

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 Sections 12-2 and 12-4 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

8 (a) A person commits an aggravated assault, when, in  
9 committing an assault, he:

10 (1) Uses a deadly weapon or any device manufactured and  
11 designed to be substantially similar in appearance to a  
12 firearm, other than by discharging a firearm in the  
13 direction of another person, a peace officer, a person  
14 summoned or directed by a peace officer, a correctional  
15 officer or a fireman or in the direction of a vehicle  
16 occupied by another person, a peace officer, a person  
17 summoned or directed by a peace officer, a correctional  
18 officer or a fireman while the officer or fireman is  
19 engaged in the execution of any of his official duties, or  
20 to prevent the officer or fireman from performing his  
21 official duties, or in retaliation for the officer or  
22 fireman performing his official duties;

23 (2) Is hooded, robed or masked in such manner as to  
24 conceal his identity or any device manufactured and  
25 designed to be substantially similar in appearance to a  
26 firearm;

27 (3) Knows the individual assaulted to be a teacher or  
28 other person employed in any school and such teacher or  
29 other employee is upon the grounds of a school or grounds  
30 adjacent thereto, or is in any part of a building used for  
31 school purposes;

32 (4) Knows the individual assaulted to be a supervisor,

1 director, instructor or other person employed in any park  
2 district and such supervisor, director, instructor or  
3 other employee is upon the grounds of the park or grounds  
4 adjacent thereto, or is in any part of a building used for  
5 park purposes;

6 (5) Knows the individual assaulted to be a caseworker,  
7 investigator, or other person employed by the State  
8 Department of Public Aid, a County Department of Public  
9 Aid, or the Department of Human Services (acting as  
10 successor to the Illinois Department of Public Aid under  
11 the Department of Human Services Act) and such caseworker,  
12 investigator, or other person is upon the grounds of a  
13 public aid office or grounds adjacent thereto, or is in any  
14 part of a building used for public aid purposes, or upon  
15 the grounds of a home of a public aid applicant, recipient  
16 or any other person being interviewed or investigated in  
17 the employees' discharge of his duties, or on grounds  
18 adjacent thereto, or is in any part of a building in which  
19 the applicant, recipient, or other such person resides or  
20 is located;

21 (6) Knows the individual assaulted to be a peace  
22 officer, or a community policing volunteer, or a fireman  
23 while the officer or fireman is engaged in the execution of  
24 any of his official duties, or to prevent the officer,  
25 community policing volunteer, or fireman from performing  
26 his official duties, or in retaliation for the officer,  
27 community policing volunteer, or fireman performing his  
28 official duties, and the assault is committed other than by  
29 the discharge of a firearm in the direction of the officer  
30 or fireman or in the direction of a vehicle occupied by the  
31 officer or fireman;

32 (7) Knows the individual assaulted to be an emergency  
33 medical technician - ambulance, emergency medical  
34 technician - intermediate, emergency medical technician -  
35 paramedic, ambulance driver or other medical assistance or  
36 first aid personnel engaged in the execution of any of his

1 official duties, or to prevent the emergency medical  
2 technician - ambulance, emergency medical technician -  
3 intermediate, emergency medical technician - paramedic,  
4 ambulance driver, or other medical assistance or first aid  
5 personnel from performing his official duties, or in  
6 retaliation for the emergency medical technician -  
7 ambulance, emergency medical technician - intermediate,  
8 emergency medical technician - paramedic, ambulance  
9 driver, or other medical assistance or first aid personnel  
10 performing his official duties;

11 (8) Knows the individual assaulted to be the driver,  
12 operator, employee or passenger of any transportation  
13 facility or system engaged in the business of  
14 transportation of the public for hire and the individual  
15 assaulted is then performing in such capacity or then using  
16 such public transportation as a passenger or using any area  
17 of any description designated by the transportation  
18 facility or system as a vehicle boarding, departure, or  
19 transfer location;

20 (9) Or the individual assaulted is on or about a public  
21 way, public property, or public place of accommodation or  
22 amusement;

23 (9.5) Is, or the individual assaulted is, in or about a  
24 publicly or privately owned sports or entertainment arena,  
25 stadium, community or convention hall, special event  
26 center, amusement facility, or a special event center in a  
27 public park during any 24-hour period when a professional  
28 sporting event, National Collegiate Athletic Association  
29 (NCAA)-sanctioned sporting event, United States Olympic  
30 Committee-sanctioned sporting event, or International  
31 Olympic Committee-sanctioned sporting event is taking  
32 place in this venue;

33 (10) Knows the individual assaulted to be an employee  
34 of the State of Illinois, a municipal corporation therein  
35 or a political subdivision thereof, engaged in the  
36 performance of his authorized duties as such employee;

