



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2585

Introduced 5/19/2023, by Sen. Mike Porfirio

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-1	from Ch. 38, par. 9-1
720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Criminal Code of 2012. For purposes of Code provisions that make it a crime or an aggravating factor to commit an offense against police officers while they are performing their official duties, specifies that the term "official duties" includes, without limitation, traveling to or from a place of duty. Amends the Unified Code of Corrections. For purposes of a Code provision that establishes a sentence enhancement for the murder of a peace officer in the course of performing his or her official duties, specifies that the term "official duties" includes, without limitation, traveling to or from a place of duty.

LRB103 32533 JDS 62107 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 9-1, 12-2, and 12-3.05 as follows:

6 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

7 Sec. 9-1. First degree murder; death penalties;  
8 exceptions; separate hearings; proof; findings; appellate  
9 procedures; reversals.

10 (a) A person who kills an individual without lawful  
11 justification commits first degree murder if, in performing  
12 the acts which cause the death:

13 (1) he or she either intends to kill or do great bodily  
14 harm to that individual or another, or knows that such  
15 acts will cause death to that individual or another; or

16 (2) he or she knows that such acts create a strong  
17 probability of death or great bodily harm to that  
18 individual or another; or

19 (3) he or she, acting alone or with one or more  
20 participants, commits or attempts to commit a forcible  
21 felony other than second degree murder, and in the course  
22 of or in furtherance of such crime or flight therefrom, he  
23 or she or another participant causes the death of a

1 person.

2 (b) Aggravating Factors. A defendant who at the time of  
3 the commission of the offense has attained the age of 18 or  
4 more and who has been found guilty of first degree murder may  
5 be sentenced to death if:

6 (1) the murdered individual was a peace officer or  
7 fireman killed in the course of performing his or her  
8 official duties, including, without limitation, traveling  
9 to or from his or her place of duty, to prevent the  
10 performance of his or her official duties, or in  
11 retaliation for performing his or her official duties, and  
12 the defendant knew or should have known that the murdered  
13 individual was a peace officer or fireman; or

14 (2) the murdered individual was an employee of an  
15 institution or facility of the Department of Corrections,  
16 or any similar local correctional agency, killed in the  
17 course of performing his or her official duties, to  
18 prevent the performance of his or her official duties, or  
19 in retaliation for performing his or her official duties,  
20 or the murdered individual was an inmate at such  
21 institution or facility and was killed on the grounds  
22 thereof, or the murdered individual was otherwise present  
23 in such institution or facility with the knowledge and  
24 approval of the chief administrative officer thereof; or

25 (3) the defendant has been convicted of murdering two  
26 or more individuals under subsection (a) of this Section

1 or under any law of the United States or of any state which  
2 is substantially similar to subsection (a) of this Section  
3 regardless of whether the deaths occurred as the result of  
4 the same act or of several related or unrelated acts so  
5 long as the deaths were the result of either an intent to  
6 kill more than one person or of separate acts which the  
7 defendant knew would cause death or create a strong  
8 probability of death or great bodily harm to the murdered  
9 individual or another; or

10 (4) the murdered individual was killed as a result of  
11 the hijacking of an airplane, train, ship, bus, or other  
12 public conveyance; or

13 (5) the defendant committed the murder pursuant to a  
14 contract, agreement, or understanding by which he or she  
15 was to receive money or anything of value in return for  
16 committing the murder or procured another to commit the  
17 murder for money or anything of value; or

18 (6) the murdered individual was killed in the course  
19 of another felony if:

20 (a) the murdered individual:

21 (i) was actually killed by the defendant, or

22 (ii) received physical injuries personally  
23 inflicted by the defendant substantially  
24 contemporaneously with physical injuries caused by  
25 one or more persons for whose conduct the  
26 defendant is legally accountable under Section 5-2

1 of this Code, and the physical injuries inflicted  
2 by either the defendant or the other person or  
3 persons for whose conduct he is legally  
4 accountable caused the death of the murdered  
5 individual; and

6 (b) in performing the acts which caused the death  
7 of the murdered individual or which resulted in  
8 physical injuries personally inflicted by the  
9 defendant on the murdered individual under the  
10 circumstances of subdivision (ii) of subparagraph (a)  
11 of paragraph (6) of subsection (b) of this Section,  
12 the defendant acted with the intent to kill the  
13 murdered individual or with the knowledge that his  
14 acts created a strong probability of death or great  
15 bodily harm to the murdered individual or another; and

