



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2526

Introduced 1/28/2020, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-0.1

720 ILCS 5/12-2

720 ILCS 5/12-3.05

from Ch. 38, par. 12-2

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Defines "servicemember" and "veteran". Provides that a person commits aggravated assault or aggravated battery when he or she commits an assault or a battery against a servicemember or veteran. Provides that an aggravated assault committed against a servicemember or veteran is a Class A misdemeanor. Provides that an aggravated battery committed against a servicemember or veteran is a Class 3 felony.

LRB101 18149 RLC 67590 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 Sections 12-0.1, 12-2, and 12-3.05 as follows:

6 (720 ILCS 5/12-0.1)

7 Sec. 12-0.1. Definitions. In this Article, unless the
8 context clearly requires otherwise:

9 "Bona fide labor dispute" means any controversy concerning
10 wages, salaries, hours, working conditions, or benefits,
11 including health and welfare, sick leave, insurance, and
12 pension or retirement provisions, the making or maintaining of
13 collective bargaining agreements, and the terms to be included
14 in those agreements.

15 "Coach" means a person recognized as a coach by the
16 sanctioning authority that conducts an athletic contest.

17 "Correctional institution employee" means a person
18 employed by a penal institution.

19 "Emergency medical services personnel" has the meaning
20 specified in Section 3.5 of the Emergency Medical Services
21 (EMS) Systems Act and shall include all ambulance crew members,
22 including drivers or pilots.

23 "Family or household members" include spouses, former

1 spouses, parents, children, stepchildren, and other persons
2 related by blood or by present or prior marriage, persons who
3 share or formerly shared a common dwelling, persons who have or
4 allegedly have a child in common, persons who share or
5 allegedly share a blood relationship through a child, persons
6 who have or have had a dating or engagement relationship,
7 persons with disabilities and their personal assistants, and
8 caregivers as defined in Section 12-4.4a of this Code. For
9 purposes of this Article, neither a casual acquaintanceship nor
10 ordinary fraternization between 2 individuals in business or
11 social contexts shall be deemed to constitute a dating
12 relationship.

13 "In the presence of a child" means in the physical presence
14 of a child or knowing or having reason to know that a child is
15 present and may see or hear an act constituting an offense.

16 "Park district employee" means a supervisor, director,
17 instructor, or other person employed by a park district.

18 "Person with a physical disability" means a person who
19 suffers from a permanent and disabling physical
20 characteristic, resulting from disease, injury, functional
21 disorder, or congenital condition.

22 "Private security officer" means a registered employee of a
23 private security contractor agency under the Private
24 Detective, Private Alarm, Private Security, Fingerprint
25 Vendor, and Locksmith Act of 2004.

26 "Probation officer" means a person as defined in the

1 Probation and Probation Officers Act.

2 "Servicemember" means a person who is currently serving in
3 the Army, Air Force, Marines, Navy, or Coast Guard on active
4 duty, reserve status, or in the National Guard.

5 "Sports official" means a person at an athletic contest who
6 enforces the rules of the contest, such as an umpire or
7 referee.

8 "Sports venue" means a publicly or privately owned sports
9 or entertainment arena, stadium, community or convention hall,
10 special event center, or amusement facility, or a special event
11 center in a public park, during the 12 hours before or after
12 the sanctioned sporting event.

13 "Streetgang", "streetgang member", and "criminal street
14 gang" have the meanings ascribed to those terms in Section 10
15 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

16 "Transit employee" means a driver, operator, or employee of
17 any transportation facility or system engaged in the business
18 of transporting the public for hire.

19 "Transit passenger" means a passenger of any
20 transportation facility or system engaged in the business of
21 transporting the public for hire, including a passenger using
22 any area designated by a transportation facility or system as a
23 vehicle boarding, departure, or transfer location.

24 "Utility worker" means any of the following:

25 (1) A person employed by a public utility as defined in
26 Section 3-105 of the Public Utilities Act.

1 (2) An employee of a municipally owned utility.

2 (3) An employee of a cable television company.

3 (4) An employee of an electric cooperative as defined
4 in Section 3-119 of the Public Utilities Act.

5 (5) An independent contractor or an employee of an
6 independent contractor working on behalf of a cable
7 television company, public utility, municipally owned
8 utility, or electric cooperative.

9 (6) An employee of a telecommunications carrier as
10 defined in Section 13-202 of the Public Utilities Act, or
11 an independent contractor or an employee of an independent
12 contractor working on behalf of a telecommunications
13 carrier.

