



Sen. Julie A. Morrison

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1 AMENDMENT TO SENATE BILL 1796

2 AMENDMENT NO. _____. Amend Senate Bill 1796 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing 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.

1 "Correctional institution employee" means a person
2 employed by a penal institution.

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

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

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

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

25 "Person with a physical disability" means a person who
26 suffers from a permanent and disabling physical

1 characteristic, resulting from disease, injury, functional
2 disorder, or congenital condition.

3 "Private security officer" means a registered employee of a
4 private security contractor agency under the Private
5 Detective, Private Alarm, Private Security, Fingerprint
6 Vendor, and Locksmith Act of 2004.

7 "Probation officer" means a person as defined in the
8 Probation and Probation Officers Act.

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

12 "Sports official" means a person at an athletic contest who
13 enforces the rules of the contest, such as an umpire or
14 referee.

15 "Sports venue" means a publicly or privately owned sports
16 or entertainment arena, stadium, community or convention hall,
17 special event center, or amusement facility, or a special event
18 center in a public park, during the 12 hours before or after
19 the sanctioned sporting event.

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

23 "Transit employee" means a driver, operator, or employee of
24 any transportation facility or system engaged in the business
25 of transporting the public for hire.

26 "Transit passenger" means a passenger of any

1 transportation facility or system engaged in the business of
2 transporting the public for hire, including a passenger using
3 any area designated by a transportation facility or system as a
4 vehicle boarding, departure, or transfer location.

5 "Utility worker" means any of the following:

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

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

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

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

12 (5) An independent contractor or an employee of an
13 independent contractor working on behalf of a cable
14 television company, public utility, municipally owned
15 utility, or electric cooperative.

16 (6) An employee of a telecommunications carrier as
17 defined in Section 13-202 of the Public Utilities Act, or
18 an independent contractor or an employee of an independent
19 contractor working on behalf of a telecommunications
20 carrier.

21 (7) An employee of a telephone or telecommunications
22 cooperative as defined in Section 13-212 of the Public
23 Utilities Act, or an independent contractor or an employee
24 of an independent contractor working on behalf of a
25 telephone or telecommunications cooperative.

26 "Veteran" means a former servicemember who was discharged

1 or released from service under conditions other than
2 dishonorable.

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

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

5 Sec. 12-2. Aggravated assault.

6 (a) Offense based on location of conduct. A person commits
7 aggravated assault when he or she commits an assault against an
8 individual who is on or about a public way, public property, a
9 public place of accommodation or amusement, or a sports venue.

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

13 (1) A person with a physical disability or a person 60
14 years of age or older and the assault is without legal
15 justification.

16 (1.5) A servicemember or veteran and the assault is
17 without legal justification.

18 (2) A teacher or school employee upon school grounds or
19 grounds adjacent to a school or in any part of a building
20 used for school purposes.

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

24 (4) A community policing volunteer, private security
25 officer, or utility worker:

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

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 (5) A correctional officer or probation officer:

14 (i) performing his or her official duties;

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

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

19 (6) A correctional institution employee, a county
20 juvenile detention center employee who provides direct and
21 continuous supervision of residents of a juvenile
22 detention center, including a county juvenile detention
23 center employee who supervises recreational activity for
24 residents of a juvenile detention center, or a Department
25 of Human Services employee, Department of Human Services
26 officer, or employee of a subcontractor of the Department

1 of Human Services supervising or controlling sexually
2 dangerous persons or sexually violent persons:

3 (i) performing his or her official duties;

4 (ii) assaulted to prevent performance of his or her
5 official duties; or

6 (iii) assaulted in retaliation for performing his
7 or her official duties.

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

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

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

17 (10) A person authorized to serve process under Section
18 2-202 of the Code of Civil Procedure or a special process
19 server appointed by the circuit court, while that
20 individual is in the performance of his or her duties as a
21 process server.

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

25 (1) Uses a deadly weapon, an air rifle as defined in
26 Section 24.8-0.1 of this Act, or any device manufactured

1 and designed to be substantially similar in appearance to a
2 firearm, other than by discharging a firearm.

3 (2) Discharges a firearm, other than from a motor
4 vehicle.

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

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

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

13 (6) Uses a firearm, other than by discharging the
14 firearm, against a peace officer, community policing
15 volunteer, fireman, private security officer, emergency
16 management worker, emergency medical services personnel,
17 employee of a police department, employee of a sheriff's
18 department, or traffic control municipal employee:

19 (i) performing his or her official duties;

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

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

24 (7) Without justification operates a motor vehicle in a
25 manner which places a person, other than a person listed in
26 subdivision (b)(4), in reasonable apprehension of being

1 struck by the moving motor vehicle.

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

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

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

18 (e) For the purposes of this Section, "Category I weapon",
19 "Category II weapon, and "Category III weapon" have the
20 meanings ascribed to those terms in Section 33A-1 of this Code.
21 (Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143,
22 eff. 7-27-15; 99-256, eff. 1-1-16; 99-642, eff. 7-28-16;
23 99-816, eff. 8-15-16.)

24 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

25 Sec. 12-3.05. Aggravated battery.

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

5 (1) Causes great bodily harm or permanent disability or
6 disfigurement.

