

1 AN ACT in relation to 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
5 changing Section 12-4 as follows:

6 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

7 Sec. 12-4. Aggravated Battery.

8 (a) A person who, in committing a battery, intentionally
9 or knowingly causes great bodily harm, or permanent
10 disability or disfigurement commits aggravated battery.

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

13 (1) Uses a deadly weapon other than by the
14 discharge of a firearm;

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

17 (3) Knows the individual harmed to be a teacher or
18 other person employed in any school and such teacher or
19 other employee is upon the grounds of a school or grounds
20 adjacent thereto, or is in any part of a building used
21 for school purposes;

22 (4) Knows the individual harmed to be a supervisor,
23 director, instructor or other person employed in any park
24 district and such supervisor, director, instructor or
25 other employee is upon the grounds of the park or grounds
26 adjacent thereto, or is in any part of a building used
27 for park purposes;

28 (5) Knows the individual harmed to be a caseworker,
29 investigator, or other person employed by the State
30 Department of Public Aid, a County Department of Public
31 Aid, or the Department of Human Services (acting as

1 successor to the Illinois Department of Public Aid under
2 the Department of Human Services Act) and such
3 caseworker, investigator, or other person is upon the
4 grounds of a public aid office or grounds adjacent
5 thereto, or is in any part of a building used for public
6 aid purposes, or upon the grounds of a home of a public
7 aid applicant, recipient, or any other person being
8 interviewed or investigated in the employee's discharge
9 of his duties, or on grounds adjacent thereto, or is in
10 any part of a building in which the applicant, recipient,
11 or other such person resides or is located;

12 (6) Knows the individual harmed to be a peace
13 officer, a community policing volunteer, a correctional
14 institution employee, an employee of the Department of
15 Human Services supervising or controlling sexually
16 dangerous persons or sexually violent persons, or a
17 fireman while such officer, volunteer, employee or
18 fireman is engaged in the execution of any official
19 duties including arrest or attempted arrest, or to
20 prevent the officer, volunteer, employee or fireman from
21 performing official duties, or in retaliation for the
22 officer, volunteer, employee or fireman performing
23 official duties, and the battery is committed other than
24 by the discharge of a firearm;

25 (7) Knows the individual harmed to be an emergency
26 medical technician - ambulance, emergency medical
27 technician - intermediate, emergency medical technician -
28 paramedic, ambulance driver, other medical assistance,
29 first aid personnel, or hospital emergency-room personnel
30 engaged in the performance of any of his or her official
31 duties, or to prevent the emergency medical technician -
32 ambulance, emergency medical technician - intermediate,
33 emergency medical technician - paramedic, ambulance
34 driver, other medical assistance, first aid personnel, or

1 hospital emergency---room personnel from performing
2 official duties, or in retaliation for performing
3 official duties;

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

7 (9) Knows the individual harmed to be the driver,
8 operator, employee or passenger of any transportation
9 facility or system engaged in the business of
10 transportation of the public for hire and the individual
11 assaulted is then performing in such capacity or then
12 using such public transportation as a passenger or using
13 any area of any description designated by the
14 transportation facility or system as a vehicle boarding,
15 departure, or transfer location;

16 (10) Knowingly and without legal justification and
17 by any means causes bodily harm to an individual of 60
18 years of age or older;

19 (11) Knows the individual harmed is pregnant;

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

23 (13) Knows the individual harmed to be an employee
24 of the Illinois Department of Children and Family
25 Services engaged in the performance of his authorized
26 duties as such employee;

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

29 (15) Knowingly and without legal justification and
30 by any means causes bodily harm to a merchant who detains
31 the person for an alleged commission of retail theft
32 under Section 16A-5 of this Code. In this item (15),
33 "merchant" has the meaning ascribed to it in Section
34 16A-2.4 of this Code;

1 (16) Is, or the person battered is, in any building
2 or other structure used to provide shelter or other
3 services to victims or to the dependent children of
4 victims of domestic violence pursuant to the Illinois
5 Domestic Violence Act of 1986 or the Domestic Violence
6 Shelters Act, or the person battered is within 500 feet
7 of such a building or other structure while going to or
8 from such a building or other structure. "Domestic
9 violence" has the meaning ascribed to it in Section 103
10 of the Illinois Domestic Violence Act of 1986. "Building
11 or other structure used to provide shelter" has the
12 meaning ascribed to "shelter" in Section 1 of the
13 Domestic Violence Shelters Act; or

14 (17) Knows the individual harmed to be an employee
15 of a police or sheriff's department engaged in the
16 performance of his or her official duties as such
17 employee.

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

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

28 (d) A person who knowingly gives to another person any
29 food that contains any substance or object that is intended
30 to cause physical injury if eaten, commits aggravated
31 battery.

32 (d-3) A person commits aggravated battery when he or she
33 knowingly and without lawful justification shines or flashes
34 a laser gunsight or other laser device that is attached or

1 affixed to a firearm, or used in concert with a firearm, so
2 that the laser beam strikes upon or against the person of
3 another.

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

14 (e) Sentence.

15 Aggravated battery is a Class 3 felony, except a
16 violation of subsection (a) is a Class 2 felony when the
17 person knows the individual harmed to be a peace officer
18 engaged in the execution of any of his or her official
19 duties, or the battery is to prevent the officer from
20 performing his or her official duties, or in retaliation for
21 the officer performing his or her official duties.

22 (Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00;
23 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff.
24 6-28-01; 92-516, eff. 1-1-02; 92-841, eff. 8-22-02; 92-865,
25 eff. 1-3-03; revised 1-9-03.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.