

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 12-2 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 or other deadly weapon, other than by discharging a
13 firearm in the direction of another person, a peace
14 officer, a person summoned or directed by a peace officer,
15 a correctional officer or a fireman or in the direction of
16 a vehicle occupied by another person, a peace officer, a
17 person summoned or directed by a peace officer, a
18 correctional officer or a fireman while the officer or
19 fireman is engaged in the execution of any of his official
20 duties, or to prevent the officer or fireman from
21 performing his official duties, or in retaliation for the
22 officer or 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 Department of
8 Healthcare and Family Services (formerly State Department
9 of Public Aid), a County Department of Public Aid, or the
10 Department of Human Services (acting as successor to the
11 Illinois Department of Public Aid under the Department of
12 Human Services Act) and such caseworker, investigator, or
13 other person is upon the grounds of a public aid office or
14 grounds adjacent thereto, or is in any part of a building
15 used for public aid purposes, or upon the grounds of a home
16 of a public aid applicant, recipient or any other person
17 being interviewed or investigated in the employees'
18 discharge of his duties, or on grounds adjacent thereto, or
19 is in any part of a building in which the applicant,
20 recipient, or other such person resides or 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; or.

5 (18) Knows the individual assaulted to be an emergency
6 management worker, while the emergency management worker
7 is engaged in the execution of any of his or her official
8 duties, or to prevent the emergency management worker from
9 performing his or her official duties, or in retaliation
10 for the emergency management worker performing his or her
11 official duties, and the assault is committed other than by
12 the discharge of a firearm in the direction of the
13 emergency management worker or in the direction of a
14 vehicle occupied by the emergency management worker.

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

21 (b) Sentence.

22 Aggravated assault as defined in paragraphs (1) through (5)
23 and (8) through (12) and (17) of subsection (a) of this Section
24 is a Class A misdemeanor. Aggravated assault as defined in
25 paragraphs (13), (14), and (15) of subsection (a) of this
26 Section and as defined in subsection (a-5) of this Section is a
27 Class 4 felony. Aggravated assault as defined in paragraphs
28 (6), (7), (16), and (18) of subsection (a) of this Section is a
29 Class A misdemeanor if a firearm is not used in the commission
30 of the assault. Aggravated assault as defined in paragraphs
31 (6), (7), (16), and (18) of subsection (a) of this Section is a
32 Class 4 felony if a firearm is used in the commission of the
33 assault.

34 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,
35 eff. 1-1-06; revised 12-15-05.)