



Sen. Julie A. Morrison

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10200SB2931sam001

LRB102 20425 RLC 34807 a

1 AMENDMENT TO SENATE BILL 2931

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2931 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 12-2 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:

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

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

7           (3) A park district employee upon park grounds or  
8 grounds adjacent to a park or in any part of a building  
9 used for park purposes.

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

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           (4.1) A peace officer, fireman, emergency management  
18 worker, ~~or~~ emergency medical services personnel, judge of  
19 election selected or appointed in accordance with Article  
20 13 or 14 of the Election Code, or an employee of the county  
21 clerk or election authority:

22                 (i) performing his or her official duties;

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

25                 (iii) assaulted in retaliation for performing his  
26 or her official duties.

1 (5) A correctional officer or probation officer:

2 (i) performing his or her official duties;

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

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

7 (6) A correctional institution employee, a county  
8 juvenile detention center employee who provides direct and  
9 continuous supervision of residents of a juvenile  
10 detention center, including a county juvenile detention  
11 center employee who supervises recreational activity for  
12 residents of a juvenile detention center, or a Department  
13 of Human Services employee, Department of Human Services  
14 officer, or employee of a subcontractor of the Department  
15 of Human Services supervising or controlling sexually  
16 dangerous persons or sexually violent persons:

17 (i) performing his or her official duties;

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

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

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

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

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

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

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

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

18               (2) Discharges a firearm, other than from a motor  
19               vehicle.

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

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

23               (5) Knowingly and without lawful justification shines  
24               or flashes a laser gun sight or other laser device  
25               attached to a firearm, or used in concert with a firearm,  
26               so that the laser beam strikes near or in the immediate

1 vicinity of any person.

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

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

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

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

23 (d) Sentence. Aggravated assault as defined in subdivision  
24 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),  
25 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except  
26 that aggravated assault as defined in subdivision (b) (4) and

1 (b) (7) is a Class 4 felony if a Category I, Category II, or  
2 Category III weapon is used in the commission of the assault.  
3 Aggravated assault as defined in subdivision (b) (4.1), (b) (5),  
4 (b) (6), (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class  
5 4 felony. Aggravated assault as defined in subdivision (c) (3)  
6 or (c) (8) is a Class 3 felony.

7 (e) For the purposes of this Section, "Category I weapon",  
8 "Category II weapon", and "Category III weapon" have the  
9 meanings ascribed to those terms in Section 33A-1 of this  
10 Code.

11 (Source: P.A. 101-223, eff. 1-1-20; 102-558, eff. 8-20-21.)

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

13 Sec. 12-3.05. Aggravated battery.

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

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

20 (2) Causes severe and permanent disability, great  
21 bodily harm, or disfigurement by means of a caustic or  
22 flammable substance, a poisonous gas, a deadly biological  
23 or chemical contaminant or agent, a radioactive substance,  
24 or a bomb or explosive compound.

25 (3) Causes great bodily harm or permanent disability

1 or disfigurement to an individual whom the person knows to  
2 be a peace officer, community policing volunteer, fireman,  
3 private security officer, correctional institution  
4 employee, or Department of Human Services employee  
5 supervising or controlling sexually dangerous persons or  
6 sexually violent persons:

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) Causes great bodily harm or permanent disability  
13 or disfigurement to an individual 60 years of age or  
14 older.

15 (5) Strangles another individual.

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

21 (1) causes great bodily harm or permanent disability  
22 or disfigurement to any child under the age of 13 years, or  
23 to any person with a severe or profound intellectual  
24 disability; or

25 (2) causes bodily harm or disability or disfigurement  
26 to any child under the age of 13 years or to any person

1 with a severe or profound intellectual disability.

2 (c) Offense based on location of conduct. A person commits  
3 aggravated battery when, in committing a battery, other than  
4 by the discharge of a firearm, he or she is or the person  
5 battered is on or about a public way, public property, a public  
6 place of accommodation or amusement, a sports venue, or a  
7 domestic violence shelter, or in a church, synagogue, mosque,  
8 or other building, structure, or place used for religious  
9 worship.

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

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

15 (2) A person who is pregnant or has a physical  
16 disability.