14 (7) An employee of a telephone or telecommunications
15 cooperative as defined in Section 13-212 of the Public
16 Utilities Act, or an independent contractor or an employee
17 of an independent contractor working on behalf of a
18 telephone or telecommunications cooperative.

19 "Veteran" means a former servicemember who was discharged
20 or released from service under conditions other than
21 dishonorable.

22 (Source: P.A. 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)

23 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

24 Sec. 12-2. Aggravated assault.

25 (a) Offense based on location of conduct. A person commits

1 aggravated assault when he or she commits an assault against an
2 individual who is on or about a public way, public property, a
3 public place of accommodation or amusement, or a sports venue,
4 or in a church, synagogue, mosque, or other building,
5 structure, or place used for religious worship.

6 (b) Offense based on status of victim. A person commits
7 aggravated assault when, in committing an assault, he or she
8 knows the individual assaulted to be any of the following:

9 (1) A person with a physical disability or a person 60
10 years of age or older and the assault is without legal
11 justification.

12 (1.5) A servicemember or veteran and the assault is
13 without legal justification.

14 (2) A teacher or school employee upon school grounds or
15 grounds adjacent to a school or in any part of a building
16 used for school purposes.

17 (3) A park district employee upon park grounds or
18 grounds adjacent to a park or in any part of a building
19 used for park purposes.

20 (4) A community policing volunteer, private security
21 officer, or utility worker:

22 (i) performing his or her official duties;

23 (ii) assaulted to prevent performance of his or her
24 official duties; or

25 (iii) assaulted in retaliation for performing his
26 or her official duties.

1 (4.1) A peace officer, fireman, emergency management
2 worker, or emergency medical services personnel:

3 (i) performing his or her official duties;

4 (ii) assaulted to prevent performance of his or her
5 official duties; or

6 (iii) assaulted in retaliation for performing his
7 or her official duties.

8 (5) A correctional officer or probation officer:

9 (i) performing his or her official duties;

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

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

14 (6) A correctional institution employee, a county
15 juvenile detention center employee who provides direct and
16 continuous supervision of residents of a juvenile
17 detention center, including a county juvenile detention
18 center employee who supervises recreational activity for
19 residents of a juvenile detention center, or a Department
20 of Human Services employee, Department of Human Services
21 officer, or employee of a subcontractor of the Department
22 of Human Services supervising or controlling sexually
23 dangerous persons or sexually violent persons:

24 (i) performing his or her official duties;

25 (ii) assaulted to prevent performance of his or her
26 official duties; or

1 (iii) assaulted in retaliation for performing his
2 or her official duties.

3 (7) An employee of the State of Illinois, a municipal
4 corporation therein, or a political subdivision thereof,
5 performing his or her official duties.

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

8 (9) A sports official or coach actively participating
9 in any level of athletic competition within a sports venue,
10 on an indoor playing field or outdoor playing field, or
11 within the immediate vicinity of such a facility or field.

12 (10) A person authorized to serve process under Section
13 2-202 of the Code of Civil Procedure or a special process
14 server appointed by the circuit court, while that
15 individual is in the performance of his or her duties as a
16 process server.

17 (c) Offense based on use of firearm, device, or motor
18 vehicle. A person commits aggravated assault when, in
19 committing an assault, he or she does any of the following:

20 (1) Uses a deadly weapon, an air rifle as defined in
21 Section 24.8-0.1 of this Act, or any device manufactured
22 and designed to be substantially similar in appearance to a
23 firearm, other than by discharging a firearm.

24 (2) Discharges a firearm, other than from a motor
25 vehicle.

26 (3) Discharges a firearm from a motor vehicle.

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

3 (5) Knowingly and without lawful justification shines
4 or flashes a laser gun sight or other laser device attached
5 to a firearm, or used in concert with a firearm, so that
6 the laser beam strikes near or in the immediate vicinity of
7 any person.

8 (6) Uses a firearm, other than by discharging the
9 firearm, against a peace officer, community policing
10 volunteer, fireman, private security officer, emergency
11 management worker, emergency medical services personnel,
12 employee of a police department, employee of a sheriff's
13 department, or traffic control municipal employee:

14 (i) performing his or her official duties;

15 (ii) assaulted to prevent performance of his or her
16 official duties; or

17 (iii) assaulted in retaliation for performing his
18 or her official duties.

