12 the rules governing the admission of evidence at criminal
13 trials. The State and the defendant shall be given fair
14 opportunity to rebut any information received at the hearing.

15 (f) Proof.

16 The burden of proof of establishing the existence of any of
17 the factors set forth in subsection (b) is on the State and
18 shall not be satisfied unless established beyond a reasonable
19 doubt.

20 (g) Procedure - Jury.

21 If at the separate sentencing proceeding the jury finds
22 that none of the factors set forth in subsection (b) exists,
23 the court shall sentence the defendant to a term of
24 imprisonment under Chapter V of the Unified Code of
25 Corrections. If there is a unanimous finding by the jury that
26 one or more of the factors set forth in subsection (b) exist,

1 the jury shall consider aggravating and mitigating factors as
2 instructed by the court and shall determine whether the
3 sentence of death shall be imposed. If the jury determines
4 unanimously, after weighing the factors in aggravation and
5 mitigation, that death is the appropriate sentence, the court
6 shall sentence the defendant to death. If the court does not
7 concur with the jury determination that death is the
8 appropriate sentence, the court shall set forth reasons in
9 writing including what facts or circumstances the court relied
10 upon, along with any relevant documents, that compelled the
11 court to non-concur with the sentence. This document and any
12 attachments shall be part of the record for appellate review.
13 The court shall be bound by the jury's sentencing
14 determination.

15 If after weighing the factors in aggravation and
16 mitigation, one or more jurors determines that death is not the
17 appropriate sentence, the court shall sentence the defendant to
18 a term of imprisonment under Chapter V of the Unified Code of
19 Corrections.

20 (h) Procedure - No Jury.

21 In a proceeding before the court alone, if the court finds
22 that none of the factors found in subsection (b) exists, the
23 court shall sentence the defendant to a term of imprisonment
24 under Chapter V of the Unified Code of Corrections.

25 If the Court determines that one or more of the factors set
26 forth in subsection (b) exists, the Court shall consider any

1 aggravating and mitigating factors as indicated in subsection
2 (c). If the Court determines, after weighing the factors in
3 aggravation and mitigation, that death is the appropriate
4 sentence, the Court shall sentence the defendant to death.

5 If the court finds that death is not the appropriate
6 sentence, the court shall sentence the defendant to a term of
7 imprisonment under Chapter V of the Unified Code of
8 Corrections.

9 (h-5) Decertification as a capital case.

10 In a case in which the defendant has been found guilty of
11 first degree murder by a judge or jury, or a case on remand for
12 resentencing, and the State seeks the death penalty as an
13 appropriate sentence, on the court's own motion or the written
14 motion of the defendant, the court may decertify the case as a
15 death penalty case if the court finds that the only evidence
16 supporting the defendant's conviction is the uncorroborated
17 testimony of an informant witness, as defined in Section 115-21
18 of the Code of Criminal Procedure of 1963, concerning the
19 confession or admission of the defendant or that the sole
20 evidence against the defendant is a single eyewitness or single
21 accomplice without any other corroborating evidence. If the
22 court decertifies the case as a capital case under either of
23 the grounds set forth above, the court shall issue a written
24 finding. The State may pursue its right to appeal the
25 decertification pursuant to Supreme Court Rule 604(a)(1). If
26 the court does not decertify the case as a capital case, the

1 matter shall proceed to the eligibility phase of the sentencing
2 hearing.

3 (i) Appellate Procedure.

4 The conviction and sentence of death shall be subject to
5 automatic review by the Supreme Court. Such review shall be in
6 accordance with rules promulgated by the Supreme Court. The
7 Illinois Supreme Court may overturn the death sentence, and
8 order the imposition of imprisonment under Chapter V of the
9 Unified Code of Corrections if the court finds that the death
10 sentence is fundamentally unjust as applied to the particular
11 case. If the Illinois Supreme Court finds that the death
12 sentence is fundamentally unjust as applied to the particular
13 case, independent of any procedural grounds for relief, the
14 Illinois Supreme Court shall issue a written opinion explaining
15 this finding.