16 (c) the other felony was an inherently violent  
17 crime or the attempt to commit an inherently violent  
18 crime. In this subparagraph (c), "inherently violent  
19 crime" includes, but is not limited to, armed robbery,  
20 robbery, predatory criminal sexual assault of a child,  
21 aggravated criminal sexual assault, aggravated  
22 kidnapping, aggravated vehicular hijacking, aggravated  
23 arson, aggravated stalking, residential burglary, and  
24 home invasion; or

25 (7) the murdered individual was under 12 years of age  
26 and the death resulted from exceptionally brutal or

1 heinous behavior indicative of wanton cruelty; or

2 (8) the defendant committed the murder with intent to  
3 prevent the murdered individual from testifying or  
4 participating in any criminal investigation or prosecution  
5 or giving material assistance to the State in any  
6 investigation or prosecution, either against the defendant  
7 or another; or the defendant committed the murder because  
8 the murdered individual was a witness in any prosecution  
9 or gave material assistance to the State in any  
10 investigation or prosecution, either against the defendant  
11 or another; for purposes of this paragraph (8),  
12 "participating in any criminal investigation or  
13 prosecution" is intended to include those appearing in the  
14 proceedings in any capacity such as trial judges,  
15 prosecutors, defense attorneys, investigators, witnesses,  
16 or jurors; or

17 (9) the defendant, while committing an offense  
18 punishable under Sections 401, 401.1, 401.2, 405, 405.2,  
19 407 or 407.1 or subsection (b) of Section 404 of the  
20 Illinois Controlled Substances Act, or while engaged in a  
21 conspiracy or solicitation to commit such offense,  
22 intentionally killed an individual or counseled,  
23 commanded, induced, procured or caused the intentional  
24 killing of the murdered individual; or

25 (10) the defendant was incarcerated in an institution  
26 or facility of the Department of Corrections at the time

1 of the murder, and while committing an offense punishable  
2 as a felony under Illinois law, or while engaged in a  
3 conspiracy or solicitation to commit such offense,  
4 intentionally killed an individual or counseled,  
5 commanded, induced, procured or caused the intentional  
6 killing of the murdered individual; or

7 (11) the murder was committed in a cold, calculated  
8 and premeditated manner pursuant to a preconceived plan,  
9 scheme or design to take a human life by unlawful means,  
10 and the conduct of the defendant created a reasonable  
11 expectation that the death of a human being would result  
12 therefrom; or

13 (12) the murdered individual was an emergency medical  
14 technician - ambulance, emergency medical technician -  
15 intermediate, emergency medical technician - paramedic,  
16 ambulance driver, or other medical assistance or first aid  
17 personnel, employed by a municipality or other  
18 governmental unit, killed in the course of performing his  
19 official duties, to prevent the performance of his  
20 official duties, or in retaliation for performing his  
21 official duties, and the defendant knew or should have  
22 known that the murdered individual was an emergency  
23 medical technician - ambulance, emergency medical  
24 technician - intermediate, emergency medical technician -  
25 paramedic, ambulance driver, or other medical assistance  
26 or first aid personnel; or

1           (13) the defendant was a principal administrator,  
2 organizer, or leader of a calculated criminal drug  
3 conspiracy consisting of a hierarchical position of  
4 authority superior to that of all other members of the  
5 conspiracy, and the defendant counseled, commanded,  
6 induced, procured, or caused the intentional killing of  
7 the murdered person; or

8           (14) the murder was intentional and involved the  
9 infliction of torture. For the purpose of this Section  
10 torture means the infliction of or subjection to extreme  
11 physical pain, motivated by an intent to increase or  
12 prolong the pain, suffering or agony of the victim; or

13           (15) the murder was committed as a result of the  
14 intentional discharge of a firearm by the defendant from a  
15 motor vehicle and the victim was not present within the  
16 motor vehicle; or

17           (16) the murdered individual was 60 years of age or  
18 older and the death resulted from exceptionally brutal or  
19 heinous behavior indicative of wanton cruelty; or

