

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 Sections 9-1, 12-2, 12-4, 12-4.2, 12-4.2-5, 24-1.2,
6 and 24-1.2-5 and adding Sections 2-6.6 and 31-9 as follows:

7 (720 ILCS 5/2-6.6 new)

8 Sec. 2-6.6. Emergency management worker.

9 "Emergency management worker" means any person, paid or
10 unpaid, who is a member of a local or county emergency
11 services and disaster agency as defined by the Illinois
12 Emergency Management Agency Act, or who is an employee of the
13 Illinois Emergency Management Agency or the Federal Emergency
14 Management Agency.

15 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

16 Sec. 9-1. First degree Murder - Death penalties -
17 Exceptions - Separate Hearings - Proof - Findings - Appellate
18 procedures - Reversals.

19 (a) A person who kills an individual without lawful
20 justification commits first degree murder if, in performing
21 the acts which cause the death:

22 (1) he either intends to kill or do great bodily
23 harm to that individual or another, or knows that such
24 acts will cause death to that individual or another; or

25 (2) he knows that such acts create a strong
26 probability of death or great bodily harm to that
27 individual or another; or

28 (3) he is attempting or committing a forcible
29 felony other than second degree murder.

30 (b) Aggravating Factors. A defendant who at the time of

1 the commission of the offense has attained the age of 18 or
2 more and who has been found guilty of first degree murder may
3 be sentenced to death if:

4 (1) the murdered individual was a peace officer or
5 fireman killed in the course of performing his official
6 duties, to prevent the performance of his official
7 duties, or in retaliation for performing his official
8 duties, and the defendant knew or should have known that
9 the murdered individual was a peace officer or fireman;
10 or

11 (2) the murdered individual was an employee of an
12 institution or facility of the Department of Corrections,
13 or any similar local correctional agency, killed in the
14 course of performing his official duties, to prevent the
15 performance of his official duties, or in retaliation for
16 performing his official duties, or the murdered
17 individual was an inmate at such institution or facility
18 and was killed on the grounds thereof, or the murdered
19 individual was otherwise present in such institution or
20 facility with the knowledge and approval of the chief
21 administrative officer thereof; or

22 (3) the defendant has been convicted of murdering
23 two or more individuals under subsection (a) of this
24 Section or under any law of the United States or of any
25 state which is substantially similar to subsection (a) of
26 this Section regardless of whether the deaths occurred
27 as the result of the same act or of several related or
28 unrelated acts so long as the deaths were the result of
29 either an intent to kill more than one person or of
30 separate acts which the defendant knew would cause death
31 or create a strong probability of death or great bodily
32 harm to the murdered individual or another; or

33 (4) the murdered individual was killed as a result
34 of the hijacking of an airplane, train, ship, bus or

1 other public conveyance; or

2 (5) the defendant committed the murder pursuant to
3 a contract, agreement or understanding by which he was to
4 receive money or anything of value in return for
5 committing the murder or procured another to commit the
6 murder for money or anything of value; or

7 (6) the murdered individual was killed in the
8 course of another felony if:

9 (a) the murdered individual:

10 (i) was actually killed by the defendant,
11 or

12 (ii) received physical injuries
13 personally inflicted by the defendant
14 substantially contemporaneously with physical
15 injuries caused by one or more persons for
16 whose conduct the defendant is legally
17 accountable under Section 5-2 of this Code, and
18 the physical injuries inflicted by either the
19 defendant or the other person or persons for
20 whose conduct he is legally accountable caused
21 the death of the murdered individual; and

22 (b) in performing the acts which caused the
23 death of the murdered individual or which resulted
24 in physical injuries personally inflicted by the
25 defendant on the murdered individual under the
26 circumstances of subdivision (ii) of subparagraph
27 (a) of paragraph (6) of subsection (b) of this
28 Section, the defendant acted with the intent to kill
29 the murdered individual or with the knowledge that
30 his acts created a strong probability of death or
31 great bodily harm to the murdered individual or
32 another; and

33 (c) the other felony was one of the following:
34 armed robbery, armed violence, robbery, predatory

1 criminal sexual assault of a child, aggravated
2 criminal sexual assault, aggravated kidnapping,
3 aggravated vehicular hijacking, forcible detention,
4 arson, aggravated arson, aggravated stalking,
5 burglary, residential burglary, home invasion,
6 calculated criminal drug conspiracy as defined in
7 Section 405 of the Illinois Controlled Substances
8 Act, streetgang criminal drug conspiracy as defined
9 in Section 405.2 of the Illinois Controlled
10 Substances Act, or the attempt to commit any of the
11 felonies listed in this subsection (c); or

12 (7) the murdered individual was under 12 years of
13 age and the death resulted from exceptionally brutal or
14 heinous behavior indicative of wanton cruelty; or

15 (8) the defendant committed the murder with intent
16 to prevent the murdered individual from testifying in any
17 criminal prosecution or giving material assistance to the
18 State in any investigation or prosecution, either against
19 the defendant or another; or the defendant committed the
20 murder because the murdered individual was a witness in
21 any prosecution or gave material assistance to the State
22 in any investigation or prosecution, either against the
23 defendant or another; or