19 (7) Without justification operates a motor vehicle in a
20 manner which places a person, other than a person listed in
21 subdivision (b)(4), in reasonable apprehension of being
22 struck by the moving motor vehicle.

23 (8) Without justification operates a motor vehicle in a
24 manner which places a person listed in subdivision (b)(4),
25 in reasonable apprehension of being struck by the moving
26 motor vehicle.

1 (9) Knowingly video or audio records the offense with
2 the intent to disseminate the recording.

3 (d) Sentence. Aggravated assault as defined in subdivision
4 (a), (b) (1), (b) (1.5), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8),
5 (b) (9), (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor,
6 except that aggravated assault as defined in subdivision (b) (4)
7 and (b) (7) is a Class 4 felony if a Category I, Category II, or
8 Category III weapon is used in the commission of the assault.
9 Aggravated assault as defined in subdivision (b) (4.1), (b) (5),
10 (b) (6), (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class 4
11 felony. Aggravated assault as defined in subdivision (c) (3) or
12 (c) (8) is a Class 3 felony.

13 (e) For the purposes of this Section, "Category I weapon",
14 "Category II weapon", and "Category III weapon" have the
15 meanings ascribed to those terms in Section 33A-1 of this Code.
16 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

17 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

18 Sec. 12-3.05. Aggravated battery.

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

23 (1) Causes great bodily harm or permanent disability or
24 disfigurement.

25 (2) Causes severe and permanent disability, great

1 bodily harm, or disfigurement by means of a caustic or
2 flammable substance, a poisonous gas, a deadly biological
3 or chemical contaminant or agent, a radioactive substance,
4 or a bomb or explosive compound.

5 (3) Causes great bodily harm or permanent disability or
6 disfigurement to an individual whom the person knows to be
7 a peace officer, community policing volunteer, fireman,
8 private security officer, correctional institution
9 employee, or Department of Human Services employee
10 supervising or controlling sexually dangerous persons or
11 sexually violent persons:

12 (i) performing his or her official duties;

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

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

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

19 (5) Strangles another individual.

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

25 (1) causes great bodily harm or permanent disability or
26 disfigurement to any child under the age of 13 years, or to

1 any person with a severe or profound intellectual
2 disability; or

3 (1.5) A servicemember or veteran.

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

7 (c) Offense based on location of conduct. A person commits
8 aggravated battery when, in committing a battery, other than by
9 the discharge of a firearm, he or she is or the person battered
10 is on or about a public way, public property, a public place of
11 accommodation or amusement, a sports venue, or a domestic
12 violence shelter, or in a church, synagogue, mosque, or other
13 building, structure, or place used for religious worship.

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

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

19 (2) A person who is pregnant or has a physical
20 disability.

21 (3) A teacher or school employee upon school grounds or
22 grounds adjacent to a school or in any part of a building
23 used for school purposes.

24 (4) A peace officer, community policing volunteer,
25 fireman, private security officer, correctional
26 institution employee, or Department of Human Services

1 employee supervising or controlling sexually dangerous
2 persons or sexually violent persons:

3 (i) performing his or her official duties;

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

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

8 (5) A judge, emergency management worker, emergency
9 medical services personnel, or utility worker:

10 (i) performing his or her official duties;

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

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

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

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

20 (8) A taxi driver on duty.

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

25 (10) A person authorized to serve process under Section
26 2-202 of the Code of Civil Procedure or a special process

1 server appointed by the circuit court while that individual
2 is in the performance of his or her duties as a process
3 server.

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

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

9 (1) Discharges a firearm, other than a machine gun or a
10 firearm equipped with a silencer, and causes any injury to
11 another person.

12 (2) Discharges a firearm, other than a machine gun or a
13 firearm equipped with a silencer, and causes any injury to
14 a person he or she knows to be a peace officer, community
15 policing volunteer, person summoned by a police officer,
16 fireman, private security officer, correctional
17 institution employee, or emergency management worker:

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

- 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 (4) Discharges a firearm and causes any injury to a
7 person he or she knows to be a teacher, a student in a
8 school, or a school employee, and the teacher, student, or
9 employee is upon school grounds or grounds adjacent to a
10 school or in any part of a building used for school
11 purposes.