20           (17) the murdered individual was a person with a  
21 disability and the defendant knew or should have known  
22 that the murdered individual was a person with a  
23 disability. For purposes of this paragraph (17), "person  
24 with a disability" means a person who suffers from a  
25 permanent physical or mental impairment resulting from  
26 disease, an injury, a functional disorder, or a congenital



1 condition that renders the person incapable of adequately  
2 providing for his or her own health or personal care; or

3 (18) the murder was committed by reason of any  
4 person's activity as a community policing volunteer or to  
5 prevent any person from engaging in activity as a  
6 community policing volunteer; or

7 (19) the murdered individual was subject to an order  
8 of protection and the murder was committed by a person  
9 against whom the same order of protection was issued under  
10 the Illinois Domestic Violence Act of 1986; or

11 (20) the murdered individual was known by the  
12 defendant to be a teacher or other person employed in any  
13 school and the teacher or other employee is upon the  
14 grounds of a school or grounds adjacent to a school, or is  
15 in any part of a building used for school purposes; or

16 (21) the murder was committed by the defendant in  
17 connection with or as a result of the offense of terrorism  
18 as defined in Section 29D-14.9 of this Code; or

19 (22) the murdered individual was a member of a  
20 congregation engaged in prayer or other religious  
21 activities at a church, synagogue, mosque, or other  
22 building, structure, or place used for religious worship.

23 (b-5) Aggravating Factor; Natural Life Imprisonment. A  
24 defendant who has been found guilty of first degree murder and  
25 who at the time of the commission of the offense had attained  
26 the age of 18 years or more may be sentenced to natural life

1 imprisonment if (i) the murdered individual was a physician,  
2 physician assistant, psychologist, nurse, or advanced practice  
3 registered nurse, (ii) the defendant knew or should have known  
4 that the murdered individual was a physician, physician  
5 assistant, psychologist, nurse, or advanced practice  
6 registered nurse, and (iii) the murdered individual was killed  
7 in the course of acting in his or her capacity as a physician,  
8 physician assistant, psychologist, nurse, or advanced practice  
9 registered nurse, or to prevent him or her from acting in that  
10 capacity, or in retaliation for his or her acting in that  
11 capacity.

12 (c) Consideration of factors in Aggravation and  
13 Mitigation.

14 The court shall consider, or shall instruct the jury to  
15 consider any aggravating and any mitigating factors which are  
16 relevant to the imposition of the death penalty. Aggravating  
17 factors may include but need not be limited to those factors  
18 set forth in subsection (b). Mitigating factors may include  
19 but need not be limited to the following:

20 (1) the defendant has no significant history of prior  
21 criminal activity;

22 (2) the murder was committed while the defendant was  
23 under the influence of extreme mental or emotional  
24 disturbance, although not such as to constitute a defense  
25 to prosecution;

26 (3) the murdered individual was a participant in the

1 defendant's homicidal conduct or consented to the  
2 homicidal act;

3 (4) the defendant acted under the compulsion of threat  
4 or menace of the imminent infliction of death or great  
5 bodily harm;

6 (5) the defendant was not personally present during  
7 commission of the act or acts causing death;

8 (6) the defendant's background includes a history of  
9 extreme emotional or physical abuse;

10 (7) the defendant suffers from a reduced mental  
11 capacity.

12 Provided, however, that an action that does not otherwise  
13 mitigate first degree murder cannot qualify as a mitigating  
14 factor for first degree murder because of the discovery,  
15 knowledge, or disclosure of the victim's sexual orientation as  
16 defined in Section 1-103 of the Illinois Human Rights Act.

17 (d) Separate sentencing hearing.

18 Where requested by the State, the court shall conduct a  
19 separate sentencing proceeding to determine the existence of  
20 factors set forth in subsection (b) and to consider any  
21 aggravating or mitigating factors as indicated in subsection  
22 (c). The proceeding shall be conducted:

23 (1) before the jury that determined the defendant's  
24 guilt; or

25 (2) before a jury impanelled for the purpose of the  
26 proceeding if:

1           A. the defendant was convicted upon a plea of  
2 guilty; or

3           B. the defendant was convicted after a trial  
4 before the court sitting without a jury; or

5           C. the court for good cause shown discharges the  
6 jury that determined the defendant's guilt; or

7           (3) before the court alone if the defendant waives a  
8 jury for the separate proceeding.