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

20 (4) A peace officer, community policing volunteer,  
21 fireman, private security officer, correctional  
22 institution employee, ~~or~~ Department of Human Services  
23 employee supervising or controlling sexually dangerous  
24 persons or sexually violent persons:

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her



1 official duties; or

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

4 (5) A judge, emergency management worker, emergency  
5 medical services personnel, ~~or~~ utility worker, judge of  
6 election selected or appointed in accordance with Article  
7 13 or 14 of the Election Code, or judge of election  
8 selected or appointed in accordance with Article 13 or 14  
9 of the Election Code, or an employee of the county clerk or  
10 election authority:

11 (i) performing his or her official duties;

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

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

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

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

21 (8) A taxi driver on duty.

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

26 (10) A person authorized to serve process under

1 Section 2-202 of the Code of Civil Procedure or a special  
2 process server appointed by the circuit court while that  
3 individual is in the performance of his or her duties as a  
4 process server.

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

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

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

20 (1) Discharges a firearm, other than a machine gun or  
21 a firearm equipped with a silencer, and causes any injury  
22 to another person.

23 (2) Discharges a firearm, other than a machine gun or  
24 a firearm equipped with a silencer, and causes any injury  
25 to a person he or she knows to be a peace officer,  
26 community policing volunteer, person summoned by a police

1 officer, fireman, private security officer, correctional  
2 institution employee, or emergency management worker:

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

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) Discharges a firearm and causes any injury to a  
18 person he or she knows to be a teacher, a student in a  
19 school, or a school employee, and the teacher, student, or  
20 employee is upon school grounds or grounds adjacent to a  
21 school or in any part of a building used for school  
22 purposes.

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

25 (6) Discharges a machine gun or a firearm equipped  
26 with a silencer, and causes any injury to a person he or

1 she knows to be a peace officer, community policing  
2 volunteer, person summoned by a police officer, fireman,  
3 private security officer, correctional institution  
4 employee or emergency management worker:

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 (7) 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 emergency medical services personnel:

13 (i) performing his or her official duties;

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

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

18 (8) Discharges a machine gun or a firearm equipped  
19 with a silencer, and causes any injury to a person he or  
20 she knows to be a teacher, or a student in a school, or a  
21 school employee, and the teacher, student, or employee is  
22 upon school grounds or grounds adjacent to a school or in  
23 any part of a building used for school purposes.

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

1           (1) Uses a deadly weapon other than by discharge of a  
2           firearm, or uses an air rifle as defined in Section  
3           24.8-0.1 of this Code.

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

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

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

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

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

22               (2) Knowingly administers to an individual or causes  
23               him or her to take, without his or her consent or by threat  
24               or deception, and for other than medical purposes, any  
25               intoxicating,       poisonous,       stupefying,       narcotic,  
26               anesthetic, or controlled substance, or gives to another

1 person any food containing any substance or object  
2 intended to cause physical injury if eaten.

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

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

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

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

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

24 Aggravated battery as defined in subdivision (a)(1) is a  
25 Class 2 felony when the person causes great bodily harm or  
26 permanent disability to an individual whom the person knows to

1 be a member of a congregation engaged in prayer or other  
2 religious activities at a church, synagogue, mosque, or other  
3 building, structure, or place used for religious worship.

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

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

8 (B) the person caused great bodily harm or permanent  
9 disability or disfigurement to the other person while  
10 committing the offense; or

11 (C) the person has been previously convicted of a  
12 violation of subdivision (a)(5) under the laws of this  
13 State or laws similar to subdivision (a)(5) of any other  
14 state.

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

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

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

25 Aggravated battery as defined in subdivision (e)(2),  
26 (e)(3), or (e)(4) is a Class X felony for which a person shall

1 be sentenced to a term of imprisonment of a minimum of 15 years  
2 and a maximum of 60 years.

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

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

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

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

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

21 (i) Definitions. In this Section:

22 "Building or other structure used to provide shelter" has  
23 the meaning ascribed to "shelter" in Section 1 of the Domestic  
24 Violence Shelters Act.

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



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

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

12 "Machine gun" has the meaning ascribed to it in Section  
13 24-1 of this Code.

14 "Merchant" has the meaning ascribed to it in Section  
15 16-0.1 of this Code.

16 "Strangle" means intentionally impeding the normal  
17 breathing or circulation of the blood of an individual by  
18 applying pressure on the throat or neck of that individual or  
19 by blocking the nose or mouth of that individual.

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