



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2488

Introduced 10/22/2009, by

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

Amends the Criminal Code of 1961. Provides that aggravated assault of a peace officer, community policing volunteer, private security officer, fireman, employee of a police or sheriff's department, or person who is employed by a municipality and whose duties include traffic control is also a Class 4 felony (rather than a Class A misdemeanor) when a knife with a blade of at least 3 inches in length, dagger, dirk, switchblade knife, stiletto, axe, hatchet, bludgeon, black-jack, slungshot, sand-bag, sand-club, metal knuckles, billy, or other dangerous weapon of like character is used in the commission of the assault.

LRB096 13407 RLC 28134 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 12-2 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, a private security officer, or a fireman or in the
16 direction of a vehicle occupied by another person, a peace
17 officer, a person summoned or directed by a peace officer,
18 a correctional officer, a private security 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;

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

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

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

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

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

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

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

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

5 (8) Knows the individual assaulted 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 (9) Or the individual assaulted is on or about a public
15 way, public property, or public place of accommodation or
16 amusement;

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

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

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

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

9 (13) Discharges a firearm, other than from a motor
10 vehicle;

11 (13.5) Discharges a firearm from a motor vehicle;

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

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

1 firearm in the direction of the employee or in the
2 direction of a vehicle occupied by the employee;

3 (16) Knows the individual assaulted to be an employee
4 of a police or sheriff's department, or a person who is
5 employed by a municipality and whose duties include traffic
6 control, engaged in the performance of his or her official
7 duties as such employee;

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

22 (18) Knows the individual assaulted to be an emergency
23 management worker, while the emergency management worker
24 is engaged in the execution of any of his or her official
25 duties, or to prevent the emergency management worker from
26 performing his or her official duties, or in retaliation

1 for the emergency management worker performing his or her
2 official duties, and the assault is committed other than by
3 the discharge of a firearm in the direction of the
4 emergency management worker or in the direction of a
5 vehicle occupied by the emergency management worker; or

6 (19) Knows the individual assaulted to be a utility
7 worker, while the utility worker is engaged in the
8 execution of his or her duties, or to prevent the utility
9 worker from performing his or her duties, or in retaliation
10 for the utility worker performing his or her duties. In
11 this paragraph (19), "utility worker" means a person
12 employed by a public utility as defined in Section 3-105 of
13 the Public Utilities Act and also includes an employee of a
14 municipally owned utility, an employee of a cable
15 television company, an employee of an electric cooperative
16 as defined in Section 3-119 of the Public Utilities Act, an
17 independent contractor or an employee of an independent
18 contractor working on behalf of a cable television company,
19 public utility, municipally owned utility, or an electric
20 cooperative, or an employee of a telecommunications
21 carrier as defined in Section 13-202 of the Public
22 Utilities Act, an independent contractor or an employee of
23 an independent contractor working on behalf of a
24 telecommunications carrier, or an employee of a telephone
25 or telecommunications cooperative as defined in Section
26 13-212 of the Public Utilities Act, or an independent

1 contractor or an employee of an independent contractor
2 working on behalf of a telephone or telecommunications
3 cooperative.

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

10 (b) Sentence.

11 Aggravated assault as defined in paragraphs (1) through (5)
12 and (8) through (12) and (17) and (19) of subsection (a) of
13 this Section is a Class A misdemeanor. Aggravated assault as
14 defined in paragraphs (13), (14), and (15) of subsection (a) of
15 this Section and as defined in subsection (a-5) of this Section
16 is a Class 4 felony. Aggravated assault as defined in
17 paragraphs (6) and (16) of subsection (a) of this Section is a
18 Class A misdemeanor if a Category I, Category II, or Category
19 III weapon is not used in the commission of the assault.
20 Aggravated assault as defined in paragraphs (6) and (16) of
21 subsection (a) of this Section is a Class 4 felony if a
22 Category I, Category II, or Category III weapon is used in the
23 commission of the assault. Aggravated assault as defined in
24 paragraphs ~~(6),~~ (7), ~~(16),~~ and (18) of subsection (a) of this
25 Section is a Class A misdemeanor if a firearm is not used in
26 the commission of the assault. Aggravated assault as defined in

1 paragraphs ~~(6)~~, (7), ~~(16)~~, and (18) of subsection (a) of this
2 Section is a Class 4 felony if a firearm is used in the
3 commission of the assault. Aggravated assault as defined in
4 paragraph (13.5) of subsection (a) is a Class 3 felony. For the
5 purposes of this subsection (b), "Category I weapon", "Category
6 II weapon", and "Category III weapon" have the meanings
7 ascribed to those terms in subsection (c) of Section 33A-1 of
8 this Code.

9 (c) For the purposes of paragraphs (1) and (6) of
10 subsection (a), "private security officer" means a registered
11 employee of a private security contractor agency under the
12 Private Detective, Private Alarm, Private Security,
13 Fingerprint Vendor, and Locksmith Act of 2004.

14 (Source: P.A. 94-243, eff. 1-1-06; 94-482, eff. 1-1-06; 95-236,
15 eff. 1-1-08; 95-292, eff. 8-20-07; 95-331, eff. 8-21-07;
16 95-429, eff. 1-1-08; 95-591, eff. 9-10-07; 95-876, eff.
17 8-21-08.)