



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1796

Introduced 2/15/2019, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-0.1

720 ILCS 5/12-2

720 ILCS 5/12-3.05

from Ch. 38, par. 12-2

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Defines "servicemember" and "veteran". Provides that a person commits aggravated assault or aggravated battery when he or she commits an assault or a battery against a servicemember or veteran. Provides that an aggravated assault committed against a servicemember or veteran is a Class A misdemeanor. Provides that an aggravated battery committed against a servicemember or veteran is a Class 3 felony.

LRB101 07958 SLF 53014 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 changing
5 Sections 12-0.1, 12-2, and 12-3.05 as follows:

6 (720 ILCS 5/12-0.1)

7 Sec. 12-0.1. Definitions. In this Article, unless the
8 context clearly requires otherwise:

9 "Bona fide labor dispute" means any controversy concerning
10 wages, salaries, hours, working conditions, or benefits,
11 including health and welfare, sick leave, insurance, and
12 pension or retirement provisions, the making or maintaining of
13 collective bargaining agreements, and the terms to be included
14 in those agreements.

15 "Coach" means a person recognized as a coach by the
16 sanctioning authority that conducts an athletic contest.

17 "Correctional institution employee" means a person
18 employed by a penal institution.

19 "Emergency medical services personnel" has the meaning
20 specified in Section 3.5 of the Emergency Medical Services
21 (EMS) Systems Act and shall include all ambulance crew members,
22 including drivers or pilots.

23 "Family or household members" include spouses, former

1 spouses, parents, children, stepchildren, and other persons
2 related by blood or by present or prior marriage, persons who
3 share or formerly shared a common dwelling, persons who have or
4 allegedly have a child in common, persons who share or
5 allegedly share a blood relationship through a child, persons
6 who have or have had a dating or engagement relationship,
7 persons with disabilities and their personal assistants, and
8 caregivers as defined in Section 12-4.4a of this Code. For
9 purposes of this Article, neither a casual acquaintanceship nor
10 ordinary fraternization between 2 individuals in business or
11 social contexts shall be deemed to constitute a dating
12 relationship.

13 "In the presence of a child" means in the physical presence
14 of a child or knowing or having reason to know that a child is
15 present and may see or hear an act constituting an offense.

16 "Park district employee" means a supervisor, director,
17 instructor, or other person employed by a park district.

18 "Person with a physical disability" means a person who
19 suffers from a permanent and disabling physical
20 characteristic, resulting from disease, injury, functional
21 disorder, or congenital condition.

22 "Private security officer" means a registered employee of a
23 private security contractor agency under the Private
24 Detective, Private Alarm, Private Security, Fingerprint
25 Vendor, and Locksmith Act of 2004.

26 "Probation officer" means a person as defined in the

1 Probation and Probation Officers Act.

2 "Servicemember" means a person who is currently serving in
3 the Army, Air Force, Marines, Navy, or Coast Guard on active
4 duty, reserve status, or in the National Guard.

5 "Sports official" means a person at an athletic contest who
6 enforces the rules of the contest, such as an umpire or
7 referee.

8 "Sports venue" means a publicly or privately owned sports
9 or entertainment arena, stadium, community or convention hall,
10 special event center, or amusement facility, or a special event
11 center in a public park, during the 12 hours before or after
12 the sanctioned sporting event.

13 "Streetgang", "streetgang member", and "criminal street
14 gang" have the meanings ascribed to those terms in Section 10
15 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

16 "Transit employee" means a driver, operator, or employee of
17 any transportation facility or system engaged in the business
18 of transporting the public for hire.

19 "Transit passenger" means a passenger of any
20 transportation facility or system engaged in the business of
21 transporting the public for hire, including a passenger using
22 any area designated by a transportation facility or system as a
23 vehicle boarding, departure, or transfer location.

24 "Utility worker" means any of the following:

25 (1) A person employed by a public utility as defined in
26 Section 3-105 of the Public Utilities Act.

1 (2) An employee of a municipally owned utility.

2 (3) An employee of a cable television company.

3 (4) An employee of an electric cooperative as defined
4 in Section 3-119 of the Public Utilities Act.

5 (5) An independent contractor or an employee of an
6 independent contractor working on behalf of a cable
7 television company, public utility, municipally owned
8 utility, or electric cooperative.

9 (6) An employee of a telecommunications carrier as
10 defined in Section 13-202 of the Public Utilities Act, or
11 an independent contractor or an employee of an independent
12 contractor working on behalf of a telecommunications
13 carrier.

