



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5256

Introduced 01/25/06, by Rep. Cynthia Soto

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

720 ILCS 5/12-4

from Ch. 38, par. 12-4

Amends the Criminal Code of 1961. Provides that the assault or battery of a person known to be a utility worker, while the utility worker is engaged in the execution of his or her duties, or to prevent the utility worker from performing his or her duties, or in retaliation for the utility worker performing his or her duties is enhanced to aggravated assault or aggravated battery.

LRB094 16589 RLC 51850 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 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 (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; ~~or~~

15 (19) Knows the individual assaulted to be a utility
16 worker, while the utility worker is engaged in the
17 execution of his or her duties, or to prevent the utility
18 worker from performing his or her duties, or in retaliation
19 for the utility worker performing his or her duties. In
20 this paragraph (19), "utility worker" means a person
21 employed by a public utility as defined in Section 3-105 of
22 the Public Utilities Act and also includes an employee of a
23 municipally owned utility.

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

30 (b) Sentence.

31 Aggravated assault as defined in paragraphs (1) through (5)
32 and (8) through (12) and (17) and (19) of subsection (a) of
33 this Section is a Class A misdemeanor. Aggravated assault as
34 defined in paragraphs (13), (14), and (15) of subsection (a) of
35 this Section and as defined in subsection (a-5) of this Section
36 is a Class 4 felony. Aggravated assault as defined in

1 paragraphs (6), (7), (16), and (18) of subsection (a) of this
2 Section is a Class A misdemeanor if a firearm is not used in
3 the commission of the assault. Aggravated assault as defined in
4 paragraphs (6), (7), (16), and (18) of subsection (a) of this
5 Section is a Class 4 felony if a firearm is used in the
6 commission of the assault.

7 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,
8 eff. 1-1-06; revised 8-19-05.)

9 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

10 Sec. 12-4. Aggravated Battery.

11 (a) A person who, in committing a battery, intentionally or
12 knowingly causes great bodily harm, or permanent disability or
13 disfigurement commits aggravated battery.

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

16 (1) Uses a deadly weapon other than by the discharge of
17 a firearm;

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

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

25 (4) (Blank);

26 (5) (Blank);

27 (6) Knows the individual harmed to be a community
28 policing volunteer while such volunteer is engaged in the
29 execution of any official duties, or to prevent the
30 volunteer from performing official duties, or in
31 retaliation for the volunteer performing official duties,
32 and the battery is committed other than by the discharge of
33 a firearm;

34 (7) Knows the individual harmed to be an emergency
35 medical technician - ambulance, emergency medical

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

11 (8) Is, or the person battered is, on or about a public
12 way, public property or public place of accommodation or
13 amusement;

14 (8.5) Is, or the person battered is, on a publicly or
15 privately owned sports or entertainment arena, stadium,
16 community or convention hall, special event center,
17 amusement facility, or a special event center in a public
18 park during any 24-hour period when a professional sporting
19 event, National Collegiate Athletic Association
20 (NCAA)-sanctioned sporting event, United States Olympic
21 Committee-sanctioned sporting event, or International
22 Olympic Committee-sanctioned sporting event is taking
23 place in this venue;

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

33 (10) Knows the individual harmed to be an individual of
34 60 years of age or older;

35 (11) Knows the individual harmed is pregnant;

36 (12) Knows the individual harmed to be a judge whom the

1 person intended to harm as a result of the judge's
2 performance of his or her official duties as a judge;

3 (13) (Blank);

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

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

12 (16) Is, or the person battered is, in any building or
13 other structure used to provide shelter or other services
14 to victims or to the dependent children of victims of
15 domestic violence pursuant to the Illinois Domestic
16 Violence Act of 1986 or the Domestic Violence Shelters Act,
17 or the person battered is within 500 feet of such a
18 building or other structure while going to or from such a
19 building or other structure. "Domestic violence" has the
20 meaning ascribed to it in Section 103 of the Illinois
21 Domestic Violence Act of 1986. "Building or other structure
22 used to provide shelter" has the meaning ascribed to
23 "shelter" in Section 1 of the Domestic Violence Shelters
24 Act;

25 (17) (Blank); ~~or~~

26 (18) Knows the individual harmed to be an officer or
27 employee of the State of Illinois, a unit of local
28 government, or school district engaged in the performance
29 of his or her authorized duties as such officer or
30 employee;or

31 (19) ~~(18)~~ Knows the individual harmed to be an
32 emergency management worker engaged in the performance of
33 any of his or her official duties, or to prevent the
34 emergency management worker from performing official
35 duties, or in retaliation for the emergency management
36 worker performing official duties;or.

1 (20) Knows the individual harmed to be a utility
2 worker, while the utility worker is engaged in the
3 execution of his or her duties, or to prevent the utility
4 worker from performing his or her duties, or in retaliation
5 for the utility worker performing his or her duties. In
6 this paragraph (20), "utility worker" means a person
7 employed by a public utility as defined in Section 3-105 of
8 the Public Utilities Act and also includes an employee of a
9 municipally owned utility.

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 (1) Except as otherwise provided in paragraphs (2) and
5 (3), aggravated battery is a Class 3 felony.

6 (2) Aggravated battery that does not cause great bodily
7 harm or permanent disability or disfigurement is a Class 2
8 felony when the person knows the individual harmed to be a
9 peace officer, a community policing volunteer, a
10 correctional institution employee, an employee of the
11 Department of Human Services supervising or controlling
12 sexually dangerous persons or sexually violent persons, or
13 a fireman while such officer, volunteer, employee, or
14 fireman is engaged in the execution of any official duties
15 including arrest or attempted arrest, or to prevent the
16 officer, volunteer, employee, or fireman from performing
17 official duties, or in retaliation for the officer,
18 volunteer, employee, or fireman performing official
19 duties, and the battery is committed other than by the
20 discharge of a firearm.

21 (3) Aggravated battery that causes great bodily harm or
22 permanent disability or disfigurement in violation of
23 subsection (a) is a Class 1 felony when the person knows
24 the individual harmed to be a peace officer, a community
25 policing volunteer, a correctional institution employee,
26 an employee of the Department of Human Services supervising
27 or controlling sexually dangerous persons or sexually
28 violent persons, or a fireman while such officer,
29 volunteer, employee, or fireman is engaged in the execution
30 of any official duties including arrest or attempted
31 arrest, or to prevent the officer, volunteer, employee, or
32 fireman from performing official duties, or in retaliation
33 for the officer, volunteer, employee, or fireman
34 performing official duties, and the battery is committed
35 other than by the discharge of a firearm.

36 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,

1 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;
2 94-482, eff. 1-1-06; revised 8-19-05.)