

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 9-1, 12-2, 12-3.05, and 24-1 as follows:

6 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

7 Sec. 9-1. First degree murder; death penalties;
8 exceptions; separate hearings; proof; findings; appellate
9 procedures; reversals. ~~First degree Murder — Death penalties —~~
10 ~~Exceptions — Separate Hearings — Proof — Findings — Appellate~~
11 ~~procedures — Reversals.~~

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

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

18 (2) he knows that such acts create a strong probability
19 of death or great bodily harm to that individual or
20 another; or

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

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

1 commission of the offense has attained the age of 18 or more
2 and who has been found guilty of first degree murder may be
3 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 duties,
7 or in retaliation for performing his official duties, and
8 the defendant knew or should have known that the murdered
9 individual was a peace officer or fireman; or

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

21 (3) the defendant has been convicted of murdering two
22 or more individuals under subsection (a) of this Section or
23 under any law of the United States or of any state which is
24 substantially similar to subsection (a) of this Section
25 regardless of whether the deaths occurred as the result of
26 the same act or of several related or unrelated acts so

1 long as the deaths were the result of either an intent to
2 kill more than one person or of separate acts which the
3 defendant knew would cause death or create a strong
4 probability of death or great bodily harm to the murdered
5 individual or another; or

6 (4) the murdered individual was killed as a result of
7 the hijacking of an airplane, train, ship, bus or other
8 public conveyance; or

9 (5) the defendant committed the murder pursuant to a
10 contract, agreement or understanding by which he was to
11 receive money or anything of value in return for committing
12 the murder or procured another to commit the murder for
13 money or anything of value; or

14 (6) the murdered individual was killed in the course of
15 another felony if:

16 (a) the murdered individual:

17 (i) was actually killed by the defendant, or

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

1 (b) in performing the acts which caused the death
2 of the murdered individual or which resulted in
3 physical injuries personally inflicted by the
4 defendant on the murdered individual under the
5 circumstances of subdivision (ii) of subparagraph (a)
6 of paragraph (6) of subsection (b) of this Section, the
7 defendant acted with the intent to kill the murdered
8 individual or with the knowledge that his acts created
9 a strong probability of death or great bodily harm to
10 the murdered individual or another; and

11 (c) the other felony was an inherently violent
12 crime or the attempt to commit an inherently violent
13 crime. In this subparagraph (c), "inherently violent
14 crime" includes, but is not limited to, armed robbery,
15 robbery, predatory criminal sexual assault of a child,
16 aggravated criminal sexual assault, aggravated
17 kidnapping, aggravated vehicular hijacking, aggravated
18 arson, aggravated stalking, residential burglary, and
19 home invasion; or

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

23 (8) the defendant committed the murder with intent to
24 prevent the murdered individual from testifying or
25 participating in any criminal investigation or prosecution
26 or giving material assistance to the State in any

1 investigation or prosecution, either against the defendant
2 or another; or the defendant committed the murder because
3 the murdered individual was a witness in any prosecution or
4 gave material assistance to the State in any investigation
5 or prosecution, either against the defendant or another;
6 for purposes of this paragraph (8), "participating in any
7 criminal investigation or prosecution" is intended to
8 include those appearing in the proceedings in any capacity
9 such as trial judges, prosecutors, defense attorneys,
10 investigators, witnesses, or jurors; or

11 (9) the defendant, while committing an offense
12 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
13 407 or 407.1 or subsection (b) of Section 404 of the
14 Illinois Controlled Substances Act, or while engaged in a
15 conspiracy or solicitation to commit such offense,
16 intentionally killed an individual or counseled,
17 commanded, induced, procured or caused the intentional
18 killing of the murdered individual; or

19 (10) the defendant was incarcerated in an institution
20 or facility of the Department of Corrections at the time of
21 the murder, and while committing an offense punishable as a
22 felony under Illinois law, or while engaged in a conspiracy
23 or solicitation to commit such offense, intentionally
24 killed an individual or counseled, commanded, induced,
25 procured or caused the intentional killing of the murdered
26 individual; or

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

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

21 (13) the defendant was a principal administrator,
22 organizer, or leader of a calculated criminal drug
23 conspiracy consisting of a hierarchical position of
24 authority superior to that of all other members of the
25 conspiracy, and the defendant counseled, commanded,
26 induced, procured, or caused the intentional killing of the

