

1 AN ACT in relation to 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 1961 is amended by  
5 changing Sections 9-1, 12-2, 12-4, 12-4.2, 12-4.2-5, 24-1.2,  
6 and 24-1.2-5 and adding Sections 2-6.6 and 31-9 as follows:

7 (720 ILCS 5/2-6.6 new)

8 Sec. 2-6.6. Emergency management worker.

9 "Emergency management worker" means any person, paid or  
10 unpaid, who is a member of a local or county emergency  
11 services and disaster agency as defined by the Illinois  
12 Emergency Management Agency Act, or who is an employee of the  
13 Illinois Emergency Management Agency or the Federal Emergency  
14 Management Agency.

15 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

16 Sec. 9-1. First degree Murder - Death penalties -  
17 Exceptions - Separate Hearings - Proof - Findings - Appellate  
18 procedures - Reversals.

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

22 (1) he either intends to kill or do great bodily  
23 harm to that individual or another, or knows that such  
24 acts will cause death to that individual or another; or

25 (2) he knows that such acts create a strong  
26 probability of death or great bodily harm to that  
27 individual or another; or

28 (3) he is attempting or committing a forcible  
29 felony other than second degree murder.

30 (b) Aggravating Factors. A defendant who at the time of

1 the commission of the offense has attained the age of 18 or  
2 more and who has been found guilty of first degree murder may  
3 be sentenced to death if:

4 (1) the murdered individual was a peace officer or  
5 fireman killed in the course of performing his official  
6 duties, to prevent the performance of his official  
7 duties, or in retaliation for performing his official  
8 duties, and the defendant knew or should have known that  
9 the murdered individual was a peace officer or fireman;  
10 or

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

22 (3) the defendant has been convicted of murdering  
23 two or more individuals under subsection (a) of this  
24 Section or under any law of the United States or of any  
25 state which is substantially similar to subsection (a) of  
26 this Section regardless of whether the deaths occurred  
27 as the result of the same act or of several related or  
28 unrelated acts so long as the deaths were the result of  
29 either an intent to kill more than one person or of  
30 separate acts which the defendant knew would cause death  
31 or create a strong probability of death or great bodily  
32 harm to the murdered individual or another; or

33 (4) the murdered individual was killed as a result  
34 of the hijacking of an airplane, train, ship, bus or

1 other public conveyance; or

2 (5) the defendant committed the murder pursuant to  
3 a contract, agreement or understanding by which he was to  
4 receive money or anything of value in return for  
5 committing the murder or procured another to commit the  
6 murder for money or anything of value; or

7 (6) the murdered individual was killed in the  
8 course of another felony if:

9 (a) the murdered individual:

10 (i) was actually killed by the defendant,  
11 or

12 (ii) received physical injuries  
13 personally inflicted by the defendant  
14 substantially contemporaneously with physical  
15 injuries caused by one or more persons for  
16 whose conduct the defendant is legally  
17 accountable under Section 5-2 of this Code, and  
18 the physical injuries inflicted by either the  
19 defendant or the other person or persons for  
20 whose conduct he is legally accountable caused  
21 the death of the murdered individual; and

22 (b) in performing the acts which caused the  
23 death of the murdered individual or which resulted  
24 in physical injuries personally inflicted by the  
25 defendant on the murdered individual under the  
26 circumstances of subdivision (ii) of subparagraph  
27 (a) of paragraph (6) of subsection (b) of this  
28 Section, the defendant acted with the intent to kill  
29 the murdered individual or with the knowledge that  
30 his acts created a strong probability of death or  
31 great bodily harm to the murdered individual or  
32 another; and

33 (c) the other felony was one of the following:  
34 armed robbery, armed violence, robbery, predatory

1 criminal sexual assault of a child, aggravated  
2 criminal sexual assault, aggravated kidnapping,  
3 aggravated vehicular hijacking, forcible detention,  
4 arson, aggravated arson, aggravated stalking,  
5 burglary, residential burglary, home invasion,  
6 calculated criminal drug conspiracy as defined in  
7 Section 405 of the Illinois Controlled Substances  
8 Act, streetgang criminal drug conspiracy as defined  
9 in Section 405.2 of the Illinois Controlled  
10 Substances Act, or the attempt to commit any of the  
11 felonies listed in this subsection (c); or

