



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1909

Introduced 2/26/2021, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-0.1

720 ILCS 5/12-2

720 ILCS 5/12-3.05

from Ch. 38, par. 12-2

was 720 ILCS 5/12-4

Amends Criminal Code of 2012. Defines "servicemember" and "veteran". Provides that a person commits aggravated assault or aggravated battery when he or she commits an assault or a battery against a servicemember or veteran. Provides that an aggravated assault committed against a servicemember or veteran without legal justification is a Class A misdemeanor. Provides that an aggravated battery committed against a servicemember or veteran is a Class 3 felony.

LRB102 17263 KMF 22735 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 12-0.1, 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
22 members, 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
4 or 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
10 nor ordinary fraternization between 2 individuals in business
11 or social contexts shall be deemed to constitute a dating
12 relationship.

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

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

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

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

1 "Probation officer" means a person as defined in the
2 Probation and Probation Officers Act.

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

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

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

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

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

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

25 "Utility worker" means any of the following:

26 (1) A person employed by a public utility as defined

1 in Section 3-105 of the Public Utilities Act.

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

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

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

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

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

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

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

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

24 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

25 Sec. 12-2. Aggravated assault.

1 (a) Offense based on location of conduct. A person commits
2 aggravated assault when he or she commits an assault against
3 an individual who is on or about a public way, public property,
4 a public place of accommodation or amusement, or a sports
5 venue, or in a church, synagogue, mosque, or other building,
6 structure, or place used for religious worship.

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

10 (1) A person with a physical disability or a person 60
11 years of age or older and the assault is without legal
12 justification.

13 (1.5) A servicemember or veteran and the assault is
14 without legal justification.

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

18 (3) A park district employee upon park grounds or
19 grounds adjacent to a park or in any part of a building
20 used for park purposes.

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

23 (i) performing his or her official duties;

24 (ii) assaulted to prevent performance of his or
25 her official duties; or

26 (iii) assaulted in retaliation for performing his

1 or her official duties.

2 (4.1) A peace officer, fireman, emergency management
3 worker, or emergency medical services personnel:

4 (i) performing his or her official duties;

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

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

9 (5) A correctional officer or probation officer:

10 (i) performing his or her official duties;

11 (ii) assaulted to prevent performance of his or
12 her official duties; or

13 (iii) assaulted in retaliation for performing his
14 or her official duties.

15 (6) A correctional institution employee, a county
16 juvenile detention center employee who provides direct and
17 continuous supervision of residents of a juvenile
18 detention center, including a county juvenile detention
19 center employee who supervises recreational activity for
20 residents of a juvenile detention center, or a Department
21 of Human Services employee, Department of Human Services
22 officer, or employee of a subcontractor of the Department
23 of Human Services supervising or controlling sexually
24 dangerous persons or sexually violent persons:

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) An employee of the State of Illinois, a municipal
5 corporation therein, or a political subdivision thereof,
6 performing his or her official duties.

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

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

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

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

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

26 (2) Discharges a firearm, other than from a motor

1 vehicle.

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

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

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

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

16 (i) performing his or her official duties;

17 (ii) assaulted to prevent performance of his or
18 her official duties; or

19 (iii) assaulted in retaliation for performing his
20 or her official duties.

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

25 (8) Without justification operates a motor vehicle in
26 a manner which places a person listed in subdivision

1 (b) (4), in reasonable apprehension of being struck by the
2 moving motor vehicle.

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

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

15 (e) For the purposes of this Section, "Category I weapon",
16 "Category II weapon", and "Category III weapon" have the
17 meanings ascribed to those terms in Section 33A-1 of this
18 Code.

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

20 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

21 Sec. 12-3.05. Aggravated battery.

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

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

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

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

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

23 (5) Strangles another individual.

24 (b) Offense based on injury to a child or person with an
25 intellectual disability. A person who is at least 18 years of
26 age commits aggravated battery when, in committing a battery,

1 he or she knowingly and without legal justification by any
2 means:

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

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

10 (c) Offense based on location of conduct. A person commits
11 aggravated battery when, in committing a battery, other than
12 by the discharge of a firearm, he or she is or the person
13 battered is on or about a public way, public property, a public
14 place of accommodation or amusement, a sports venue, or a
15 domestic violence shelter, or in a church, synagogue, mosque,
16 or other building, structure, or place used for religious
17 worship.

