

# SB0552



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB0552

Introduced 2/23/2021, by Sen. Jil Tracy

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

720 ILCS 5/12-3.05

was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that aggravated assault includes an assault committed against a contractor (rather than just a subcontractor) of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons. Provides that aggravated battery includes committing various kinds of battery against an officer or employee of a contractor or subcontractor of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons.

LRB102 09978 RLC 15296 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  
5 changing Sections 12-2 and 12-3.05 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

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

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

17 (1) A person with a physical disability or a person 60  
18 years of age or older and the assault is without legal  
19 justification.

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

23 (3) A park district employee upon park grounds or

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

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

5 (i) performing his or her official duties;

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

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

10 (4.1) A peace officer, fireman, emergency management  
11 worker, or emergency medical services personnel:

12 (i) performing his or her official duties;

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

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

17 (5) A correctional officer or probation officer:

18 (i) performing his or her official duties;

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

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

23 (6) A correctional institution employee, a county  
24 juvenile detention center employee who provides direct and  
25 continuous supervision of residents of a juvenile  
26 detention center, including a county juvenile detention

1 center employee who supervises recreational activity for  
2 residents of a juvenile detention center, or a Department  
3 of Human Services employee or an ~~, Department of Human~~  
4 ~~Services~~ officer~~,~~ or employee of a contractor or  
5 subcontractor of the Department of Human Services  
6 supervising or controlling sexually dangerous persons or  
7 sexually violent persons:

8 (i) performing his or her official duties;

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

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

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

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

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

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

1 process server.

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

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

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

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

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

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

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

25 (i) performing his or her official duties;

26 (ii) assaulted to prevent performance of his or

1 her official duties; or

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

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

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

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

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

24 (e) For the purposes of this Section, "Category I weapon",  
25 "Category II weapon", and "Category III weapon" have the  
26 meanings ascribed to those terms in Section 33A-1 of this

1 Code.

2 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

3 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

4 Sec. 12-3.05. Aggravated battery.

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

9 (1) Causes great bodily harm or permanent disability  
10 or disfigurement.

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

16 (3) Causes great bodily harm or permanent disability  
17 or disfigurement to an individual whom the person knows to  
18 be a peace officer, community policing volunteer, fireman,  
19 private security officer, correctional institution  
20 employee, or Department of Human Services employee or an  
21 officer or employee of a contractor or subcontractor of  
22 the Department of Human Services supervising or  
23 controlling sexually dangerous persons or sexually violent  
24 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  
6 or disfigurement to an individual 60 years of age or  
7 older.

8 (5) Strangles another individual.

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

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

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

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



1 or other building, structure, or place used for religious  
2 worship.

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

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

8 (2) A person who is pregnant or has a physical  
9 disability.

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

13 (4) A peace officer, community policing volunteer,  
14 fireman, private security officer, correctional  
15 institution employee, or Department of Human Services  
16 employee or an officer or employee of a contractor or  
17 subcontractor of the Department of Human Services  
18 supervising or controlling sexually dangerous persons or  
19 sexually violent persons:

20 (i) performing his or her official duties;

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

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

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

- 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 (6) An officer or employee of the State of Illinois, a  
7 unit of local government, or a school district, while  
8 performing his or her official duties.
- 9 (7) A transit employee performing his or her official  
10 duties, or a transit passenger.
- 11 (8) A taxi driver on duty.
- 12 (9) A merchant who detains the person for an alleged  
13 commission of retail theft under Section 16-26 of this  
14 Code and the person without legal justification by any  
15 means causes bodily harm to the merchant.
- 16 (10) A person authorized to serve process under  
17 Section 2-202 of the Code of Civil Procedure or a special  
18 process server appointed by the circuit court while that  
19 individual is in the performance of his or her duties as a  
20 process server.
- 21 (11) A nurse while in the performance of his or her  
22 duties as a nurse.
- 23 (12) A merchant: (i) while performing his or her  
24 duties, including, but not limited to, relaying directions  
25 for healthcare or safety from his or her supervisor or  
26 employer or relaying health or safety guidelines,

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

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

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

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

1 services personnel:

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

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

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

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

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

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

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

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

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

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

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

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

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

19          (3) Knowingly causes or attempts to cause a  
20          correctional institution employee or Department of Human  
21          Services employee or an officer or employee of a  
22          contractor or subcontractor of the Department of Human  
23          Services supervising or controlling sexually dangerous  
24          persons or sexually violent persons to come into contact  
25          with blood, seminal fluid, urine, or feces by throwing,  
26          tossing, or expelling the fluid or material, and the

1 person is an inmate of a penal institution or is a sexually  
2 dangerous person or sexually violent person in the custody  
3 of the Department of Human Services.

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

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

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

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

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

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

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

1 (B) the person caused great bodily harm or permanent  
2 disability or disfigurement to the other person while  
3 committing the offense; or

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

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

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

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

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

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

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



1 Class X felony, except that:

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

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

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

14 (i) Definitions. In this Section:

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

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

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

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

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

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

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

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