12 (7) the murdered individual was under 12 years of  
13 age and the death resulted from exceptionally brutal or  
14 heinous behavior indicative of wanton cruelty; or

15 (8) the defendant committed the murder with intent  
16 to prevent the murdered individual from testifying in any  
17 criminal prosecution or giving material assistance to the  
18 State in any investigation or prosecution, either against  
19 the defendant or another; or the defendant committed the  
20 murder because the murdered individual was a witness in  
21 any prosecution or gave material assistance to the State  
22 in any investigation or prosecution, either against the  
23 defendant or another; or

24 (9) the defendant, while committing an offense  
25 punishable under Sections 401, 401.1, 401.2, 405, 405.2,  
26 407 or 407.1 or subsection (b) of Section 404 of the  
27 Illinois Controlled Substances Act, or while engaged in a  
28 conspiracy or solicitation to commit such offense,  
29 intentionally killed an individual or counseled,  
30 commanded, induced, procured or caused the intentional  
31 killing of the murdered individual; or

32 (10) the defendant was incarcerated in an  
33 institution or facility of the Department of Corrections  
34 at the time of the murder, and while committing an

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

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

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

26 (13) the defendant was a principal administrator,  
27 organizer, or leader of a calculated criminal drug  
28 conspiracy consisting of a hierarchical position of  
29 authority superior to that of all other members of the  
30 conspiracy, and the defendant counseled, commanded,  
31 induced, procured, or caused the intentional killing of  
32 the murdered person; or

33 (14) the murder was intentional and involved the  
34 infliction of torture. For the purpose of this Section

1 torture means the infliction of or subjection to extreme  
2 physical pain, motivated by an intent to increase or  
3 prolong the pain, suffering or agony of the victim; or

4 (15) the murder was committed as a result of the  
5 intentional discharge of a firearm by the defendant from  
6 a motor vehicle and the victim was not present within the  
7 motor vehicle; or

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

11 (17) the murdered individual was a disabled person  
12 and the defendant knew or should have known that the  
13 murdered individual was disabled. For purposes of this  
14 paragraph (17), "disabled person" means a person who  
15 suffers from a permanent physical or mental impairment  
16 resulting from disease, an injury, a functional disorder,  
17 or a congenital condition that renders the person  
18 incapable of adequately providing for his or her own  
19 health or personal care; or

20 (18) the murder was committed by reason of any  
21 person's activity as a community policing volunteer or to  
22 prevent any person from engaging in activity as a  
23 community policing volunteer; or

24 (19) the murdered individual was subject to an  
25 order of protection and the murder was committed by a  
26 person against whom the same order of protection was  
27 issued under the Illinois Domestic Violence Act of 1986;  
28 or

29 (20) the murdered individual was known by the  
30 defendant to be a teacher or other person employed in any  
31 school and the teacher or other employee is upon the  
32 grounds of a school or grounds adjacent to a school, or  
33 is in any part of a building used for school purposes; or

34 (21) the murder was committed by the defendant in

1 connection with or as a result of the offense of  
2 terrorism as defined in Section 29D-30 of this Code; or-

3 (22) the murdered individual was an emergency  
4 management worker, killed in the course of performing his  
5 or her official duties, or in retaliation for performing  
6 his or her official duties, and the defendant knows or  
7 should have known that the murdered individual was an  
8 emergency management worker.

9 (c) Consideration of factors in Aggravation and  
10 Mitigation.

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

17 (1) the defendant has no significant history of  
18 prior criminal activity;

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

23 (3) the murdered individual was a participant in  
24 the defendant's homicidal conduct or consented to the  
25 homicidal act;

26 (4) the defendant acted under the compulsion of  
27 threat or menace of the imminent infliction of death or  
28 great bodily harm;

29 (5) the defendant was not personally present during  
30 commission of the act or acts causing death.

31 (d) Separate sentencing hearing.

