



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3124

Introduced 2/2/2024, 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 for enhanced penalties for aggravated assault or aggravated battery of emergency department staff of a health care facility. Defines "emergency department staff" as any clinical or nonclinical staff present in the emergency department or emergency room of a health care facility who may come in contact with patients, including, but not limited to, physicians, nurses, nonphysician providers, technicians, security staff, patient transporters, respiratory therapists, housekeeping personnel, secretaries, and pharmacists. Defines "health care facility" as a facility, hospital, or establishment licensed or organized under the Ambulatory Surgical Treatment Center Act, the University of Illinois Hospital Act, the Hospital Licensing Act, the Nursing Home Care Act, the Assisted Living and Shared Housing Act, or the Community Living Facilities Licensing Act. Effective immediately.

LRB103 38014 RLC 68146 b

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 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
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 or school employee upon school grounds
21 or grounds adjacent to a school or in any part of a
22 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, emergency department staff, or emergency medical
12 services personnel:

13 (i) performing his or her official duties;

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

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

18 (5) A correctional officer or probation officer:

19 (i) performing his or her official duties;

20 (ii) assaulted to prevent performance of his or
21 her official duties; or

22 (iii) assaulted in retaliation for performing his
23 or her official duties.

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

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

8 (i) performing his or her official duties;

9 (ii) assaulted to prevent performance of his or
10 her 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
20 venue, on an indoor playing field or outdoor playing
21 field, or within the immediate vicinity of such a facility
22 or field.

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

1 process server.

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

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

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

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

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

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

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

26 (i) performing his or her official duties;

1 (ii) assaulted to prevent performance of his or
2 her official duties; or

3 (iii) assaulted in retaliation for performing his
4 or her official duties.

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

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

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

15 (d) Sentence. Aggravated assault as defined in subdivision
16 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
17 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except
18 that aggravated assault as defined in subdivision (b) (4) and
19 (b) (7) is a Class 4 felony if a Category I, Category II, or
20 Category III weapon is used in the commission of the assault.
21 Aggravated assault as defined in subdivision (b) (4.1), (b) (5),
22 (b) (6), (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class
23 4 felony. Aggravated assault as defined in subdivision (c) (3)
24 or (c) (8) is a Class 3 felony.

25 (e) For the purposes of this Section: 7

26 "Category I weapon", "Category II weapon", and "Category

1 III weapon" have the meanings ascribed to those terms in
2 Section 33A-1 of this Code.

3 "Emergency department staff" means any clinical or
4 nonclinical staff present in the emergency department or
5 emergency room of a health care facility who may come in
6 contact with patients, including, but not limited to,
7 physicians, nurses, nonphysician providers, technicians,
8 security staff, patient transporters, respiratory therapists,
9 housekeeping personnel, secretaries, and pharmacists.

10 "Health care facility" means a facility, hospital, or
11 establishment licensed or organized under the Ambulatory
12 Surgical Treatment Center Act, the University of Illinois
13 Hospital Act, the Hospital Licensing Act, the Nursing Home
14 Care Act, the Assisted Living and Shared Housing Act, or the
15 Community Living Facilities Licensing Act.

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

17 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

18 Sec. 12-3.05. Aggravated battery.

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

23 (1) Causes great bodily harm or permanent disability
24 or disfigurement.

25 (2) Causes severe and permanent disability, great

1 bodily harm, or disfigurement by means of a caustic or
2 flammable substance, a poisonous gas, a deadly biological
3 or chemical contaminant or agent, a radioactive substance,
4 or a bomb or explosive compound.

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

12 (i) performing his or her official duties;

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

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

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

20 (5) Strangles another individual.