1 murdered person; or

2 (14) the murder was intentional and involved the
3 infliction of torture. For the purpose of this Section
4 torture means the infliction of or subjection to extreme
5 physical pain, motivated by an intent to increase or
6 prolong the pain, suffering or agony of the victim; or

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

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

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

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

1 (19) the murdered individual was subject to an order of
2 protection and the murder was committed by a person against
3 whom the same order of protection was issued under the
4 Illinois Domestic Violence Act of 1986; or

5 (20) the murdered individual was known by the defendant
6 to be a teacher or other person employed in any school and
7 the teacher or other employee is upon the grounds of a
8 school or grounds adjacent to a school, or is in any part
9 of a building used for school purposes; or

10 (21) the murder was committed by the defendant in
11 connection with or as a result of the offense of terrorism
12 as defined in Section 29D-14.9 of this Code; or -

13 (22) the murdered individual was a member of a
14 congregation engaged in prayer or other religious
15 activities at a church, synagogue, mosque, or other
16 building, structure, or place used for religious worship.

17 (b-5) Aggravating Factor; Natural Life Imprisonment. A
18 defendant who has been found guilty of first degree murder and
19 who at the time of the commission of the offense had attained
20 the age of 18 years or more may be sentenced to natural life
21 imprisonment if (i) the murdered individual was a physician,
22 physician assistant, psychologist, nurse, or advanced practice
23 registered nurse, (ii) the defendant knew or should have known
24 that the murdered individual was a physician, physician
25 assistant, psychologist, nurse, or advanced practice
26 registered nurse, and (iii) the murdered individual was killed

1 in the course of acting in his or her capacity as a physician,
2 physician assistant, psychologist, nurse, or advanced practice
3 registered nurse, or to prevent him or her from acting in that
4 capacity, or in retaliation for his or her acting in that
5 capacity.

6 (c) Consideration of factors in Aggravation and
7 Mitigation.

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

14 (1) the defendant has no significant history of prior
15 criminal activity;

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

20 (3) the murdered individual was a participant in the
21 defendant's homicidal conduct or consented to the
22 homicidal act;

23 (4) the defendant acted under the compulsion of threat
24 or menace of the imminent infliction of death or great
25 bodily harm;

26 (5) the defendant was not personally present during

1 commission of the act or acts causing death;

2 (6) the defendant's background includes a history of
3 extreme emotional or physical abuse;

4 (7) the defendant suffers from a reduced mental
5 capacity.

6 Provided, however, that an action that does not otherwise
7 mitigate first degree murder cannot qualify as a mitigating
8 factor for first degree murder because of the discovery,
9 knowledge, or disclosure of the victim's sexual orientation as
10 defined in Section 1-103 of the Illinois Human Rights Act.

11 (d) Separate sentencing hearing.

12 Where requested by the State, the court shall conduct a
13 separate sentencing proceeding to determine the existence of
14 factors set forth in subsection (b) and to consider any
15 aggravating or mitigating factors as indicated in subsection
16 (c). The proceeding shall be conducted:

17 (1) before the jury that determined the defendant's
18 guilt; or

19 (2) before a jury impanelled for the purpose of the
20 proceeding if:

21 A. the defendant was convicted upon a plea of
22 guilty; or

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

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

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

3 (e) Evidence and Argument.

4 During the proceeding any information relevant to any of
5 the factors set forth in subsection (b) may be presented by
6 either the State or the defendant under the rules governing the
7 admission of evidence at criminal trials. Any information
8 relevant to any additional aggravating factors or any
9 mitigating factors indicated in subsection (c) may be presented
10 by the State or defendant regardless of its admissibility under
11 the rules governing the admission of evidence at criminal
12 trials. The State and the defendant shall be given fair
13 opportunity to rebut any information received at the hearing.

14 (f) Proof.

15 The burden of proof of establishing the existence of any of
16 the factors set forth in subsection (b) is on the State and
17 shall not be satisfied unless established beyond a reasonable
18 doubt.

19 (g) Procedure - Jury.

