

1 AN ACT in relation to 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, 12-4, 12-4.2, 12-4.2-5, 24-1.2, and 24-1.2-5 and  
6 adding Sections 2-6.6 and 31-9 as follows:

7 (720 ILCS 5/2-6.6 new)

8 Sec. 2-6.6. Emergency management worker.

9 "Emergency management worker" shall include the following:

10 (a) any person, paid or unpaid, who is a member of a  
11 local or county emergency services and disaster agency as  
12 defined by the Illinois Emergency Management Agency Act, or  
13 who is an employee of the Illinois Emergency Management  
14 Agency or the Federal Emergency Management Agency.

15 (b) any employee or volunteer of the American Red  
16 Cross.

17 (c) any employee of a federal, state, county or local  
18 government agency assisting an emergency services and  
19 disaster agency, the Illinois Emergency Management Agency,  
20 or the Federal Emergency Management Agency through mutual  
21 aid or as otherwise requested or directed in time of  
22 disaster or emergency.

23 (d) any person volunteering or directed to assist an  
24 emergency services and disaster agency, the Illinois  
25 Emergency Management Agency, or the Federal Emergency  
26 Management Agency.

27 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

28 Sec. 12-2. Aggravated assault.

29 (a) A person commits an aggravated assault, when, in  
30 committing an assault, he:

31 (1) Uses a deadly weapon or any device manufactured and

1 designed to be substantially similar in appearance to a  
2 firearm, other than by discharging a firearm in the  
3 direction of another person, a peace officer, a person  
4 summoned or directed by a peace officer, a correctional  
5 officer or a fireman or in the direction of a vehicle  
6 occupied by another person, a peace officer, a person  
7 summoned or directed by a peace officer, a correctional  
8 officer or a fireman while the officer or fireman is  
9 engaged in the execution of any of his official duties, or  
10 to prevent the officer or fireman from performing his  
11 official duties, or in retaliation for the officer or  
12 fireman performing his official duties;

13 (2) Is hooded, robed or masked in such manner as to  
14 conceal his identity or any device manufactured and  
15 designed to be substantially similar in appearance to a  
16 firearm;

17 (3) Knows the individual assaulted 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 assaulted 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 assaulted 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  
33 the Department of Human Services Act) and such caseworker,  
34 investigator, or other person is upon the grounds of a  
35 public aid office or grounds adjacent thereto, or is in any  
36 part of a building used for public aid purposes, or upon

1 the grounds of a home of a public aid applicant, recipient  
2 or any other person being interviewed or investigated in  
3 the employees' discharge of his duties, or on grounds  
4 adjacent thereto, or is in any part of a building in which  
5 the applicant, recipient, or other such person resides or  
6 is located;

7 (6) Knows the individual assaulted to be a peace  
8 officer, or a community policing volunteer, or a fireman  
9 while the officer or fireman is engaged in the execution of  
10 any of his official duties, or to prevent the officer,  
11 community policing volunteer, or fireman from performing  
12 his official duties, or in retaliation for the officer,  
13 community policing volunteer, or fireman performing his  
14 official duties, and the assault is committed other than by  
15 the discharge of a firearm in the direction of the officer  
16 or fireman or in the direction of a vehicle occupied by the  
17 officer or fireman;

18 (7) Knows the individual assaulted to be an emergency  
19 medical technician - ambulance, emergency medical  
20 technician - intermediate, emergency medical technician -  
21 paramedic, ambulance driver or other medical assistance or  
22 first aid personnel engaged in the execution of any of his  
23 official duties, or to prevent the emergency medical  
24 technician - ambulance, emergency medical technician -  
25 intermediate, emergency medical technician - paramedic,  
26 ambulance driver, or other medical assistance or first aid  
27 personnel from performing his official duties, or in  
28 retaliation for the emergency medical technician -  
29 ambulance, emergency medical technician - intermediate,  
30 emergency medical technician - paramedic, ambulance  
31 driver, or other medical assistance or first aid personnel  
32 performing his official duties;

33 (8) Knows the individual assaulted to be the driver,  
34 operator, employee or passenger of any transportation  
35 facility or system engaged in the business of  
36 transportation of the public for hire and the individual

1 assaulted is then performing in such capacity or then using  
2 such public transportation as a passenger or using any area  
3 of any description designated by the transportation  
4 facility or system as a vehicle boarding, departure, or  
5 transfer location;

6 (9) Or the individual assaulted is on or about a public  
7 way, public property, or public place of accommodation or  
8 amusement;

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

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

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

17 (13) Discharges a firearm;

18 (14) Knows the individual assaulted to be a  
19 correctional officer, while the officer is engaged in the  
20 execution of any of his or her official duties, or to  
21 prevent the officer from performing his or her official  
22 duties, or in retaliation for the officer performing his or  
23 her official duties;