24 (9) the defendant, while committing an offense
25 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
26 407 or 407.1 or subsection (b) of Section 404 of the
27 Illinois Controlled Substances Act, or while engaged in a
28 conspiracy or solicitation to commit such offense,
29 intentionally killed an individual or counseled,
30 commanded, induced, procured or caused the intentional
31 killing of the murdered individual; or

32 (10) the defendant was incarcerated in an
33 institution or facility of the Department of Corrections
34 at the time of the murder, and while committing an

1 offense punishable as a felony under Illinois law, or
2 while engaged in a conspiracy or solicitation to commit
3 such offense, intentionally killed an individual or
4 counseled, commanded, induced, procured or caused the
5 intentional killing of the murdered individual; or

6 (11) the murder was committed in a cold, calculated
7 and premeditated manner pursuant to a preconceived plan,
8 scheme or design to take a human life by unlawful means,
9 and the conduct of the defendant created a reasonable
10 expectation that the death of a human being would result
11 therefrom; or

12 (12) the murdered individual was an emergency
13 medical technician - ambulance, emergency medical
14 technician - intermediate, emergency medical technician -
15 paramedic, ambulance driver, or other medical assistance
16 or first aid personnel, employed by a municipality or
17 other governmental unit, killed in the course of
18 performing his official duties, to prevent the
19 performance of his official duties, or in retaliation for
20 performing his official duties, and the defendant knew or
21 should have known that the murdered individual was an
22 emergency medical technician - ambulance, emergency
23 medical technician - intermediate, emergency medical
24 technician - paramedic, ambulance driver, or other
25 medical assistance or first aid personnel; or

26 (13) the defendant was a principal administrator,
27 organizer, or leader of a calculated criminal drug
28 conspiracy consisting of a hierarchical position of
29 authority superior to that of all other members of the
30 conspiracy, and the defendant counseled, commanded,
31 induced, procured, or caused the intentional killing of
32 the murdered person; or

33 (14) the murder was intentional and involved the
34 infliction of torture. For the purpose of this Section

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

4 (15) the murder was committed as a result of the
5 intentional discharge of a firearm by the defendant from
6 a motor vehicle and the victim was not present within the
7 motor vehicle; or

8 (16) the murdered individual was 60 years of age or
9 older and the death resulted from exceptionally brutal or
10 heinous behavior indicative of wanton cruelty; or

11 (17) the murdered individual was a disabled person
12 and the defendant knew or should have known that the
13 murdered individual was disabled. For purposes of this
14 paragraph (17), "disabled person" means a person who
15 suffers from a permanent physical or mental impairment
16 resulting from disease, an injury, a functional disorder,
17 or a congenital condition that renders the person
18 incapable of adequately providing for his or her own
19 health or personal care; or

20 (18) the murder was committed by reason of any
21 person's activity as a community policing volunteer or to
22 prevent any person from engaging in activity as a
23 community policing volunteer; or

24 (19) the murdered individual was subject to an
25 order of protection and the murder was committed by a
26 person against whom the same order of protection was
27 issued under the Illinois Domestic Violence Act of 1986;
28 or

29 (20) the murdered individual was known by the
30 defendant to be a teacher or other person employed in any
31 school and the teacher or other employee is upon the
32 grounds of a school or grounds adjacent to a school, or
33 is in any part of a building used for school purposes; or

34 (21) the murder was committed by the defendant in

1 connection with or as a result of the offense of
2 terrorism as defined in Section 29D-30 of this Code; or-

3 (22) the murdered individual was an emergency
4 management worker, killed in the course of performing his
5 or her official duties, or in retaliation for performing
6 his or her official duties, and the defendant knows or
7 should have known that the murdered individual was an
8 emergency management worker.

9 (c) Consideration of factors in Aggravation and
10 Mitigation.

11 The court shall consider, or shall instruct the jury to
12 consider any aggravating and any mitigating factors which are
13 relevant to the imposition of the death penalty. Aggravating
14 factors may include but need not be limited to those factors
15 set forth in subsection (b). Mitigating factors may include
16 but need not be limited to the following:

17 (1) the defendant has no significant history of
18 prior criminal activity;

19 (2) the murder was committed while the defendant
20 was under the influence of extreme mental or emotional
21 disturbance, although not such as to constitute a defense
22 to prosecution;

23 (3) the murdered individual was a participant in
24 the defendant's homicidal conduct or consented to the
25 homicidal act;

26 (4) the defendant acted under the compulsion of
27 threat or menace of the imminent infliction of death or
28 great bodily harm;

29 (5) the defendant was not personally present during
30 commission of the act or acts causing death.

31 (d) Separate sentencing hearing.