16 (j) Disposition of reversed death sentence.

17 In the event that the death penalty in this Act is held to
18 be unconstitutional by the Supreme Court of the United States
19 or of the State of Illinois, any person convicted of first
20 degree murder shall be sentenced by the court to a term of
21 imprisonment under Chapter V of the Unified Code of
22 Corrections.

23 In the event that any death sentence pursuant to the
24 sentencing provisions of this Section is declared
25 unconstitutional by the Supreme Court of the United States or
26 of the State of Illinois, the court having jurisdiction over a

1 person previously sentenced to death shall cause the defendant
2 to be brought before the court, and the court shall sentence
3 the defendant to a term of imprisonment under Chapter V of the
4 Unified Code of Corrections.

5 (k) Guidelines for seeking the death penalty.

6 The Attorney General and State's Attorneys Association
7 shall consult on voluntary guidelines for procedures governing
8 whether or not to seek the death penalty. The guidelines do not
9 have the force of law and are only advisory in nature.

10 (Source: P.A. 99-143, eff. 7-27-15; 100-460, eff. 1-1-18;
11 100-513, eff. 1-1-18; 100-863, eff. 8-14-18.)

12 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

13 Sec. 12-2. Aggravated assault.

14 (a) Offense based on location of conduct. A person commits
15 aggravated assault when he or she commits an assault against an
16 individual who is on or about a public way, public property, a
17 public place of accommodation or amusement, ~~or~~ a sports venue,
18 or in a church, synagogue, mosque, or other building,
19 structure, or place used for religious worship.

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

23 (1) A person with a physical disability or a person 60
24 years of age or older and the assault is without legal
25 justification.

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

4 (3) A park district employee upon park grounds or
5 grounds adjacent to a park or in any part of a building
6 used for park purposes.

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

9 (i) performing his or her official duties;

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

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

14 (4.1) A peace officer, fireman, emergency management
15 worker, or emergency medical services personnel:

16 (i) performing his or her official duties;

17 (ii) assaulted to prevent performance of his or her
18 official duties; or

19 (iii) assaulted in retaliation for performing his
20 or her official duties.

21 (5) A correctional officer or probation officer:

22 (i) performing his or her official duties;

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

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

1 (6) A correctional institution employee, a county
2 juvenile detention center employee who provides direct and
3 continuous supervision of residents of a juvenile
4 detention center, including a county juvenile detention
5 center employee who supervises recreational activity for
6 residents of a juvenile detention center, or a Department
7 of Human Services employee, Department of Human Services
8 officer, or employee of a subcontractor of the Department
9 of Human Services supervising or controlling sexually
10 dangerous persons or sexually violent persons:

11 (i) performing his or her official duties;

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

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

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

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

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

25 (10) A person authorized to serve process under Section
26 2-202 of the Code of Civil Procedure or a special process

1 server appointed by the circuit court, while that
2 individual is in the performance of his or her duties as a
3 process server.

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

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

11 (2) Discharges a firearm, other than from a motor
12 vehicle.

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

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

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

21 (6) Uses a firearm, other than by discharging the
22 firearm, against a peace officer, community policing
23 volunteer, fireman, private security officer, emergency
24 management worker, emergency medical services personnel,
25 employee of a police department, employee of a sheriff's
26 department, or traffic control municipal employee:

- 1 (i) performing his or her official duties;
2 (ii) assaulted to prevent performance of his or her
3 official duties; or
4 (iii) assaulted in retaliation for performing his
5 or her official duties.

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

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

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

16 (d) Sentence. Aggravated assault as defined in subdivision
17 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
18 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except that
19 aggravated assault as defined in subdivision (b) (4) and (b) (7)
20 is a Class 4 felony if a Category I, Category II, or Category
21 III weapon is used in the commission of the assault. Aggravated
22 assault as defined in subdivision (b) (4.1), (b) (5), (b) (6),
23 (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class 4 felony.
24 Aggravated assault as defined in subdivision (c) (3) or (c) (8)
25 is a Class 3 felony.