24 (15) Knows the individual assaulted to be a  
25 correctional employee or an employee of the Department of  
26 Human Services supervising or controlling sexually  
27 dangerous persons or sexually violent persons, while the  
28 employee is engaged in the execution of any of his or her  
29 official duties, or to prevent the employee from performing  
30 his or her official duties, or in retaliation for the  
31 employee performing his or her official duties, and the  
32 assault is committed other than by the discharge of a  
33 firearm in the direction of the employee or in the  
34 direction of a vehicle occupied by the employee;

35 (16) Knows the individual assaulted to be an employee  
36 of a police or sheriff's department engaged in the

1 performance of his or her official duties as such employee;  
2 or

3 (17) Knows the individual assaulted to be a sports  
4 official or coach at any level of competition and the act  
5 causing the assault to the sports official or coach  
6 occurred within an athletic facility or an indoor or  
7 outdoor playing field or within the immediate vicinity of  
8 the athletic facility or an indoor or outdoor playing field  
9 at which the sports official or coach was an active  
10 participant in the athletic contest held at the athletic  
11 facility. For the purposes of this paragraph (17), "sports  
12 official" means a person at an athletic contest who  
13 enforces the rules of the contest, such as an umpire or  
14 referee; and "coach" means a person recognized as a coach  
15 by the sanctioning authority that conducted the athletic  
16 contest.

17 (18) Knows the individual assaulted to be an emergency  
18 management worker, while the emergency management worker  
19 is engaged in the execution of any of his or her official  
20 duties, or to prevent the emergency management worker from  
21 performing his or her official duties, or in retaliation  
22 for the emergency management worker performing his or her  
23 official duties, and the assault is committed other than by  
24 the discharge of a firearm in the direction of the  
25 emergency management worker or in the direction of a  
26 vehicle occupied by the emergency management worker.

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

33 (b) Sentence.

34 Aggravated assault as defined in paragraphs (1) through (5)  
35 and (8) through (12) and (17) of subsection (a) of this Section  
36 is a Class A misdemeanor. Aggravated assault as defined in

1 paragraphs (13), (14), and (15) of subsection (a) of this  
2 Section and as defined in subsection (a-5) of this Section is a  
3 Class 4 felony. Aggravated assault as defined in paragraphs  
4 (6), (7), ~~and~~ (16), and (18) of subsection (a) of this Section  
5 is a Class A misdemeanor if a firearm is not used in the  
6 commission of the assault. Aggravated assault as defined in  
7 paragraphs (6), (7), ~~and~~ (16), and (18) of subsection (a) of  
8 this Section is a Class 4 felony if a firearm is used in the  
9 commission of the assault.

10 (Source: P.A. 92-841, eff. 8-22-02; 92-865, eff. 1-3-03;  
11 93-692, eff. 1-1-05.)

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

13 Sec. 12-4. Aggravated Battery.

14 (a) A person who, in committing a battery, intentionally or  
15 knowingly causes great bodily harm, or permanent disability or  
16 disfigurement commits aggravated battery.

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

19 (1) Uses a deadly weapon other than by the discharge of  
20 a firearm;

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

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

28 (4) Knows the individual harmed to be a supervisor,  
29 director, instructor or other person employed in any park  
30 district and such supervisor, director, instructor or  
31 other employee is upon the grounds of the park or grounds  
32 adjacent thereto, or is in any part of a building used for  
33 park purposes;

34 (5) Knows the individual harmed to be a caseworker,  
35 investigator, or other person employed by the State

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

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

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

1 retaliation for performing official duties;

2 (8) Is, or the person battered is, on or about a public  
3 way, public property or public place of accommodation or  
4 amusement;

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

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

17 (11) Knows the individual harmed is pregnant;

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

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

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

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

33 (16) Is, or the person battered is, in any building or  
34 other structure used to provide shelter or other services  
35 to victims or to the dependent children of victims of  
36 domestic violence pursuant to the Illinois Domestic



1 Violence Act of 1986 or the Domestic Violence Shelters Act,  
2 or the person battered is within 500 feet of such a  
3 building or other structure while going to or from such a  
4 building or other structure. "Domestic violence" has the  
5 meaning ascribed to it in Section 103 of the Illinois  
6 Domestic Violence Act of 1986. "Building or other structure  
7 used to provide shelter" has the meaning ascribed to  
8 "shelter" in Section 1 of the Domestic Violence Shelters  
9 Act; or

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

13 (18) Knows the individual harmed to be an emergency  
14 management worker engaged in the performance of any of his  
15 or her official duties, or to prevent the emergency  
16 management worker from performing official duties, or in  
17 retaliation for the emergency management worker performing  
18 official duties.

19 For the purpose of paragraph (14) of subsection (b) of this  
20 Section, a physically handicapped person is a person who  
21 suffers from a permanent and disabling physical  
22 characteristic, resulting from disease, injury, functional  
23 disorder or congenital condition.

24 (c) A person who administers to an individual or causes him  
25 to take, without his consent or by threat or deception, and for  
26 other than medical purposes, any intoxicating, poisonous,  
27 stupefying, narcotic, anesthetic, or controlled substance  
28 commits aggravated battery.

