

# SB0196



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0196

Introduced 2/9/2021, by Sen. Brian W. Stewart

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/31-1

from Ch. 38, par. 31-1

Amends the Criminal Code of 2012. Deletes the mental state of "knowingly" from the elements of the offense of resisting or obstructing a peace officer, firefighter, or correctional institution employee.

LRB102 04137 RLC 14154 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  
5 changing Section 31-1 as follows:

6 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

7 Sec. 31-1. Resisting or obstructing a peace officer,  
8 firefighter, or correctional institution employee.

9 (a) A person who ~~knowingly~~ resists or obstructs the  
10 performance by one known to the person to be a peace officer,  
11 firefighter, or correctional institution employee of any  
12 authorized act within his or her official capacity commits a  
13 Class A misdemeanor.

14 (a-5) In addition to any other sentence that may be  
15 imposed, a court shall order any person convicted of resisting  
16 or obstructing a peace officer, firefighter, or correctional  
17 institution employee to be sentenced to a minimum of 48  
18 consecutive hours of imprisonment or ordered to perform  
19 community service for not less than 100 hours as may be  
20 determined by the court. The person shall not be eligible for  
21 probation in order to reduce the sentence of imprisonment or  
22 community service.

23 (a-7) A person convicted for a violation of this Section

1 whose violation was the proximate cause of an injury to a peace  
2 officer, firefighter, or correctional institution employee is  
3 guilty of a Class 4 felony.

4 (b) For purposes of this Section, "correctional  
5 institution employee" means any person employed to supervise  
6 and control inmates incarcerated in a penitentiary, State  
7 farm, reformatory, prison, jail, house of correction, police  
8 detention area, half-way house, or other institution or place  
9 for the incarceration or custody of persons under sentence for  
10 offenses or awaiting trial or sentence for offenses, under  
11 arrest for an offense, a violation of probation, a violation  
12 of parole, a violation of aftercare release, a violation of  
13 mandatory supervised release, or awaiting a bail setting  
14 hearing or preliminary hearing, or who are sexually dangerous  
15 persons or who are sexually violent persons; and "firefighter"  
16 means any individual, either as an employee or volunteer, of a  
17 regularly constituted fire department of a municipality or  
18 fire protection district who performs fire fighting duties,  
19 including, but not limited to, the fire chief, assistant fire  
20 chief, captain, engineer, driver, ladder person, hose person,  
21 pipe person, and any other member of a regularly constituted  
22 fire department. "Firefighter" also means a person employed by  
23 the Office of the State Fire Marshal to conduct arson  
24 investigations.

25 (c) It is an affirmative defense to a violation of this  
26 Section if a person resists or obstructs the performance of

1 one known by the person to be a firefighter by returning to or  
2 remaining in a dwelling, residence, building, or other  
3 structure to rescue or to attempt to rescue any person.

4 (Source: P.A. 98-558, eff. 1-1-14.)