

HB1387



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1387

Introduced 1/31/2023, by Rep. Jackie Haas

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.3

Amends the Criminal Code of 2012. Provides that the penalty for aggravated domestic battery is a Class X felony for which the person shall be sentenced to a mandatory term of imprisonment of not less than 6 years and not more than 30 years when the person, in committing a domestic battery, strangles another individual.

LRB103 05216 RJT 50232 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 12-3.3 as follows:

6 (720 ILCS 5/12-3.3)

7 Sec. 12-3.3. Aggravated domestic battery.

8 (a) A person who, in committing a domestic battery,
9 knowingly causes great bodily harm, or permanent disability or
10 disfigurement commits aggravated domestic battery.

11 (a-5) A person who, in committing a domestic battery,
12 strangles another individual commits aggravated domestic
13 battery. For the purposes of this subsection (a-5), "strangle"
14 means intentionally impeding the normal breathing or
15 circulation of the blood of an individual by applying pressure
16 on the throat or neck of that individual or by blocking the
17 nose or mouth of that individual.

18 (b) Sentence. A violation of subsection (a) ~~Aggravated~~
19 ~~domestic battery~~ is a Class 2 felony. A violation of
20 subsection (a-5) is a Class X felony for which the person shall
21 be sentenced to a mandatory term of imprisonment of not less
22 than 6 years and not more than 30 years. Any order of probation
23 or conditional discharge entered following a conviction for an

1 offense under this Section must include, in addition to any
2 other condition of probation or conditional discharge, a
3 condition that the offender serve a mandatory term of
4 imprisonment of not less than 60 consecutive days. A person
5 convicted of a second or subsequent violation of this Section
6 must be sentenced to a mandatory term of imprisonment of not
7 less than 3 years and not more than 7 years or an extended term
8 of imprisonment of not less than 7 years and not more than 14
9 years.

10 (c) Upon conviction of aggravated domestic battery, the
11 court shall advise the defendant orally or in writing,
12 substantially as follows: "An individual convicted of
13 aggravated domestic battery may be subject to federal criminal
14 penalties for possessing, transporting, shipping, or receiving
15 any firearm or ammunition in violation of the federal Gun
16 Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation
17 shall be made in the court file that the admonition was given.

18 (Source: P.A. 96-287, eff. 8-11-09; 96-363, eff. 8-13-09;
19 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11.)