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

32 (d-3) A person commits aggravated battery when he or she  
33 knowingly and without lawful justification shines or flashes a  
34 laser gunsight or other laser device that is attached or  
35 affixed to a firearm, or used in concert with a firearm, so  
36 that the laser beam strikes upon or against the person of

1 another.

2 (d-5) An inmate of a penal institution or a sexually  
3 dangerous person or a sexually violent person in the custody of  
4 the Department of Human Services who causes or attempts to  
5 cause a correctional employee of the penal institution or an  
6 employee of the Department of Human Services to come into  
7 contact with blood, seminal fluid, urine, or feces, by  
8 throwing, tossing, or expelling that fluid or material commits  
9 aggravated battery. For purposes of this subsection (d-5),  
10 "correctional employee" means a person who is employed by a  
11 penal institution.

12 (e) Sentence.

13 Aggravated battery is a Class 3 felony, except a violation  
14 of subsection (a) is a Class 2 felony when the person knows the  
15 individual harmed to be a peace officer engaged in the  
16 execution of any of his or her official duties, or the battery  
17 is to prevent the officer from performing his or her official  
18 duties, or in retaliation for the officer performing his or her  
19 official duties.

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

22 (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

23 Sec. 12-4.2. Aggravated Battery with a firearm.

24 (a) A person commits aggravated battery with a firearm when  
25 he, in committing a battery, knowingly or intentionally by  
26 means of the discharging of a firearm (1) causes any injury to  
27 another person, or (2) causes any injury to a person he knows  
28 to be a peace officer, a community policing volunteer, a  
29 correctional institution employee or a fireman while the  
30 officer, volunteer, employee or fireman is engaged in the  
31 execution of any of his official duties, or to prevent the  
32 officer, volunteer, employee or fireman from performing his  
33 official duties, or in retaliation for the officer, volunteer,  
34 employee or fireman performing his official duties, or (3)  
35 causes any injury to a person he knows to be an emergency

1 medical technician - ambulance, emergency medical technician -  
2 intermediate, emergency medical technician - paramedic,  
3 ambulance driver, or other medical assistance or first aid  
4 personnel, employed by a municipality or other governmental  
5 unit, while the emergency medical technician - ambulance,  
6 emergency medical technician - intermediate, emergency medical  
7 technician - paramedic, ambulance driver, or other medical  
8 assistance or first aid personnel is engaged in the execution  
9 of any of his official duties, or to prevent the emergency  
10 medical technician - ambulance, emergency medical technician -  
11 intermediate, emergency medical technician - paramedic,  
12 ambulance driver, or other medical assistance or first aid  
13 personnel from performing his official duties, or in  
14 retaliation for the emergency medical technician - ambulance,  
15 emergency medical technician - intermediate, emergency medical  
16 technician - paramedic, ambulance driver, or other medical  
17 assistance or first aid personnel performing his official  
18 duties, ~~or~~ (4) causes any injury to a person he or she knows to  
19 be a teacher or other person employed in a school and the  
20 teacher or other employee is upon grounds of a school or  
21 grounds adjacent to a school, or is in any part of a building  
22 used for school purposes, or (5) causes any injury to a person  
23 he or she knows to be an emergency management worker while the  
24 emergency management worker is engaged in the execution of any  
25 of his or her official duties, or to prevent the emergency  
26 management worker from performing his or her official duties,  
27 or in retaliation for the emergency management worker  
28 performing his or her official duties.

29 (b) A violation of subsection (a)(1) of this Section is a  
30 Class X felony. A violation of subsection (a)(2), subsection  
31 (a)(3), ~~or~~ subsection (a)(4), or subsection (a)(5) of this  
32 Section is a Class X felony for which the sentence shall be a  
33 term of imprisonment of no less than 15 years and no more than  
34 60 years.

35 (c) For purposes of this Section, "firearm" is defined as  
36 in "An Act relating to the acquisition, possession and transfer

1 of firearms and firearm ammunition, to provide a penalty for  
2 the violation thereof and to make an appropriation in  
3 connection therewith", approved August 1, 1967, as amended.

4 (Source: P.A. 90-651, eff. 1-1-99; 91-434, eff. 1-1-00; 91-696,  
5 eff. 4-13-00.)

6 (720 ILCS 5/12-4.2-5)

7 Sec. 12-4.2-5. Aggravated battery with a machine gun or a  
8 firearm equipped with any device or attachment designed or used  
9 for silencing the report of a firearm.

