



Sen. Doris Turner

## Adopted in Senate on Mar 23, 2022

10200HB3850sam002

LRB102 16552 RLC 37815 a

1 AMENDMENT TO HOUSE BILL 3850

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3850 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the  
5 Knight-Silas Legacy Act.

6 Section 5. The Criminal Code of 2012 is amended by  
7 changing Section 12-3.05 as follows:

8 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

9 Sec. 12-3.05. Aggravated battery.

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

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

1           (2) Causes severe and permanent disability, great  
2           bodily harm, or disfigurement by means of a caustic or  
3           flammable substance, a poisonous gas, a deadly biological  
4           or chemical contaminant or agent, a radioactive substance,  
5           or a bomb or explosive compound.

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

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          (3.1) Is, at the time of the commission of the  
19          offense, 21 years of age or older and causes great bodily  
20          harm or permanent disability or disfigurement to an  
21          individual whom the person knows to be a Department of  
22          Children and Family Services employee:

23                 (i) performing his or her official duties;

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

26                 (iii) battered in retaliation for performing his

1           or her official duties.

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

5           (5) Strangles another individual.

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

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

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

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

26          (d) Offense based on status of victim. A person commits

1 aggravated battery when, in committing a battery, other than  
2 by discharge of a firearm, he or she knows the individual  
3 battered to be any of the following:

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

5 (2) A person who is pregnant or has a physical  
6 disability.

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

10 (4) A peace officer, community policing volunteer,  
11 fireman, private security officer, correctional  
12 institution employee, or Department of Human Services  
13 employee supervising or controlling sexually dangerous  
14 persons or 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 (4.1) (A) A Department of Children and Family Services  
21 employee:

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; and

1           (B) the person committing the offense, at the time of  
2           the commission of the offense, is 21 years of age or older.

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

5                   (i) performing his or her official duties;

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

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

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

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

15          (8) A taxi driver on duty.

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

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

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

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

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

14           (1) Discharges a firearm, other than a machine gun or  
15 a firearm equipped with a silencer, and causes any injury  
16 to another person.

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

23                   (i) performing his or her official duties;

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

26                   (iii) battered in retaliation for performing his

1           or her official duties.

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

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          (4) Discharges a firearm and causes any injury to a  
12 person he or she knows to be a teacher, a student in a  
13 school, or a school employee, and the teacher, student, or  
14 employee is upon school grounds or grounds adjacent to a  
15 school or in any part of a building used for school  
16 purposes.

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

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

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

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

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

21 (1) Uses a deadly weapon other than by discharge of a  
22 firearm, or uses an air rifle as defined in Section  
23 24.8-0.1 of this Code.

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

26 (3) Knowingly and without lawful justification shines



1 or flashes a laser gunsight or other laser device attached  
2 to a firearm, or used in concert with a firearm, so that  
3 the laser beam strikes upon or against the person of  
4 another.

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

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

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

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

23 (3) Knowingly causes or attempts to cause a  
24 correctional institution employee or Department of Human  
25 Services employee to come into contact with blood, seminal  
26 fluid, urine, or feces by throwing, tossing, or expelling

1 the fluid or material, and the person is an inmate of a  
2 penal institution or is a sexually dangerous person or  
3 sexually violent person in the custody of the Department  
4 of Human Services.

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

7 Aggravated battery as defined in subdivision (a)(4),  
8 (d)(4), (d)(4.1), or (g)(3) is a Class 2 felony.

9 Aggravated battery as defined in subdivision (a)(3),  
10 (a)(3.1), or (g)(1) is a Class 1 felony.

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

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

24 Aggravated battery under subdivision (a)(5) is a Class 1  
25 felony if:

26 (A) the person used or attempted to use a dangerous

1 instrument while committing the offense;

2 (B) the person caused great bodily harm or permanent  
3 disability or disfigurement to the other person while  
4 committing the offense; or

5 (C) the person has been previously convicted of a  
6 violation of subdivision (a)(5) under the laws of this  
7 State or laws similar to subdivision (a)(5) of any other  
8 state.

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

11 Aggravated battery as defined in subdivision (a)(2) is a  
12 Class X felony for which a person shall be sentenced to a term  
13 of imprisonment of a minimum of 6 years and a maximum of 45  
14 years.

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

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

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

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

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

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

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

15           (i) Definitions. In this Section:

16           "Building or other structure used to provide shelter" has  
17 the meaning ascribed to "shelter" in Section 1 of the Domestic  
18 Violence Shelters Act.

19           "Department of Children and Family Services employee"  
20 includes any Department case worker or investigator employed  
21 by an agency or organization providing social work, case work,  
22 or investigative services under a contract with or a grant  
23 from the Department of Children and Family Services.

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

26           "Domestic violence shelter" means any building or other

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

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

11 "Machine gun" has the meaning ascribed to it in Section  
12 24-1 of this Code.

13 "Merchant" has the meaning ascribed to it in Section  
14 16-0.1 of this Code.

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

19 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)".