7 (2) Causes severe and permanent disability, great
8 bodily harm, or disfigurement by means of a caustic or
9 flammable substance, a poisonous gas, a deadly biological
10 or chemical contaminant or agent, a radioactive substance,
11 or a bomb or explosive compound.

12 (3) Causes great bodily harm or permanent disability or
13 disfigurement to an individual whom the person knows to be
14 a peace officer, community policing volunteer, fireman,
15 private security officer, correctional institution
16 employee, or Department of Human Services employee
17 supervising or controlling sexually dangerous persons or
18 sexually violent persons:

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

26 (5) Strangles another individual.

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

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

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

13 (c) Offense based on location of conduct. A person commits
14 aggravated battery when, in committing a battery, other than by
15 the discharge of a firearm, he or she is or the person battered
16 is on or about a public way, public property, a public place of
17 accommodation or amusement, a sports venue, or a domestic
18 violence shelter.

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

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

24 (1.5) A servicemember or veteran.

25 (2) A person who is pregnant or has a physical
26 disability.

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

4 (4) A peace officer, community policing volunteer,
5 fireman, private security officer, correctional
6 institution employee, or Department of Human Services
7 employee supervising or controlling sexually dangerous
8 persons or sexually violent persons:

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

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

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

26 (8) A taxi driver on duty.

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

5 (10) A person authorized to serve process under Section
6 2-202 of the Code of Civil Procedure or a special process
7 server appointed by the circuit court while that individual
8 is in the performance of his or her duties as a process
9 server.

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

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

15 (1) Discharges a firearm, other than a machine gun or a
16 firearm equipped with a silencer, and causes any injury to
17 another person.

18 (2) Discharges a firearm, other than a machine gun or a
19 firearm equipped with a silencer, and causes any injury to
20 a person he or she knows to be a peace officer, community
21 policing volunteer, person summoned by a police officer,
22 fireman, private security officer, correctional
23 institution employee, or emergency management worker:

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

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) Discharges a firearm and causes any injury to a
13 person he or she knows to be a teacher, a student in a
14 school, or a school employee, and the teacher, student, or
15 employee is upon school grounds or grounds adjacent to a
16 school or in any part of a building used for school
17 purposes.

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

20 (6) 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 peace officer, community policing volunteer,
23 person summoned by a police officer, fireman, private
24 security officer, correctional institution employee or
25 emergency management worker:

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

8 (i) performing his or her official duties;

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

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

13 (8) 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 teacher, or a student in a school, or a
16 school employee, and the teacher, student, or employee is
17 upon school grounds or grounds adjacent to a school or in
18 any part of a building used for school purposes.

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

22 (1) Uses a deadly weapon other than by discharge of a
23 firearm, or uses an air rifle as defined in Section
24 24.8-0.1 of this Code.

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

1 (3) Knowingly and without lawful justification shines
2 or flashes a laser gunsight or other laser device attached
3 to a firearm, or used in concert with a firearm, so that
4 the laser beam strikes upon or against the person of
5 another.

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

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

11 (1) Violates Section 401 of the Illinois Controlled
12 Substances Act by unlawfully delivering a controlled
13 substance to another and any user experiences great bodily
14 harm or permanent disability as a result of the injection,
15 inhalation, or ingestion of any amount of the controlled
16 substance.

17 (2) Knowingly administers to an individual or causes
18 him or her to take, without his or her consent or by threat
19 or deception, and for other than medical purposes, any
20 intoxicating, poisonous, stupefying, narcotic, anesthetic,
21 or controlled substance, or gives to another person any
22 food containing any substance or object intended to cause
23 physical injury if eaten.

24 (3) Knowingly causes or attempts to cause a
25 correctional institution employee or Department of Human
26 Services employee to come into contact with blood, seminal

1 fluid, urine, or feces by throwing, tossing, or expelling
2 the fluid or material, and the person is an inmate of a
3 penal institution or is a sexually dangerous person or
4 sexually violent person in the custody of the Department of
5 Human Services.

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

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

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

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

19 Aggravated battery under subdivision (a)(5) is a Class 1
20 felony if:

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

23 (B) the person caused great bodily harm or permanent
24 disability or disfigurement to the other person while
25 committing the offense; or

26 (C) the person has been previously convicted of a

1 violation of subdivision (a)(5) under the laws of this
2 State or laws similar to subdivision (a)(5) of any other
3 state.

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

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

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

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

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

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

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

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

4 (3) if, during the commission of the offense, the
5 person personally discharged a firearm that proximately
6 caused great bodily harm, permanent disability, permanent
7 disfigurement, or death to another person, 25 years or up
8 to a term of natural life shall be added to the term of
9 imprisonment imposed by the court.

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

11 "Building or other structure used to provide shelter" has
12 the meaning ascribed to "shelter" in Section 1 of the Domestic
13 Violence Shelters Act.

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

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

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

26 "Machine gun" has the meaning ascribed to it in Section

1 24-1 of this Code.

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

4 "Strangle" means intentionally impeding the normal
5 breathing or circulation of the blood of an individual by
6 applying pressure on the throat or neck of that individual or
7 by blocking the nose or mouth of that individual.

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