10 (a) A person commits aggravated battery with a machine gun  
11 or a firearm equipped with a device designed or used for  
12 silencing the report of a firearm when he or she, in committing  
13 a battery, knowingly or intentionally by means of the  
14 discharging of a machine gun or a firearm equipped with a  
15 device designed or used for silencing the report of a firearm  
16 (1) causes any injury to another person, or (2) causes any  
17 injury to a person he or she knows to be a peace officer, a  
18 person summoned by a peace officer, a correctional institution  
19 employee or a fireman while the officer, employee or fireman is  
20 engaged in the execution of any of his or her official duties,  
21 or to prevent the officer, employee or fireman from performing  
22 his or her official duties, or in retaliation for the officer,  
23 employee or fireman performing his or her official duties, or  
24 (3) causes any injury to a person he or she knows to be an  
25 emergency medical technician - ambulance, emergency medical  
26 technician - intermediate, emergency medical technician -  
27 paramedic, ambulance driver, or other medical assistance or  
28 first aid personnel, employed by a municipality or other  
29 governmental unit, while the emergency medical technician -  
30 ambulance, emergency medical technician - intermediate,  
31 emergency medical technician - paramedic, ambulance driver, or  
32 other medical assistance or first aid personnel is engaged in  
33 the execution of any of his or her official duties, or to  
34 prevent the emergency medical technician - ambulance,  
35 emergency medical technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver, or other medical  
2 assistance or first aid personnel from performing his or her  
3 official duties, or in retaliation for the emergency medical  
4 technician - ambulance, emergency medical technician -  
5 intermediate, emergency medical technician - paramedic,  
6 ambulance driver, or other medical assistance or first aid  
7 personnel performing his or her official duties, or (4) causes  
8 any injury to a person he or she knows to be an emergency  
9 management worker while the emergency management worker is  
10 engaged in the execution of any of his or her official duties,  
11 or to prevent the emergency management worker from performing  
12 his or her official duties, or in retaliation for the emergency  
13 management worker performing his or her official duties.

14 (b) A violation of subsection (a) (1) of this Section is a  
15 Class X felony for which the person shall be sentenced to a  
16 term of imprisonment of no less than 12 years and no more than  
17 45 years. A violation of subsection (a) (2), ~~or~~ subsection (a)  
18 (3), or subsection (a) (4) of this Section is a Class X felony  
19 for which the sentence shall be a term of imprisonment of no  
20 less than 20 years and no more than 60 years.

21 (c) For purposes of this Section, "firearm" is defined as  
22 in the Firearm Owners Identification Card Act.

23 (d) For purposes of this Section, "machine gun" has the  
24 meaning ascribed to it in clause (i) of paragraph (7) of  
25 subsection (a) of Section 24-1 of this Code.

26 (Source: P.A. 91-121, eff. 7-15-99.)

27 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

28 Sec. 24-1.2. Aggravated discharge of a firearm.

29 (a) A person commits aggravated discharge of a firearm when  
30 he or she knowingly or intentionally:

31 (1) Discharges a firearm at or into a building he or  
32 she knows or reasonably should know to be occupied and the  
33 firearm is discharged from a place or position outside that  
34 building;

35 (2) Discharges a firearm in the direction of another

1 person or in the direction of a vehicle he or she knows or  
2 reasonably should know to be occupied by a person;

3 (3) Discharges a firearm in the direction of a person  
4 he or she knows to be a peace officer, a community policing  
5 volunteer, a correctional institution employee, or a  
6 fireman while the officer, volunteer, employee or fireman  
7 is engaged in the execution of any of his or her official  
8 duties, or to prevent the officer, volunteer, employee or  
9 fireman from performing his or her official duties, or in  
10 retaliation for the officer, volunteer, employee or  
11 fireman performing his or her official duties;

12 (4) Discharges a firearm in the direction of a vehicle  
13 he or she knows to be occupied by a peace officer, a person  
14 summoned or directed by a peace officer, a correctional  
15 institution employee or a fireman while the officer,  
16 employee or fireman is engaged in the execution of any of  
17 his or her official duties, or to prevent the officer,  
18 employee or fireman from performing his or her official  
19 duties, or in retaliation for the officer, employee or  
20 fireman performing his or her official duties;

21 (5) Discharges a firearm in the direction of a person  
22 he or she knows to be an emergency medical technician -  
23 ambulance, emergency medical technician - intermediate,  
24 emergency medical technician - paramedic, ambulance  
25 driver, or other medical assistance or first aid personnel,  
26 employed by a municipality or other governmental unit,  
27 while the emergency medical technician - ambulance,  
28 emergency medical technician - intermediate, emergency  
29 medical technician - paramedic, ambulance driver, or other  
30 medical assistance or first aid personnel is engaged in the  
31 execution of any of his or her official duties, or to  
32 prevent the emergency medical technician - ambulance,  
33 emergency medical technician - intermediate, emergency  
34 medical technician - paramedic, ambulance driver, or other  
35 medical assistance or first aid personnel from performing  
36 his or her official duties, or in retaliation for the

1 emergency medical technician - ambulance, emergency  
2 medical technician - intermediate, emergency medical  
3 technician - paramedic, ambulance driver, or other medical  
4 assistance or first aid personnel performing his or her  
5 official duties;