32 Where requested by the State, the court shall conduct a  
33 separate sentencing proceeding to determine the existence of  
34 factors set forth in subsection (b) and to consider any

1 aggravating or mitigating factors as indicated in subsection  
2 (c). The proceeding shall be conducted:

3 (1) before the jury that determined the defendant's  
4 guilt; or

5 (2) before a jury impanelled for the purpose of the  
6 proceeding if:

7 A. the defendant was convicted upon a plea of  
8 guilty; or

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

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

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

15 (e) Evidence and Argument.

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

27 (f) Proof.

28 The burden of proof of establishing the existence of any  
29 of the factors set forth in subsection (b) is on the State  
30 and shall not be satisfied unless established beyond a  
31 reasonable doubt.

32 (g) Procedure - Jury.

33 If at the separate sentencing proceeding the jury finds  
34 that none of the factors set forth in subsection (b) exists,



1 the court shall sentence the defendant to a term of  
2 imprisonment under Chapter V of the Unified Code of  
3 Corrections. If there is a unanimous finding by the jury  
4 that one or more of the factors set forth in subsection (b)  
5 exist, the jury shall consider aggravating and mitigating  
6 factors as instructed by the court and shall determine  
7 whether the sentence of death shall be imposed. If the jury  
8 determines unanimously that there are no mitigating factors  
9 sufficient to preclude the imposition of the death sentence,  
10 the court shall sentence the defendant to death.

11 Unless the jury unanimously finds that there are no  
12 mitigating factors sufficient to preclude the imposition of  
13 the death sentence the court shall sentence the defendant to  
14 a term of imprisonment under Chapter V of the Unified Code of  
15 Corrections.

16 (h) Procedure - No Jury.

17 In a proceeding before the court alone, if the court  
18 finds that none of the factors found in subsection (b)  
19 exists, the court shall sentence the defendant to a term of  
20 imprisonment under Chapter V of the Unified Code of  
21 Corrections.

22 If the Court determines that one or more of the factors  
23 set forth in subsection (b) exists, the Court shall consider  
24 any aggravating and mitigating factors as indicated in  
25 subsection (c). If the Court determines that there are no  
26 mitigating factors sufficient to preclude the imposition of  
27 the death sentence, the Court shall sentence the defendant to  
28 death.

29 Unless the court finds that there are no mitigating  
30 factors sufficient to preclude the imposition of the sentence  
31 of death, the court shall sentence the defendant to a term of  
32 imprisonment under Chapter V of the Unified Code of  
33 Corrections.

34 (i) Appellate Procedure.

1           The conviction and sentence of death shall be subject to  
2 automatic review by the Supreme Court. Such review shall be  
3 in accordance with rules promulgated by the Supreme Court.

4           (j) Disposition of reversed death sentence.

5           In the event that the death penalty in this Act is held  
6 to be unconstitutional by the Supreme Court of the United  
7 States or of the State of Illinois, any person convicted of  
8 first degree murder shall be sentenced by the court to a term  
9 of imprisonment under Chapter V of the Unified Code of  
10 Corrections.

11           In the event that any death sentence pursuant to the  
12 sentencing provisions of this Section is declared  
13 unconstitutional by the Supreme Court of the United States or  
14 of the State of Illinois, the court having jurisdiction over  
15 a person previously sentenced to death shall cause the  
16 defendant to be brought before the court, and the court shall  
17 sentence the defendant to a term of imprisonment under  
18 Chapter V of the Unified Code of Corrections.

19           (Source: P.A. 91-357, eff. 7-29-99; 91-434, eff. 1-1-00;  
20 92-854, eff. 12-5-02.)

21           (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)  
22           Sec. 12-2. Aggravated assault.

23           (a) A person commits an aggravated assault, when, in  
24 committing an assault, he:

25                 (1) Uses a deadly weapon or any device manufactured  
26 and designed to be substantially similar in appearance to  
27 a firearm, other than by discharging a firearm in the  
28 direction of another person, a peace officer, a person  
29 summoned or directed by a peace officer, a correctional  
30 officer or a fireman or in the direction of a vehicle  
31 occupied by another person, a peace officer, a person  
32 summoned or directed by a peace officer, a correctional  
33 officer or a fireman while the officer or fireman is

1 engaged in the execution of any of his official duties,  
2 or to prevent the officer or fireman from performing his  
3 official duties, or in retaliation for the officer or  
4 fireman performing his official duties;