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

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

23 (1.5) A servicemember or veteran.

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

26 (3) A teacher or school employee upon school grounds

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

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

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

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

25 (8) A taxi driver on duty.

26 (9) A merchant who detains the person for an alleged

1 commission of retail theft under Section 16-26 of this
2 Code and the person without legal justification by any
3 means causes bodily harm to the merchant.

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

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

11 (12) A merchant: (i) while performing his or her
12 duties, including, but not limited to, relaying directions
13 for healthcare or safety from his or her supervisor or
14 employer or relaying health or safety guidelines,
15 recommendations, regulations, or rules from a federal,
16 State, or local public health agency; and (ii) during a
17 disaster declared by the Governor, or a state of emergency
18 declared by the mayor of the municipality in which the
19 merchant is located, due to a public health emergency and
20 for a period of 6 months after such declaration.

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

24 (1) Discharges a firearm, other than a machine gun or
25 a firearm equipped with a silencer, and causes any injury
26 to another person.

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

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 (4) Discharges a firearm and causes any injury to a
22 person he or she knows to be a teacher, a student in a
23 school, or a school employee, and the teacher, student, or
24 employee is upon school grounds or grounds adjacent to a
25 school or in any part of a building used for school
26 purposes.

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

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

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 (8) Discharges a machine gun or a firearm equipped
23 with a silencer, and causes any injury to a person he or
24 she knows to be a teacher, or a student in a school, or a
25 school employee, and the teacher, student, or employee is
26 upon school grounds or grounds adjacent to a school or in

1 any part of a building used for school purposes.

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

5 (1) Uses a deadly weapon other than by discharge of a
6 firearm, or uses an air rifle as defined in Section
7 24.8-0.1 of this Code.

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

10 (3) Knowingly and without lawful justification shines
11 or flashes a laser gunsight or other laser device attached
12 to a firearm, or used in concert with a firearm, so that
13 the laser beam strikes upon or against the person of
14 another.

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

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

20 (1) Violates Section 401 of the Illinois Controlled
21 Substances Act by unlawfully delivering a controlled
22 substance to another and any user experiences great bodily
23 harm or permanent disability as a result of the injection,
24 inhalation, or ingestion of any amount of the controlled
25 substance.

26 (2) Knowingly administers to an individual or causes

1 him or her to take, without his or her consent or by threat
2 or deception, and for other than medical purposes, any
3 intoxicating, poisonous, stupefying, narcotic,
4 anesthetic, or controlled substance, or gives to another
5 person any food containing any substance or object
6 intended to cause physical injury if eaten.

7 (3) Knowingly causes or attempts to cause a
8 correctional institution employee or Department of Human
9 Services employee to come into contact with blood, seminal
10 fluid, urine, or feces by throwing, tossing, or expelling
11 the fluid or material, and the person is an inmate of a
12 penal institution or is a sexually dangerous person or
13 sexually violent person in the custody of the Department
14 of Human Services.

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

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

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

21 Aggravated battery as defined in subdivision (a)(1) is a
22 Class 1 felony when the aggravated battery was intentional and
23 involved the infliction of torture, as defined in paragraph
24 (14) of subsection (b) of Section 9-1 of this Code, as the
25 infliction of or subjection to extreme physical pain,
26 motivated by an intent to increase or prolong the pain,

1 suffering, or agony of the victim.

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

8 Aggravated battery under subdivision (a)(5) is a Class 1
9 felony if:

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

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

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

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

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

25 Aggravated battery as defined in subdivision (e)(5) is a
26 Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 12 years and a maximum of 45
2 years.

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

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

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

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

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

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

25 (i) Definitions. In this Section:

26 "Building or other structure used to provide shelter" has

1 the meaning ascribed to "shelter" in Section 1 of the Domestic
2 Violence Shelters Act.

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

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

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

16 "Machine gun" has the meaning ascribed to it in Section
17 24-1 of this Code.

18 "Merchant" has the meaning ascribed to it in Section
19 16-0.1 of this Code.

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

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