



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB1482

by Rep. Tony McCombie

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

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

LRB101 04621 SLF 49629 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 12-3.05 as follows:

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

7 Sec. 12-3.05. Aggravated battery.

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

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

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

19 (3) Causes great bodily harm or permanent disability or  
20 disfigurement to an individual whom the person knows to be  
21 a peace officer, community policing volunteer, fireman,  
22 private security officer, correctional institution  
23 employee, a person working under the Adult Protective

1       Services Program or an Ombudsman under the State Long Term  
2       Care Ombudsman Program of the Department on Aging,  
3       Department of Children and Family Services employee, or  
4       Department of Human Services employee supervising or  
5       controlling sexually dangerous persons or sexually violent  
6       persons:

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

14              (5) Strangles another individual.

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

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

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

1 (c) Offense based on location of conduct. A person commits  
2 aggravated battery when, in committing a battery, other than by  
3 the discharge of a firearm, he or she is or the person battered  
4 is on or about a public way, public property, a public place of  
5 accommodation or amusement, a sports venue, or a domestic  
6 violence shelter.

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

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

12 (2) A person who is pregnant or has a physical  
13 disability.

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

17 (4) A peace officer, community policing volunteer,  
18 fireman, private security officer, correctional  
19 institution employee, a person working under the Adult  
20 Protective Services Program or an Ombudsman under the State  
21 Long Term Care Ombudsman Program of the Department on  
22 Aging, Department of Children and Family Services  
23 employee, or Department of Human Services employee  
24 supervising or controlling sexually dangerous persons or  
25 sexually violent persons:

26 (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           (5) A judge, emergency management worker, emergency  
6           medical services personnel, or utility 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          (6) An officer or employee of the State of Illinois, a  
13          unit of local government, or a school district, while  
14          performing his or her official duties.

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

17          (8) A taxi driver on duty.

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

22          (10) A person authorized to serve process under Section  
23          2-202 of the Code of Civil Procedure or a special process  
24          server appointed by the circuit court while that individual  
25          is in the performance of his or her duties as a process  
26          server.

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

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

6           (1) Discharges a firearm, other than a machine gun or a  
7           firearm equipped with a silencer, and causes any injury to  
8           another person.

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

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

24                 (i) performing his or her official duties;

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

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

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

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

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

17                 (i) performing his or her official duties;

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

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

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

25                 (i) performing his or her official duties;

26                 (ii) battered to prevent performance of his or her

1 official duties; or

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

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

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

13 (1) Uses a deadly weapon other than by discharge of a  
14 firearm, or uses an air rifle as defined in Section  
15 24.8-0.1 of this Code.

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

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

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

25 (g) Offense based on certain conduct. A person commits  
26 aggravated battery when, other than by discharge of a firearm,



1 he or she does any of the following:

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

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

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

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

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

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

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

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

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

14                   (B) the person caused great bodily harm or permanent  
15                   disability or disfigurement to the other person while  
16                   committing the offense; or

17                   (C) the person has been previously convicted of a  
18                   violation of subdivision (a)(5) under the laws of this  
19                   State or laws similar to subdivision (a)(5) of any other  
20                   state.

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

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

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

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

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

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

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

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

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

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

2 "Building or other structure used to provide shelter" has  
3 the meaning ascribed to "shelter" in Section 1 of the Domestic  
4 Violence Shelters Act.

5 "Department of Children and Family Services employee"  
6 includes a worker, case worker, or investigator employed by an  
7 agency or organization providing social work, case work, or  
8 investigative services under a contract with or a grant from  
9 the Department of Children and Family Services.

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

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

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

22 "Machine gun" has the meaning ascribed to it in Section  
23 24-1 of this Code.

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

26 "Strangle" means intentionally impeding the normal

1 breathing or circulation of the blood of an individual by  
2 applying pressure on the throat or neck of that individual or  
3 by blocking the nose or mouth of that individual.

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