5 (2) Is hooded, robed or masked in such manner as to  
6 conceal his identity or any device manufactured and  
7 designed to be substantially similar in appearance to a  
8 firearm;

9 (3) Knows the individual assaulted to be a teacher  
10 or other person employed in any school and such teacher  
11 or other employee is upon the grounds of a school or  
12 grounds adjacent thereto, or is in any part of a building  
13 used for school purposes;

14 (4) Knows the individual assaulted to be a  
15 supervisor, director, instructor or other person employed  
16 in any park district and such supervisor, director,  
17 instructor or other employee is upon the grounds of the  
18 park or grounds adjacent thereto, or is in any part of a  
19 building used for park purposes;

20 (5) Knows the individual assaulted to be a  
21 caseworker, investigator, or other person employed by the  
22 State Department of Public Aid, a County Department of  
23 Public Aid, or the Department of Human Services (acting  
24 as successor to the Illinois Department of Public Aid  
25 under the Department of Human Services Act) and such  
26 caseworker, investigator, or other person is upon the  
27 grounds of a public aid office or grounds adjacent  
28 thereto, or is in any part of a building used for public  
29 aid purposes, or upon the grounds of a home of a public  
30 aid applicant, recipient or any other person being  
31 interviewed or investigated in the employees' discharge  
32 of his duties, or on grounds adjacent thereto, or is in  
33 any part of a building in which the applicant, recipient,  
34 or other such person resides or is located;

1           (6) Knows the individual assaulted to be a peace  
2 officer, or a community policing volunteer, or a fireman  
3 while the officer or fireman is engaged in the execution  
4 of any of his official duties, or to prevent the officer,  
5 community policing volunteer, or fireman from performing  
6 his official duties, or in retaliation for the officer,  
7 community policing volunteer, or fireman performing his  
8 official duties, and the assault is committed other than  
9 by the discharge of a firearm in the direction of the  
10 officer or fireman or in the direction of a vehicle  
11 occupied by the officer or fireman;

12           (7) Knows the individual assaulted to be an  
13 emergency medical technician - ambulance, emergency  
14 medical technician - intermediate, emergency medical  
15 technician - paramedic, ambulance driver or other medical  
16 assistance or first aid personnel engaged in the  
17 execution of any of his official duties, or to prevent  
18 the emergency medical technician - ambulance, emergency  
19 medical technician - intermediate, emergency medical  
20 technician - paramedic, ambulance driver, or other  
21 medical assistance or first aid personnel from performing  
22 his official duties, or in retaliation for the 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 performing his official duties;

27           (8) Knows the individual assaulted to be the  
28 driver, operator, employee or passenger of any  
29 transportation facility or system engaged in the business  
30 of transportation of the public for hire and the  
31 individual assaulted is then performing in such capacity  
32 or then using such public transportation as a passenger  
33 or using any area of any description designated by the  
34 transportation facility or system as a vehicle boarding,

1 departure, or transfer location;

2 (9) Or the individual assaulted is on or about a  
3 public way, public property, or public place of  
4 accommodation or amusement;

5 (10) Knows the individual assaulted to be an  
6 employee of the State of Illinois, a municipal  
7 corporation therein or a political subdivision thereof,  
8 engaged in the performance of his authorized duties as  
9 such employee;

10 (11) Knowingly and without legal justification,  
11 commits an assault on a physically handicapped person;

12 (12) Knowingly and without legal justification,  
13 commits an assault on a person 60 years of age or older;

14 (13) Discharges a firearm;

15 (14) Knows the individual assaulted to be a  
16 correctional officer, while the officer is engaged in the  
17 execution of any of his or her official duties, or to  
18 prevent the officer from performing his or her official  
19 duties, or in retaliation for the officer performing his  
20 or her official duties;

21 (15) Knows the individual assaulted to be a  
22 correctional employee or an employee of the Department of  
23 Human Services supervising or controlling sexually  
24 dangerous persons or sexually violent persons, while the  
25 employee is engaged in the execution of any of his or her  
26 official duties, or to prevent the employee from  
27 performing his or her official duties, or in retaliation  
28 for the employee performing his or her official duties,  
29 and the assault is committed other than by the discharge  
30 of a firearm in the direction of the employee or in the  
31 direction of a vehicle occupied by the employee; or