9           (e) Evidence and Argument.

10           During the proceeding any information relevant to any of  
11 the factors set forth in subsection (b) may be presented by  
12 either the State or the defendant under the rules governing  
13 the admission of evidence at criminal trials. Any information  
14 relevant to any additional aggravating factors or any  
15 mitigating factors indicated in subsection (c) may be  
16 presented by the State or defendant regardless of its  
17 admissibility under the rules governing the admission of  
18 evidence at criminal trials. The State and the defendant shall  
19 be given fair opportunity to rebut any information received at  
20 the hearing.

21           (f) Proof.

22           The burden of proof of establishing the existence of any  
23 of the factors set forth in subsection (b) is on the State and  
24 shall not be satisfied unless established beyond a reasonable  
25 doubt.

26           (g) Procedure - Jury.

1           If at the separate sentencing proceeding the jury finds  
2 that none of the factors set forth in subsection (b) exists,  
3 the court shall sentence the defendant to a term of  
4 imprisonment under Chapter V of the Unified Code of  
5 Corrections. If there is a unanimous finding by the jury that  
6 one or more of the factors set forth in subsection (b) exist,  
7 the jury shall consider aggravating and mitigating factors as  
8 instructed by the court and shall determine whether the  
9 sentence of death shall be imposed. If the jury determines  
10 unanimously, after weighing the factors in aggravation and  
11 mitigation, that death is the appropriate sentence, the court  
12 shall sentence the defendant to death. If the court does not  
13 concur with the jury determination that death is the  
14 appropriate sentence, the court shall set forth reasons in  
15 writing including what facts or circumstances the court relied  
16 upon, along with any relevant documents, that compelled the  
17 court to non-concur with the sentence. This document and any  
18 attachments shall be part of the record for appellate review.  
19 The court shall be bound by the jury's sentencing  
20 determination.

21           If after weighing the factors in aggravation and  
22 mitigation, one or more jurors determines that death is not  
23 the appropriate sentence, the court shall sentence the  
24 defendant to a term of imprisonment under Chapter V of the  
25 Unified Code of Corrections.

26           (h) Procedure - No Jury.

1           In a proceeding before the court alone, if the court finds  
2 that none of the factors found in subsection (b) exists, the  
3 court shall sentence the defendant to a term of imprisonment  
4 under Chapter V of the Unified Code of Corrections.

5           If the Court determines that one or more of the factors set  
6 forth in subsection (b) exists, the Court shall consider any  
7 aggravating and mitigating factors as indicated in subsection  
8 (c). If the Court determines, after weighing the factors in  
9 aggravation and mitigation, that death is the appropriate  
10 sentence, the Court shall sentence the defendant to death.

11           If the court finds that death is not the appropriate  
12 sentence, the court shall sentence the defendant to a term of  
13 imprisonment under Chapter V of the Unified Code of  
14 Corrections.

15           (h-5) Decertification as a capital case.

16           In a case in which the defendant has been found guilty of  
17 first degree murder by a judge or jury, or a case on remand for  
18 resentencing, and the State seeks the death penalty as an  
19 appropriate sentence, on the court's own motion or the written  
20 motion of the defendant, the court may decertify the case as a  
21 death penalty case if the court finds that the only evidence  
22 supporting the defendant's conviction is the uncorroborated  
23 testimony of an informant witness, as defined in Section  
24 115-21 of the Code of Criminal Procedure of 1963, concerning  
25 the confession or admission of the defendant or that the sole  
26 evidence against the defendant is a single eyewitness or

1 single accomplice without any other corroborating evidence. If  
2 the court decertifies the case as a capital case under either  
3 of the grounds set forth above, the court shall issue a written  
4 finding. The State may pursue its right to appeal the  
5 decertification pursuant to Supreme Court Rule 604(a)(1). If  
6 the court does not decertify the case as a capital case, the  
7 matter shall proceed to the eligibility phase of the  
8 sentencing hearing.

9 (i) Appellate Procedure.