32 Where requested by the State, the court shall conduct a
33 separate sentencing proceeding to determine the existence of
34 factors set forth in subsection (b) and to consider any

1 aggravating or mitigating factors as indicated in subsection
2 (c). The proceeding shall be conducted:

3 (1) before the jury that determined the defendant's
4 guilt; or

5 (2) before a jury impanelled for the purpose of the
6 proceeding if:

7 A. the defendant was convicted upon a plea of
8 guilty; or

9 B. the defendant was convicted after a trial
10 before the court sitting without a jury; or

11 C. the court for good cause shown discharges
12 the jury that determined the defendant's guilt; or

13 (3) before the court alone if the defendant waives
14 a jury for the separate proceeding.

15 (e) Evidence and Argument.

16 During the proceeding any information relevant to any of
17 the factors set forth in subsection (b) may be presented by
18 either the State or the defendant under the rules governing
19 the admission of evidence at criminal trials. Any
20 information relevant to any additional aggravating factors or
21 any mitigating factors indicated in subsection (c) may be
22 presented by the State or defendant regardless of its
23 admissibility under the rules governing the admission of
24 evidence at criminal trials. The State and the defendant
25 shall be given fair opportunity to rebut any information
26 received at the hearing.

27 (f) Proof.

28 The burden of proof of establishing the existence of any
29 of the factors set forth in subsection (b) is on the State
30 and shall not be satisfied unless established beyond a
31 reasonable doubt.

32 (g) Procedure - Jury.

33 If at the separate sentencing proceeding the jury finds
34 that none of the factors set forth in subsection (b) exists,

1 the court shall sentence the defendant to a term of
2 imprisonment under Chapter V of the Unified Code of
3 Corrections. If there is a unanimous finding by the jury
4 that one or more of the factors set forth in subsection (b)
5 exist, the jury shall consider aggravating and mitigating
6 factors as instructed by the court and shall determine
7 whether the sentence of death shall be imposed. If the jury
8 determines unanimously that there are no mitigating factors
9 sufficient to preclude the imposition of the death sentence,
10 the court shall sentence the defendant to death.

11 Unless the jury unanimously finds that there are no
12 mitigating factors sufficient to preclude the imposition of
13 the death sentence the court shall sentence the defendant to
14 a term of imprisonment under Chapter V of the Unified Code of
15 Corrections.

16 (h) Procedure - No Jury.

17 In a proceeding before the court alone, if the court
18 finds that none of the factors found in subsection (b)
19 exists, the court shall sentence the defendant to a term of
20 imprisonment under Chapter V of the Unified Code of
21 Corrections.

22 If the Court determines that one or more of the factors
23 set forth in subsection (b) exists, the Court shall consider
24 any aggravating and mitigating factors as indicated in
25 subsection (c). If the Court determines that there are no
26 mitigating factors sufficient to preclude the imposition of
27 the death sentence, the Court shall sentence the defendant to
28 death.

29 Unless the court finds that there are no mitigating
30 factors sufficient to preclude the imposition of the sentence
31 of death, the court shall sentence the defendant to a term of
32 imprisonment under Chapter V of the Unified Code of
33 Corrections.

34 (i) Appellate Procedure.

1 The conviction and sentence of death shall be subject to
2 automatic review by the Supreme Court. Such review shall be
3 in accordance with rules promulgated by the Supreme Court.

4 (j) Disposition of reversed death sentence.

5 In the event that the death penalty in this Act is held
6 to be unconstitutional by the Supreme Court of the United
7 States or of the State of Illinois, any person convicted of
8 first degree murder shall be sentenced by the court to a term
9 of imprisonment under Chapter V of the Unified Code of
10 Corrections.

11 In the event that any death sentence pursuant to the
12 sentencing provisions of this Section is declared
13 unconstitutional by the Supreme Court of the United States or
14 of the State of Illinois, the court having jurisdiction over
15 a person previously sentenced to death shall cause the
16 defendant to be brought before the court, and the court shall
17 sentence the defendant to a term of imprisonment under
18 Chapter V of the Unified Code of Corrections.

19 (Source: P.A. 91-357, eff. 7-29-99; 91-434, eff. 1-1-00;
20 92-854, eff. 12-5-02.)

21 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)
22 Sec. 12-2. Aggravated assault.

23 (a) A person commits an aggravated assault, when, in
24 committing an assault, he:

25 (1) Uses a deadly weapon or any device manufactured
26 and designed to be substantially similar in appearance to
27 a firearm, other than by discharging a firearm in the
28 direction of another person, a peace officer, a person
29 summoned or directed by a peace officer, a correctional
30 officer or a fireman or in the direction of a vehicle
31 occupied by another person, a peace officer, a person
32 summoned or directed by a peace officer, a correctional
33 officer or a fireman while the officer or fireman is

1 engaged in the execution of any of his official duties,
2 or to prevent the officer or fireman from performing his
3 official duties, or in retaliation for the officer or
4 fireman performing his official duties;