6 (6) Discharges a firearm in the direction of a vehicle  
7 he or she knows to be occupied by an emergency medical  
8 technician - ambulance, emergency medical technician -  
9 intermediate, emergency medical technician - paramedic,  
10 ambulance driver, or other medical assistance or first aid  
11 personnel, employed by a municipality or other  
12 governmental unit, while the emergency medical technician  
13 - ambulance, emergency medical technician - intermediate,  
14 emergency medical technician - paramedic, ambulance  
15 driver, or other medical assistance or first aid personnel  
16 is engaged in the execution of any of his or her official  
17 duties, or to prevent the emergency medical technician -  
18 ambulance, emergency medical technician - intermediate,  
19 emergency medical technician - paramedic, ambulance  
20 driver, or other medical assistance or first aid personnel  
21 from performing his or her official duties, or in  
22 retaliation for the emergency medical technician -  
23 ambulance, emergency medical technician - intermediate,  
24 emergency medical technician - paramedic, ambulance  
25 driver, or other medical assistance or first aid personnel  
26 performing his or her official duties; ~~or~~

27 (7) Discharges a firearm in the direction of a person  
28 he or she knows to be a teacher or other person employed in  
29 any school and the teacher or other employee is upon the  
30 grounds of a school or grounds adjacent to a school, or is  
31 in any part of a building used for school purposes; ~~or~~

32 (8) Discharges a firearm in the direction of a person  
33 he or she knows to be an emergency management worker while  
34 the emergency management worker is engaged in the execution  
35 of any of his or her official duties, or to prevent the  
36 emergency management worker from performing his or her

1 official duties, or in retaliation for the emergency  
2 management worker performing his or her official duties; or

3 (9) Discharges a firearm in the direction of a vehicle  
4 he or she knows to be occupied by an emergency management  
5 worker while the emergency management worker is engaged in  
6 the execution of any of his or her official duties, or to  
7 prevent the emergency management worker from performing  
8 his or her official duties, or in retaliation for the  
9 emergency management worker performing his or her official  
10 duties.

11 (b) A violation of subsection (a)(1) or subsection (a)(2)  
12 of this Section is a Class 1 felony. A violation of subsection  
13 (a)(1) or (a)(2) of this Section committed in a school, on the  
14 real property comprising a school, within 1,000 feet of the  
15 real property comprising a school, at a school related activity  
16 or on or within 1,000 feet of any conveyance owned, leased, or  
17 contracted by a school to transport students to or from school  
18 or a school related activity, regardless of the time of day or  
19 time of year that the offense was committed is a Class X  
20 felony. A violation of subsection (a)(3), (a)(4), (a)(5),  
21 (a)(6), ~~or~~ (a)(7), (a)(8), or (a)(9) of this Section is a Class  
22 X felony for which the sentence shall be a term of imprisonment  
23 of no less than 10 years and not more than 45 years.

24 (c) For purposes of this Section:

25 "School" means a public or private elementary or secondary  
26 school, community college, college, or university.

27 "School related activity" means any sporting, social,  
28 academic, or other activity for which students' attendance or  
29 participation is sponsored, organized, or funded in whole or in  
30 part by a school or school district.

31 (Source: P.A. 90-651, eff. 1-1-99; 91-12, eff. 1-1-00; 91-357,  
32 eff. 7-29-99; 91-434, eff. 1-1-00; 91-696, eff. 4-13-00.)

33 (720 ILCS 5/24-1.2-5)

34 Sec. 24-1.2-5. Aggravated discharge of a machine gun or a  
35 firearm equipped with a device designed or used for silencing



1 the report of a firearm.

2 (a) A person commits aggravated discharge of a machine gun  
3 or a firearm equipped with a device designed or used for  
4 silencing the report of a firearm when he or she knowingly or  
5 intentionally:

6 (1) Discharges a machine gun or a firearm equipped with  
7 a device designed or used for silencing the report of a  
8 firearm at or into a building he or she knows to be  
9 occupied and the machine gun or the firearm equipped with a  
10 device designed or used for silencing the report of a  
11 firearm is discharged from a place or position outside that  
12 building;

13 (2) Discharges a machine gun or a firearm equipped with  
14 a device designed or used for silencing the report of a  
15 firearm in the direction of another person or in the  
16 direction of a vehicle he or she knows to be occupied;

17 (3) Discharges a machine gun or a firearm equipped with  
18 a device designed or used for silencing the report of a  
19 firearm in the direction of a person he or she knows to be  
20 a peace officer, a person summoned or directed by a peace  
21 officer, a correctional institution employee, or a fireman  
22 while the officer, employee or fireman is engaged in the  
23 execution of any of his or her official duties, or to  
24 prevent the officer, employee or fireman from performing  
25 his or her official duties, or in retaliation for the  
26 officer, employee or fireman performing his or her official  
27 duties;