32 (16) Knows the individual assaulted to be an  
33 employee of a police or sheriff's department engaged in  
34 the performance of his or her official duties as such

1       employee; or-

2           (17) Knows the individual assaulted to be an  
3       emergency management worker, while the emergency  
4       management worker is engaged in the execution of any of  
5       his or her official duties, or to prevent the emergency  
6       management worker from performing his or her official  
7       duties, or in retaliation for the emergency management  
8       worker performing his or her official duties, and the  
9       assault is committed other than by the discharge of a  
10       firearm in the direction of the emergency management  
11       worker or in the direction of a vehicle occupied by the  
12       emergency management worker.

13       (a-5) A person commits an aggravated assault when he or  
14       she knowingly and without lawful justification shines or  
15       flashes a laser gunsight or other laser device that is  
16       attached or affixed to a firearm, or used in concert with a  
17       firearm, so that the laser beam strikes near or in the  
18       immediate vicinity of any person.

19       (b) Sentence.

20       Aggravated assault as defined in paragraphs (1) through  
21       (5) and (8) through (12) of subsection (a) of this Section is  
22       a Class A misdemeanor. Aggravated assault as defined in  
23       paragraphs (13), (14), and (15) of subsection (a) of this  
24       Section and as defined in subsection (a-5) of this Section is  
25       a Class 4 felony. Aggravated assault as defined in  
26       paragraphs (6), (7), and (16), and (17) of subsection (a) of  
27       this Section is a Class A misdemeanor if a firearm is not  
28       used in the commission of the assault. Aggravated assault as  
29       defined in paragraphs (6), (7), and (16), and (17) of  
30       subsection (a) of this Section is a Class 4 felony if a  
31       firearm is used in the commission of the assault.

32       (Source: P.A. 91-672, eff. 1-1-00; 92-841, eff. 8-22-02;  
33       92-865, eff. 1-3-03; revised 1-9-03.)

1 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)  
2 Sec. 12-4. Aggravated Battery.

3 (a) A person who, in committing a battery, intentionally  
4 or knowingly causes great bodily harm, or permanent  
5 disability or disfigurement commits aggravated battery.

6 (b) In committing a battery, a person commits aggravated  
7 battery if he or she:

8 (1) Uses a deadly weapon other than by the  
9 discharge of a firearm;

10 (2) Is hooded, robed or masked, in such manner as  
11 to conceal his identity;

12 (3) Knows the individual harmed to be a teacher or  
13 other person employed in any school and such teacher or  
14 other employee is upon the grounds of a school or grounds  
15 adjacent thereto, or is in any part of a building used  
16 for school purposes;

17 (4) Knows the individual harmed to be a supervisor,  
18 director, instructor or other person employed in any park  
19 district and such supervisor, director, instructor or  
20 other employee is upon the grounds of the park or grounds  
21 adjacent thereto, or is in any part of a building used  
22 for park purposes;

23 (5) Knows the individual harmed to be a caseworker,  
24 investigator, or other person employed by the State  
25 Department of Public Aid, a County Department of Public  
26 Aid, or the Department of Human Services (acting as  
27 successor to the Illinois Department of Public Aid under  
28 the Department of Human Services Act) and such  
29 caseworker, investigator, or other person is upon the  
30 grounds of a public aid office or grounds adjacent  
31 thereto, or is in any part of a building used for public  
32 aid purposes, or upon the grounds of a home of a public  
33 aid applicant, recipient, or any other person being  
34 interviewed or investigated in the employee's discharge

1 of his duties, or on grounds adjacent thereto, or is in  
2 any part of a building in which the applicant, recipient,  
3 or other such person resides or is located;

4 (6) Knows the individual harmed to be a peace  
5 officer, a community policing volunteer, a correctional  
6 institution employee, an employee of the Department of  
7 Human Services supervising or controlling sexually  
8 dangerous persons or sexually violent persons, or a  
9 fireman while such officer, volunteer, employee or  
10 fireman is engaged in the execution of any official  
11 duties including arrest or attempted arrest, or to  
12 prevent the officer, volunteer, employee or fireman from  
13 performing official duties, or in retaliation for the  
14 officer, volunteer, employee or fireman performing  
15 official duties, and the battery is committed other than  
16 by the discharge of a firearm;