1           (11) Knowingly and without legal justification,  
2           commits an assault on a physically handicapped person;

3           (12) Knowingly and without legal justification,  
4           commits an assault on a person 60 years of age or older;

5           (13) Discharges a firearm;

6           (14) Knows the individual assaulted to be a  
7           correctional officer, while the officer is engaged in the  
8           execution of any of his or her official duties, or to  
9           prevent the officer from performing his or her official  
10          duties, or in retaliation for the officer performing his or  
11          her official duties;

12          (15) Knows the individual assaulted to be a  
13          correctional employee or an employee of the Department of  
14          Human Services supervising or controlling sexually  
15          dangerous persons or sexually violent persons, while the  
16          employee is engaged in the execution of any of his or her  
17          official duties, or to prevent the employee from performing  
18          his or her official duties, or in retaliation for the  
19          employee performing his or her official duties, and the  
20          assault is committed other than by the discharge of a  
21          firearm in the direction of the employee or in the  
22          direction of a vehicle occupied by the employee;

23          (16) Knows the individual assaulted to be an employee  
24          of a police or sheriff's department engaged in the  
25          performance of his or her official duties as such employee;  
26          or

27          (17) Knows the individual assaulted to be a sports  
28          official or coach at any level of competition and the act  
29          causing the assault to the sports official or coach  
30          occurred within an athletic facility or an indoor or  
31          outdoor playing field or within the immediate vicinity of  
32          the athletic facility or an indoor or outdoor playing field  
33          at which the sports official or coach was an active  
34          participant in the athletic contest held at the athletic  
35          facility. For the purposes of this paragraph (17), "sports  
36          official" means a person at an athletic contest who

1 enforces the rules of the contest, such as an umpire or  
2 referee; and "coach" means a person recognized as a coach  
3 by the sanctioning authority that conducted the athletic  
4 contest.

5 (a-5) A person commits an aggravated assault when he or she  
6 knowingly and without lawful justification shines or flashes a  
7 laser gunsight or other laser device that is attached or  
8 affixed to a firearm, or used in concert with a firearm, so  
9 that the laser beam strikes near or in the immediate vicinity  
10 of any person.

11 (b) Sentence.

12 Aggravated assault as defined in paragraphs (1) through (5)  
13 and (8) through (12) and (17) of subsection (a) of this Section  
14 is a Class A misdemeanor. Aggravated assault as defined in  
15 paragraphs (13), (14), and (15) of subsection (a) of this  
16 Section and as defined in subsection (a-5) of this Section is a  
17 Class 4 felony. Aggravated assault as defined in paragraphs  
18 (6), (7), and (16) of subsection (a) of this Section is a Class  
19 A misdemeanor if a firearm is not used in the commission of the  
20 assault. Aggravated assault as defined in paragraphs (6), (7),  
21 and (16) of subsection (a) of this Section is a Class 4 felony  
22 if a firearm is used in the commission of the assault.

23 (Source: P.A. 92-841, eff. 8-22-02; 92-865, eff. 1-3-03;  
24 93-692, eff. 1-1-05.)

25 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

26 Sec. 12-4. Aggravated Battery.

27 (a) A person who, in committing a battery, intentionally or  
28 knowingly causes great bodily harm, or permanent disability or  
29 disfigurement commits aggravated battery.

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

32 (1) Uses a deadly weapon other than by the discharge of  
33 a firearm;

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

1           (3) Knows the individual harmed to be a teacher or  
2 other person employed in any school and such teacher or  
3 other employee is upon the grounds of a school or grounds  
4 adjacent thereto, or is in any part of a building used for  
5 school purposes;

6           (4) Knows the individual harmed to be a supervisor,  
7 director, instructor or other person employed in any park  
8 district and such supervisor, director, instructor or  
9 other employee is upon the grounds of the park or grounds  
10 adjacent thereto, or is in any part of a building used for  
11 park purposes;

12           (5) Knows the individual harmed to be a caseworker,  
13 investigator, or other person employed by the State  
14 Department of Public Aid, a County Department of Public  
15 Aid, or the Department of Human Services (acting as  
16 successor to the Illinois Department of Public Aid under  
17 the Department of Human Services Act) and such caseworker,  
18 investigator, or other person is upon the grounds of a  
19 public aid office or grounds adjacent thereto, or is in any  
20 part of a building used for public aid purposes, or upon  
21 the grounds of a home of a public aid applicant, recipient,  
22 or any other person being interviewed or investigated in  
23 the employee's discharge of his duties, or on grounds  
24 adjacent thereto, or is in any part of a building in which  
25 the applicant, recipient, or other such person resides or  
26 is located;