20 If at the separate sentencing proceeding the jury finds
21 that none of the factors set forth in subsection (b) exists,
22 the court shall sentence the defendant to a term of
23 imprisonment under Chapter V of the Unified Code of
24 Corrections. If there is a unanimous finding by the jury that
25 one or more of the factors set forth in subsection (b) exist,
26 the jury shall consider aggravating and mitigating factors as

1 instructed by the court and shall determine whether the
2 sentence of death shall be imposed. If the jury determines
3 unanimously, after weighing the factors in aggravation and
4 mitigation, that death is the appropriate sentence, the court
5 shall sentence the defendant to death. If the court does not
6 concur with the jury determination that death is the
7 appropriate sentence, the court shall set forth reasons in
8 writing including what facts or circumstances the court relied
9 upon, along with any relevant documents, that compelled the
10 court to non-concur with the sentence. This document and any
11 attachments shall be part of the record for appellate review.
12 The court shall be bound by the jury's sentencing
13 determination.

14 If after weighing the factors in aggravation and
15 mitigation, one or more jurors determines that death is not the
16 appropriate sentence, the court shall sentence the defendant to
17 a term of imprisonment under Chapter V of the Unified Code of
18 Corrections.

19 (h) Procedure - No Jury.

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

24 If the Court determines that one or more of the factors set
25 forth in subsection (b) exists, the Court shall consider any
26 aggravating and mitigating factors as indicated in subsection

1 (c). If the Court determines, after weighing the factors in
2 aggravation and mitigation, that death is the appropriate
3 sentence, the Court shall sentence the defendant to death.

4 If the court finds that death is not the appropriate
5 sentence, the court shall sentence the defendant to a term of
6 imprisonment under Chapter V of the Unified Code of
7 Corrections.

8 (h-5) Decertification as a capital case.

9 In a case in which the defendant has been found guilty of
10 first degree murder by a judge or jury, or a case on remand for
11 resentencing, and the State seeks the death penalty as an
12 appropriate sentence, on the court's own motion or the written
13 motion of the defendant, the court may decertify the case as a
14 death penalty case if the court finds that the only evidence
15 supporting the defendant's conviction is the uncorroborated
16 testimony of an informant witness, as defined in Section 115-21
17 of the Code of Criminal Procedure of 1963, concerning the
18 confession or admission of the defendant or that the sole
19 evidence against the defendant is a single eyewitness or single
20 accomplice without any other corroborating evidence. If the
21 court decertifies the case as a capital case under either of
22 the grounds set forth above, the court shall issue a written
23 finding. The State may pursue its right to appeal the
24 decertification pursuant to Supreme Court Rule 604(a)(1). If
25 the court does not decertify the case as a capital case, the
26 matter shall proceed to the eligibility phase of the sentencing

1 hearing.

2 (i) Appellate Procedure.

3 The conviction and sentence of death shall be subject to
4 automatic review by the Supreme Court. Such review shall be in
5 accordance with rules promulgated by the Supreme Court. The
6 Illinois Supreme Court may overturn the death sentence, and
7 order the imposition of imprisonment under Chapter V of the
8 Unified Code of Corrections if the court finds that the death
9 sentence is fundamentally unjust as applied to the particular
10 case. If the Illinois Supreme Court finds that the death
11 sentence is fundamentally unjust as applied to the particular
12 case, independent of any procedural grounds for relief, the
13 Illinois Supreme Court shall issue a written opinion explaining
14 this finding.

15 (j) Disposition of reversed death sentence.

16 In the event that the death penalty in this Act is held to
17 be unconstitutional by the Supreme Court of the United States
18 or of the State of Illinois, any person convicted of first
19 degree murder shall be sentenced by the court to a term of
20 imprisonment under Chapter V of the Unified Code of
21 Corrections.

22 In the event that any death sentence pursuant to the
23 sentencing provisions of this Section is declared
24 unconstitutional by the Supreme Court of the United States or
25 of the State of Illinois, the court having jurisdiction over a
26 person previously sentenced to death shall cause the defendant

1 to be brought before the court, and the court shall sentence
2 the defendant to a term of imprisonment under Chapter V of the
3 Unified Code of Corrections.

4 (k) Guidelines for seeking the death penalty.

5 The Attorney General and State's Attorneys Association
6 shall consult on voluntary guidelines for procedures governing
7 whether or not to seek the death penalty. The guidelines do not
8 have the force of law and are only advisory in nature.

9 (Source: P.A. 99-143, eff. 7-27-15; 100-460, eff. 1-1-18;
10 100-513, eff. 1-1-18; revised 10-5-17.)