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

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

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

20 (5) Knows the individual assaulted to be a
21 caseworker, investigator, or other person employed by the
22 State Department of Public Aid, a County Department of
23 Public Aid, or the Department of Human Services (acting
24 as successor to the Illinois Department of Public Aid
25 under the Department of Human Services Act) and such
26 caseworker, investigator, or other person is upon the
27 grounds of a public aid office or grounds adjacent
28 thereto, or is in any part of a building used for public
29 aid purposes, or upon the grounds of a home of a public
30 aid applicant, recipient or any other person being
31 interviewed or investigated in the employees' discharge
32 of his duties, or on grounds adjacent thereto, or is in
33 any part of a building in which the applicant, recipient,
34 or other such person resides or is located;

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

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

27 (8) Knows the individual assaulted to be the
28 driver, operator, employee or passenger of any
29 transportation facility or system engaged in the business
30 of transportation of the public for hire and the
31 individual assaulted is then performing in such capacity
32 or then using such public transportation as a passenger
33 or using any area of any description designated by the
34 transportation facility or system as a vehicle boarding,

1 departure, or transfer location;

2 (9) Or the individual assaulted is on or about a
3 public way, public property, or public place of
4 accommodation or amusement;

5 (10) Knows the individual assaulted to be an
6 employee of the State of Illinois, a municipal
7 corporation therein or a political subdivision thereof,
8 engaged in the performance of his authorized duties as
9 such employee;

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

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

14 (13) Discharges a firearm;

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

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

32 (16) Knows the individual assaulted to be an
33 employee of a police or sheriff's department engaged in
34 the performance of his or her official duties as such

1 employee; or-

2 (17) Knows the individual assaulted to be an
3 emergency management worker, while the emergency
4 management worker is engaged in the execution of any of
5 his or her official duties, or to prevent the emergency
6 management worker from performing his or her official
7 duties, or in retaliation for the emergency management
8 worker performing his or her official duties, and the
9 assault is committed other than by the discharge of a
10 firearm in the direction of the emergency management
11 worker or in the direction of a vehicle occupied by the
12 emergency management worker.

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

19 (b) Sentence.

20 Aggravated assault as defined in paragraphs (1) through
21 (5) and (8) through (12) of subsection (a) of this Section is
22 a Class A misdemeanor. Aggravated assault as defined in
23 paragraphs (13), (14), and (15) of subsection (a) of this
24 Section and as defined in subsection (a-5) of this Section is
25 a Class 4 felony. Aggravated assault as defined in
26 paragraphs (6), (7), and (16), and (17) of subsection (a) of
27 this Section is a Class A misdemeanor if a firearm is not
28 used in the commission of the assault. Aggravated assault as
29 defined in paragraphs (6), (7), and (16), and (17) of
30 subsection (a) of this Section is a Class 4 felony if a
31 firearm is used in the commission of the assault.

32 (Source: P.A. 91-672, eff. 1-1-00; 92-841, eff. 8-22-02;
33 92-865, eff. 1-3-03; revised 1-9-03.)

1 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
2 Sec. 12-4. Aggravated Battery.

3 (a) A person who, in committing a battery, intentionally
4 or knowingly causes great bodily harm, or permanent
5 disability or disfigurement commits aggravated battery.

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

8 (1) Uses a deadly weapon other than by the
9 discharge of a firearm;

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

12 (3) Knows the individual harmed to be a teacher or
13 other person employed in any school and such teacher or
14 other employee is upon the grounds of a school or grounds
15 adjacent thereto, or is in any part of a building used
16 for school purposes;

17 (4) Knows the individual harmed to be a supervisor,
18 director, instructor or other person employed in any park
19 district and such supervisor, director, instructor or
20 other employee is upon the grounds of the park or grounds
21 adjacent thereto, or is in any part of a building used
22 for park purposes;

23 (5) Knows the individual harmed to be a caseworker,
24 investigator, or other person employed by the State
25 Department of Public Aid, a County Department of Public
26 Aid, or the Department of Human Services (acting as
27 successor to the Illinois Department of Public Aid under
28 the Department of Human Services Act) and such
29 caseworker, investigator, or other person is upon the
30 grounds of a public aid office or grounds adjacent
31 thereto, or is in any part of a building used for public
32 aid purposes, or upon the grounds of a home of a public
33 aid applicant, recipient, or any other person being
34 interviewed or investigated in the employee's discharge

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

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

17 (7) Knows the individual harmed to be an emergency
18 medical technician - ambulance, emergency medical
19 technician - intermediate, emergency medical technician -
20 paramedic, ambulance driver, other medical assistance,
21 first aid personnel, or hospital emergency room personnel
22 engaged in the performance of any of his or her official
23 duties, or to prevent the emergency medical technician -
24 ambulance, emergency medical technician - intermediate,
25 emergency medical technician - paramedic, ambulance
26 driver, other medical assistance, first aid personnel, or
27 hospital emergency room personnel from performing
28 official duties, or in retaliation for performing
29 official duties;

30 (8) Is, or the person battered is, on or about a
31 public way, public property or public place of
32 accommodation or amusement;

33 (9) Knows the individual harmed to be the driver,
34 operator, employee or passenger of any transportation