17 (7) Knows the individual harmed to be an emergency  
18 medical technician - ambulance, emergency medical  
19 technician - intermediate, emergency medical technician -  
20 paramedic, ambulance driver, other medical assistance,  
21 first aid personnel, or hospital emergency room personnel  
22 engaged in the performance of any of his or her official  
23 duties, or to prevent the emergency medical technician -  
24 ambulance, emergency medical technician - intermediate,  
25 emergency medical technician - paramedic, ambulance  
26 driver, other medical assistance, first aid personnel, or  
27 hospital emergency room personnel from performing  
28 official duties, or in retaliation for performing  
29 official duties;

30 (8) Is, or the person battered is, on or about a  
31 public way, public property or public place of  
32 accommodation or amusement;

33 (9) Knows the individual harmed to be the driver,  
34 operator, employee or passenger of any transportation



1 facility or system engaged in the business of  
2 transportation of the public for hire and the individual  
3 assaulted is then performing in such capacity or then  
4 using such public transportation as a passenger or using  
5 any area of any description designated by the  
6 transportation facility or system as a vehicle boarding,  
7 departure, or transfer location;

8 (10) Knowingly and without legal justification and  
9 by any means causes bodily harm to an individual of 60  
10 years of age or older;

11 (11) Knows the individual harmed is pregnant;

12 (12) Knows the individual harmed to be a judge whom  
13 the person intended to harm as a result of the judge's  
14 performance of his or her official duties as a judge;

15 (13) Knows the individual harmed to be an employee  
16 of the Illinois Department of Children and Family  
17 Services engaged in the performance of his authorized  
18 duties as such employee;

19 (14) Knows the individual harmed to be a person who  
20 is physically handicapped;

21 (15) Knowingly and without legal justification and  
22 by any means causes bodily harm to a merchant who detains  
23 the person for an alleged commission of retail theft  
24 under Section 16A-5 of this Code. In this item (15),  
25 "merchant" has the meaning ascribed to it in Section  
26 16A-2.4 of this Code;

27 (16) Is, or the person battered is, in any building  
28 or other structure used to provide shelter or other  
29 services to victims or to the dependent children of  
30 victims of domestic violence pursuant to the Illinois  
31 Domestic Violence Act of 1986 or the Domestic Violence  
32 Shelters Act, or the person battered is within 500 feet  
33 of such a building or other structure while going to or  
34 from such a building or other structure. "Domestic

1 violence" has the meaning ascribed to it in Section 103  
2 of the Illinois Domestic Violence Act of 1986. "Building  
3 or other structure used to provide shelter" has the  
4 meaning ascribed to "shelter" in Section 1 of the  
5 Domestic Violence Shelters Act; or

6 (17) Knows the individual harmed to be an employee  
7 of a police or sheriff's department engaged in the  
8 performance of his or her official duties as such  
9 employee; or-

10 (18) Knows the individual harmed to be an emergency  
11 management worker engaged in the performance of any of  
12 his or her official duties, or to prevent the emergency  
13 management worker from performing official duties, or in  
14 retaliation for the emergency management worker  
15 performing official duties.

16 For the purpose of paragraph (14) of subsection (b) of  
17 this Section, a physically handicapped person is a person who  
18 suffers from a permanent and disabling physical  
19 characteristic, resulting from disease, injury, functional  
20 disorder or congenital condition.

21 (c) A person who administers to an individual or causes  
22 him to take, without his consent or by threat or deception,  
23 and for other than medical purposes, any intoxicating,  
24 poisonous, stupefying, narcotic, anesthetic, or controlled  
25 substance commits aggravated battery.

26 (d) A person who knowingly gives to another person any  
27 food that contains any substance or object that is intended  
28 to cause physical injury if eaten, commits aggravated  
29 battery.