11 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

12 Sec. 12-2. Aggravated assault.

13 (a) Offense based on location of conduct. A person commits
14 aggravated assault when he or she commits an assault against an
15 individual who is on or about a public way, public property, a
16 public place of accommodation or amusement, ~~or~~ a sports venue,
17 or in a church, synagogue, mosque, or other building,
18 structure, or place used for religious worship.

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

22 (1) A person with a physical disability or a person 60
23 years of age or older and the assault is without legal
24 justification.

25 (2) A teacher or school employee upon school grounds or

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

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

6 (4) A community policing volunteer, private security
7 officer, or utility worker:

8 (i) performing his or her official duties;

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

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

13 (4.1) A peace officer, fireman, emergency management
14 worker, or emergency medical services personnel:

15 (i) performing his or her official duties;

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

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

20 (5) A correctional officer or probation officer:

21 (i) performing his or her official duties;

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

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

26 (6) A correctional institution employee, a county

1 juvenile detention center employee who provides direct and
2 continuous supervision of residents of a juvenile
3 detention center, including a county juvenile detention
4 center employee who supervises recreational activity for
5 residents of a juvenile detention center, or a Department
6 of Human Services employee, Department of Human Services
7 officer, or employee of a subcontractor of the Department
8 of Human Services supervising or controlling sexually
9 dangerous persons or sexually violent persons:

10 (i) performing his or her official duties;

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

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

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

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

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

24 (10) A person authorized to serve process under Section
25 2-202 of the Code of Civil Procedure or a special process
26 server appointed by the circuit court, while that

1 individual is in the performance of his or her duties as a
2 process server.

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

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

10 (2) Discharges a firearm, other than from a motor
11 vehicle.

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

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

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

20 (6) Uses a firearm, other than by discharging the
21 firearm, against a peace officer, community policing
22 volunteer, fireman, private security officer, emergency
23 management worker, emergency medical services personnel,
24 employee of a police department, employee of a sheriff's
25 department, or traffic control municipal employee:

26 (i) performing his or her official duties;

1 (ii) assaulted to prevent performance of his or her
2 official duties; or

3 (iii) assaulted in retaliation for performing his
4 or her official duties.

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

9 (8) Without justification operates a motor vehicle in a
10 manner which places a person listed in subdivision (b) (4),
11 in reasonable apprehension of being struck by the moving
12 motor vehicle.

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

15 (d) Sentence. Aggravated assault as defined in subdivision
16 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
17 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except that
18 aggravated assault as defined in subdivision (b) (4) and (b) (7)
19 is a Class 4 felony if a Category I, Category II, or Category
20 III weapon is used in the commission of the assault. Aggravated
21 assault as defined in subdivision (b) (4.1), (b) (5), (b) (6),
22 (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class 4 felony.
23 Aggravated assault as defined in subdivision (c) (3) or (c) (8)
24 is a Class 3 felony.

25 (e) For the purposes of this Section, "Category I weapon",
26 "Category II weapon, and "Category III weapon" have the

1 meanings ascribed to those terms in Section 33A-1 of this Code.
2 (Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143,
3 eff. 7-27-15; 99-256, eff. 1-1-16; 99-642, eff. 7-28-16;
4 99-816, eff. 8-15-16.)

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

6 Sec. 12-3.05. Aggravated battery.

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

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

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

18 (3) Causes great bodily harm or permanent disability or
19 disfigurement to an individual whom the person knows to be
20 a peace officer, community policing volunteer, fireman,
21 private security officer, correctional institution
22 employee, or Department of Human Services employee
23 supervising or controlling sexually dangerous persons or
24 sexually violent persons:

25 (i) performing his or her official duties;

1 (ii) battered to prevent performance of his or her
2 official duties; or

3 (iii) battered in retaliation for performing his
4 or her official duties.

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

7 (5) Strangles another individual.

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

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

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

20 (c) Offense based on location of conduct. A person commits
21 aggravated battery when, in committing a battery, other than by
22 the discharge of a firearm, he or she is or the person battered
23 is on or about a public way, public property, a public place of
24 accommodation or amusement, a sports venue, ~~or~~ a domestic
25 violence shelter, or in a church, synagogue, mosque, or other
26 building, structure, or place used for religious worship.

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

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

6 (2) A person who is pregnant or has a physical
7 disability.