1 facility or system engaged in the business of
2 transportation of the public for hire and the individual
3 assaulted is then performing in such capacity or then
4 using such public transportation as a passenger or using
5 any area of any description designated by the
6 transportation facility or system as a vehicle boarding,
7 departure, or transfer location;

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

11 (11) Knows the individual harmed is pregnant;

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

15 (13) Knows the individual harmed to be an employee
16 of the Illinois Department of Children and Family
17 Services engaged in the performance of his authorized
18 duties as such employee;

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

21 (15) Knowingly and without legal justification and
22 by any means causes bodily harm to a merchant who detains
23 the person for an alleged commission of retail theft
24 under Section 16A-5 of this Code. In this item (15),
25 "merchant" has the meaning ascribed to it in Section
26 16A-2.4 of this Code;

27 (16) Is, or the person battered is, in any building
28 or other structure used to provide shelter or other
29 services to victims or to the dependent children of
30 victims of domestic violence pursuant to the Illinois
31 Domestic Violence Act of 1986 or the Domestic Violence
32 Shelters Act, or the person battered is within 500 feet
33 of such a building or other structure while going to or
34 from such a building or other structure. "Domestic

1 violence" has the meaning ascribed to it in Section 103
 2 of the Illinois Domestic Violence Act of 1986. "Building
 3 or other structure used to provide shelter" has the
 4 meaning ascribed to "shelter" in Section 1 of the
 5 Domestic Violence Shelters Act; ~~or~~

6 (17) Knows the individual harmed to be an employee
 7 of a police or sheriff's department engaged in the
 8 performance of his or her official duties as such
 9 employee; or-

10 (18) Knows the individual harmed to be an emergency
 11 management worker engaged in the performance of any of
 12 his or her official duties, or to prevent the emergency
 13 management worker from performing official duties, or in
 14 retaliation for the emergency management worker
 15 performing official duties.

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

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

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

30 (d-3) A person commits aggravated battery when he or she
 31 knowingly and without lawful justification shines or flashes
 32 a laser gunsight or other laser device that is attached or
 33 affixed to a firearm, or used in concert with a firearm, so
 34 that the laser beam strikes upon or against the person of

1 another.

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

12 (e) Sentence.

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

20 (Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00;
21 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff.
22 6-28-01; 92-516, eff. 1-1-02; 92-841, eff. 8-22-02; 92-865,
23 eff. 1-3-03; revised 1-9-03.)

24 (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

25 Sec. 12-4.2. Aggravated Battery with a firearm.

26 (a) A person commits aggravated battery with a firearm
27 when he, in committing a battery, knowingly or intentionally
28 by means of the discharging of a firearm (1) causes any
29 injury to another person, or (2) causes any injury to a
30 person he knows to be a peace officer, a community policing
31 volunteer, a correctional institution employee or a fireman
32 while the officer, volunteer, employee or fireman is engaged
33 in the execution of any of his official duties, or to prevent

1 the officer, volunteer, employee or fireman from performing
2 his official duties, or in retaliation for the officer,
3 volunteer, employee or fireman performing his official
4 duties, or (3) causes any injury to a person he knows to be
5 an emergency medical technician - ambulance, emergency
6 medical technician - intermediate, emergency medical
7 technician - paramedic, ambulance driver, or other medical
8 assistance or first aid personnel, employed by a municipality
9 or other governmental unit, while the emergency medical
10 technician - ambulance, emergency medical technician -
11 intermediate, emergency medical technician - paramedic,
12 ambulance driver, or other medical assistance or first aid
13 personnel is engaged in the execution of any of his official
14 duties, or to prevent the emergency medical technician -
15 ambulance, emergency medical technician - intermediate,
16 emergency medical technician - paramedic, ambulance driver,
17 or other medical assistance or first aid personnel from
18 performing his official duties, or in retaliation for the
19 emergency medical technician - ambulance, emergency medical
20 technician - intermediate, emergency medical technician -
21 paramedic, ambulance driver, or other medical assistance or
22 first aid personnel performing his official duties, or (4)
23 causes any injury to a person he or she knows to be a teacher
24 or other person employed in a school and the teacher or other
25 employee is upon grounds of a school or grounds adjacent to a
26 school, or is in any part of a building used for school
27 purposes, or (5) causes any injury to a person he or she
28 knows to be an emergency management worker while the
29 emergency management worker is engaged in the execution of
30 any of his or her official duties, or to prevent the
31 emergency management worker from performing his or her
32 official duties, or in retaliation for the emergency
33 management worker performing his or her official duties.

34 (b) A violation of subsection (a)(1) of this Section is

1 a Class X felony. A violation of subsection (a)(2),
 2 subsection (a)(3), ~~or~~ subsection (a)(4), or subsection (a)(5)
 3 of this Section is a Class X felony for which the sentence
 4 shall be a term of imprisonment of no less than 15 years and
 5 no more than 60 years.

6 (c) For purposes of this Section, "firearm" is defined
 7 as in "An Act relating to the acquisition, possession and
 8 transfer of firearms and firearm ammunition, to provide a
 9 penalty for the violation thereof and to make an
 10 appropriation in connection therewith", approved August 1,
 11 1967, as amended.