28 (4) Discharges a machine gun or a firearm equipped with  
29 a device designed or used for silencing the report of a  
30 firearm in the direction of a vehicle he or she knows to be  
31 occupied by a peace officer, a person summoned or directed  
32 by a peace officer, a correctional institution employee or  
33 a fireman while the officer, employee or fireman is engaged  
34 in the execution of any of his or her official duties, or  
35 to prevent the officer, employee or fireman from performing  
36 his or her official duties, or in retaliation for the

1 officer, employee or fireman performing his or her official  
2 duties;

3 (5) Discharges a machine gun or a firearm equipped with  
4 a device designed or used for silencing the report of a  
5 firearm in the direction of a person he or she knows to be  
6 an emergency medical technician - ambulance, emergency  
7 medical technician - intermediate, emergency medical  
8 technician - paramedic, ambulance driver, or other medical  
9 assistance or first aid personnel, employed by a  
10 municipality or other governmental unit, while the  
11 emergency medical technician - ambulance, emergency  
12 medical technician - intermediate, emergency medical  
13 technician - paramedic, ambulance driver, or other medical  
14 assistance or first aid personnel is engaged in the  
15 execution of any of his or her official duties, or to  
16 prevent the emergency medical technician - ambulance,  
17 emergency medical technician - intermediate, emergency  
18 medical technician - paramedic, ambulance driver, or other  
19 medical assistance or first aid personnel from performing  
20 his or her official duties, or in retaliation for the  
21 emergency medical technician - ambulance, emergency  
22 medical technician - intermediate, emergency medical  
23 technician - paramedic, ambulance driver, or other medical  
24 assistance or first aid personnel performing his or her  
25 official duties; ~~or~~

26 (6) Discharges a machine gun or a firearm equipped with  
27 a device designed or used for silencing the report of a  
28 firearm in the direction of a vehicle he or she knows to be  
29 occupied by an emergency medical technician - ambulance,  
30 emergency medical technician - intermediate, emergency  
31 medical technician - paramedic, ambulance driver, or other  
32 medical assistance or first aid personnel, employed by a  
33 municipality or other governmental unit, while the  
34 emergency medical technician - ambulance, emergency  
35 medical technician - intermediate, emergency medical  
36 technician - paramedic, ambulance driver, or other medical

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

13 (7) Discharges a machine gun or a firearm equipped with  
14 a device designed or used for silencing the report of a  
15 firearm in the direction of a person he or she knows to be  
16 an emergency management worker while the emergency  
17 management worker is engaged in the execution of any of his  
18 or her official duties, or to prevent the emergency  
19 management worker from performing his or her official  
20 duties, or in retaliation for the emergency management  
21 worker performing his or her official duties; or

22 (8) Discharges a machine gun or a firearm equipped with  
23 a device designed or used for silencing the report of a  
24 firearm in the direction of a vehicle he or she knows to be  
25 occupied by an emergency management worker while the  
26 emergency management worker is engaged in the execution of  
27 any of his or her official duties, or to prevent the  
28 emergency management worker from performing his or her  
29 official duties, or in retaliation for the emergency  
30 management worker performing his or her official duties.

31 (b) A violation of subsection (a) (1) or subsection (a) (2)  
32 of this Section is a Class X felony. A violation of subsection  
33 (a) (3), (a) (4), (a) (5), ~~or~~ (a) (6), (a) (7), or (a) (8) of  
34 this Section is a Class X felony for which the sentence shall  
35 be a term of imprisonment of no less than 12 years and no more  
36 than 50 years.

1 (c) For the purpose of this Section, "machine gun" has the  
2 meaning ascribed to it in clause (i) of paragraph (7) of  
3 subsection (a) of Section 24-1 of this Code.

4 (Source: P.A. 91-121, eff. 7-15-99.)

5 (720 ILCS 5/31-9 new)

6 Sec. 31-9. Obstructing an emergency management worker. A  
7 person who knowingly obstructs the performance by one known to  
8 the person to be an emergency management worker of any  
9 authorized act within his or her official capacity commits a  
10 Class A misdemeanor.

11 Section 10. The Unified Code of Corrections is amended by  
12 changing Section 5-8-1 as follows:

13 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

14 Sec. 5-8-1. Sentence of Imprisonment for Felony.

15 (a) Except as otherwise provided in the statute defining  
16 the offense, a sentence of imprisonment for a felony shall be a  
17 determinate sentence set by the court under this Section,  
18 according to the following limitations:

19 (1) for first degree murder,

20 (a) a term shall be not less than 20 years and not  
21 more than 60 years, or

22 (b) if a trier of fact finds beyond a reasonable  
23 doubt that the murder was accompanied by exceptionally  
24 brutal or heinous behavior indicative of wanton  
25 cruelty or, except as set forth in subsection (a) (1) (c)  
26 of this Section, that any of the aggravating factors  
27 listed in subsection (b) of Section 9-1 of the Criminal  
28 Code of 1961 are present, the court may sentence the  
29 defendant to a term of natural life imprisonment, or