8 (3) A teacher or school employee upon school grounds or
9 grounds adjacent to a school or in any part of a building
10 used for school purposes.

11 (4) A peace officer, community policing volunteer,
12 fireman, private security officer, correctional
13 institution employee, or Department of Human Services
14 employee supervising or controlling sexually dangerous
15 persons or sexually violent persons:

16 (i) performing his or her official duties;

17 (ii) battered to prevent performance of his or her
18 official duties; or

19 (iii) battered in retaliation for performing his
20 or her official duties.

21 (5) A judge, emergency management worker, emergency
22 medical services personnel, or utility worker:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

26 (iii) battered in retaliation for performing his

1 or her official duties.

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

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

7 (8) A taxi driver on duty.

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

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 individual
15 is in the performance of his or her duties as a process
16 server.

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

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

22 (1) Discharges a firearm, other than a machine gun or a
23 firearm equipped with a silencer, and causes any injury to
24 another person.

25 (2) Discharges a firearm, other than a machine gun or a
26 firearm equipped with a silencer, and causes any injury to

1 a person he or she knows to be a peace officer, community
2 policing volunteer, person summoned by a police officer,
3 fireman, private security officer, correctional
4 institution employee, or emergency management worker:

5 (i) performing his or her official duties;

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

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

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

14 (i) performing his or her official duties;

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

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

19 (4) Discharges a firearm and causes any injury to a
20 person he or she knows to be a teacher, a student in a
21 school, or a school employee, and the teacher, student, or
22 employee is upon school grounds or grounds adjacent to a
23 school or in any part of a building used for school
24 purposes.

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

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

7 (i) performing his or her official duties;

8 (ii) battered to prevent performance of his or her
9 official duties; or

10 (iii) battered in retaliation for performing his
11 or her official duties.

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

15 (i) performing his or her official duties;

16 (ii) battered to prevent performance of his or her
17 official duties; or

18 (iii) battered in retaliation for performing his
19 or her official duties.

20 (8) Discharges a machine gun or a firearm equipped with
21 a silencer, and causes any injury to a person he or she
22 knows to be a teacher, or a student in a school, or a
23 school employee, and the teacher, student, or employee is
24 upon school grounds or grounds adjacent to a school or in
25 any part of a building used for school purposes.

26 (f) Offense based on use of a weapon or device. A person

1 commits aggravated battery when, in committing a battery, he or
2 she does any of the following:

3 (1) Uses a deadly weapon other than by discharge of a
4 firearm, or uses an air rifle as defined in Section
5 24.8-0.1 of this Code.

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

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

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

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

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

24 (2) Knowingly administers to an individual or causes
25 him or her to take, without his or her consent or by threat
26 or deception, and for other than medical purposes, any

1 intoxicating, poisonous, stupefying, narcotic, anesthetic,
2 or controlled substance, or gives to another person any
3 food containing any substance or object intended to cause
4 physical injury if eaten.

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

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

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

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

19 Aggravated battery as defined in subdivision (a)(1) is a
20 Class 1 felony when the aggravated battery was intentional and
21 involved the infliction of torture, as defined in paragraph
22 (14) of subsection (b) of Section 9-1 of this Code, as the
23 infliction of or subjection to extreme physical pain, motivated
24 by an intent to increase or prolong the pain, suffering, or
25 agony of the victim.

26 Aggravated battery as defined in subdivision (a)(1) is a

1 Class 1 felony when the person causes great bodily harm or
2 permanent disability to an individual whom the person knows to
3 be a member of a congregation engaged in prayer or other
4 religious activities at a church, synagogue, mosque, or other
5 building, structure, or place used for religious worship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 "Machine gun" has the meaning ascribed to it in Section
14 24-1 of this Code.