12 (Source: P.A. 90-651, eff. 1-1-99; 91-434, eff. 1-1-00;
 13 91-696, eff. 4-13-00.)

14 (720 ILCS 5/12-4.2-5)

15 Sec. 12-4.2-5. Aggravated battery with a machine gun or
 16 a firearm equipped with any device or attachment designed or
 17 used for silencing the report of a firearm.

18 (a) A person commits aggravated battery with a machine
 19 gun or a firearm equipped with a device designed or used for
 20 silencing the report of a firearm when he or she, in
 21 committing a battery, knowingly or intentionally by means of
 22 the discharging of a machine gun or a firearm equipped with a
 23 device designed or used for silencing the report of a firearm

24 (1) causes any injury to another person, or (2) causes any
 25 injury to a person he or she knows to be a peace officer, a
 26 person summoned by a peace officer, a correctional
 27 institution employee or a fireman while the officer,
 28 employee or fireman is engaged in the execution of any of his
 29 or her official duties, or to prevent the officer, employee
 30 or fireman from performing his or her official duties, or in
 31 retaliation for the officer, employee or fireman performing
 32 his or her official duties, or (3) causes any injury to a
 33 person he or she knows to be an emergency medical technician

1 - ambulance, emergency medical technician - intermediate,
 2 emergency medical technician - paramedic, ambulance driver,
 3 or other medical assistance or first aid personnel, employed
 4 by a municipality or other governmental unit, while the
 5 emergency medical technician - ambulance, emergency medical
 6 technician - intermediate, emergency medical technician -
 7 paramedic, ambulance driver, or other medical assistance or
 8 first aid personnel is engaged in the execution of any of his
 9 or her official duties, or to prevent the emergency medical
 10 technician - ambulance, emergency medical technician -
 11 intermediate, emergency medical technician - paramedic,
 12 ambulance driver, or other medical assistance or first aid
 13 personnel from performing his or her official duties, or in
 14 retaliation for the emergency medical technician - ambulance,
 15 emergency medical technician - intermediate, emergency
 16 medical technician - paramedic, ambulance driver, or other
 17 medical assistance or first aid personnel performing his or
 18 her official duties, or (4) causes any injury to a person he
 19 or she knows to be an emergency management worker while the
 20 emergency management worker is engaged in the execution of
 21 any of his or her official duties, or to prevent the
 22 emergency management worker from performing his or her
 23 official duties, or in retaliation for the emergency
 24 management worker performing his or her official duties.

25 (b) A violation of subsection (a) (1) of this Section is
 26 a Class X felony for which the person shall be sentenced to a
 27 term of imprisonment of no less than 12 years and no more
 28 than 45 years. A violation of subsection (a) (2), ~~or~~
 29 subsection (a) (3), or subsection (a) (4) of this Section is
 30 a Class X felony for which the sentence shall be a term of
 31 imprisonment of no less than 20 years and no more than 60
 32 years.

33 (c) For purposes of this Section, "firearm" is defined
 34 as in the Firearm Owners Identification Card Act.

1 (d) For purposes of this Section, "machine gun" has the
2 meaning ascribed to it in clause (i) of paragraph (7) of
3 subsection (a) of Section 24-1 of this Code.

4 (Source: P.A. 91-121, eff. 7-15-99.)

5 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

6 Sec. 24-1.2. Aggravated discharge of a firearm.

7 (a) A person commits aggravated discharge of a firearm
8 when he or she knowingly or intentionally:

9 (1) Discharges a firearm at or into a building he
10 or she knows or reasonably should know to be occupied and
11 the firearm is discharged from a place or position
12 outside that building;

13 (2) Discharges a firearm in the direction of
14 another person or in the direction of a vehicle he or she
15 knows or reasonably should know to be occupied by a
16 person;

17 (3) Discharges a firearm in the direction of a
18 person he or she knows to be a peace officer, a community
19 policing volunteer, a correctional institution employee,
20 or a fireman while the officer, volunteer, employee or
21 fireman is engaged in the execution of any of his or her
22 official duties, or to prevent the officer, volunteer,
23 employee or fireman from performing his or her official
24 duties, or in retaliation for the officer, volunteer,
25 employee or fireman performing his or her official
26 duties;

27 (4) Discharges a firearm in the direction of a
28 vehicle he or she knows to be occupied by a peace
29 officer, a person summoned or directed by a peace
30 officer, a correctional institution employee or a fireman
31 while the officer, employee or fireman is engaged in the
32 execution of any of his or her official duties, or to
33 prevent the officer, employee or fireman from performing

1 his or her official duties, or in retaliation for the
2 officer, employee or fireman performing his or her
3 official duties;

