

SB3878



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3878

Introduced 1/21/2022, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

Amends the Criminal Code of 2012. Expands the offense of aggravated assault to include committing an assault when the defendant knows the individual assaulted to be a school board member upon school grounds or grounds adjacent to a school or in any part of a building used for school purposes. Provides that a violation is a Class A misdemeanor.

LRB102 24188 RLC 33416 b

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 12-2 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
10 an individual who is on or about a public way, public property,
11 a public place of accommodation or amusement, or a sports
12 venue, 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, school board member, or school employee
21 upon school grounds or grounds adjacent to a school or in
22 any part of a building 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
7 her 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
14 her 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
20 her 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, Department of Human Services
4 officer, or employee of a subcontractor of the Department
5 of Human Services supervising or controlling sexually
6 dangerous persons or sexually violent persons:

7 (i) performing his or her official duties;

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

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

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

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

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

22 (10) A person authorized to serve process under
23 Section 2-202 of the Code of Civil Procedure or a special
24 process 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
7 a 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
15 attached to a firearm, or used in concert with a firearm,
16 so that the laser beam strikes near or in the immediate
17 vicinity of 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
26 her 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
4 a manner which places a person, other than a person listed
5 in subdivision (b) (4), in reasonable apprehension of being
6 struck by the moving motor vehicle.

7 (8) Without justification operates a motor vehicle in
8 a manner which places a person listed in subdivision
9 (b) (4), in reasonable apprehension of being struck by the
10 moving 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
16 that aggravated assault as defined in subdivision (b) (4) and
17 (b) (7) is a Class 4 felony if a Category I, Category II, or
18 Category III weapon is used in the commission of the assault.
19 Aggravated assault as defined in subdivision (b) (4.1), (b) (5),
20 (b) (6), (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class
21 4 felony. Aggravated assault as defined in subdivision (c) (3)
22 or (c) (8) 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
26 Code.

1 (Source: P.A. 101-223, eff. 1-1-20; 102-558, eff. 8-20-21.)