

SB2289



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2289

Introduced 10/28/2019, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that aggravated assault includes an assault committed against a contractor (rather than just a subcontractor) of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons. Provides that aggravated battery includes committing various kinds of battery against an officer or employee of a contractor or subcontractor of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons.

LRB101 14762 RLC 64084 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 12-2 and 12-3.05 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

8 (a) Offense based on location of conduct. A person commits
9 aggravated assault when he or she commits an assault against an
10 individual who is on or about a public way, public property, a
11 public place of accommodation or amusement, or a sports venue,
12 or in a church, synagogue, mosque, or other building,
13 structure, or place used for religious worship.

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

17 (1) A person with a physical disability or a person 60
18 years of age or older and the assault is without legal
19 justification.

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

23 (3) A park district employee upon park grounds or

1 grounds adjacent to a park or in any part of a building
2 used for park purposes.

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

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

12 (i) performing his or her official duties;

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

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

17 (5) A correctional officer or probation officer:

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 (6) A correctional institution employee, a county
24 juvenile detention center employee who provides direct and
25 continuous supervision of residents of a juvenile
26 detention center, including a county juvenile detention

1 center employee who supervises recreational activity for
2 residents of a juvenile detention center, or a Department
3 of Human Services employee or an ~~, Department of Human~~
4 ~~Services~~ officer~~,~~ or employee of a contractor or
5 subcontractor of the Department of Human Services
6 supervising or controlling sexually dangerous persons or
7 sexually violent persons:

8 (i) performing his or her official duties;

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

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

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

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

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

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
25 individual is in the performance of his or her duties as a
26 process server.

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

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

8 (2) Discharges a firearm, other than from a motor
9 vehicle.

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

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

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

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

24 (i) performing his or her official duties;

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

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

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

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

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

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

23 (e) For the purposes of this Section, "Category I weapon",
24 "Category II weapon", and "Category III weapon" have the
25 meanings ascribed to those terms in Section 33A-1 of this Code.
26 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

1 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

2 Sec. 12-3.05. Aggravated battery.

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

7 (1) Causes great bodily harm or permanent disability or
8 disfigurement.

9 (2) Causes severe and permanent disability, great
10 bodily harm, or disfigurement by means of a caustic or
11 flammable substance, a poisonous gas, a deadly biological
12 or chemical contaminant or agent, a radioactive substance,
13 or a bomb or explosive compound.

14 (3) Causes great bodily harm or permanent disability or
15 disfigurement to an individual whom the person knows to be
16 a peace officer, community policing volunteer, fireman,
17 private security officer, correctional institution
18 employee, or Department of Human Services employee or an
19 officer or employee of a contractor or subcontractor of the
20 Department of Human Services supervising or controlling
21 sexually dangerous persons or sexually violent persons:

22 (i) performing his or her official duties;

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

25 (iii) battered in retaliation for performing his

1 or her official duties.

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

4 (5) Strangles another individual.

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

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

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

17 (c) Offense based on location of conduct. A person commits
18 aggravated battery when, in committing a battery, other than by
19 the discharge of a firearm, he or she is or the person battered
20 is on or about a public way, public property, a public place of
21 accommodation or amusement, a sports venue, or a domestic
22 violence shelter, or in a church, synagogue, mosque, or other
23 building, structure, or place used for religious worship.

24 (d) Offense based on status of victim. A person commits
25 aggravated battery when, in committing a battery, other than by
26 discharge of a firearm, he or she knows the individual battered

1 to be any of the following:

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

3 (2) A person who is pregnant or has a physical
4 disability.

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

8 (4) A peace officer, community policing volunteer,
9 fireman, private security officer, correctional
10 institution employee, or Department of Human Services
11 employee or an officer or employee of a contractor or
12 subcontractor of the Department of Human Services
13 supervising or controlling sexually dangerous persons or
14 sexually violent persons:

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

22 (i) performing his or her official duties;

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

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

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

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

6 (8) A taxi driver on duty.

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

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

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

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

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

24 (2) Discharges a firearm, other than a machine gun or a
25 firearm equipped with a silencer, and causes any injury to
26 a person he or she knows to be a peace officer, community

1 policing volunteer, person summoned by a police officer,
2 fireman, private security officer, correctional
3 institution employee, or emergency management worker:

4 (i) performing his or her official duties;

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

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

9 (3) 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 emergency medical services
12 personnel:

13 (i) performing his or her official duties;

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

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

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

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

26 (6) Discharges a machine gun or a firearm equipped with

1 a silencer, and causes any injury to a person he or she
2 knows to be a peace officer, community policing volunteer,
3 person summoned by a police officer, fireman, private
4 security officer, correctional institution employee or
5 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 (7) 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 emergency medical services personnel:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

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

25 (f) Offense based on use of a weapon or device. A person
26 commits aggravated battery when, in committing a battery, he or

1 she does any of the following:

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

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

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

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

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

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

23 (2) Knowingly administers to an individual or causes
24 him or her to take, without his or her consent or by threat
25 or deception, and for other than medical purposes, any
26 intoxicating, poisonous, stupefying, narcotic, anesthetic,

1 or controlled substance, or gives to another person any
2 food containing any substance or object intended to cause
3 physical injury if eaten.

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

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

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

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

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

1 agony of the victim.

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

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

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

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

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

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

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

25 Aggravated battery as defined in subdivision (e)(5) is a
26 Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 12 years and a maximum of 45
2 years.

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

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

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

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

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

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

25 (i) Definitions. In this Section:

26 "Building or other structure used to provide shelter" has

1 the meaning ascribed to "shelter" in Section 1 of the Domestic
2 Violence Shelters Act.

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

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

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

15 "Machine gun" has the meaning ascribed to it in Section
16 24-1 of this Code.

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

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

23 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)