4 (5) Discharges a firearm in the direction of a
5 person he or she knows to be an emergency medical
6 technician - ambulance, emergency medical technician -
7 intermediate, emergency medical technician - paramedic,
8 ambulance driver, or other medical assistance or first
9 aid personnel, employed by a municipality or other
10 governmental unit, while the emergency medical technician
11 - ambulance, emergency medical technician - intermediate,
12 emergency medical technician - paramedic, ambulance
13 driver, or other medical assistance or first aid
14 personnel is engaged in the execution of any of his or
15 her official duties, or to prevent the emergency medical
16 technician - ambulance, emergency medical technician -
17 intermediate, emergency medical technician - paramedic,
18 ambulance driver, or other medical assistance or first
19 aid personnel from performing his or her official duties,
20 or in retaliation for the emergency medical technician -
21 ambulance, emergency medical technician - intermediate,
22 emergency medical technician - paramedic, ambulance
23 driver, or other medical assistance or first aid
24 personnel performing his or her official duties;

25 (6) Discharges a firearm in the direction of a
26 vehicle he or she knows to be occupied by an emergency
27 medical technician - ambulance, emergency medical
28 technician - intermediate, emergency medical technician -
29 paramedic, ambulance driver, or other medical assistance
30 or first aid personnel, employed by a municipality or
31 other governmental unit, while the emergency medical
32 technician - ambulance, emergency medical technician -
33 intermediate, emergency medical technician - paramedic,
34 ambulance driver, or other medical assistance or first

1 aid personnel is engaged in the execution of any of his
 2 or her official duties, or to prevent the emergency
 3 medical technician - ambulance, emergency medical
 4 technician - intermediate, emergency medical technician -
 5 paramedic, ambulance driver, or other medical assistance
 6 or first aid personnel from performing his or her
 7 official duties, or in retaliation for the emergency
 8 medical technician - ambulance, emergency medical
 9 technician - intermediate, emergency medical technician -
 10 paramedic, ambulance driver, or other medical assistance
 11 or first aid personnel performing his or her official
 12 duties; or

13 (7) Discharges a firearm in the direction of a
 14 person he or she knows to be a teacher or other person
 15 employed in any school and the teacher or other employee
 16 is upon the grounds of a school or grounds adjacent to a
 17 school, or is in any part of a building used for school
 18 purposes;

19 (8) Discharges a firearm in the direction of a
 20 person he or she knows to be an emergency management
 21 worker while the emergency management worker is engaged
 22 in the execution of any of his or her official duties, or
 23 to prevent the emergency management worker from
 24 performing his or her official duties, or in retaliation
 25 for the emergency management worker performing his or her
 26 official duties; or

27 (9) Discharges a firearm in the direction of a
 28 vehicle he or she knows to be occupied by an emergency
 29 management worker while the emergency management worker
 30 is engaged in the execution of any of his or her official
 31 duties, or to prevent the emergency management worker
 32 from performing his or her official duties, or in
 33 retaliation for the emergency management worker
 34 performing his or her official duties.

1 (b) A violation of subsection (a)(1) or subsection
 2 (a)(2) of this Section is a Class 1 felony. A violation of
 3 subsection (a)(1) or (a)(2) of this Section committed in a
 4 school, on the real property comprising a school, within
 5 1,000 feet of the real property comprising a school, at a
 6 school related activity or on or within 1,000 feet of any
 7 conveyance owned, leased, or contracted by a school to
 8 transport students to or from school or a school related
 9 activity, regardless of the time of day or time of year that
 10 the offense was committed is a Class X felony. A violation of
 11 subsection (a)(3), (a)(4), (a)(5), (a)(6), ~~or (a)(7), (a)(8),~~
 12 or (a)(9) of this Section is a Class X felony for which the
 13 sentence shall be a term of imprisonment of no less than 10
 14 years and not more than 45 years.

15 (c) For purposes of this Section:

16 "School" means a public or private elementary or
 17 secondary school, community college, college, or university.

18 "School related activity" means any sporting, social,
 19 academic, or other activity for which students' attendance or
 20 participation is sponsored, organized, or funded in whole or
 21 in part by a school or school district.

22 (Source: P.A. 90-651, eff. 1-1-99; 91-12, eff. 1-1-00;
 23 91-357, eff. 7-29-99; 91-434, eff. 1-1-00; 91-696, eff.
 24 4-13-00.)

25 (720 ILCS 5/24-1.2-5)

26 Sec. 24-1.2-5. Aggravated discharge of a machine gun or
 27 a firearm equipped with a device designed or used for
 28 silencing the report of a firearm.

