



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1361

Introduced 2/13/2019, by Sen. Brian W. Stewart

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that a person also commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she knowingly causes great bodily harm or permanent disability or disfigurement to an individual whom the person knows to be a Department of Children and Family Services employee: (1) performing his or her official duties; (2) battered to prevent performance of his or her official duties; or (3) battered in retaliation for performing his or her official duties. Provides that a violation is a Class 1 felony. Provides that a person also commits aggravated battery when, in committing a battery, other than by discharge of a firearm, he or she knows the individual battered to be a Department of Children and Family Services employee: (1) performing his or her official duties; (2) battered to prevent performance of his or her official duties; or (3) battered in retaliation for performing his or her official duties. Provides that a violation is a Class 2 felony.

LRB101 08992 SLF 54085 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 2012 is amended by changing
5 Section 12-3.05 as follows:

6 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

7 Sec. 12-3.05. Aggravated battery.

8 (a) Offense based on injury. A person commits aggravated
9 battery when, in committing a battery, other than by the
10 discharge of a firearm, he or she knowingly does any of the
11 following:

12 (1) Causes great bodily harm or permanent disability or
13 disfigurement.

14 (2) Causes severe and permanent disability, great
15 bodily harm, or disfigurement by means of a caustic or
16 flammable substance, a poisonous gas, a deadly biological
17 or chemical contaminant or agent, a radioactive substance,
18 or a bomb or explosive compound.

19 (3) Causes great bodily harm or permanent disability or
20 disfigurement to an individual whom the person knows to be
21 a peace officer, community policing volunteer, fireman,
22 private security officer, correctional institution
23 employee, Department of Children and Family Services

1 employee, or Department of Human Services employee
2 supervising or controlling sexually dangerous persons or
3 sexually violent persons:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her
6 official duties; or

7 (iii) battered in retaliation for performing his
8 or her official duties.

9 (4) Causes great bodily harm or permanent disability or
10 disfigurement to an individual 60 years of age or older.

11 (5) Strangles another individual.

12 (b) Offense based on injury to a child or person with an
13 intellectual disability. A person who is at least 18 years of
14 age commits aggravated battery when, in committing a battery,
15 he or she knowingly and without legal justification by any
16 means:

17 (1) causes great bodily harm or permanent disability or
18 disfigurement to any child under the age of 13 years, or to
19 any person with a severe or profound intellectual
20 disability; or

21 (2) causes bodily harm or disability or disfigurement
22 to any child under the age of 13 years or to any person
23 with a severe or profound intellectual disability.

24 (c) Offense based on location of conduct. A person commits
25 aggravated battery when, in committing a battery, other than by
26 the discharge of a firearm, he or she is or the person battered

1 is on or about a public way, public property, a public place of
2 accommodation or amusement, a sports venue, or a domestic
3 violence shelter.

4 (d) Offense based on status of victim. A person commits
5 aggravated battery when, in committing a battery, other than by
6 discharge of a firearm, he or she knows the individual battered
7 to be any of the following:

8 (1) A person 60 years of age or older.

9 (2) A person who is pregnant or has a physical
10 disability.

11 (3) A teacher or school employee upon school grounds or
12 grounds adjacent to a school or in any part of a building
13 used for school purposes.

14 (4) A peace officer, community policing volunteer,
15 fireman, private security officer, correctional
16 institution employee, Department of Children and Family
17 Services employee, or Department of Human Services
18 employee supervising or controlling sexually dangerous
19 persons or sexually violent persons:

20 (i) performing his or her official duties;

21 (ii) battered to prevent performance of his or her
22 official duties; or

23 (iii) battered in retaliation for performing his
24 or her official duties.

25 (5) A judge, emergency management worker, emergency
26 medical services personnel, or utility worker:

- 1 (i) performing his or her official duties;
2 (ii) battered to prevent performance of his or her
3 official duties; or
4 (iii) battered in retaliation for performing his
5 or her official duties.

6 (6) An officer or employee of the State of Illinois, a
7 unit of local government, or a school district, while
8 performing his or her official duties.

9 (7) A transit employee performing his or her official
10 duties, or a transit passenger.

11 (8) A taxi driver on duty.

12 (9) A merchant who detains the person for an alleged
13 commission of retail theft under Section 16-26 of this Code
14 and the person without legal justification by any means
15 causes bodily harm to the merchant.