26 (e) For the purposes of this Section, "Category I weapon",

1 "Category II weapon, and "Category III weapon" have the
2 meanings ascribed to those terms in Section 33A-1 of this Code.
3 (Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143,
4 eff. 7-27-15; 99-256, eff. 1-1-16; 99-642, eff. 7-28-16;
5 99-816, eff. 8-15-16.)

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
24 supervising or controlling sexually dangerous persons or
25 sexually violent persons:

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

8 (5) Strangles another individual.

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

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

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

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

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

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 has a physical
8 disability.

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

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

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

24 (i) performing his or her official duties;

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

1 (iii) battered in retaliation for performing his
2 or her official duties.

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

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

8 (8) A taxi driver on duty.

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

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

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

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

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

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

1 firearm equipped with a silencer, and causes any injury to
2 a person he or she knows to be a peace officer, community
3 policing volunteer, person summoned by a police officer,
4 fireman, private security officer, correctional
5 institution employee, or emergency management worker:

6 (i) performing his or her official duties;

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

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

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

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 emergency medical services personnel:

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

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

4 (1) Uses a deadly weapon other than by discharge of a
5 firearm, or uses an air rifle as defined in Section
6 24.8-0.1 of this Code.

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

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

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

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

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

25 (2) Knowingly administers to an individual or causes
26 him or her to take, without his or her consent or by threat

1 or deception, and for other than medical purposes, any
2 intoxicating, poisonous, stupefying, narcotic, anesthetic,
3 or controlled substance, or gives to another person any
4 food containing any substance or object intended to cause
5 physical injury if eaten.

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

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

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

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

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

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

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

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

11 (B) the person caused great bodily harm or permanent
12 disability or disfigurement to the other person while
13 committing the offense; or

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

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

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

24 Aggravated battery as defined in subdivision (e)(5) is a
25 Class X felony for which a person shall be sentenced to a term
26 of imprisonment of a minimum of 12 years and a maximum of 45

1 years.

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

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

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

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

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

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

24 (i) Definitions. ~~In For the purposes of~~ this Section:

25 "Building or other structure used to provide shelter" has
26 the meaning ascribed to "shelter" in Section 1 of the Domestic

1 Violence Shelters Act.

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

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

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

14 "Machine gun" has the meaning ascribed to it in Section
15 24-1 of this Code.

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

18 "Strangle" means intentionally impeding the normal
19 breathing or circulation of the blood of an individual by
20 applying pressure on the throat or neck of that individual or
21 by blocking the nose or mouth of that individual.

22 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,
23 eff. 7-16-14; 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)

24 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

25 Sec. 24-1. Unlawful use of weapons.

1 (a) A person commits the offense of unlawful use of weapons
2 when he knowingly:

3 (1) Sells, manufactures, purchases, possesses or
4 carries any bludgeon, black-jack, slung-shot, sand-club,
5 sand-bag, metal knuckles or other knuckle weapon
6 regardless of its composition, throwing star, or any knife,
7 commonly referred to as a switchblade knife, which has a
8 blade that opens automatically by hand pressure applied to
9 a button, spring or other device in the handle of the
10 knife, or a ballistic knife, which is a device that propels
11 a knifelike blade as a projectile by means of a coil
12 spring, elastic material or compressed gas; or

13 (2) Carries or possesses with intent to use the same
14 unlawfully against another, a dagger, dirk, billy,
15 dangerous knife, razor, stiletto, broken bottle or other
16 piece of glass, stun gun or taser or any other dangerous or
17 deadly weapon or instrument of like character; or

18 (2.5) Carries or possesses with intent to use the same
19 unlawfully against another, any firearm in a church,
20 synagogue, mosque, or other building, structure, or place
21 used for religious worship; or

22 (3) Carries on or about his person or in any vehicle, a
23 tear gas gun projector or bomb or any object containing
24 noxious liquid gas or substance, other than an object
25 containing a non-lethal noxious liquid gas or substance
26 designed solely for personal defense carried by a person 18

