

SB0610



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0610

Introduced 2/24/2021, by Sen. Brian W. Stewart

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that a person also commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she knowingly causes great bodily harm or permanent disability or disfigurement to an individual whom the person knows to be a Department of Children and Family Services employee: (1) performing his or her official duties; (2) battered to prevent performance of his or her official duties; or (3) battered in retaliation for performing his or her official duties. Provides that a violation is a Class 1 felony. Provides that a person also commits aggravated battery when, in committing a battery, other than by discharge of a firearm, he or she knows the individual battered to be a Department of Children and Family Services employee: (1) performing his or her official duties; (2) battered to prevent performance of his or her official duties; or (3) battered in retaliation for performing his or her official duties. Provides that a violation is a Class 2 felony.

LRB102 15522 KMF 20885 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 12-3.05 as follows:

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
13 or 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
20 or disfigurement to an individual whom the person knows to
21 be a peace officer, community policing volunteer, fireman,
22 private security officer, correctional institution
23 employee, Department of Children and Family Services

1 employee, or Department of Human Services employee
2 supervising or controlling sexually dangerous persons or
3 sexually violent persons:

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

12 (5) Strangles another individual.

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

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

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

25 (c) Offense based on location of conduct. A person commits
26 aggravated battery when, in committing a battery, other than

1 by the discharge of a firearm, he or she is or the person
2 battered is on or about a public way, public property, a public
3 place of accommodation or amusement, a sports venue, or a
4 domestic violence shelter, or in a church, synagogue, mosque,
5 or other building, structure, or place used for religious
6 worship.

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

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

12 (2) A person who is pregnant or has a physical
13 disability.

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

17 (4) A peace officer, community policing volunteer,
18 fireman, private security officer, correctional
19 institution employee, Department of Children and Family
20 Services employee, or Department of Human Services
21 employee supervising or controlling sexually dangerous
22 persons or sexually violent persons:

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 (5) A judge, emergency management worker, emergency
3 medical services personnel, or utility 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 (6) An officer or employee of the State of Illinois, a
10 unit of local government, or a school district, while
11 performing his or her official duties.

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

14 (8) A taxi driver on duty.

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

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

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

26 (12) A merchant: (i) while performing his or her

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

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

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

16 (2) Discharges a firearm, other than a machine gun or
17 a firearm equipped with a silencer, and causes any injury
18 to a person he or she knows to be a peace officer,
19 community policing volunteer, person summoned by a police
20 officer, fireman, private security officer, correctional
21 institution employee, or emergency management 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 (3) Discharges a firearm, other than a machine gun or
2 a firearm equipped with a silencer, and causes any injury
3 to a person he or she knows to be emergency medical
4 services personnel:

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

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

18 (6) Discharges a machine gun or a firearm equipped
19 with a silencer, and causes any injury to a person he or
20 she knows to be a peace officer, community policing
21 volunteer, person summoned by a police officer, fireman,
22 private security officer, correctional institution
23 employee or emergency management 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 (7) Discharges a machine gun or a firearm equipped
4 with a silencer, and causes any injury to a person he or
5 she knows to be emergency medical 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 (8) Discharges a machine gun or a firearm equipped
12 with a silencer, and causes any injury to a person he or
13 she knows to be a teacher, or a student in a school, or a
14 school employee, and the teacher, student, or employee is
15 upon school grounds or grounds adjacent to a school or in
16 any part of a building used for school purposes.

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

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

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

25 (3) Knowingly and without lawful justification shines
26 or flashes a laser gunsight or other laser device attached

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

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

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

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

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

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

1 penal institution or is a sexually dangerous person or
2 sexually violent person in the custody of the Department
3 of Human Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 Aggravated battery as defined in subdivision (b)(1) is a

1 Class X felony, except that:

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

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

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

14 (i) Definitions. In this Section:

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

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

20 "Domestic violence shelter" means any building or other
21 structure used to provide shelter or other services to victims
22 or to the dependent children of victims of domestic violence
23 pursuant to the Illinois Domestic Violence Act of 1986 or the
24 Domestic Violence Shelters Act, or any place within 500 feet
25 of such a building or other structure in the case of a person
26 who is going to or from such a building or other structure.

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

5 "Machine gun" has the meaning ascribed to it in Section
6 24-1 of this Code.

7 "Merchant" has the meaning ascribed to it in Section
8 16-0.1 of this Code.

9 "Strangle" means intentionally impeding the normal
10 breathing or circulation of the blood of an individual by
11 applying pressure on the throat or neck of that individual or
12 by blocking the nose or mouth of that individual.

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