30 (c) the court shall sentence the defendant to a  
31 term of natural life imprisonment when the death  
32 penalty is not imposed if the defendant,

33 (i) has previously been convicted of first

1 degree murder under any state or federal law, or

2 (ii) is a person who, at the time of the  
3 commission of the murder, had attained the age of  
4 17 or more and is found guilty of murdering an  
5 individual under 12 years of age; or, irrespective  
6 of the defendant's age at the time of the  
7 commission of the offense, is found guilty of  
8 murdering more than one victim, or

9 (iii) is found guilty of murdering a peace  
10 officer or fireman, or emergency management worker  
11 when the peace officer, ~~or~~ fireman, or emergency  
12 management worker was killed in the course of  
13 performing his official duties, or to prevent the  
14 peace officer or fireman from performing his  
15 official duties, or in retaliation for the peace  
16 officer, ~~or~~ fireman, or emergency management  
17 worker from performing his official duties, and  
18 the defendant knew or should have known that the  
19 murdered individual was a peace officer, ~~or~~  
20 fireman, or emergency management worker, or

21 (iv) is found guilty of murdering an employee  
22 of an institution or facility of the Department of  
23 Corrections, or any similar local correctional  
24 agency, when the employee was killed in the course  
25 of performing his official duties, or to prevent  
26 the employee from performing his official duties,  
27 or in retaliation for the employee performing his  
28 official duties, or

29 (v) is found guilty of murdering an emergency  
30 medical technician - ambulance, emergency medical  
31 technician - intermediate, emergency medical  
32 technician - paramedic, ambulance driver or other  
33 medical assistance or first aid person while  
34 employed by a municipality or other governmental  
35 unit when the person was killed in the course of  
36 performing official duties or to prevent the

1 person from performing official duties or in  
2 retaliation for performing official duties and the  
3 defendant knew or should have known that the  
4 murdered individual was an emergency medical  
5 technician - ambulance, emergency medical  
6 technician - intermediate, emergency medical  
7 technician - paramedic, ambulance driver, or other  
8 medical assistant or first aid personnel, or

9 (vi) is a person who, at the time of the  
10 commission of the murder, had not attained the age  
11 of 17, and is found guilty of murdering a person  
12 under 12 years of age and the murder is committed  
13 during the course of aggravated criminal sexual  
14 assault, criminal sexual assault, or aggravated  
15 kidnaping, or

16 (vii) is found guilty of first degree murder  
17 and the murder was committed by reason of any  
18 person's activity as a community policing  
19 volunteer or to prevent any person from engaging in  
20 activity as a community policing volunteer. For  
21 the purpose of this Section, "community policing  
22 volunteer" has the meaning ascribed to it in  
23 Section 2-3.5 of the Criminal Code of 1961.

24 For purposes of clause (v), "emergency medical  
25 technician - ambulance", "emergency medical technician  
26 - intermediate", "emergency medical technician -  
27 paramedic", have the meanings ascribed to them in the  
28 Emergency Medical Services (EMS) Systems Act.

29 (d) (i) if the person committed the offense while  
30 armed with a firearm, 15 years shall be added to  
31 the term of imprisonment imposed by the court;

32 (ii) if, during the commission of the offense,  
33 the person personally discharged a firearm, 20  
34 years shall be added to the term of imprisonment  
35 imposed by the court;

36 (iii) if, during the commission of the

1 offense, the person personally discharged a  
2 firearm that proximately caused great bodily harm,  
3 permanent disability, permanent disfigurement, or  
4 death to another person, 25 years or up to a term  
5 of natural life shall be added to the term of  
6 imprisonment imposed by the court.

7 (1.5) for second degree murder, a term shall be not  
8 less than 4 years and not more than 20 years;

9 (2) for a person adjudged a habitual criminal under  
10 Article 33B of the Criminal Code of 1961, as amended, the  
11 sentence shall be a term of natural life imprisonment;

12 (2.5) for a person convicted under the circumstances  
13 described in paragraph (3) of subsection (b) of Section  
14 12-13, paragraph (2) of subsection (d) of Section 12-14,  
15 paragraph (1.2) of subsection (b) of Section 12-14.1, or  
16 paragraph (2) of subsection (b) of Section 12-14.1 of the  
17 Criminal Code of 1961, the sentence shall be a term of  
18 natural life imprisonment;

19 (3) except as otherwise provided in the statute  
20 defining the offense, for a Class X felony, the sentence  
21 shall be not less than 6 years and not more than 30 years;

22 (4) for a Class 1 felony, other than second degree  
23 murder, the sentence shall be not less than 4 years and not  
24 more than 15 years;

25 (5) for a Class 2 felony, the sentence shall be not  
26 less than 3 years and not more than 7 years;

27 (6) for a Class 3 felony, the sentence shall be not  
28 less than 2 years and not more than 5 years;

29 (7) for a Class 4 felony, the sentence shall be not  
30 less than 1 year and not more than 3 years.