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

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

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

23 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

24 Sec. 24-1. Unlawful use of weapons.

25 (a) A person commits the offense of unlawful use of weapons

1 when he knowingly:

2 (1) Sells, manufactures, purchases, possesses or
3 carries any bludgeon, black-jack, slung-shot, sand-club,
4 sand-bag, metal knuckles or other knuckle weapon
5 regardless of its composition, throwing star, or any knife,
6 commonly referred to as a switchblade knife, which has a
7 blade that opens automatically by hand pressure applied to
8 a button, spring or other device in the handle of the
9 knife, or a ballistic knife, which is a device that propels
10 a knifelike blade as a projectile by means of a coil
11 spring, elastic material or compressed gas; or

12 (2) Carries or possesses with intent to use the same
13 unlawfully against another, a dagger, dirk, billy,
14 dangerous knife, razor, stiletto, broken bottle or other
15 piece of glass, stun gun or taser or any other dangerous or
16 deadly weapon or instrument of like character; or

17 (2.5) Carries or possesses with intent to use the same
18 unlawfully against another, any firearm, knife, or other
19 dangerous weapon, in any school, church, synagogue,
20 mosque, or other building, structure, or place used for
21 religious worship; or

22 (3) Carries on or about his person or in any vehicle, a
23 tear gas gun projector or bomb or any object containing
24 noxious liquid gas or substance, other than an object
25 containing a non-lethal noxious liquid gas or substance
26 designed solely for personal defense carried by a person 18

1 years of age or older; or

2 (4) Carries or possesses in any vehicle or concealed on
3 or about his person except when on his land or in his own
4 abode, legal dwelling, or fixed place of business, or on
5 the land or in the legal dwelling of another person as an
6 invitee with that person's permission, any pistol,
7 revolver, stun gun or taser or other firearm, except that
8 this subsection (a) (4) does not apply to or affect
9 transportation of weapons that meet one of the following
10 conditions:

11 (i) are broken down in a non-functioning state; or

12 (ii) are not immediately accessible; or

13 (iii) are unloaded and enclosed in a case, firearm
14 carrying box, shipping box, or other container by a
15 person who has been issued a currently valid Firearm
16 Owner's Identification Card; or

17 (iv) are carried or possessed in accordance with
18 the Firearm Concealed Carry Act by a person who has
19 been issued a currently valid license under the Firearm
20 Concealed Carry Act; or

21 (5) Sets a spring gun; or

22 (6) Possesses any device or attachment of any kind
23 designed, used or intended for use in silencing the report
24 of any firearm; or

25 (7) Sells, manufactures, purchases, possesses or
26 carries:

1 (i) a machine gun, which shall be defined for the
2 purposes of this subsection as any weapon, which
3 shoots, is designed to shoot, or can be readily
4 restored to shoot, automatically more than one shot
5 without manually reloading by a single function of the
6 trigger, including the frame or receiver of any such
7 weapon, or sells, manufactures, purchases, possesses,
8 or carries any combination of parts designed or
9 intended for use in converting any weapon into a
10 machine gun, or any combination or parts from which a
11 machine gun can be assembled if such parts are in the
12 possession or under the control of a person;

13 (ii) any rifle having one or more barrels less than
14 16 inches in length or a shotgun having one or more
15 barrels less than 18 inches in length or any weapon
16 made from a rifle or shotgun, whether by alteration,
17 modification, or otherwise, if such a weapon as
18 modified has an overall length of less than 26 inches;
19 or

20 (iii) any bomb, bomb-shell, grenade, bottle or
21 other container containing an explosive substance of
22 over one-quarter ounce for like purposes, such as, but
23 not limited to, black powder bombs and Molotov
24 cocktails or artillery projectiles; or

25 (8) Carries or possesses any firearm, stun gun or taser
26 or other deadly weapon in any place which is licensed to

1 sell intoxicating beverages, or at any public gathering
2 held pursuant to a license issued by any governmental body
3 or any public gathering at which an admission is charged,
4 excluding a place where a showing, demonstration or lecture
5 involving the exhibition of unloaded firearms is
6 conducted.

7 This subsection (a) (8) does not apply to any auction or
8 raffle of a firearm held pursuant to a license or permit
9 issued by a governmental body, nor does it apply to persons
10 engaged in firearm safety training courses; or

11 (9) Carries or possesses in a vehicle or on or about
12 his person any pistol, revolver, stun gun or taser or
13 firearm or ballistic knife, when he is hooded, robed or
14 masked in such manner as to conceal his identity; or

15 (10) Carries or possesses on or about his person, upon
16 any public street, alley, or other public lands within the
17 corporate limits of a city, village or incorporated town,
18 except when an invitee thereon or therein, for the purpose
19 of the display of such weapon or the lawful commerce in
20 weapons, or except when on his land or in his own abode,
21 legal dwelling, or fixed place of business, or on the land
22 or in the legal dwelling of another person as an invitee
23 with that person's permission, any pistol, revolver, stun
24 gun or taser or other firearm, except that this subsection
25 (a) (10) does not apply to or affect transportation of
26 weapons that meet one of the following conditions:

1 (i) are broken down in a non-functioning state; or
2 (ii) are not immediately accessible; or
3 (iii) are unloaded and enclosed in a case, firearm
4 carrying box, shipping box, or other container by a
5 person who has been issued a currently valid Firearm
6 Owner's Identification Card; or
7 (iv) are carried or possessed in accordance with
8 the Firearm Concealed Carry Act by a person who has
9 been issued a currently valid license under the Firearm
10 Concealed Carry Act.

