

HB0792



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0792

Introduced 2/10/2021, by Rep. Patrick Windhorst

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 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 health care worker (rather than a nurse) while in the performance of his or her duties as a health care worker (rather than a nurse). Defines "health care worker".

LRB102 04203 RLC 14220 b

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
5 changing 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
13 or 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
20 or disfigurement to an individual whom the person knows to
21 be a peace officer, community policing volunteer, fireman,
22 private security officer, correctional institution
23 employee, or Department of Human Services employee

1 supervising or controlling sexually dangerous persons or
2 sexually violent persons:

3 (i) performing his or her official duties;

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

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

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

11 (5) Strangles another individual.

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

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

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

24 (c) Offense based on location of conduct. A person commits
25 aggravated battery when, in committing a battery, other than
26 by the discharge of a firearm, he or she is or the person

1 battered is on or about a public way, public property, a public
2 place of accommodation or amusement, a sports venue, or a
3 domestic violence shelter, or in a church, synagogue, mosque,
4 or other building, structure, or place used for religious
5 worship.

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

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

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

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

16 (4) A peace officer, community policing volunteer,
17 fireman, private security officer, correctional
18 institution employee, or Department of Human Services
19 employee supervising or controlling sexually dangerous
20 persons or sexually violent persons:

21 (i) performing his or her official duties;

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

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

26 (5) A judge, emergency management worker, emergency

1 medical services personnel, or utility worker:

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

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

12 (8) A taxi driver on duty.

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

17 (10) A person authorized to serve process under
18 Section 2-202 of the Code of Civil Procedure or a special
19 process 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 (11) A health care worker ~~nurse~~ while in the
23 performance of his or her duties as a health care worker
24 ~~nurse~~.

25 (12) A merchant: (i) while performing his or her
26 duties, including, but not limited to, relaying directions

1 for healthcare or safety from his or her supervisor or
2 employer or relaying health or safety guidelines,
3 recommendations, regulations, or rules from a federal,
4 State, or local public health agency; and (ii) during a
5 disaster declared by the Governor, or a state of emergency
6 declared by the mayor of the municipality in which the
7 merchant is located, due to a public health emergency and
8 for a period of 6 months after such declaration.

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

12 (1) Discharges a firearm, other than a machine gun or
13 a firearm equipped with a silencer, and causes any injury
14 to another person.

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

21 (i) performing his or her official duties;

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

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

26 (3) Discharges a firearm, other than a machine gun or

1 a firearm equipped with a silencer, and causes any injury
2 to a person he or she knows to be emergency medical
3 services personnel:

4 (i) performing his or her official duties;

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

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

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

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

17 (6) Discharges a machine gun or a firearm equipped
18 with a silencer, and causes any injury to a person he or
19 she knows to be a peace officer, community policing
20 volunteer, person summoned by a police officer, fireman,
21 private security officer, correctional institution
22 employee or emergency management 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 (7) Discharges a machine gun or a firearm equipped
3 with a silencer, and causes any injury to a person he or
4 she knows to be emergency medical services personnel:

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

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

19 (1) Uses a deadly weapon other than by discharge of a
20 firearm, or uses an air rifle as defined in Section
21 24.8-0.1 of this Code.

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

24 (3) Knowingly and without lawful justification shines
25 or flashes a laser gunsight or other laser device attached
26 to a firearm, or used in concert with a firearm, so that

1 the laser beam strikes upon or against the person of
2 another.

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

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

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

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

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

1 sexually violent person in the custody of the Department
2 of Human Services.

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

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

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

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

16 Aggravated battery as defined in subdivision (a)(1) is a
17 Class 2 felony when the person causes great bodily harm or
18 permanent disability to an individual whom the person knows to
19 be a member of a congregation engaged in prayer or other
20 religious activities at a church, synagogue, mosque, or other
21 building, structure, or place used for religious worship.

22 Aggravated battery under subdivision (a)(5) is a Class 1
23 felony if:

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

26 (B) the person caused great bodily harm or permanent

1 disability or disfigurement to the other person while
2 committing the offense; or

3 (C) the person has been previously convicted of a
4 violation of subdivision (a)(5) under the laws of this
5 State or laws similar to subdivision (a)(5) of any other
6 state.

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

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

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

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

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

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

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

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

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

13 (i) Definitions. In this Section:

14 "Building or other structure used to provide shelter" has
15 the meaning ascribed to "shelter" in Section 1 of the Domestic
16 Violence Shelters Act.

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

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

26 "Firearm" has the meaning provided under Section 1.1 of

1 the Firearm Owners Identification Card Act, and does not
2 include an air rifle as defined by Section 24.8-0.1 of this
3 Code.

4 "Health care worker" has the meaning ascribed to it in
5 Section 5 of the Health Care Violence Prevention Act.

6 "Machine gun" has the meaning ascribed to it in Section
7 24-1 of this Code.

8 "Merchant" has the meaning ascribed to it in Section
9 16-0.1 of this Code.

10 "Strangle" means intentionally impeding the normal
11 breathing or circulation of the blood of an individual by
12 applying pressure on the throat or neck of that individual or
13 by blocking the nose or mouth of that individual.

14 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)