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

26 (1) causes great bodily harm or permanent disability

1 or disfigurement to any child under the age of 13 years, or
2 to any person with a severe or profound intellectual
3 disability; or

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

7 (c) Offense based on location of conduct. A person commits
8 aggravated battery when, in committing a battery, other than
9 by the discharge of a firearm, he or she is or the person
10 battered is on or about a public way, public property, a public
11 place of accommodation or amusement, a sports venue, or a
12 domestic violence shelter, or in a church, synagogue, mosque,
13 or other building, structure, or place used for religious
14 worship.

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

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

20 (2) A person who is pregnant or has a physical
21 disability.

22 (3) A teacher or school employee upon school grounds
23 or grounds adjacent to a school or in any part of a
24 building used for school purposes.

25 (4) A peace officer, community policing volunteer,
26 fireman, private security officer, correctional

1 institution employee, ~~or~~ Department of Human Services
2 employee supervising or controlling sexually dangerous
3 persons or sexually violent persons, or emergency
4 department staff:

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

12 (i) performing his or her official duties;

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

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

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

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

22 (8) A taxi driver on duty.

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

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

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

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

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
22 a firearm equipped with a silencer, and causes any injury
23 to another person.

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

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

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

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

1 (6) Discharges a machine gun or a firearm equipped
2 with a silencer, and causes any injury to a person he or
3 she knows to be a peace officer, community policing
4 volunteer, person summoned by a police officer, fireman,
5 private security officer, correctional institution
6 employee, ~~or~~ emergency management worker, or emergency
7 department staff:

8 (i) performing his or her official duties;

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

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

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

16 (i) performing his or her official duties;

17 (ii) battered to prevent performance of his or her
18 official duties; or

19 (iii) battered in retaliation for performing his
20 or her official duties.

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

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

4 (1) Uses a deadly weapon other than by discharge of a
5 firearm, or uses an air rifle as defined in Section
6 24.8-0.1 of this Code.

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

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

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

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

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

25 (2) Knowingly administers to an individual or causes
26 him or her to take, without his or her consent or by threat

1 or deception, and for other than medical purposes, any
2 intoxicating, poisonous, stupefying, narcotic,
3 anesthetic, or controlled substance, or gives to another
4 person any food containing any substance or object
5 intended to cause physical injury if eaten.

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

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

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

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

20 Aggravated battery as defined in subdivision (a)(1) is a
21 Class 1 felony when the aggravated battery was intentional and
22 involved the infliction of torture, as defined in paragraph
23 (10) of subsection (b-5) of Section 5-8-1 of the Unified Code
24 of Corrections, as the infliction of or subjection to extreme
25 physical pain, motivated by an intent to increase or prolong
26 the pain, suffering, or agony of the victim.

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

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

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

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

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

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

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

24 Aggravated battery as defined in subdivision (e)(5) is a
25 Class X felony for which a person shall be sentenced to a term
26 of imprisonment of a minimum of 12 years and a maximum of 45

1 years.

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

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

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

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

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

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

24 (i) Definitions. In this Section:

25 "Building or other structure used to provide shelter" has
26 the meaning ascribed to "shelter" in Section 1 of the Domestic

1 Violence Shelters Act.

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

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

11 "Emergency department staff" means any clinical or
12 nonclinical staff present in the emergency department or
13 emergency room of a health care facility who may come in
14 contact with patients, including, but not limited to,
15 physicians, nurses, nonphysician providers, technicians,
16 security staff, patient transporters, respiratory therapists,
17 housekeeping personnel, secretaries, and pharmacists.

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

22 "Health care facility" means a facility, hospital, or
23 establishment licensed or organized under the Ambulatory
24 Surgical Treatment Center Act, the University of Illinois
25 Hospital Act, the Hospital Licensing Act, the Nursing Home
26 Care Act, the Assisted Living and Shared Housing Act, or the

1 Community Living Facilities Licensing Act.

2 "Machine gun" has the meaning ascribed to it in Section
3 24-1 of this Code.

4 "Merchant" has the meaning ascribed to it in Section
5 16-0.1 of this Code.

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

10 (Source: P.A. 103-51, eff. 1-1-24.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.