



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1416

Introduced 2/7/2023, 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.

LRB103 25271 RLC 51615 b

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; 102-558, eff. 8-20-21.)

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.)