



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1717

Introduced 2/22/2007, by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2
720 ILCS 5/12-4

from Ch. 38, par. 12-2
from Ch. 38, par. 12-4

Amends the Criminal Code of 1961. Provides that a person who knowingly and without legal justification commits an assault on a severely or profoundly mentally retarded person is guilty of aggravated assault. Provides that the penalty is a Class A misdemeanor. Provides that a person who, in committing a battery, knows the individual harmed to be a person who is severely or profoundly mentally retarded is guilty of aggravated battery. Provides that the penalty is a Class 3 felony. Effective immediately.

LRB095 04131 RLC 24169 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

1 conceal his identity or any device manufactured and
2 designed to be substantially similar in appearance to a
3 firearm;

4 (3) Knows the individual assaulted to be a teacher or
5 other person employed in any school and such teacher or
6 other employee is upon the grounds of a school or grounds
7 adjacent thereto, or is in any part of a building used for
8 school purposes;

9 (4) Knows the individual assaulted to be a supervisor,
10 director, instructor or other person employed in any park
11 district and such supervisor, director, instructor or
12 other employee is upon the grounds of the park or grounds
13 adjacent thereto, or is in any part of a building used for
14 park purposes;

15 (5) Knows the individual assaulted to be a caseworker,
16 investigator, or other person employed by the Department of
17 Healthcare and Family Services (formerly State Department
18 of Public Aid), a County Department of Public Aid, or the
19 Department of Human Services (acting as successor to the
20 Illinois Department of Public Aid under the Department of
21 Human Services Act) and such caseworker, investigator, or
22 other person is upon the grounds of a public aid office or
23 grounds adjacent thereto, or is in any part of a building
24 used for public aid purposes, or upon the grounds of a home
25 of a public aid applicant, recipient or any other person
26 being interviewed or investigated in the employees'

1 discharge of his duties, or on grounds adjacent thereto, or
2 is in any part of a building in which the applicant,
3 recipient, or other such person resides or is located;

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

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

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

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

13 (9) Or the individual assaulted is on or about a public
14 way, public property, or public place of accommodation or
15 amusement;

16 (9.5) Is, or the individual assaulted is, in or about a
17 publicly or privately owned sports or entertainment arena,
18 stadium, community or convention hall, special event
19 center, amusement facility, or a special event center in a
20 public park during any 24-hour period when a professional
21 sporting event, National Collegiate Athletic Association
22 (NCAA)-sanctioned sporting event, United States Olympic
23 Committee-sanctioned sporting event, or International
24 Olympic Committee-sanctioned sporting event is taking
25 place in this venue;

26 (10) Knows the individual assaulted to be an employee

1 of the State of Illinois, a municipal corporation therein
2 or a political subdivision thereof, engaged in the
3 performance of his authorized duties as such employee;

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

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

8 (13) Discharges a firearm;

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

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

26 (16) Knows the individual assaulted to be an employee

1 of a police or sheriff's department engaged in the
2 performance of his or her official duties as such employee;
3 ~~or~~

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

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

1 vehicle occupied by the emergency management worker; ~~or~~
2 (19) Knowingly and without legal justification,
3 commits an assault on a severely or profoundly mentally
4 retarded person.

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

11 (b) Sentence.

12 Aggravated assault as defined in paragraphs (1) through (5)
13 and (8) through (12) and (17) and paragraph (19) of subsection
14 (a) of this Section is a Class A misdemeanor. Aggravated
15 assault as defined in paragraphs (13), (14), and (15) of
16 subsection (a) of this Section and as defined in subsection
17 (a-5) of this Section is a Class 4 felony. Aggravated assault
18 as defined in paragraphs (6), (7), (16), and (18) of subsection
19 (a) of this Section is a Class A misdemeanor if a firearm is
20 not used in the commission of the assault. Aggravated assault
21 as defined in paragraphs (6), (7), (16), and (18) of subsection
22 (a) of this Section is a Class 4 felony if a firearm is used in
23 the commission of the assault.

24 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,
25 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 of
9 a firearm;

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

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

17 (4) (Blank);

18 (5) (Blank);

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

26 (7) Knows the individual harmed to be an emergency

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

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

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

25 (9) Knows the individual harmed to be the driver,
26 operator, employee or passenger of any transportation

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

8 (10) Knows the individual harmed to be an individual of
9 60 years of age or older;

10 (11) Knows the individual harmed is pregnant;

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

14 (13) (Blank);

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

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

23 (16) Is, or the person battered is, in any building or
24 other structure used to provide shelter or other services
25 to victims or to the dependent children of victims of
26 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;

10 (17) (Blank); ~~or~~

11 (18) Knows the individual harmed to be an officer or
12 employee of the State of Illinois, a unit of local
13 government, or school district engaged in the performance
14 of his or her authorized duties as such officer or
15 employee; ~~or~~

16 (19) ~~(18)~~ Knows the individual harmed to be an
17 emergency management worker engaged in the performance of
18 any of his or her official duties, or to prevent the
19 emergency management worker from performing official
20 duties, or in retaliation for the emergency management
21 worker performing official duties; or ~~or~~

22 (20) Knows the individual harmed to be a person who is
23 severely or profoundly mentally retarded.

24 For the purpose of paragraph (14) of subsection (b) of this
25 Section, a physically handicapped person is a person who
26 suffers from a permanent and disabling physical

1 characteristic, resulting from disease, injury, functional
2 disorder or congenital condition.

3 (c) A person who administers to an individual or causes him
4 to take, without his consent or by threat or deception, and for
5 other than medical purposes, any intoxicating, poisonous,
6 stupefying, narcotic, anesthetic, or controlled substance
7 commits aggravated battery.

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

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

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

1 (e) Sentence.

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

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

19 (3) Aggravated battery that causes great bodily harm or
20 permanent disability or disfigurement in violation of
21 subsection (a) is a Class 1 felony when the person knows
22 the individual harmed to be a peace officer, a community
23 policing volunteer, a correctional institution employee,
24 an employee of the Department of Human Services supervising
25 or controlling sexually dangerous persons or sexually
26 violent persons, or a fireman while such officer,

1 volunteer, employee, or fireman is engaged in the execution
2 of any official duties including arrest or attempted
3 arrest, or to prevent the officer, volunteer, employee, or
4 fireman from performing official duties, or in retaliation
5 for the officer, volunteer, employee, or fireman
6 performing official duties, and the battery is committed
7 other than by the discharge of a firearm.

8 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,
9 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;
10 94-482, eff. 1-1-06; revised 8-19-05.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.