



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB3197**

Introduced 11/14/2006, by Sen. Jacqueline Y. Collins

**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
720 ILCS 535/7	from Ch. 38, par. 82-7

Amends the Criminal Code of 1961. Provides that an assault or battery using an air rifle constitutes aggravated assault or aggravated battery. Amends the Air Rifle Act. Eliminates the maximum \$50 fine that may be imposed for violation of the Act by a person who is not a dealer of air rifles. Effective immediately.

LRB094 21783 RLC 60201 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, an air rifle as defined in  
11 the Air Rifle Act, or any device manufactured and designed  
12 to be substantially similar in appearance to a firearm,  
13 other than by discharging a firearm in the direction of  
14 another person, a peace officer, a person summoned or  
15 directed by a peace officer, a correctional officer or a  
16 fireman or in the direction of a vehicle occupied by  
17 another person, a peace officer, a person summoned or  
18 directed by a peace officer, a correctional officer or a  
19 fireman while the officer or fireman is engaged in the  
20 execution of any of his official duties, or to prevent the  
21 officer or fireman from performing his official duties, or  
22 in retaliation for the officer or fireman performing his  
23 official duties;

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

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

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

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

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

33 (7) Knows the individual assaulted to be an emergency  
34 medical technician - ambulance, emergency medical  
35 technician - intermediate, emergency medical technician -  
36 paramedic, ambulance driver or other medical assistance or

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

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

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

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

34 (10) Knows the individual assaulted to be an employee  
35 of the State of Illinois, a municipal corporation therein  
36 or a political subdivision thereof, engaged in the

1 performance of his authorized duties as such employee;

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

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

6 (13) Discharges a firearm;

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

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

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

27 ~~or~~

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

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

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

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

22 (b) Sentence.

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

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

1 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

2 Sec. 12-4. Aggravated Battery.

3 (a) A person who, in committing a battery, intentionally or  
4 knowingly causes great bodily harm, or permanent disability or  
5 disfigurement commits aggravated battery.

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

8 (1) Uses a deadly weapon, other than by the discharge  
9 of a firearm, or uses an air rifle as defined in the Air  
10 Rifle Act;

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

13 (3) Knows the individual harmed to be a teacher or  
14 other person employed in any school and such teacher or  
15 other employee is upon the grounds of a school or grounds  
16 adjacent thereto, or is in any part of a building used for  
17 school purposes;

18 (4) (Blank);

19 (5) (Blank);

20 (6) Knows the individual harmed to be a community  
21 policing volunteer while such volunteer is engaged in the  
22 execution of any official duties, or to prevent the  
23 volunteer from performing official duties, or in  
24 retaliation for the volunteer performing official duties,  
25 and the battery is committed other than by the discharge of  
26 a firearm;

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

1 medical assistance, first aid personnel, or hospital  
2 personnel from performing official duties, or in  
3 retaliation for performing official duties;

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

7 (8.5) Is, or the person battered is, on a publicly or  
8 privately owned sports or entertainment arena, stadium,  
9 community or convention hall, special event center,  
10 amusement facility, or a special event center in a public  
11 park during any 24-hour period when a professional sporting  
12 event, National Collegiate Athletic Association  
13 (NCAA)-sanctioned sporting event, United States Olympic  
14 Committee-sanctioned sporting event, or International  
15 Olympic Committee-sanctioned sporting event is taking  
16 place in this venue;

17 (9) Knows the individual harmed to be the driver,  
18 operator, employee or passenger of any transportation  
19 facility or system engaged in the business of  
20 transportation of the public for hire and the individual  
21 assaulted is then performing in such capacity or then using  
22 such public transportation as a passenger or using any area  
23 of any description designated by the transportation  
24 facility or system as a vehicle boarding, departure, or  
25 transfer location;

26 (10) Knows the individual harmed to be an individual of  
27 60 years of age or older;

28 (11) Knows the individual harmed is pregnant;