30 (d-3) A person commits aggravated battery when he or she  
31 knowingly and without lawful justification shines or flashes  
32 a laser gunsight or other laser device that is attached or  
33 affixed to a firearm, or used in concert with a firearm, so  
34 that the laser beam strikes upon or against the person of

1 another.

2 (d-5) An inmate of a penal institution or a sexually  
3 dangerous person or a sexually violent person in the custody  
4 of the Department of Human Services who causes or attempts to  
5 cause a correctional employee of the penal institution or an  
6 employee of the Department of Human Services to come into  
7 contact with blood, seminal fluid, urine, or feces, by  
8 throwing, tossing, or expelling that fluid or material  
9 commits aggravated battery. For purposes of this subsection  
10 (d-5), "correctional employee" means a person who is employed  
11 by a penal institution.

12 (e) Sentence.

13 Aggravated battery is a Class 3 felony, except a  
14 violation of subsection (a) is a Class 2 felony when the  
15 person knows the individual harmed to be a peace officer  
16 engaged in the execution of any of his or her official  
17 duties, or the battery is to prevent the officer from  
18 performing his or her official duties, or in retaliation for  
19 the officer performing his or her official duties.

20 (Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00;  
21 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff.  
22 6-28-01; 92-516, eff. 1-1-02; 92-841, eff. 8-22-02; 92-865,  
23 eff. 1-3-03; revised 1-9-03.)

24 (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

25 Sec. 12-4.2. Aggravated Battery with a firearm.

26 (a) A person commits aggravated battery with a firearm  
27 when he, in committing a battery, knowingly or intentionally  
28 by means of the discharging of a firearm (1) causes any  
29 injury to another person, or (2) causes any injury to a  
30 person he knows to be a peace officer, a community policing  
31 volunteer, a correctional institution employee or a fireman  
32 while the officer, volunteer, employee or fireman is engaged  
33 in the execution of any of his official duties, or to prevent

1 the officer, volunteer, employee or fireman from performing  
2 his official duties, or in retaliation for the officer,  
3 volunteer, employee or fireman performing his official  
4 duties, or (3) causes any injury to a person he knows to be  
5 an emergency medical technician - ambulance, emergency  
6 medical technician - intermediate, emergency medical  
7 technician - paramedic, ambulance driver, or other medical  
8 assistance or first aid personnel, employed by a municipality  
9 or other governmental unit, while the emergency medical  
10 technician - ambulance, emergency medical technician -  
11 intermediate, emergency medical technician - paramedic,  
12 ambulance driver, or other medical assistance or first aid  
13 personnel is engaged in the execution of any of his official  
14 duties, or to prevent the emergency medical technician -  
15 ambulance, emergency medical technician - intermediate,  
16 emergency medical technician - paramedic, ambulance driver,  
17 or other medical assistance or first aid personnel from  
18 performing his official duties, or in retaliation for the  
19 emergency medical technician - ambulance, emergency medical  
20 technician - intermediate, emergency medical technician -  
21 paramedic, ambulance driver, or other medical assistance or  
22 first aid personnel performing his official duties, or (4)  
23 causes any injury to a person he or she knows to be a teacher  
24 or other person employed in a school and the teacher or other  
25 employee is upon grounds of a school or grounds adjacent to a  
26 school, or is in any part of a building used for school  
27 purposes, or (5) causes any injury to a person he or she  
28 knows to be an emergency management worker while the  
29 emergency management worker is engaged in the execution of  
30 any of his or her official duties, or to prevent the  
31 emergency management worker from performing his or her  
32 official duties, or in retaliation for the emergency  
33 management worker performing his or her official duties.

34 (b) A violation of subsection (a)(1) of this Section is

1 a Class X felony. A violation of subsection (a)(2),  
2 subsection (a)(3), ~~or~~ subsection (a)(4), or subsection (a)(5)  
3 of this Section is a Class X felony for which the sentence  
4 shall be a term of imprisonment of no less than 15 years and  
5 no more than 60 years.

6 (c) For purposes of this Section, "firearm" is defined  
7 as in "An Act relating to the acquisition, possession and  
8 transfer of firearms and firearm ammunition, to provide a  
9 penalty for the violation thereof and to make an  
10 appropriation in connection therewith", approved August 1,  
11 1967, as amended.