1 years of age or older; or

2 (4) Carries or possesses in any vehicle or concealed on
3 or about his person except when on his land or in his own
4 abode, legal dwelling, or fixed place of business, or on
5 the land or in the legal dwelling of another person as an
6 invitee with that person's permission, any pistol,
7 revolver, stun gun or taser or other firearm, except that
8 this subsection (a) (4) does not apply to or affect
9 transportation of weapons that meet one of the following
10 conditions:

11 (i) are broken down in a non-functioning state; or

12 (ii) are not immediately accessible; or

13 (iii) are unloaded and enclosed in a case, firearm
14 carrying box, shipping box, or other container by a
15 person who has been issued a currently valid Firearm
16 Owner's Identification Card; or

17 (iv) are carried or possessed in accordance with
18 the Firearm Concealed Carry Act by a person who has
19 been issued a currently valid license under the Firearm
20 Concealed Carry Act; or

21 (5) Sets a spring gun; or

22 (6) Possesses any device or attachment of any kind
23 designed, used or intended for use in silencing the report
24 of any firearm; or

25 (7) Sells, manufactures, purchases, possesses or
26 carries:

1 (i) a machine gun, which shall be defined for the
2 purposes of this subsection as any weapon, which
3 shoots, is designed to shoot, or can be readily
4 restored to shoot, automatically more than one shot
5 without manually reloading by a single function of the
6 trigger, including the frame or receiver of any such
7 weapon, or sells, manufactures, purchases, possesses,
8 or carries any combination of parts designed or
9 intended for use in converting any weapon into a
10 machine gun, or any combination or parts from which a
11 machine gun can be assembled if such parts are in the
12 possession or under the control of a person;

13 (ii) any rifle having one or more barrels less than
14 16 inches in length or a shotgun having one or more
15 barrels less than 18 inches in length or any weapon
16 made from a rifle or shotgun, whether by alteration,
17 modification, or otherwise, if such a weapon as
18 modified has an overall length of less than 26 inches;
19 or

20 (iii) any bomb, bomb-shell, grenade, bottle or
21 other container containing an explosive substance of
22 over one-quarter ounce for like purposes, such as, but
23 not limited to, black powder bombs and Molotov
24 cocktails or artillery projectiles; or

25 (8) Carries or possesses any firearm, stun gun or taser
26 or other deadly weapon in any place which is licensed to

1 sell intoxicating beverages, or at any public gathering
2 held pursuant to a license issued by any governmental body
3 or any public gathering at which an admission is charged,
4 excluding a place where a showing, demonstration or lecture
5 involving the exhibition of unloaded firearms is
6 conducted.

7 This subsection (a) (8) does not apply to any auction or
8 raffle of a firearm held pursuant to a license or permit
9 issued by a governmental body, nor does it apply to persons
10 engaged in firearm safety training courses; or

11 (9) Carries or possesses in a vehicle or on or about
12 his or her person any pistol, revolver, stun gun or taser
13 or firearm or ballistic knife, when he or she is hooded,
14 robed or masked in such manner as to conceal his or her
15 identity; or

16 (10) Carries or possesses on or about his or her
17 person, upon any public street, alley, or other public
18 lands within the corporate limits of a city, village, or
19 incorporated town, except when an invitee thereon or
20 therein, for the purpose of the display of such weapon or
21 the lawful commerce in weapons, or except when on his land
22 or in his or her own abode, legal dwelling, or fixed place
23 of business, or on the land or in the legal dwelling of
24 another person as an invitee with that person's permission,
25 any pistol, revolver, stun gun, or taser or other firearm,
26 except that this subsection (a) (10) does not apply to or

1 affect transportation of weapons that meet one of the
2 following conditions:

3 (i) are broken down in a non-functioning state; or

4 (ii) are not immediately accessible; or

5 (iii) are unloaded and enclosed in a case, firearm
6 carrying box, shipping box, or other container by a
7 person who has been issued a currently valid Firearm
8 Owner's Identification Card; or

9 (iv) are carried or possessed in accordance with
10 the Firearm Concealed Carry Act by a person who has
11 been issued a currently valid license under the Firearm
12 Concealed Carry Act.