29 (a) A person commits aggravated discharge of a machine
 30 gun or a firearm equipped with a device designed or used for
 31 silencing the report of a firearm when he or she knowingly or
 32 intentionally:

33 (1) Discharges a machine gun or a firearm equipped

1 with a device designed or used for silencing the report
2 of a firearm at or into a building he or she knows to be
3 occupied and the machine gun or the firearm equipped with
4 a device designed or used for silencing the report of a
5 firearm is discharged from a place or position outside
6 that building;

7 (2) Discharges a machine gun or a firearm equipped
8 with a device designed or used for silencing the report
9 of a firearm in the direction of another person or in the
10 direction of a vehicle he or she knows to be occupied;

11 (3) Discharges a machine gun or a firearm equipped
12 with a device designed or used for silencing the report
13 of a firearm in the direction of a person he or she knows
14 to be a peace officer, a person summoned or directed by a
15 peace officer, a correctional institution employee, or a
16 fireman while the officer, employee or fireman is engaged
17 in the execution of any of his or her official duties, or
18 to prevent the officer, employee or fireman from
19 performing his or her official duties, or in retaliation
20 for the officer, employee or fireman performing his or
21 her official duties;

22 (4) Discharges a machine gun or a firearm equipped
23 with a device designed or used for silencing the report
24 of a firearm in the direction of a vehicle he or she
25 knows to be occupied by a peace officer, a person
26 summoned or directed by a peace officer, a correctional
27 institution employee or a fireman while the officer,
28 employee or fireman is engaged in the execution of any of
29 his or her official duties, or to prevent the officer,
30 employee or fireman from performing his or her official
31 duties, or in retaliation for the officer, employee or
32 fireman performing his or her official duties;

33 (5) Discharges a machine gun or a firearm equipped
34 with a device designed or used for silencing the report

1 of a firearm in the direction of a person he or she knows
 2 to be an emergency medical technician - ambulance,
 3 emergency medical technician - intermediate, emergency
 4 medical technician - paramedic, ambulance driver, or
 5 other medical assistance or first aid personnel, employed
 6 by a municipality or other governmental unit, while the
 7 emergency medical technician - ambulance, emergency
 8 medical technician - intermediate, emergency medical
 9 technician - paramedic, ambulance driver, or other
 10 medical assistance or first aid personnel is engaged in
 11 the execution of any of his or her official duties, or to
 12 prevent the emergency medical technician - ambulance,
 13 emergency medical technician - intermediate, emergency
 14 medical technician - paramedic, ambulance driver, or
 15 other medical assistance or first aid personnel from
 16 performing his or her official duties, or in retaliation
 17 for the emergency medical technician - ambulance,
 18 emergency medical technician - intermediate, emergency
 19 medical technician - paramedic, ambulance driver, or
 20 other medical assistance or first aid personnel
 21 performing his or her official duties; or

22 (6) Discharges a machine gun or a firearm equipped
 23 with a device designed or used for silencing the report
 24 of a firearm in the direction of a vehicle he or she
 25 knows to be occupied by an emergency medical technician -
 26 ambulance, emergency medical technician - intermediate,
 27 emergency medical technician - paramedic, ambulance
 28 driver, or other medical assistance or first aid
 29 personnel, employed by a municipality or other
 30 governmental unit, while the emergency medical technician
 31 - ambulance, emergency medical technician - intermediate,
 32 emergency medical technician - paramedic, ambulance
 33 driver, or other medical assistance or first aid
 34 personnel is engaged in the execution of any of his or

1 her official duties, or to prevent the emergency medical
 2 technician - ambulance, emergency medical technician -
 3 intermediate, emergency medical technician - paramedic,
 4 ambulance driver, or other medical assistance or first
 5 aid personnel from performing his or her official duties,
 6 or in retaliation for the emergency medical technician -
 7 ambulance, emergency medical technician - intermediate,
 8 emergency medical technician - paramedic, ambulance
 9 driver, or other medical assistance or first aid
 10 personnel performing his or her official duties;

11 (7) Discharges a machine gun or a firearm equipped
 12 with a device designed or used for silencing the report
 13 of a firearm in the direction of a person he or she knows
 14 to be an emergency management worker while the emergency
 15 management worker is engaged in the execution of any of
 16 his or her official duties, or to prevent the emergency
 17 management worker from performing his or her official
 18 duties, or in retaliation for the emergency management
 19 worker performing his or her official duties; or

20 (8) Discharges a machine gun or a firearm equipped
 21 with a device designed or used for silencing the report
 22 of a firearm in the direction of a vehicle he or she
 23 knows to be occupied by an emergency management worker
 24 while the emergency management worker is engaged in the
 25 execution of any of his or her official duties, or to
 26 prevent the emergency management worker from performing
 27 his or her official duties, or in retaliation for the
 28 emergency management worker performing his or her
 29 official duties.

30 (b) A violation of subsection (a) (1) or subsection
 31 (a) (2) of this Section is a Class X felony. A violation of
 32 subsection (a) (3), (a) (4), (a) (5), ~~or~~ (a) (6), (a) (7), or
 33 (a) (8) of this Section is a Class X felony for which the
 34 sentence shall be a term of imprisonment of no less than 12

1 years and no more than 50 years.

2 (c) For the purpose of this Section, "machine gun" has
3 the meaning ascribed to it in clause (i) of paragraph (7) of
4 subsection (a) of Section 24-1 of this Code.

5 (Source: P.A. 91-121, eff. 7-15-99.)

6 (720 ILCS 5/31-9 new)

7 Sec. 31-9. Obstructing an emergency management worker.

8 A person who knowingly obstructs the performance by one known
9 to the person to be an emergency management worker of any
10 authorized act within his or her official capacity commits a
11 Class A misdemeanor.