

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 1961 is amended by changing
5 Section 12-4 as follows:

6 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

7 Sec. 12-4. Aggravated Battery.

8 (a) A person who, in committing a battery, intentionally or
9 knowingly causes great bodily harm, or permanent disability or
10 disfigurement commits aggravated battery.

11 (b) In committing a battery, a person commits aggravated
12 battery if he or she:

13 (1) Uses a deadly weapon other than by the discharge of
14 a firearm;

15 (2) Is hooded, robed or masked, in such manner as to
16 conceal his identity;

17 (3) Knows the individual harmed to be a teacher or
18 other person employed in any school and such teacher or
19 other employee is upon the grounds of a school or grounds
20 adjacent thereto, or is in any part of a building used for
21 school purposes;

22 (4) Knows the individual harmed to be a supervisor,
23 director, instructor or other person employed in any park
24 district and such supervisor, director, instructor or
25 other employee is upon the grounds of the park or grounds
26 adjacent thereto, or is in any part of a building used for
27 park purposes;

28 (5) Knows the individual harmed to be a caseworker,
29 investigator, or other person employed by the State
30 Department of Public Aid, a County Department of Public
31 Aid, or the Department of Human Services (acting as
32 successor to the Illinois Department of Public Aid under

1 the Department of Human Services Act) and such caseworker,
2 investigator, or other person is upon the grounds of a
3 public aid office or grounds adjacent thereto, or is in any
4 part of a building used for public aid purposes, or upon
5 the grounds of a home of a public aid applicant, recipient,
6 or any other person being interviewed or investigated in
7 the employee's discharge of his duties, or on grounds
8 adjacent thereto, or is in any part of a building in which
9 the applicant, recipient, or other such person resides or
10 is located;

11 (6) Knows the individual harmed to be a peace officer,
12 a community policing volunteer, a correctional institution
13 employee, an employee of the Department of Human Services
14 supervising or controlling sexually dangerous persons or
15 sexually violent persons, or a fireman while such officer,
16 volunteer, employee or fireman is engaged in the execution
17 of any official duties including arrest or attempted
18 arrest, or to prevent the officer, volunteer, employee or
19 fireman from performing official duties, or in retaliation
20 for the officer, volunteer, employee or fireman performing
21 official duties, and the battery is committed other than by
22 the discharge of a firearm;

23 (7) Knows the individual harmed to be an emergency
24 medical technician - ambulance, emergency medical
25 technician - intermediate, emergency medical technician -
26 paramedic, ambulance driver, other medical assistance,
27 first aid personnel, or hospital personnel engaged in the
28 performance of any of his or her official duties, or to
29 prevent the emergency medical technician - ambulance,
30 emergency medical technician - intermediate, emergency
31 medical technician - paramedic, ambulance driver, other
32 medical assistance, first aid personnel, or hospital
33 personnel from performing official duties, or in
34 retaliation for performing official duties;

35 (8) Is, or the person battered is, on or about a public
36 way, public property or public place of accommodation or

1 amusement;

2 (9) Knows the individual harmed to be the driver,
3 operator, employee or passenger of any transportation
4 facility or system engaged in the business of
5 transportation of the public for hire and the individual
6 assaulted is then performing in such capacity or then using
7 such public transportation as a passenger or using any area
8 of any description designated by the transportation
9 facility or system as a vehicle boarding, departure, or
10 transfer location;

11 (10) Knowingly and without legal justification and by
12 any means causes bodily harm to an individual of 60 years
13 of age or older;

14 (11) Knows the individual harmed is pregnant;

15 (12) Knows the individual harmed to be a judge whom the
16 person intended to harm as a result of the judge's
17 performance of his or her official duties as a judge;

18 (13) Knows the individual harmed to be an employee of
19 the Illinois Department of Children and Family Services
20 engaged in the performance of his authorized duties as such
21 employee;

22 (14) Knows the individual harmed to be a person who is
23 physically handicapped;

24 (15) Knowingly and without legal justification and by
25 any means causes bodily harm to a merchant who detains the
26 person for an alleged commission of retail theft under
27 Section 16A-5 of this Code. In this item (15), "merchant"
28 has the meaning ascribed to it in Section 16A-2.4 of this
29 Code;

30 (16) Is, or the person battered is, in any building or
31 other structure used to provide shelter or other services
32 to victims or to the dependent children of victims of
33 domestic violence pursuant to the Illinois Domestic
34 Violence Act of 1986 or the Domestic Violence Shelters Act,
35 or the person battered is within 500 feet of such a
36 building or other structure while going to or from such a

1 building or other structure. "Domestic violence" has the
2 meaning ascribed to it in Section 103 of the Illinois
3 Domestic Violence Act of 1986. "Building or other structure
4 used to provide shelter" has the meaning ascribed to
5 "shelter" in Section 1 of the Domestic Violence Shelters
6 Act; or

7 (17) Knows the individual harmed to be an employee of a
8 police or sheriff's department engaged in the performance
9 of his or her official duties as such employee.

10 For the purpose of paragraph (14) of subsection (b) of this
11 Section, a physically handicapped person is a person who
12 suffers from a permanent and disabling physical
13 characteristic, resulting from disease, injury, functional
14 disorder or congenital condition.

15 (c) A person who administers to an individual or causes him
16 to take, without his consent or by threat or deception, and for
17 other than medical purposes, any intoxicating, poisonous,
18 stupefying, narcotic, anesthetic, or controlled substance
19 commits aggravated battery.

20 (d) A person who knowingly gives to another person any food
21 that contains any substance or object that is intended to cause
22 physical injury if eaten, commits aggravated battery.

23 (d-3) A person commits aggravated battery when he or she
24 knowingly and without lawful justification shines or flashes a
25 laser gunsight or other laser device that is attached or
26 affixed to a firearm, or used in concert with a firearm, so
27 that the laser beam strikes upon or against the person of
28 another.

29 (d-5) An inmate of a penal institution or a sexually
30 dangerous person or a sexually violent person in the custody of
31 the Department of Human Services who causes or attempts to
32 cause a correctional employee of the penal institution or an
33 employee of the Department of Human Services to come into
34 contact with blood, seminal fluid, urine, or feces, by
35 throwing, tossing, or expelling that fluid or material commits
36 aggravated battery. For purposes of this subsection (d-5),

1 "correctional employee" means a person who is employed by a
2 penal institution.

3 (e) Sentence.

4 Aggravated battery is a Class 3 felony, except a violation
5 of subsection (a) is a Class X ~~2~~ felony when the person knows
6 the individual harmed to be a peace officer, a community
7 policing volunteer, a correctional institution employee, an
8 employee of the Department of Human Services supervising or
9 controlling sexually dangerous persons or sexually violent
10 persons, or a fireman while such officer, volunteer, employee,
11 or fireman is engaged in the execution of any official duties
12 including arrest or attempted arrest, or to prevent the
13 officer, volunteer, employee, or fireman from performing
14 official duties, or in retaliation for the officer, volunteer,
15 employee, or fireman performing official duties, and the
16 battery is committed other than by the discharge of a firearm
17 ~~engaged in the execution of any of his or her official duties,~~
18 ~~or the battery is to prevent the officer from performing his or~~
19 ~~her official duties, or in retaliation for the officer~~
20 ~~performing his or her official duties.~~

21 (Source: P.A. 92-16, eff. 6-28-01; 92-516, eff. 1-1-02; 92-841,
22 eff. 8-22-02; 92-865, eff. 1-3-03; 93-83, eff. 7-2-03.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.