27           (6) Knows the individual harmed to be a peace officer,  
28 a community policing volunteer, a correctional institution  
29 employee, an employee of the Department of Human Services  
30 supervising or controlling sexually dangerous persons or  
31 sexually violent persons, or a fireman while such officer,  
32 volunteer, employee or fireman is engaged in the execution  
33 of any official duties including arrest or attempted  
34 arrest, or to prevent the officer, volunteer, employee or  
35 fireman from performing official duties, or in retaliation  
36 for the officer, volunteer, employee or fireman performing

1 official duties, and the battery is committed other than by  
2 the discharge of a firearm;

3 (7) Knows the individual harmed to be an emergency  
4 medical technician - ambulance, emergency medical  
5 technician - intermediate, emergency medical technician -  
6 paramedic, ambulance driver, other medical assistance,  
7 first aid personnel, or hospital personnel engaged in the  
8 performance of any of his or her official duties, or to  
9 prevent the emergency medical technician - ambulance,  
10 emergency medical technician - intermediate, emergency  
11 medical technician - paramedic, ambulance driver, other  
12 medical assistance, first aid personnel, or hospital  
13 personnel from performing official duties, or in  
14 retaliation for performing official duties;

15 (8) Is, or the person battered is, on or about a public  
16 way, public property or public place of accommodation or  
17 amusement;

18 (8.5) Is, or the person battered is, on a publicly or  
19 privately owned sports or entertainment arena, stadium,  
20 community or convention hall, special event center,  
21 amusement facility, or a special event center in a public  
22 park during any 24-hour period when a professional sporting  
23 event, National Collegiate Athletic Association  
24 (NCAA)-sanctioned sporting event, United States Olympic  
25 Committee-sanctioned sporting event, or International  
26 Olympic Committee-sanctioned sporting event is taking  
27 place in this venue;

28 (9) Knows the individual harmed to be the driver,  
29 operator, employee or passenger of any transportation  
30 facility or system engaged in the business of  
31 transportation of the public for hire and the individual  
32 assaulted is then performing in such capacity or then using  
33 such public transportation as a passenger or using any area  
34 of any description designated by the transportation  
35 facility or system as a vehicle boarding, departure, or  
36 transfer location;

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

4           (11) Knows the individual harmed is pregnant;

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

8           (13) Knows the individual harmed to be an employee of  
9 the Illinois Department of Children and Family Services  
10 engaged in the performance of his authorized duties as such  
11 employee;

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

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

20           (16) Is, or the person battered is, in any building or  
21 other structure used to provide shelter or other services  
22 to victims or to the dependent children of victims of  
23 domestic violence pursuant to the Illinois Domestic  
24 Violence Act of 1986 or the Domestic Violence Shelters Act,  
25 or the person battered is within 500 feet of such a  
26 building or other structure while going to or from such a  
27 building or other structure. "Domestic violence" has the  
28 meaning ascribed to it in Section 103 of the Illinois  
29 Domestic Violence Act of 1986. "Building or other structure  
30 used to provide shelter" has the meaning ascribed to  
31 "shelter" in Section 1 of the Domestic Violence Shelters  
32 Act; or

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

36 For the purpose of paragraph (14) of subsection (b) of this



1 Section, a physically handicapped person is a person who  
2 suffers from a permanent and disabling physical  
3 characteristic, resulting from disease, injury, functional  
4 disorder or congenital condition.

5 (c) A person who administers to an individual or causes him  
6 to take, without his consent or by threat or deception, and for  
7 other than medical purposes, any intoxicating, poisonous,  
8 stupefying, narcotic, anesthetic, or controlled substance  
9 commits aggravated battery.

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

13 (d-3) A person commits aggravated battery when he or she  
14 knowingly and without lawful justification shines or flashes a  
15 laser gunsight or other laser device that is attached or  
16 affixed to a firearm, or used in concert with a firearm, so  
17 that the laser beam strikes upon or against the person of  
18 another.

19 (d-5) An inmate of a penal institution or a sexually  
20 dangerous person or a sexually violent person in the custody of  
21 the Department of Human Services who causes or attempts to  
22 cause a correctional employee of the penal institution or an  
23 employee of the Department of Human Services to come into  
24 contact with blood, seminal fluid, urine, or feces, by  
25 throwing, tossing, or expelling that fluid or material commits  
26 aggravated battery. For purposes of this subsection (d-5),  
27 "correctional employee" means a person who is employed by a  
28 penal institution.

29 (e) Sentence.

30 Aggravated battery is a Class 3 felony, except a violation  
31 of subsection (a) is a Class 2 felony when the person knows the  
32 individual harmed to be a peace officer engaged in the  
33 execution of any of his or her official duties, or the battery  
34 is to prevent the officer from performing his or her official  
35 duties, or in retaliation for the officer performing his or her  
36 official duties.

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