



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4276

Introduced 12/19/05, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

720 ILCS 5/31-1

from Ch. 38, par. 31-1

Amends the Criminal Code of 1961. Provides that a person convicted for knowingly resisting or obstructing the performance by one known to the person to be a peace officer whose violation was the proximate cause of an injury to a peace officer or bystander that requires medical treatment is guilty of a Class 4 felony. Provides that this provision does not apply to an injury to the person that was the proximate cause of the person resisting or obstructing the peace officer. Provides that a person who has been twice convicted of knowingly resisting or obstructing the performance by one known to the person to be a peace officer who is convicted a third or subsequent time for this violation is guilty of a Class 3 felony.

LRB094 15856 RLC 51076 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 31-1 as follows:

6 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

7 Sec. 31-1. Resisting or obstructing a peace officer or
8 correctional institution employee.

9 (a) A person who knowingly resists or obstructs the
10 performance by one known to the person to be a peace officer or
11 correctional institution employee of any authorized act within
12 his official capacity commits a Class A misdemeanor.

13 (a-5) In addition to any other sentence that may be
14 imposed, a court shall order any person convicted of resisting
15 or obstructing a peace officer to be sentenced to a minimum of
16 48 consecutive hours of imprisonment or ordered to perform
17 community service for not less than 100 hours as may be
18 determined by the court. The person shall not be eligible for
19 probation in order to reduce the sentence of imprisonment or
20 community service.

21 (a-7) A person convicted for a violation of this Section
22 whose violation was the proximate cause of an injury to a peace
23 officer is guilty of a Class 4 felony.

24 (a-8) A person convicted for a violation of this Section
25 whose violation was the proximate cause of an injury to a peace
26 officer or bystander that requires medical treatment is guilty
27 of a Class 4 felony. This subsection (a-8) does not apply to an
28 injury to the person that was the proximate cause of the person
29 resisting or obstructing the peace officer.

30 (a-9) A person who has been twice convicted of knowingly
31 resisting or obstructing the performance by one known to the
32 person to be a peace officer who is convicted a third or

1 subsequent time for this violation is guilty of a Class 3
2 felony.

3 (b) For purposes of this Section, "correctional
4 institution employee" means any person employed to supervise
5 and control inmates incarcerated in a penitentiary, State farm,
6 reformatory, prison, jail, house of correction, police
7 detention area, half-way house, or other institution or place
8 for the incarceration or custody of persons under sentence for
9 offenses or awaiting trial or sentence for offenses, under
10 arrest for an offense, a violation of probation, a violation of
11 parole, or a violation of mandatory supervised release, or
12 awaiting a bail setting hearing or preliminary hearing, or who
13 are sexually dangerous persons or who are sexually violent
14 persons.

15 (Source: P.A. 92-841, eff. 8-22-02.)