

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 Section 12-4.3 as follows:

6 (720 ILCS 5/12-4.3) (from Ch. 38, par. 12-4.3)

7 Sec. 12-4.3. Aggravated battery of a child.

8 (a) Any person of the age 18 years and upwards who
9 intentionally or knowingly, and without legal justification
10 and by any means, causes great bodily harm or permanent
11 disability or disfigurement to any child under the age of 13
12 years or to any severely or profoundly mentally retarded
13 person, commits the offense of aggravated battery of a child.

14 (a-5) Any person of the age 18 years and upwards who
15 intentionally or knowingly, and without legal justification
16 and by any means, causes bodily harm or disability or
17 disfigurement to any child under the age of 13 years or to any
18 severely or profoundly mentally retarded person, commits the
19 offense of aggravated battery of a child.

20 (b) Sentence.

21 (1) Aggravated battery of a child under subsection (a) of
22 this Section is a Class X felony, except that:

23 (A) ~~(1)~~ if the person committed the offense while armed

1 with a firearm, 15 years shall be added to the term of
2 imprisonment imposed by the court;

3 (B) ~~(2)~~ if, during the commission of the offense, the
4 person personally discharged a firearm, 20 years shall be
5 added to the term of imprisonment imposed by the court;

6 (C) ~~(3)~~ if, during the commission of the offense, the
7 person personally discharged a firearm that proximately
8 caused great bodily harm, permanent disability, permanent
9 disfigurement, or death to another person, 25 years or up
10 to a term of natural life shall be added to the term of
11 imprisonment imposed by the court.

12 (2) Aggravated battery of a child under subsection (a-5) of
13 this Section is a Class 3 felony.

14 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;
15 92-434, eff. 1-1-02.)

16 Section 99. Effective date. This Act takes effect January
17 1, 2009.