

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Sections 12-0.1, 12-2, and 12-3.05 as follows:

6 (720 ILCS 5/12-0.1)

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

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

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

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

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

23 "Family or household members" include spouses, former

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

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

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

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

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

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

1 Probation and Probation Officers Act.

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

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

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

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

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

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

24 "Utility worker" means any of the following:

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

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

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

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

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

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

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

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

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

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

24 Sec. 12-2. Aggravated assault.

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

1 aggravated assault when he or she commits an assault against an
2 individual who is on or about a public way, public property, a
3 public place of accommodation or amusement, or a sports venue.

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

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

10 (1.5) A servicemember or veteran and the assault is
11 without legal justification.

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

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

18 (4) A community policing volunteer, private security
19 officer, or utility worker:

20 (i) performing his or her official duties;

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

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

25 (4.1) A peace officer, fireman, emergency management
26 worker, or emergency medical services personnel:

- 1 (i) performing his or her official duties;
- 2 (ii) assaulted to prevent performance of his or her
3 official duties; or
- 4 (iii) assaulted in retaliation for performing his
5 or her official duties.
- 6 (5) A correctional officer or probation officer:
- 7 (i) performing his or her official duties;
- 8 (ii) assaulted to prevent performance of his or her
9 official duties; or
- 10 (iii) assaulted in retaliation for performing his
11 or her official duties.
- 12 (6) A correctional institution employee, a county
13 juvenile detention center employee who provides direct and
14 continuous supervision of residents of a juvenile
15 detention center, including a county juvenile detention
16 center employee who supervises recreational activity for
17 residents of a juvenile detention center, or a Department
18 of Human Services employee, Department of Human Services
19 officer, or employee of a subcontractor of the Department
20 of Human Services supervising or controlling sexually
21 dangerous persons or sexually violent persons:
- 22 (i) performing his or her official duties;
- 23 (ii) assaulted to prevent performance of his or her
24 official duties; or
- 25 (iii) assaulted in retaliation for performing his
26 or her official duties.

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

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

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

10 (10) A person authorized to serve process under Section
11 2-202 of the Code of Civil Procedure or a special process
12 server appointed by the circuit court, while that
13 individual is in the performance of his or her duties as a
14 process server.

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

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

22 (2) Discharges a firearm, other than from a motor
23 vehicle.

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

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

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

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

12 (i) performing his or her official duties;

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

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

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

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

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

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

11 (e) For the purposes of this Section, "Category I weapon",
12 "Category II weapon, and "Category III weapon" have the
13 meanings ascribed to those terms in Section 33A-1 of this Code.
14 (Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143,
15 eff. 7-27-15; 99-256, eff. 1-1-16; 99-642, eff. 7-28-16;
16 99-816, eff. 8-15-16.)

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

18 Sec. 12-3.05. Aggravated battery.

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

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

25 (2) Causes severe and permanent disability, great

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

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

12 (i) performing his or her official duties;

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

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

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

19 (5) Strangles another individual.

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

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

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

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

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

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

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

17 (1.5) A servicemember or veteran.

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

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

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

1 persons or sexually violent persons:

2 (i) performing his or her official duties;

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

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

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

9 (i) performing his or her official duties;

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

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

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

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

19 (8) A taxi driver on duty.

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

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 individual

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

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

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

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

11 (2) Discharges a firearm, other than a machine gun or a
12 firearm equipped with a silencer, and causes any injury to
13 a person he or she knows to be a peace officer, community
14 policing volunteer, person summoned by a police officer,
15 fireman, private security officer, correctional
16 institution employee, or 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 (3) Discharges a firearm, other than a machine gun or a
23 firearm equipped with a silencer, and causes any injury to
24 a person he or she knows to be emergency medical services
25 personnel:

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

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

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

19 (i) performing his or her official duties;

20 (ii) battered to prevent performance of his or her
21 official duties; or

22 (iii) battered in retaliation for performing his
23 or her official duties.

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

- 1 (i) performing his or her official duties;
- 2 (ii) battered to prevent performance of his or her
- 3 official duties; or
- 4 (iii) battered in retaliation for performing his
- 5 or her official duties.

6 (8) Discharges a machine gun or a firearm equipped with

7 a silencer, and causes any injury to a person he or she

8 knows to be a teacher, or a student in a school, or a

9 school employee, and the teacher, student, or employee is

10 upon school grounds or grounds adjacent to a school or in

11 any part of a building used for school purposes.

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

13 commits aggravated battery when, in committing a battery, he or

14 she does any of the following:

15 (1) Uses a deadly weapon other than by discharge of a

16 firearm, or uses an air rifle as defined in Section

17 24.8-0.1 of this Code.

18 (2) Wears a hood, robe, or mask to conceal his or her

19 identity.

20 (3) Knowingly and without lawful justification shines

21 or flashes a laser gunsight or other laser device attached

22 to a firearm, or used in concert with a firearm, so that

23 the laser beam strikes upon or against the person of

24 another.

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

26 the intent to disseminate the recording.

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

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

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

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

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

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

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

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

12 Aggravated battery under subdivision (a)(5) is a Class 1
13 felony if:

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

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

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

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

25 Aggravated battery as defined in subdivision (a)(2) is a
26 Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 6 years and a maximum of 45
2 years.

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

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

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

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

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

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

23 (3) if, during the commission of the offense, the
24 person personally discharged a firearm that proximately
25 caused great bodily harm, permanent disability, permanent
26 disfigurement, or death to another person, 25 years or up

1 to a term of natural life shall be added to the term of
2 imprisonment imposed by the court.

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

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

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

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

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

19 "Machine gun" has the meaning ascribed to it in Section
20 24-1 of this Code.

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

23 "Strangle" means intentionally impeding the normal
24 breathing or circulation of the blood of an individual by
25 applying pressure on the throat or neck of that individual or
26 by blocking the nose or mouth of that individual.

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