16 (10) A person authorized to serve process under Section
17 2-202 of the Code of Civil Procedure or a special process
18 server appointed by the circuit court while that individual
19 is in the performance of his or her duties as a process
20 server.

21 (11) A nurse while in the performance of his or her
22 duties as a nurse.

23 (e) Offense based on use of a firearm. A person commits
24 aggravated battery when, in committing a battery, he or she
25 knowingly does any of the following:

26 (1) Discharges a firearm, other than a machine gun or a

1 firearm equipped with a silencer, and causes any injury to
2 another person.

3 (2) Discharges a firearm, other than a machine gun or a
4 firearm equipped with a silencer, and causes any injury to
5 a person he or she knows to be a peace officer, community
6 policing volunteer, person summoned by a police officer,
7 fireman, private security officer, correctional
8 institution employee, or emergency management worker:

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her
11 official duties; or

12 (iii) battered in retaliation for performing his
13 or her official duties.

14 (3) Discharges a firearm, other than a machine gun or a
15 firearm equipped with a silencer, and causes any injury to
16 a person he or she knows to be emergency medical services
17 personnel:

18 (i) performing his or her official duties;

19 (ii) battered to prevent performance of his or her
20 official duties; or

21 (iii) battered in retaliation for performing his
22 or her official duties.

23 (4) Discharges a firearm and causes any injury to a
24 person he or she knows to be a teacher, a student in a
25 school, or a school employee, and the teacher, student, or
26 employee is upon school grounds or grounds adjacent to a

1 school or in any part of a building used for school
2 purposes.

3 (5) Discharges a machine gun or a firearm equipped with
4 a silencer, and causes any injury to another person.

5 (6) Discharges a machine gun or a firearm equipped with
6 a silencer, and causes any injury to a person he or she
7 knows to be a peace officer, community policing volunteer,
8 person summoned by a police officer, fireman, private
9 security officer, correctional institution employee or
10 emergency management worker:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (7) Discharges a machine gun or a firearm equipped with
17 a silencer, and causes any injury to a person he or she
18 knows to be emergency medical services personnel:

19 (i) performing his or her official duties;

20 (ii) battered to prevent performance of his or her
21 official duties; or

22 (iii) battered in retaliation for performing his
23 or her official duties.

24 (8) Discharges a machine gun or a firearm equipped with
25 a silencer, and causes any injury to a person he or she
26 knows to be a teacher, or a student in a school, or a

1 school employee, and the teacher, student, or employee is
2 upon school grounds or grounds adjacent to a school or in
3 any part of a building used for school purposes.

4 (f) Offense based on use of a weapon or device. A person
5 commits aggravated battery when, in committing a battery, he or
6 she does any of the following:

7 (1) Uses a deadly weapon other than by discharge of a
8 firearm, or uses an air rifle as defined in Section
9 24.8-0.1 of this Code.

10 (2) Wears a hood, robe, or mask to conceal his or her
11 identity.

12 (3) Knowingly and without lawful justification shines
13 or flashes a laser gunsight or other laser device attached
14 to a firearm, or used in concert with a firearm, so that
15 the laser beam strikes upon or against the person of
16 another.

17 (4) Knowingly video or audio records the offense with
18 the intent to disseminate the recording.

19 (g) Offense based on certain conduct. A person commits
20 aggravated battery when, other than by discharge of a firearm,
21 he or she does any of the following:

22 (1) Violates Section 401 of the Illinois Controlled
23 Substances Act by unlawfully delivering a controlled
24 substance to another and any user experiences great bodily
25 harm or permanent disability as a result of the injection,
26 inhalation, or ingestion of any amount of the controlled

1 substance.

2 (2) Knowingly administers to an individual or causes
3 him or her to take, without his or her consent or by threat
4 or deception, and for other than medical purposes, any
5 intoxicating, poisonous, stupefying, narcotic, anesthetic,
6 or controlled substance, or gives to another person any
7 food containing any substance or object intended to cause
8 physical injury if eaten.

9 (3) Knowingly causes or attempts to cause a
10 correctional institution employee or Department of Human
11 Services employee to come into contact with blood, seminal
12 fluid, urine, or feces by throwing, tossing, or expelling
13 the fluid or material, and the person is an inmate of a
14 penal institution or is a sexually dangerous person or
15 sexually violent person in the custody of the Department of
16 Human Services.