31 (b) The sentencing judge in each felony conviction shall  
32 set forth his reasons for imposing the particular sentence he  
33 enters in the case, as provided in Section 5-4-1 of this Code.  
34 Those reasons may include any mitigating or aggravating factors  
35 specified in this Code, or the lack of any such circumstances,  
36 as well as any other such factors as the judge shall set forth

1 on the record that are consistent with the purposes and  
2 principles of sentencing set out in this Code.

3 (c) A motion to reduce a sentence may be made, or the court  
4 may reduce a sentence without motion, within 30 days after the  
5 sentence is imposed. A defendant's challenge to the correctness  
6 of a sentence or to any aspect of the sentencing hearing shall  
7 be made by a written motion filed within 30 days following the  
8 imposition of sentence. However, the court may not increase a  
9 sentence once it is imposed.

10 If a motion filed pursuant to this subsection is timely  
11 filed within 30 days after the sentence is imposed, the  
12 proponent of the motion shall exercise due diligence in seeking  
13 a determination on the motion and the court shall thereafter  
14 decide such motion within a reasonable time.

15 If a motion filed pursuant to this subsection is timely  
16 filed within 30 days after the sentence is imposed, then for  
17 purposes of perfecting an appeal, a final judgment shall not be  
18 considered to have been entered until the motion to reduce a  
19 sentence has been decided by order entered by the trial court.

20 A motion filed pursuant to this subsection shall not be  
21 considered to have been timely filed unless it is filed with  
22 the circuit court clerk within 30 days after the sentence is  
23 imposed together with a notice of motion, which notice of  
24 motion shall set the motion on the court's calendar on a date  
25 certain within a reasonable time after the date of filing.

26 (d) Except where a term of natural life is imposed, every  
27 sentence shall include as though written therein a term in  
28 addition to the term of imprisonment. For those sentenced under  
29 the law in effect prior to February 1, 1978, such term shall be  
30 identified as a parole term. For those sentenced on or after  
31 February 1, 1978, such term shall be identified as a mandatory  
32 supervised release term. Subject to earlier termination under  
33 Section 3-3-8, the parole or mandatory supervised release term  
34 shall be as follows:

35 (1) for first degree murder or a Class X felony, 3  
36 years;



1 (2) for a Class 1 felony or a Class 2 felony, 2 years;

2 (3) for a Class 3 felony or a Class 4 felony, 1 year;

3 (4) if the victim is under 18 years of age, for a  
4 second or subsequent offense of criminal sexual assault or  
5 aggravated criminal sexual assault, 5 years, at least the  
6 first 2 years of which the defendant shall serve in an  
7 electronic home detention program under Article 8A of  
8 Chapter V of this Code;

9 (5) if the victim is under 18 years of age, for a  
10 second or subsequent offense of aggravated criminal sexual  
11 abuse or felony criminal sexual abuse, 4 years, at least  
12 the first 2 years of which the defendant shall serve in an  
13 electronic home detention program under Article 8A of  
14 Chapter V of this Code.

15 (e) A defendant who has a previous and unexpired sentence  
16 of imprisonment imposed by another state or by any district  
17 court of the United States and who, after sentence for a crime  
18 in Illinois, must return to serve the unexpired prior sentence  
19 may have his sentence by the Illinois court ordered to be  
20 concurrent with the prior sentence in the other state. The  
21 court may order that any time served on the unexpired portion  
22 of the sentence in the other state, prior to his return to  
23 Illinois, shall be credited on his Illinois sentence. The other  
24 state shall be furnished with a copy of the order imposing  
25 sentence which shall provide that, when the offender is  
26 released from confinement of the other state, whether by parole  
27 or by termination of sentence, the offender shall be  
28 transferred by the Sheriff of the committing county to the  
29 Illinois Department of Corrections. The court shall cause the  
30 Department of Corrections to be notified of such sentence at  
31 the time of commitment and to be provided with copies of all  
32 records regarding the sentence.

33 (f) A defendant who has a previous and unexpired sentence  
34 of imprisonment imposed by an Illinois circuit court for a  
35 crime in this State and who is subsequently sentenced to a term  
36 of imprisonment by another state or by any district court of

1 the United States and who has served a term of imprisonment  
2 imposed by the other state or district court of the United  
3 States, and must return to serve the unexpired prior sentence  
4 imposed by the Illinois Circuit Court may apply to the court  
5 which imposed sentence to have his sentence reduced.

6 The circuit court may order that any time served on the  
7 sentence imposed by the other state or district court of the  
8 United States be credited on his Illinois sentence. Such  
9 application for reduction of a sentence under this subsection  
10 (f) shall be made within 30 days after the defendant has  
11 completed the sentence imposed by the other state or district  
12 court of the United States.

13 (Source: P.A. 91-279, eff. 1-1-00; 91-404, eff. 1-1-00; 91-953,  
14 eff. 2-23-01; 92-16, eff. 6-28-01.)

15 Section 99. Effective date. This Act takes effect January  
16 1, 2006.