14 (7) An employee of a telephone or telecommunications
15 cooperative as defined in Section 13-212 of the Public
16 Utilities Act, or an independent contractor or an employee
17 of an independent contractor working on behalf of a
18 telephone or telecommunications cooperative.

19 "Veteran" means a former servicemember who was discharged
20 or released from service under conditions other than
21 dishonorable.

22 (Source: P.A. 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)

23 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

24 Sec. 12-2. Aggravated assault.

25 (a) Offense based on location of conduct. A person commits

1 aggravated assault when he or she commits an assault against an
2 individual who is on or about a public way, public property, a
3 public place of accommodation or amusement, or a sports venue.

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

7 (1) A person with a physical disability, a
8 servicemember, a veteran, or a person 60 years of age or
9 older and the assault is without legal justification.

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

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

16 (4) A community policing volunteer, private security
17 officer, or utility worker:

18 (i) performing his or her official duties;

19 (ii) assaulted to prevent performance of his or her
20 official duties; or

21 (iii) assaulted in retaliation for performing his
22 or her official duties.

23 (4.1) A peace officer, fireman, emergency management
24 worker, or emergency medical services personnel:

25 (i) performing his or her official duties;

26 (ii) assaulted to prevent performance of his or her

1 official duties; or

2 (iii) assaulted in retaliation for performing his
3 or her official duties.

4 (5) A correctional officer or probation officer:

5 (i) performing his or her official duties;

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

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

10 (6) A correctional institution employee, a county
11 juvenile detention center employee who provides direct and
12 continuous supervision of residents of a juvenile
13 detention center, including a county juvenile detention
14 center employee who supervises recreational activity for
15 residents of a juvenile detention center, or a Department
16 of Human Services employee, Department of Human Services
17 officer, or employee of a subcontractor of the Department
18 of Human Services supervising or controlling sexually
19 dangerous persons or sexually violent persons:

20 (i) performing his or her official duties;

21 (ii) assaulted to prevent performance of his or her
22 official duties; or

23 (iii) assaulted in retaliation for performing his
24 or her official duties.

25 (7) An employee of the State of Illinois, a municipal
26 corporation therein, or a political subdivision thereof,

1 performing his or her official duties.

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

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

8 (10) A person authorized to serve process under Section
9 2-202 of the Code of Civil Procedure or a special process
10 server appointed by the circuit court, while that
11 individual is in the performance of his or her duties as a
12 process server.

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

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

20 (2) Discharges a firearm, other than from a motor
21 vehicle.

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

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

25 (5) Knowingly and without lawful justification shines
26 or flashes a laser gun sight or other laser device attached

1 to a firearm, or used in concert with a firearm, so that
2 the laser beam strikes near or in the immediate vicinity of
3 any person.

4 (6) Uses a firearm, other than by discharging the
5 firearm, against a peace officer, community policing
6 volunteer, fireman, private security officer, emergency
7 management worker, emergency medical services personnel,
8 employee of a police department, employee of a sheriff's
9 department, or traffic control municipal employee:

10 (i) performing his or her official duties;

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

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

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

19 (8) Without justification operates a motor vehicle in a
20 manner which places a person listed in subdivision (b) (4),
21 in reasonable apprehension of being struck by the moving
22 motor vehicle.

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

25 (d) Sentence. Aggravated assault as defined in subdivision
26 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),

1 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except that
2 aggravated assault as defined in subdivision (b) (4) and (b) (7)
3 is a Class 4 felony if a Category I, Category II, or Category
4 III weapon is used in the commission of the assault. Aggravated
5 assault as defined in subdivision (b) (4.1), (b) (5), (b) (6),
6 (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class 4 felony.
7 Aggravated assault as defined in subdivision (c) (3) or (c) (8)
8 is a Class 3 felony.

9 (e) For the purposes of this Section, "Category I weapon",
10 "Category II weapon, and "Category III weapon" have the
11 meanings ascribed to those terms in Section 33A-1 of this Code.
12 (Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143,
13 eff. 7-27-15; 99-256, eff. 1-1-16; 99-642, eff. 7-28-16;
14 99-816, eff. 8-15-16.)

15 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

16 Sec. 12-3.05. Aggravated battery.

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

21 (1) Causes great bodily harm or permanent disability or
22 disfigurement.

23 (2) Causes severe and permanent disability, great
24 bodily harm, or disfigurement by means of a caustic or
25 flammable substance, a poisonous gas, a deadly biological

1 or chemical contaminant or agent, a radioactive substance,
2 or a bomb or explosive compound.