10 The conviction and sentence of death shall be subject to  
11 automatic review by the Supreme Court. Such review shall be in  
12 accordance with rules promulgated by the Supreme Court. The  
13 Illinois Supreme Court may overturn the death sentence, and  
14 order the imposition of imprisonment under Chapter V of the  
15 Unified Code of Corrections if the court finds that the death  
16 sentence is fundamentally unjust as applied to the particular  
17 case. If the Illinois Supreme Court finds that the death  
18 sentence is fundamentally unjust as applied to the particular  
19 case, independent of any procedural grounds for relief, the  
20 Illinois Supreme Court shall issue a written opinion  
21 explaining this finding.

22 (j) Disposition of reversed death sentence.

23 In the event that the death penalty in this Act is held to  
24 be unconstitutional by the Supreme Court of the United States  
25 or of the State of Illinois, any person convicted of first  
26 degree murder shall be sentenced by the court to a term of

1 imprisonment under Chapter V of the Unified Code of  
2 Corrections.

3 In the event that any death sentence pursuant to the  
4 sentencing provisions of this Section is declared  
5 unconstitutional by the Supreme Court of the United States or  
6 of the State of Illinois, the court having jurisdiction over a  
7 person previously sentenced to death shall cause the defendant  
8 to be brought before the court, and the court shall sentence  
9 the defendant to a term of imprisonment under Chapter V of the  
10 Unified Code of Corrections.

11 (k) Guidelines for seeking the death penalty.

12 The Attorney General and State's Attorneys Association  
13 shall consult on voluntary guidelines for procedures governing  
14 whether or not to seek the death penalty. The guidelines do not  
15 have the force of law and are only advisory in nature.

16 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;  
17 100-863, eff. 8-14-18; 101-223, eff. 1-1-20; 101-652, eff.  
18 7-1-21.)

19 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

20 Sec. 12-2. Aggravated assault.

21 (a) Offense based on location of conduct. A person commits  
22 aggravated assault when he or she commits an assault against  
23 an individual who is on or about a public way, public property,  
24 a public place of accommodation or amusement, or a sports  
25 venue, or in a church, synagogue, mosque, or other building,



1 structure, or place used for religious worship.

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

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

8 (2) A teacher or school employee upon school grounds  
9 or grounds adjacent to a school or in any part of a  
10 building used for school purposes.

11 (3) A park district employee upon park grounds or  
12 grounds adjacent to a park or in any part of a building  
13 used for park purposes.

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

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

23 (i) performing his or her official duties, including, without limitation, traveling to or from  
24 his or her place of duty;

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 (5) A correctional officer or probation officer:

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

20 (i) performing his or her official duties;

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

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

25 (7) An employee of the State of Illinois, a municipal  
26 corporation therein, or a political subdivision thereof,

1 performing his or her official duties.

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

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

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

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

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

21 (2) Discharges a firearm, other than from a motor  
22 vehicle.

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

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

26 (5) Knowingly and without lawful justification shines

1 or flashes a laser gun sight or other laser device  
2 attached to a firearm, or used in concert with a firearm,  
3 so that the laser beam strikes near or in the immediate  
4 vicinity of any person.

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

11 (i) performing his or her official duties,  
12 including, without limitation, traveling to or from  
13 his or her place of duty;

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

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

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

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

26 (9) Knowingly video or audio records the offense with

1 the intent to disseminate the recording.

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

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

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

17 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

18 Sec. 12-3.05. Aggravated battery.

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

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

25 (2) Causes severe and permanent disability, great

1           bodily harm, or disfigurement by means of a caustic or  
2           flammable substance, a poisonous gas, a deadly biological  
3           or chemical contaminant or agent, a radioactive substance,  
4           or a bomb or explosive compound.

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

12                 (i) performing his or her official duties,  
13                 including, without limitation, traveling to or from  
14                 his or her place of duty;

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

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

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

22          (5) Strangles another individual.

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

1 means:

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

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

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

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

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

22 (2) A person who is pregnant or has a physical  
23 disability.

24 (3) A teacher or school employee upon school grounds  
25 or grounds adjacent to a school or in any part of a  
26 building used for school purposes.

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

6                   (i) performing his or her official duties,  
7                   including, without limitation, traveling to or from  
8                   his or her place of duty;

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 including, without limitation, traveling to or from  
9 his or her place of duty;

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

18           (i) performing his or her official duties;

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

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

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

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

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

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

11 (i) performing his or her official duties,  
12 including, without limitation, traveling to or from  
13 his or her place of duty;

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 (7) 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 emergency medical services personnel:

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 (8) 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 a teacher, or a student in a school, or a  
3 school employee, and the teacher, student, or employee is  
4 upon school grounds or grounds adjacent to a school or in  
5 any part of a building used for school purposes.