11 A "stun gun or taser", as used in this paragraph (a)
12 means (i) any device which is powered by electrical
13 charging units, such as, batteries, and which fires one or
14 several barbs attached to a length of wire and which, upon
15 hitting a human, can send out a current capable of
16 disrupting the person's nervous system in such a manner as
17 to render him incapable of normal functioning or (ii) any
18 device which is powered by electrical charging units, such
19 as batteries, and which, upon contact with a human or
20 clothing worn by a human, can send out current capable of
21 disrupting the person's nervous system in such a manner as
22 to render him incapable of normal functioning; or

23 (11) Sells, manufactures or purchases any explosive
24 bullet. For purposes of this paragraph (a) "explosive
25 bullet" means the projectile portion of an ammunition
26 cartridge which contains or carries an explosive charge

1 which will explode upon contact with the flesh of a human
2 or an animal. "Cartridge" means a tubular metal case having
3 a projectile affixed at the front thereof and a cap or
4 primer at the rear end thereof, with the propellant
5 contained in such tube between the projectile and the cap;
6 or

7 (12) (Blank); or

8 (13) Carries or possesses on or about his or her person
9 while in a building occupied by a unit of government, a
10 billy club, other weapon of like character, or other
11 instrument of like character intended for use as a weapon.
12 For the purposes of this Section, "billy club" means a
13 short stick or club commonly carried by police officers
14 which is either telescopic or constructed of a solid piece
15 of wood or other man-made material.

16 (b) Sentence. A person convicted of a violation of
17 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
18 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
19 Class A misdemeanor. A person convicted of a violation of
20 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
21 person convicted of a violation of subsection 24-1(a)(6) or
22 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
23 convicted of a violation of subsection 24-1(a)(7)(i) commits a
24 Class 2 felony and shall be sentenced to a term of imprisonment
25 of not less than 3 years and not more than 7 years, unless the
26 weapon is possessed in the passenger compartment of a motor

1 vehicle as defined in Section 1-146 of the Illinois Vehicle
2 Code, or on the person, while the weapon is loaded, in which
3 case it shall be a Class X felony. A person convicted of a
4 second or subsequent violation of subsection 24-1(a)(4),
5 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
6 felony. A person convicted of a violation of subsection
7 24-1(a)(2.5) commits a Class 2 felony. The possession of each
8 weapon in violation of this Section constitutes a single and
9 separate violation.

10 (c) Violations in specific places.

11 (1) A person who violates subsection 24-1(a)(6) or
12 24-1(a)(7) in any school, regardless of the time of day or
13 the time of year, in residential property owned, operated
14 or managed by a public housing agency or leased by a public
15 housing agency as part of a scattered site or mixed-income
16 development, in a public park, in a courthouse, on the real
17 property comprising any school, regardless of the time of
18 day or the time of year, on residential property owned,
19 operated or managed by a public housing agency or leased by
20 a public housing agency as part of a scattered site or
21 mixed-income development, on the real property comprising
22 any public park, on the real property comprising any
23 courthouse, in any conveyance owned, leased or contracted
24 by a school to transport students to or from school or a
25 school related activity, in any conveyance owned, leased,
26 or contracted by a public transportation agency, or on any

1 public way within 1,000 feet of the real property
2 comprising any school, public park, courthouse, public
3 transportation facility, or residential property owned,
4 operated, or managed by a public housing agency or leased
5 by a public housing agency as part of a scattered site or
6 mixed-income development commits a Class 2 felony and shall
7 be sentenced to a term of imprisonment of not less than 3
8 years and not more than 7 years.