13 A "stun gun or taser", as used in this paragraph (a)
14 means (i) any device which is powered by electrical
15 charging units, such as, batteries, and which fires one or
16 several barbs attached to a length of wire and which, upon
17 hitting a human, can send out a current capable of
18 disrupting the person's nervous system in such a manner as
19 to render him incapable of normal functioning or (ii) any
20 device which is powered by electrical charging units, such
21 as batteries, and which, upon contact with a human or
22 clothing worn by a human, can send out current capable of
23 disrupting the person's nervous system in such a manner as
24 to render him incapable of normal functioning; or

25 (11) Sells, manufactures, l or purchases any explosive
26 bullet. For purposes of this paragraph (a) "explosive

1 bullet" means the projectile portion of an ammunition
2 cartridge which contains or carries an explosive charge
3 which will explode upon contact with the flesh of a human
4 or an animal. "Cartridge" means a tubular metal case having
5 a projectile affixed at the front thereof and a cap or
6 primer at the rear end thereof, with the propellant
7 contained in such tube between the projectile and the cap;
8 or

9 (12) (Blank); or

10 (13) Carries or possesses on or about his or her person
11 while in a building occupied by a unit of government, a
12 billy club, other weapon of like character, or other
13 instrument of like character intended for use as a weapon.
14 For the purposes of this Section, "billy club" means a
15 short stick or club commonly carried by police officers
16 which is either telescopic or constructed of a solid piece
17 of wood or other man-made material.

18 (b) Sentence. A person convicted of a violation of
19 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
20 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
21 Class A misdemeanor. A person convicted of a violation of
22 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
23 person convicted of a violation of subsection 24-1(a)(6) or
24 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
25 convicted of a violation of subsection 24-1(a)(7)(i) commits a
26 Class 2 felony and shall be sentenced to a term of imprisonment

1 of not less than 3 years and not more than 7 years, unless the
2 weapon is possessed in the passenger compartment of a motor
3 vehicle as defined in Section 1-146 of the Illinois Vehicle
4 Code, or on the person, while the weapon is loaded, in which
5 case it shall be a Class X felony. A person convicted of a
6 second or subsequent violation of subsection 24-1(a)(4),
7 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
8 felony. A person convicted of a violation of subsection
9 24-1(a)(2.5) commits a Class 2 felony. The possession of each
10 weapon in violation of this Section constitutes a single and
11 separate violation.

12 (c) Violations in specific places.

13 (1) A person who violates subsection 24-1(a)(6) or
14 24-1(a)(7) in any school, regardless of the time of day or
15 the time of year, in residential property owned, operated
16 or managed by a public housing agency or leased by a public
17 housing agency as part of a scattered site or mixed-income
18 development, in a public park, in a courthouse, on the real
19 property comprising any school, regardless of the time of
20 day or the time of year, on residential property owned,
21 operated or managed by a public housing agency or leased by
22 a public housing agency as part of a scattered site or
23 mixed-income development, on the real property comprising
24 any public park, on the real property comprising any
25 courthouse, in any conveyance owned, leased or contracted
26 by a school to transport students to or from school or a

1 school related activity, in any conveyance owned, leased,
2 or contracted by a public transportation agency, or on any
3 public way within 1,000 feet of the real property
4 comprising any school, public park, courthouse, public
5 transportation facility, or residential property owned,
6 operated, or managed by a public housing agency or leased
7 by a public housing agency as part of a scattered site or
8 mixed-income development commits a Class 2 felony and shall
9 be sentenced to a term of imprisonment of not less than 3
10 years and not more than 7 years.