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

32 (13) (Blank);

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

35 (15) Knowingly and without legal justification and by  
36 any means causes bodily harm to a merchant who detains the



1 person for an alleged commission of retail theft under  
2 Section 16A-5 of this Code. In this item (15), "merchant"  
3 has the meaning ascribed to it in Section 16A-2.4 of this  
4 Code;

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

18 (17) (Blank); ~~or~~

19 (18) Knows the individual harmed to be an officer or  
20 employee of the State of Illinois, a unit of local  
21 government, or school district engaged in the performance  
22 of his or her authorized duties as such officer or  
23 employee; or

24 (19) ~~(18)~~ Knows the individual harmed to be an  
25 emergency management worker engaged in the performance of  
26 any of his or her official duties, or to prevent the  
27 emergency management worker from performing official  
28 duties, or in retaliation for the emergency management  
29 worker performing official duties.

30 For the purpose of paragraph (14) of subsection (b) of this  
31 Section, a physically handicapped person is a person who  
32 suffers from a permanent and disabling physical  
33 characteristic, resulting from disease, injury, functional  
34 disorder or congenital condition.

35 (c) A person who administers to an individual or causes him  
36 to take, without his consent or by threat or deception, and for

1 other than medical purposes, any intoxicating, poisonous,  
2 stupefying, narcotic, anesthetic, or controlled substance  
3 commits aggravated battery.

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

7 (d-3) A person commits aggravated battery when he or she  
8 knowingly and without lawful justification shines or flashes a  
9 laser gunsight or other laser device that is attached or  
10 affixed to a firearm, or used in concert with a firearm, so  
11 that the laser beam strikes upon or against the person of  
12 another.

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

23 (e) Sentence.

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

26 (2) Aggravated battery that does not cause great bodily  
27 harm or permanent disability or disfigurement is a Class 2  
28 felony when the person knows the individual harmed to be a  
29 peace officer, a community policing volunteer, a  
30 correctional institution employee, an employee of the  
31 Department of Human Services supervising or controlling  
32 sexually dangerous persons or sexually violent persons, or  
33 a fireman while such officer, volunteer, employee, or  
34 fireman is engaged in the execution of any official duties  
35 including arrest or attempted arrest, or to prevent the  
36 officer, volunteer, employee, or fireman from performing

1 official duties, or in retaliation for the officer,  
2 volunteer, employee, or fireman performing official  
3 duties, and the battery is committed other than by the  
4 discharge of a firearm.

5 (3) Aggravated battery that causes great bodily harm or  
6 permanent disability or disfigurement in violation of  
7 subsection (a) is a Class 1 felony when the person knows  
8 the individual harmed to be a peace officer, a community  
9 policing volunteer, a correctional institution employee,  
10 an employee of the Department of Human Services supervising  
11 or controlling sexually dangerous persons or sexually  
12 violent persons, or a fireman while such officer,  
13 volunteer, employee, or fireman is engaged in the execution  
14 of any official duties including arrest or attempted  
15 arrest, or to prevent the officer, volunteer, employee, or  
16 fireman from performing official duties, or in retaliation  
17 for the officer, volunteer, employee, or fireman  
18 performing official duties, and the battery is committed  
19 other than by the discharge of a firearm.

20 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,  
21 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;  
22 94-482, eff. 1-1-06; revised 8-19-05.)

23 Section 10. The Air Rifle Act is amended by changing  
24 Section 7 as follows:

25 (720 ILCS 535/7) (from Ch. 38, par. 82-7)

26 Sec. 7. Sentence.

27 Any dealer violating any provision of Section 2 of this Act  
28 commits a petty offense.

29 Any person violating any other provision of this Act  
30 commits a petty offense ~~and shall pay a fine not to exceed \$50.~~

31 (Source: P.A. 77-2815.)

32 Section 99. Effective date. This Act takes effect upon  
33 becoming law.