9 (1.5) A person who violates subsection 24-1(a)(4),
10 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
11 time of day or the time of year, in residential property
12 owned, operated, or managed by a public housing agency or
13 leased by a public housing agency as part of a scattered
14 site or mixed-income development, in a public park, in a
15 courthouse, on the real property comprising any school,
16 regardless of the time of day or the time of year, on
17 residential property owned, operated, or managed by a
18 public housing agency or leased by a public housing agency
19 as part of a scattered site or mixed-income development, on
20 the real property comprising any public park, on the real
21 property comprising any courthouse, in any conveyance
22 owned, leased, or contracted by a school to transport
23 students to or from school or a school related activity, in
24 any conveyance owned, leased, or contracted by a public
25 transportation agency, or on any public way within 1,000
26 feet of the real property comprising any school, public

1 park, courthouse, public transportation facility, or
2 residential property owned, operated, or managed by a
3 public housing agency or leased by a public housing agency
4 as part of a scattered site or mixed-income development
5 commits a Class 3 felony.

6 (2) A person who violates subsection 24-1(a)(1),
7 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
8 time of day or the time of year, in residential property
9 owned, operated or managed by a public housing agency or
10 leased by a public housing agency as part of a scattered
11 site or mixed-income development, in a public park, in a
12 courthouse, on the real property comprising any school,
13 regardless of the time of day or the time of year, on
14 residential property owned, operated or managed by a public
15 housing agency or leased by a public housing agency as part
16 of a scattered site or mixed-income development, on the
17 real property comprising any public park, on the real
18 property comprising any courthouse, in any conveyance
19 owned, leased or contracted by a school to transport
20 students to or from school or a school related activity, in
21 any conveyance owned, leased, or contracted by a public
22 transportation agency, or on any public way within 1,000
23 feet of the real property comprising any school, public
24 park, courthouse, public transportation facility, or
25 residential property owned, operated, or managed by a
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development
2 commits a Class 4 felony. "Courthouse" means any building
3 that is used by the Circuit, Appellate, or Supreme Court of
4 this State for the conduct of official business.

5 (3) Paragraphs (1), (1.5), and (2) of this subsection
6 (c) shall not apply to law enforcement officers or security
7 officers of such school, college, or university or to
8 students carrying or possessing firearms for use in
9 training courses, parades, hunting, target shooting on
10 school ranges, or otherwise with the consent of school
11 authorities and which firearms are transported unloaded
12 enclosed in a suitable case, box, or transportation
13 package.

14 (4) For the purposes of this subsection (c), "school"
15 means any public or private elementary or secondary school,
16 community college, college, or university.

17 (5) For the purposes of this subsection (c), "public
18 transportation agency" means a public or private agency
19 that provides for the transportation or conveyance of
20 persons by means available to the general public, except
21 for transportation by automobiles not used for conveyance
22 of the general public as passengers; and "public
23 transportation facility" means a terminal or other place
24 where one may obtain public transportation.

25 (d) The presence in an automobile other than a public
26 omnibus of any weapon, instrument or substance referred to in

1 subsection (a) (7) is prima facie evidence that it is in the
2 possession of, and is being carried by, all persons occupying
3 such automobile at the time such weapon, instrument or
4 substance is found, except under the following circumstances:

5 (i) if such weapon, instrument or instrumentality is found upon
6 the person of one of the occupants therein; or (ii) if such
7 weapon, instrument or substance is found in an automobile
8 operated for hire by a duly licensed driver in the due, lawful
9 and proper pursuit of his trade, then such presumption shall
10 not apply to the driver.

11 (e) Exemptions.

12 (1) Crossbows, Common or Compound bows and Underwater
13 Spearguns are exempted from the definition of ballistic
14 knife as defined in paragraph (1) of subsection (a) of this
15 Section.

16 (2) The provision of paragraph (1) of subsection (a) of
17 this Section prohibiting the sale, manufacture, purchase,
18 possession, or carrying of any knife, commonly referred to
19 as a switchblade knife, which has a blade that opens
20 automatically by hand pressure applied to a button, spring
21 or other device in the handle of the knife, does not apply
22 to a person who possesses a currently valid Firearm Owner's
23 Identification Card previously issued in his or her name by
24 the Department of State Police or to a person or an entity
25 engaged in the business of selling or manufacturing
26 switchblade knives.

1 (Source: P.A. 99-29, eff. 7-10-15; 100-82, eff. 8-11-17.)