



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

#### HB1746

Introduced 2/23/2007, by Rep. Cynthia Soto

#### 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 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. Establishes penalties.

LRB095 10345 RLC 30560 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.

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 ~~or~~

2 (19) Knows the individual assaulted to be a utility  
3 worker, while the utility worker is engaged in the  
4 execution of his or her duties, or to prevent the utility  
5 worker from performing his or her duties, or in retaliation  
6 for the utility worker performing his or her duties. In  
7 this paragraph (19), "utility worker" means a person  
8 employed by a public utility as defined in Section 3-105 of  
9 the Public Utilities Act and also includes an employee of a  
10 municipally owned utility, an employee of a cable  
11 television company, an employee of an electric cooperative  
12 as defined in Section 3-119 of the Public Utilities Act, an  
13 independent contractor or an employee of an independent  
14 contractor working on behalf of a cable television company,  
15 public utility, municipally owned utility, or an electric  
16 cooperative, or an employee of a telecommunications  
17 carrier as defined in Section 13-202 of the Public  
18 Utilities Act, an independent contractor or an employee of  
19 an independent contractor working on behalf of a  
20 telecommunications carrier, or an employee of a telephone  
21 or telecommunications cooperative as defined in Section  
22 13-212 of the Public Utilities Act, or an independent  
23 contractor or an employee of an independent contractor  
24 working on behalf of a telephone or telecommunications  
25 cooperative.

26 (a-5) A person commits an aggravated assault when he or she



1 knowingly and without lawful justification shines or flashes a  
2 laser gunsight or other laser device that is attached or  
3 affixed to a firearm, or used in concert with a firearm, so  
4 that the laser beam strikes near or in the immediate vicinity  
5 of any person.

6 (b) Sentence.

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

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

21 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

22 Sec. 12-4. Aggravated Battery.

23 (a) A person who, in committing a battery, intentionally or  
24 knowingly causes great bodily harm, or permanent disability or  
25 disfigurement commits aggravated battery.

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

3           (1) Uses a deadly weapon other than by the discharge of  
4 a firearm;

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

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

12           (4) (Blank);

13           (5) (Blank);

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

21           (7) Knows the individual harmed to be an emergency  
22 medical technician - ambulance, emergency medical  
23 technician - intermediate, emergency medical technician -  
24 paramedic, ambulance driver, other medical assistance,  
25 first aid personnel, or hospital personnel engaged in the  
26 performance of any of his or her official duties, or to

1 prevent the emergency medical technician - ambulance,  
2 emergency medical technician - intermediate, emergency  
3 medical technician - paramedic, ambulance driver, other  
4 medical assistance, first aid personnel, or hospital  
5 personnel from performing official duties, or in  
6 retaliation for performing official duties;

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

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

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

1 facility or system as a vehicle boarding, departure, or  
2 transfer location;

3 (10) Knows the individual harmed to be an individual of  
4 60 years of age or older;

5 (11) Knows the individual harmed is pregnant;

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

9 (13) (Blank);

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

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

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

1 Domestic Violence Act of 1986. "Building or other structure  
2 used to provide shelter" has the meaning ascribed to  
3 "shelter" in Section 1 of the Domestic Violence Shelters  
4 Act;

5 (17) (Blank); ~~or~~

6 (18) Knows the individual harmed to be an officer or  
7 employee of the State of Illinois, a unit of local  
8 government, or school district engaged in the performance  
9 of his or her authorized duties as such officer or  
10 employee;~~;~~

11 (19) ~~(18)~~ Knows the individual harmed to be an  
12 emergency management worker engaged in the performance of  
13 any of his or her official duties, or to prevent the  
14 emergency management worker from performing official  
15 duties, or in retaliation for the emergency management  
16 worker performing official duties;or~~;~~

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

1 as defined in Section 3-119 of the Public Utilities Act, an  
2 independent contractor or an employee of an independent  
3 contractor working on behalf of a cable television company,  
4 public utility, municipally owned utility, or an electric  
5 cooperative, or an employee of a telecommunications  
6 carrier as defined in Section 13-202 of the Public  
7 Utilities Act, an independent contractor or an employee of  
8 an independent contractor working on behalf of a  
9 telecommunications carrier, or an employee of a telephone  
10 or telecommunications cooperative as defined in Section  
11 13-212 of the Public Utilities Act, or an independent  
12 contractor or an employee of an independent contractor  
13 working on behalf of a telephone or telecommunications  
14 cooperative.

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

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

25 (d) A person who knowingly gives to another person any food  
26 that contains any substance or object that is intended to cause

1 physical injury if eaten, commits aggravated battery.

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

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

18 (e) Sentence.

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

21 (2) Aggravated battery that does not cause great bodily  
22 harm or permanent disability or disfigurement is a Class 2  
23 felony when the person knows the individual harmed to be a  
24 peace officer, a community policing volunteer, a  
25 correctional institution employee, an employee of the  
26 Department of Human Services supervising or controlling

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

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

25 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,  
26 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;



1 94-482, eff. 1-1-06; revised 8-19-05.)