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

9 (1) Uses a deadly weapon other than by discharge of a  
10 firearm, or uses an air rifle as defined in Section  
11 24.8-0.1 of this Code.

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

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

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

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

24 (1) Violates Section 401 of the Illinois Controlled  
25 Substances Act by unlawfully delivering a controlled  
26 substance to another and any user experiences great bodily

1           harm or permanent disability as a result of the injection,  
2           inhalation, or ingestion of any amount of the controlled  
3           substance.

4           (2) Knowingly administers to an individual or causes  
5           him or her to take, without his or her consent or by threat  
6           or deception, and for other than medical purposes, any  
7           intoxicating,       poisonous,       stupefying,       narcotic,  
8           anesthetic, or controlled substance, or gives to another  
9           person any food containing any substance or object  
10          intended to cause physical injury if eaten.

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

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

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

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

25          Aggravated battery as defined in subdivision (a)(1) is a  
26          Class 1 felony when the aggravated battery was intentional and

1 involved the infliction of torture, as defined in paragraph  
2 (14) of subsection (b) of Section 9-1 of this Code, as the  
3 infliction of or subjection to extreme physical pain,  
4 motivated by an intent to increase or prolong the pain,  
5 suffering, or agony of the victim.

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

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

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

16 (B) the person caused great bodily harm or permanent  
17 disability or disfigurement to the other person while  
18 committing the offense; or

19 (C) the person has been previously convicted of a  
20 violation of subdivision (a)(5) under the laws of this  
21 State or laws similar to subdivision (a)(5) of any other  
22 state.

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

25 Aggravated battery as defined in subdivision (a)(2) is a  
26 Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 6 years and a maximum of 45  
2 years.

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

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

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

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

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

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

23 (3) if, during the commission of the offense, the  
24 person personally discharged a firearm that proximately  
25 caused great bodily harm, permanent disability, permanent  
26 disfigurement, or death to another person, 25 years or up

1 to a term of natural life shall be added to the term of  
2 imprisonment imposed by the court.

3 (i) Definitions. In this Section:

4 "Building or other structure used to provide shelter" has  
5 the meaning ascribed to "shelter" in Section 1 of the Domestic  
6 Violence Shelters Act.

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

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

16 "Firearm" has the meaning provided under Section 1.1 of  
17 the Firearm Owners Identification Card Act, and does not  
18 include an air rifle as defined by Section 24.8-0.1 of this  
19 Code.

20 "Machine gun" has the meaning ascribed to it in Section  
21 24-1 of this Code.

22 "Merchant" has the meaning ascribed to it in Section  
23 16-0.1 of this Code.

24 "Strangle" means intentionally impeding the normal  
25 breathing or circulation of the blood of an individual by  
26 applying pressure on the throat or neck of that individual or



1 by blocking the nose or mouth of that individual.

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

3 Section 10. The Unified Code of Corrections is amended by  
4 changing Section 5-8-1 as follows:

5 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

6 Sec. 5-8-1. Natural life imprisonment; enhancements for  
7 use of a firearm; mandatory supervised release terms.

8 (a) Except as otherwise provided in the statute defining  
9 the offense or in Article 4.5 of Chapter V, a sentence of  
10 imprisonment for a felony shall be a determinate sentence set  
11 by the court under this Section, subject to Section 5-4.5-115  
12 of this Code, according to the following limitations:

13 (1) for first degree murder,

14 (a) (blank),

15 (b) if a trier of fact finds beyond a reasonable  
16 doubt that the murder was accompanied by exceptionally  
17 brutal or heinous behavior indicative of wanton  
18 cruelty or, except as set forth in subsection  
19 (a) (1) (c) of this Section, that any of the aggravating  
20 factors listed in subsection (b) or (b-5) of Section  
21 9-1 of the Criminal Code of 1961 or the Criminal Code  
22 of 2012 are present, the court may sentence the  
23 defendant, subject to Section 5-4.5-105, to a term of  
24 natural life imprisonment, or

1 (c) the court shall sentence the defendant to a  
2 term of natural life imprisonment if the defendant, at  
3 the time of the commission of the murder, had attained  
4 the age of 18, and:

