

1 AMENDMENT TO HOUSE BILL 2525

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2525 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 12-3.2 as follows:

6 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)  
7 Sec. 12-3.2. Domestic Battery.

8 (a) A person commits domestic battery if he  
9 intentionally or knowingly without legal justification by any  
10 means:

11 (1) Causes bodily harm to any family or household  
12 member as defined in subsection (3) of Section 112A-3 of  
13 the Code of Criminal Procedure of 1963, as amended;

14 (2) Makes physical contact of an insulting or  
15 provoking nature with any family or household member as  
16 defined in subsection (3) of Section 112A-3 of the Code  
17 of Criminal Procedure of 1963, as amended.

18 (b) Sentence. Domestic battery is a Class A  
19 Misdemeanor. Domestic battery is a Class 4 felony if the  
20 defendant has any prior conviction under this Code for  
21 domestic battery (Section 12-3.2) or violation of an order of  
22 protection (Section 12-30), or any prior conviction under the

1 law of another jurisdiction for an offense which is  
2 substantially similar. Domestic battery is a Class 4 felony  
3 if the defendant has any prior conviction under this Code for  
4 first degree murder (Section 9-1), attempt to commit first  
5 degree murder (Section 8-4), aggravated domestic battery  
6 (Section 12-3.3), aggravated battery (Section 12-4), heinous  
7 battery (Section 12-4.1), aggravated battery with a firearm  
8 (Section 12-4.2), aggravated battery of a child (Section  
9 12-4.3), aggravated battery of an unborn child (Section  
10 12-4.4), aggravated battery of a senior citizen (Section  
11 12-4.6), stalking (Section 12-7.3), aggravated stalking  
12 (Section 12-7.4), criminal sexual assault (Section 12-13),  
13 aggravated criminal sexual assault (12-14), kidnapping  
14 (Section 10-1), aggravated kidnapping (Section 10-2),  
15 predatory criminal sexual assault of a child (Section  
16 12-14.1), aggravated criminal sexual abuse (Section 12-16),  
17 unlawful restraint (Section 10-3), aggravated unlawful  
18 restraint (Section 10-3.1), aggravated arson (Section  
19 20-1.1), or aggravated discharge of a firearm (Section  
20 24-1.2), or any prior conviction under the law of another  
21 jurisdiction for any offense that is substantially similar to  
22 the offenses listed in this Section, when any of these  
23 offenses have been committed against a family or household  
24 member as defined in Section 112A-3 of the Code of Criminal  
25 Procedure of 1963. In addition to any other sentencing  
26 alternatives, for any second conviction of violating this  
27 Section within 5 years of a previous conviction for violating  
28 this Section, the offender shall be mandatorily sentenced to  
29 a minimum of 48 consecutive hours of imprisonment. The  
30 imprisonment shall not be subject to suspension, nor shall  
31 the person be eligible for probation in order to reduce the  
32 sentence.

33 (c) Domestic battery committed in the presence of a  
34 child. In addition to any other sentencing alternatives, a

1 defendant who commits, in the presence of a child, a felony  
2 domestic battery (enhanced under subsection (b)), aggravated  
3 domestic battery (Section 12-3.3), aggravated battery  
4 (Section 12-4), unlawful restraint (Section 10-3), or  
5 aggravated unlawful restraint (Section 10-3.1) against a  
6 family or household member, as defined in Section 112A-3 of  
7 the Code of Criminal Procedure of 1963, shall be required to  
8 serve a mandatory minimum imprisonment of 10 days or perform  
9 300 hours of community service, or both. The defendant shall  
10 further be liable for the cost of any counseling required for  
11 the child at the discretion of the court in accordance with  
12 subsection (b) of Section 5-5-6 of the Unified Code of  
13 Corrections. For purposes of this Section, "child" means a  
14 person under 16 years of age who is the defendant's or  
15 victim's child or step-child or who is a minor child residing  
16 within the household of the defendant or victim. For  
17 purposes of this Section, "in the presence of a child" means  
18 in the physical presence of a child or knowing or having  
19 reason to know that a child is present and may see or hear an  
20 act constituting one of the offenses listed in this  
21 subsection.

22 (Source: P.A. 91-112, eff. 10-1-99; 91-262, eff. 1-1-00;  
23 91-928, eff. 6-1-01; 92-16, eff. 6-28-01; 92-827, eff.  
24 8-22-02.)".