17 (h) Sentence. Unless otherwise provided, aggravated
18 battery is a Class 3 felony.

19 Aggravated battery as defined in subdivision (a)(4),
20 (d)(4), or (g)(3) is a Class 2 felony.

21 Aggravated battery as defined in subdivision (a)(3) or
22 (g)(1) is a Class 1 felony.

23 Aggravated battery as defined in subdivision (a)(1) is a
24 Class 1 felony when the aggravated battery was intentional and
25 involved the infliction of torture, as defined in paragraph
26 (14) of subsection (b) of Section 9-1 of this Code, as the

1 infliction of or subjection to extreme physical pain, motivated
2 by an intent to increase or prolong the pain, suffering, or
3 agony of the victim.

4 Aggravated battery under subdivision (a)(5) is a Class 1
5 felony if:

6 (A) the person used or attempted to use a dangerous
7 instrument while committing the offense; or

8 (B) the person caused great bodily harm or permanent
9 disability or disfigurement to the other person while
10 committing the offense; or

11 (C) the person has been previously convicted of a
12 violation of subdivision (a)(5) under the laws of this
13 State or laws similar to subdivision (a)(5) of any other
14 state.

15 Aggravated battery as defined in subdivision (e)(1) is a
16 Class X felony.

17 Aggravated battery as defined in subdivision (a)(2) is a
18 Class X felony for which a person shall be sentenced to a term
19 of imprisonment of a minimum of 6 years and a maximum of 45
20 years.

21 Aggravated battery as defined in subdivision (e)(5) is a
22 Class X felony for which a person shall be sentenced to a term
23 of imprisonment of a minimum of 12 years and a maximum of 45
24 years.

25 Aggravated battery as defined in subdivision (e)(2),
26 (e)(3), or (e)(4) is a Class X felony for which a person shall

1 be sentenced to a term of imprisonment of a minimum of 15 years
2 and a maximum of 60 years.

3 Aggravated battery as defined in subdivision (e)(6),
4 (e)(7), or (e)(8) is a Class X felony for which a person shall
5 be sentenced to a term of imprisonment of a minimum of 20 years
6 and a maximum of 60 years.

7 Aggravated battery as defined in subdivision (b)(1) is a
8 Class X felony, except that:

9 (1) if the person committed the offense while armed
10 with a firearm, 15 years shall be added to the term of
11 imprisonment imposed by the court;

12 (2) if, during the commission of the offense, the
13 person personally discharged a firearm, 20 years shall be
14 added to the term of imprisonment imposed by the court;

15 (3) if, during the commission of the offense, the
16 person personally discharged a firearm that proximately
17 caused great bodily harm, permanent disability, permanent
18 disfigurement, or death to another person, 25 years or up
19 to a term of natural life shall be added to the term of
20 imprisonment imposed by the court.

21 (i) Definitions. For the purposes of this Section:

22 "Building or other structure used to provide shelter" has
23 the meaning ascribed to "shelter" in Section 1 of the Domestic
24 Violence Shelters Act.

25 "Domestic violence" has the meaning ascribed to it in
26 Section 103 of the Illinois Domestic Violence Act of 1986.

1 "Domestic violence shelter" means any building or other
2 structure used to provide shelter or other services to victims
3 or to the dependent children of victims of domestic violence
4 pursuant to the Illinois Domestic Violence Act of 1986 or the
5 Domestic Violence Shelters Act, or any place within 500 feet of
6 such a building or other structure in the case of a person who
7 is going to or from such a building or other structure.

8 "Firearm" has the meaning provided under Section 1.1 of the
9 Firearm Owners Identification Card Act, and does not include an
10 air rifle as defined by Section 24.8-0.1 of this Code.

11 "Machine gun" has the meaning ascribed to it in Section
12 24-1 of this Code.

13 "Merchant" has the meaning ascribed to it in Section 16-0.1
14 of this Code.

15 "Strangle" means intentionally impeding the normal
16 breathing or circulation of the blood of an individual by
17 applying pressure on the throat or neck of that individual or
18 by blocking the nose or mouth of that individual.

19 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,
20 eff. 7-16-14; 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)