5 (i) has previously been convicted of first  
6 degree murder under any state or federal law, or

7 (ii) is found guilty of murdering more than  
8 one victim, or

9 (iii) is found guilty of murdering a peace  
10 officer, fireman, or emergency management worker  
11 when the peace officer, fireman, or emergency  
12 management worker was killed in the course of  
13 performing his or her official duties, including,  
14 without limitation, traveling to or from his or  
15 her place of duty, or to prevent the peace officer  
16 or fireman from performing his official duties, or  
17 in retaliation for the peace officer, fireman, or  
18 emergency management worker from performing his  
19 official duties, and the defendant knew or should  
20 have known that the murdered individual was a  
21 peace officer, fireman, or emergency management  
22 worker, or

23 (iv) is found guilty of murdering an employee  
24 of an institution or facility of the Department of  
25 Corrections, or any similar local correctional  
26 agency, when the employee was killed in the course

1 of performing his official duties, or to prevent  
2 the employee from performing his official duties,  
3 or in retaliation for the employee performing his  
4 official duties, or

5 (v) is found guilty of murdering an emergency  
6 medical technician - ambulance, emergency medical  
7 technician - intermediate, emergency medical  
8 technician - paramedic, ambulance driver or other  
9 medical assistance or first aid person while  
10 employed by a municipality or other governmental  
11 unit when the person was killed in the course of  
12 performing official duties or to prevent the  
13 person from performing official duties or in  
14 retaliation for performing official duties and the  
15 defendant knew or should have known that the  
16 murdered individual was an emergency medical  
17 technician - ambulance, emergency medical  
18 technician - intermediate, emergency medical  
19 technician - paramedic, ambulance driver, or other  
20 medical assistant or first aid personnel, or

21 (vi) (blank), or

22 (vii) is found guilty of first degree murder  
23 and the murder was committed by reason of any  
24 person's activity as a community policing  
25 volunteer or to prevent any person from engaging  
26 in activity as a community policing volunteer. For

1           the purpose of this Section, "community policing  
2           volunteer" has the meaning ascribed to it in  
3           Section 2-3.5 of the Criminal Code of 2012.

4           For purposes of clause (v), "emergency medical  
5           technician - ambulance", "emergency medical technician  
6           - intermediate", "emergency medical technician -  
7           paramedic", have the meanings ascribed to them in the  
8           Emergency Medical Services (EMS) Systems Act.

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

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

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

23          (2) (blank);

24          (2.5) for a person who has attained the age of 18 years  
25          at the time of the commission of the offense and who is  
26          convicted under the circumstances described in subdivision

1 (b) (1) (B) of Section 11-1.20 or paragraph (3) of  
2 subsection (b) of Section 12-13, subdivision (d) (2) of  
3 Section 11-1.30 or paragraph (2) of subsection (d) of  
4 Section 12-14, subdivision (b) (1.2) of Section 11-1.40 or  
5 paragraph (1.2) of subsection (b) of Section 12-14.1,  
6 subdivision (b) (2) of Section 11-1.40 or paragraph (2) of  
7 subsection (b) of Section 12-14.1 of the Criminal Code of  
8 1961 or the Criminal Code of 2012, the sentence shall be a  
9 term of natural life imprisonment.

10 (b) (Blank).

11 (c) (Blank).

12 (d) Subject to earlier termination under Section 3-3-8,  
13 the parole or mandatory supervised release term shall be  
14 written as part of the sentencing order and shall be as  
15 follows:

16 (1) for first degree murder or for the offenses of  
17 predatory criminal sexual assault of a child, aggravated  
18 criminal sexual assault, and criminal sexual assault if  
19 committed on or before December 12, 2005, 3 years;

20 (1.5) except as provided in paragraph (7) of this  
21 subsection (d), for a Class X felony except for the  
22 offenses of predatory criminal sexual assault of a child,  
23 aggravated criminal sexual assault, and criminal sexual  
24 assault if committed on or after December 13, 2005 (the  
25 effective date of Public Act 94-715) and except for the  
26 offense of aggravated child pornography under Section

1 11-20.1B, 11-20.3, or 11-20.1 with sentencing under  
2 subsection (c-5) of Section 11-20.1 of the Criminal Code  
3 of 1961 or the Criminal Code of 2012, if committed on or  
4 after January 1, 2009, 18 months;