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

14 (6) Discharges a machine gun or a firearm equipped with
15 a silencer, and causes any injury to a person he or she
16 knows to be a peace officer, community policing volunteer,
17 person summoned by a police officer, fireman, private
18 security officer, correctional institution employee or
19 emergency management worker:

- 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 (7) Discharges a machine gun or a firearm equipped with
26 a silencer, and causes any injury to a person he or she

1 knows to be emergency medical services personnel:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (8) Discharges a machine gun or a firearm equipped with
8 a silencer, and causes any injury to a person he or she
9 knows to be a teacher, or a student in a school, or a
10 school employee, and the teacher, student, or employee is
11 upon school grounds or grounds adjacent to a school or in
12 any part of a building used for school purposes.

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

16 (1) Uses a deadly weapon other than by discharge of a
17 firearm, or uses an air rifle as defined in Section
18 24.8-0.1 of this Code.

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

21 (3) Knowingly and without lawful justification shines
22 or flashes a laser gunsight or other laser device attached
23 to a firearm, or used in concert with a firearm, so that
24 the laser beam strikes upon or against the person of
25 another.

26 (4) Knowingly video or audio records the offense with

1 the intent to disseminate the recording.

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

5 (1) Violates Section 401 of the Illinois Controlled
6 Substances Act by unlawfully delivering a controlled
7 substance to another and any user experiences great bodily
8 harm or permanent disability as a result of the injection,
9 inhalation, or ingestion of any amount of the controlled
10 substance.

11 (2) Knowingly administers to an individual or causes
12 him or her to take, without his or her consent or by threat
13 or deception, and for other than medical purposes, any
14 intoxicating, poisonous, stupefying, narcotic, anesthetic,
15 or controlled substance, or gives to another person any
16 food containing any substance or object intended to cause
17 physical injury if eaten.

18 (3) Knowingly causes or attempts to cause a
19 correctional institution employee or Department of Human
20 Services employee to come into contact with blood, seminal
21 fluid, urine, or feces by throwing, tossing, or expelling
22 the fluid or material, and the person is an inmate of a
23 penal institution or is a sexually dangerous person or
24 sexually violent person in the custody of the Department of
25 Human Services.

26 (h) Sentence. Unless otherwise provided, aggravated

1 battery is a Class 3 felony.

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

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

6 Aggravated battery as defined in subdivision (a)(1) is a
7 Class 1 felony when the aggravated battery was intentional and
8 involved the infliction of torture, as defined in paragraph
9 (14) of subsection (b) of Section 9-1 of this Code, as the
10 infliction of or subjection to extreme physical pain, motivated
11 by an intent to increase or prolong the pain, suffering, or
12 agony of the victim.

13 Aggravated battery as defined in subdivision (a)(1) is a
14 Class 2 felony when the person causes great bodily harm or
15 permanent disability to an individual whom the person knows to
16 be a member of a congregation engaged in prayer or other
17 religious activities at a church, synagogue, mosque, or other
18 building, structure, or place used for religious worship.

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

21 (A) the person used or attempted to use a dangerous
22 instrument while committing the offense; ~~or~~

23 (B) the person caused great bodily harm or permanent
24 disability or disfigurement to the other person while
25 committing the offense; or

26 (C) the person has been previously convicted of a

1 violation of subdivision (a)(5) under the laws of this
2 State or laws similar to subdivision (a)(5) of any other
3 state.

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

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

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

14 Aggravated battery as defined in subdivision (e)(2),
15 (e)(3), or (e)(4) is a Class X felony for which a person shall
16 be sentenced to a term of imprisonment of a minimum of 15 years
17 and a maximum of 60 years.

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

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

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

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

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

10 (i) Definitions. In this Section:

11 "Building or other structure used to provide shelter" has
12 the meaning ascribed to "shelter" in Section 1 of the Domestic
13 Violence Shelters Act.

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

16 "Domestic violence shelter" means any building or other
17 structure used to provide shelter or other services to victims
18 or to the dependent children of victims of domestic violence
19 pursuant to the Illinois Domestic Violence Act of 1986 or the
20 Domestic Violence Shelters Act, or any place within 500 feet of
21 such a building or other structure in the case of a person who
22 is going to or from such a building or other structure.

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

26 "Machine gun" has the meaning ascribed to it in Section

1 24-1 of this Code.

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

4 "Strangle" means intentionally impeding the normal
5 breathing or circulation of the blood of an individual by
6 applying pressure on the throat or neck of that individual or
7 by blocking the nose or mouth of that individual.

8 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)