11 (1.5) A person who violates subsection 24-1(a)(4),
12 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
13 time of day or the time of year, in residential property
14 owned, operated, or managed by a public housing agency or
15 leased by a public housing agency as part of a scattered
16 site or mixed-income development, in a public park, in a
17 courthouse, on the real property comprising any school,
18 regardless of the time of day or the time of year, on
19 residential property owned, operated, or managed by a
20 public housing agency or leased by a public housing agency
21 as part of a scattered site or mixed-income development, on
22 the real property comprising any public park, on the real
23 property comprising any courthouse, in any conveyance
24 owned, leased, or contracted by a school to transport
25 students to or from school or a school related activity, in
26 any conveyance owned, leased, or contracted by a public

1 transportation agency, or on any public way within 1,000
2 feet of the real property comprising any school, public
3 park, courthouse, public transportation facility, or
4 residential property owned, operated, or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development
7 commits a Class 3 felony.

8 (2) A person who violates subsection 24-1(a)(1),
9 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
10 time of day or the time of year, in residential property
11 owned, operated or managed by a public housing agency or
12 leased by a public housing agency as part of a scattered
13 site or mixed-income development, in a public park, in a
14 courthouse, on the real property comprising any school,
15 regardless of the time of day or the time of year, on
16 residential property owned, operated or managed by a public
17 housing agency or leased by a public housing agency as part
18 of a scattered site or mixed-income development, on the
19 real property comprising any public park, on the real
20 property comprising any courthouse, in any conveyance
21 owned, leased or contracted by a school to transport
22 students to or from school or a school related activity, in
23 any conveyance owned, leased, or contracted by a public
24 transportation agency, or on any public way within 1,000
25 feet of the real property comprising any school, public
26 park, courthouse, public transportation facility, or

1 residential property owned, operated, or managed by a
2 public housing agency or leased by a public housing agency
3 as part of a scattered site or mixed-income development
4 commits a Class 4 felony. "Courthouse" means any building
5 that is used by the Circuit, Appellate, or Supreme Court of
6 this State for the conduct of official business.

7 (3) Paragraphs (1), (1.5), and (2) of this subsection
8 (c) shall not apply to law enforcement officers or security
9 officers of such school, college, or university or to
10 students carrying or possessing firearms for use in
11 training courses, parades, hunting, target shooting on
12 school ranges, or otherwise with the consent of school
13 authorities and which firearms are transported unloaded
14 enclosed in a suitable case, box, or transportation
15 package.

16 (4) For the purposes of this subsection (c), "school"
17 means any public or private elementary or secondary school,
18 community college, college, or university.

19 (5) For the purposes of this subsection (c), "public
20 transportation agency" means a public or private agency
21 that provides for the transportation or conveyance of
22 persons by means available to the general public, except
23 for transportation by automobiles not used for conveyance
24 of the general public as passengers; and "public
25 transportation facility" means a terminal or other place
26 where one may obtain public transportation.

1 (d) The presence in an automobile other than a public
2 omnibus of any weapon, instrument or substance referred to in
3 subsection (a) (7) is prima facie evidence that it is in the
4 possession of, and is being carried by, all persons occupying
5 such automobile at the time such weapon, instrument or
6 substance is found, except under the following circumstances:
7 (i) if such weapon, instrument or instrumentality is found upon
8 the person of one of the occupants therein; or (ii) if such
9 weapon, instrument or substance is found in an automobile
10 operated for hire by a duly licensed driver in the due, lawful
11 and proper pursuit of his or her trade, then such presumption
12 shall not apply to the driver.

13 (e) Exemptions.

14 (1) Crossbows, Common or Compound bows and Underwater
15 Spearguns are exempted from the definition of ballistic
16 knife as defined in paragraph (1) of subsection (a) of this
17 Section.

18 (2) The provision of paragraph (1) of subsection (a) of
19 this Section prohibiting the sale, manufacture, purchase,
20 possession, or carrying of any knife, commonly referred to
21 as a switchblade knife, which has a blade that opens
22 automatically by hand pressure applied to a button, spring
23 or other device in the handle of the knife, does not apply
24 to a person who possesses a currently valid Firearm Owner's
25 Identification Card previously issued in his or her name by
26 the Department of State Police or to a person or an entity

1 engaged in the business of selling or manufacturing
2 switchblade knives.

3 (Source: P.A. 99-29, eff. 7-10-15; 100-82, eff. 8-11-17.)