5 (2) except as provided in paragraph (7) of this  
6 subsection (d), for a Class 1 felony or a Class 2 felony  
7 except for the offense of criminal sexual assault if  
8 committed on or after December 13, 2005 (the effective  
9 date of Public Act 94-715) and except for the offenses of  
10 manufacture and dissemination of child pornography under  
11 clauses (a)(1) and (a)(2) of Section 11-20.1 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012, if  
13 committed on or after January 1, 2009, 12 months;

14 (3) except as provided in paragraph (4), (6), or (7)  
15 of this subsection (d), for a Class 3 felony or a Class 4  
16 felony, 6 months; no later than 45 days after the onset of  
17 the term of mandatory supervised release, the Prisoner  
18 Review Board shall conduct a discretionary discharge  
19 review pursuant to the provisions of Section 3-3-8, which  
20 shall include the results of a standardized risk and needs  
21 assessment tool administered by the Department of  
22 Corrections; the changes to this paragraph (3) made by  
23 this amendatory Act of the 102nd General Assembly apply to  
24 all individuals released on mandatory supervised release  
25 on or after the effective date of this amendatory Act of  
26 the 102nd General Assembly, including those individuals

1           whose sentences were imposed prior to the effective date  
2           of this amendatory Act of the 102nd General Assembly;

3           (4) for defendants who commit the offense of predatory  
4           criminal sexual assault of a child, aggravated criminal  
5           sexual assault, or criminal sexual assault, on or after  
6           December 13, 2005 (the effective date of Public Act  
7           94-715), or who commit the offense of aggravated child  
8           pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
9           with sentencing under subsection (c-5) of Section 11-20.1  
10          of the Criminal Code of 1961 or the Criminal Code of 2012,  
11          manufacture of child pornography, or dissemination of  
12          child pornography after January 1, 2009, the term of  
13          mandatory supervised release shall range from a minimum of  
14          3 years to a maximum of the natural life of the defendant;

15          (5) if the victim is under 18 years of age, for a  
16          second or subsequent offense of aggravated criminal sexual  
17          abuse or felony criminal sexual abuse, 4 years, at least  
18          the first 2 years of which the defendant shall serve in an  
19          electronic monitoring or home detention program under  
20          Article 8A of Chapter V of this Code;

21          (6) for a felony domestic battery, aggravated domestic  
22          battery, stalking, aggravated stalking, and a felony  
23          violation of an order of protection, 4 years;

24          (7) for any felony described in paragraph (a)(2)(ii),  
25          (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),  
26          (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section

1 3-6-3 of the Unified Code of Corrections requiring an  
2 inmate to serve a minimum of 85% of their court-imposed  
3 sentence, except for the offenses of predatory criminal  
4 sexual assault of a child, aggravated criminal sexual  
5 assault, and criminal sexual assault if committed on or  
6 after December 13, 2005 (the effective date of Public Act  
7 94-715) and except for the offense of aggravated child  
8 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
9 with sentencing under subsection (c-5) of Section 11-20.1  
10 of the Criminal Code of 1961 or the Criminal Code of 2012,  
11 if committed on or after January 1, 2009 and except as  
12 provided in paragraph (4) or paragraph (6) of this  
13 subsection (d), the term of mandatory supervised release  
14 shall be as follows:

15 (A) Class X felony, 3 years;

16 (B) Class 1 or Class 2 felonies, 2 years;

17 (C) Class 3 or Class 4 felonies, 1 year.

18 (e) (Blank).

19 (f) (Blank).

20 (g) Notwithstanding any other provisions of this Act and  
21 of Public Act 101-652: (i) the provisions of paragraph (3) of  
22 subsection (d) are effective on July 1, 2022 and shall apply to  
23 all individuals convicted on or after the effective date of  
24 paragraph (3) of subsection (d); and (ii) the provisions of  
25 paragraphs (1.5) and (2) of subsection (d) are effective on  
26 July 1, 2021 and shall apply to all individuals convicted on or



1 after the effective date of paragraphs (1.5) and (2) of  
2 subsection (d).

3 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;  
4 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.  
5 1-7-22; 102-1104, eff. 12-6-22.)