3 (3) Causes great bodily harm or permanent disability or
4 disfigurement to an individual whom the person knows to be
5 a peace officer, community policing volunteer, fireman,
6 private security officer, correctional institution
7 employee, or Department of Human Services employee
8 supervising or controlling sexually dangerous persons or
9 sexually violent persons:

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) Causes great bodily harm or permanent disability or
16 disfigurement to an individual 60 years of age or older.

17 (5) Strangles another individual.

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

23 (1) causes great bodily harm or permanent disability or
24 disfigurement to any child under the age of 13 years, or to
25 any person with a severe or profound intellectual
26 disability; or

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

4 (c) Offense based on location of conduct. A person commits
5 aggravated battery when, in committing a battery, other than by
6 the discharge of a firearm, he or she is or the person battered
7 is on or about a public way, public property, a public place of
8 accommodation or amusement, a sports venue, or a domestic
9 violence shelter.

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

14 (1) A person 60 years of age or older, a service
15 member, or a veteran.

16 (2) A person who is pregnant or has a physical
17 disability.

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

21 (4) A peace officer, community policing volunteer,
22 fireman, private security officer, correctional
23 institution employee, or Department of Human Services
24 employee supervising or controlling sexually dangerous
25 persons or sexually violent persons:

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

7 (i) performing his or her official duties;

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

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

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

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

17 (8) A taxi driver on duty.

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

22 (10) A person authorized to serve process under Section
23 2-202 of the Code of Civil Procedure or a special process
24 server appointed by the circuit court while that individual
25 is in the performance of his or her duties as a process
26 server.

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

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

6 (1) Discharges a firearm, other than a machine gun or a
7 firearm equipped with a silencer, and causes any injury to
8 another person.

9 (2) Discharges a firearm, other than a machine gun or a
10 firearm equipped with a silencer, and causes any injury to
11 a person he or she knows to be a peace officer, community
12 policing volunteer, person summoned by a police officer,
13 fireman, private security officer, correctional
14 institution employee, or emergency management worker:

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

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 (4) Discharges a firearm and causes any injury to a
4 person he or she knows to be a teacher, a student in a
5 school, or a school employee, and the teacher, student, or
6 employee is upon school grounds or grounds adjacent to a
7 school or in any part of a building used for school
8 purposes.

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

11 (6) Discharges a machine gun or a firearm equipped with
12 a silencer, and causes any injury to a person he or she
13 knows to be a peace officer, community policing volunteer,
14 person summoned by a police officer, fireman, private
15 security officer, correctional institution employee or
16 emergency management worker:

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

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her

1 official duties; or

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

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

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

13 (1) Uses a deadly weapon other than by discharge of a
14 firearm, or uses an air rifle as defined in Section
15 24.8-0.1 of this Code.

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

18 (3) Knowingly and without lawful justification shines
19 or flashes a laser gunsight or other laser device attached
20 to a firearm, or used in concert with a firearm, so that
21 the laser beam strikes upon or against the person of
22 another.

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

25 (g) Offense based on certain conduct. A person commits
26 aggravated battery when, other than by discharge of a firearm,

1 he or she does any of the following:

2 (1) Violates Section 401 of the Illinois Controlled
3 Substances Act by unlawfully delivering a controlled
4 substance to another and any user experiences great bodily
5 harm or permanent disability as a result of the injection,
6 inhalation, or ingestion of any amount of the controlled
7 substance.

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

15 (3) Knowingly causes or attempts to cause a
16 correctional institution employee or Department of Human
17 Services employee to come into contact with blood, seminal
18 fluid, urine, or feces by throwing, tossing, or expelling
19 the fluid or material, and the person is an inmate of a
20 penal institution or is a sexually dangerous person or
21 sexually violent person in the custody of the Department of
22 Human Services.

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

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

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

3 Aggravated battery as defined in subdivision (a)(1) is a
4 Class 1 felony when the aggravated battery was intentional and
5 involved the infliction of torture, as defined in paragraph
6 (14) of subsection (b) of Section 9-1 of this Code, as the
7 infliction of or subjection to extreme physical pain, motivated
8 by an intent to increase or prolong the pain, suffering, or
9 agony of the victim.

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; or

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. For the purposes of 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 of
12 such a building or other structure in the case of a person who
13 is going to or from such a building or other structure.

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

17 "Machine gun" has the meaning ascribed to it in Section
18 24-1 of this Code.

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

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

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