12 (Source: P.A. 90-651, eff. 1-1-99; 91-434, eff. 1-1-00;  
13 91-696, eff. 4-13-00.)

14 (720 ILCS 5/12-4.2-5)

15 Sec. 12-4.2-5. Aggravated battery with a machine gun or  
16 a firearm equipped with any device or attachment designed or  
17 used for silencing the report of a firearm.

18 (a) A person commits aggravated battery with a machine  
19 gun or a firearm equipped with a device designed or used for  
20 silencing the report of a firearm when he or she, in  
21 committing a battery, knowingly or intentionally by means of  
22 the discharging of a machine gun or a firearm equipped with a  
23 device designed or used for silencing the report of a firearm  
24 (1) causes any injury to another person, or (2) causes any  
25 injury to a person he or she knows to be a peace officer, a  
26 person summoned by a peace officer, a correctional  
27 institution employee or a fireman while the officer,  
28 employee or fireman is engaged in the execution of any of his  
29 or her official duties, or to prevent the officer, employee  
30 or fireman from performing his or her official duties, or in  
31 retaliation for the officer, employee or fireman performing  
32 his or her official duties, or (3) causes any injury to a  
33 person he or she knows to be an emergency medical technician

1 - ambulance, emergency medical technician - intermediate,  
2 emergency medical technician - paramedic, ambulance driver,  
3 or other medical assistance or first aid personnel, employed  
4 by a municipality or other governmental unit, while the  
5 emergency medical technician - ambulance, emergency medical  
6 technician - intermediate, emergency medical technician -  
7 paramedic, ambulance driver, or other medical assistance or  
8 first aid personnel is engaged in the execution of any of his  
9 or her official duties, or to prevent the emergency medical  
10 technician - ambulance, emergency medical technician -  
11 intermediate, emergency medical technician - paramedic,  
12 ambulance driver, or other medical assistance or first aid  
13 personnel from performing his or her official duties, or in  
14 retaliation for the emergency medical technician - ambulance,  
15 emergency medical technician - intermediate, emergency  
16 medical technician - paramedic, ambulance driver, or other  
17 medical assistance or first aid personnel performing his or  
18 her official duties, or (4) causes any injury to a person he  
19 or she knows to be an emergency management worker while the  
20 emergency management worker is engaged in the execution of  
21 any of his or her official duties, or to prevent the  
22 emergency management worker from performing his or her  
23 official duties, or in retaliation for the emergency  
24 management worker performing his or her official duties.

25 (b) A violation of subsection (a) (1) of this Section is  
26 a Class X felony for which the person shall be sentenced to a  
27 term of imprisonment of no less than 12 years and no more  
28 than 45 years. A violation of subsection (a) (2), ~~or~~  
29 subsection (a) (3), or subsection (a) (4) of this Section is  
30 a Class X felony for which the sentence shall be a term of  
31 imprisonment of no less than 20 years and no more than 60  
32 years.

33 (c) For purposes of this Section, "firearm" is defined  
34 as in the Firearm Owners Identification Card Act.

1 (d) For purposes of this Section, "machine gun" has the  
2 meaning ascribed to it in clause (i) of paragraph (7) of  
3 subsection (a) of Section 24-1 of this Code.

4 (Source: P.A. 91-121, eff. 7-15-99.)

5 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

6 Sec. 24-1.2. Aggravated discharge of a firearm.

7 (a) A person commits aggravated discharge of a firearm  
8 when he or she knowingly or intentionally:

9 (1) Discharges a firearm at or into a building he  
10 or she knows or reasonably should know to be occupied and  
11 the firearm is discharged from a place or position  
12 outside that building;

13 (2) Discharges a firearm in the direction of  
14 another person or in the direction of a vehicle he or she  
15 knows or reasonably should know to be occupied by a  
16 person;

17 (3) Discharges a firearm in the direction of a  
18 person he or she knows to be a peace officer, a community  
19 policing volunteer, a correctional institution employee,  
20 or a fireman while the officer, volunteer, employee or  
21 fireman is engaged in the execution of any of his or her  
22 official duties, or to prevent the officer, volunteer,  
23 employee or fireman from performing his or her official  
24 duties, or in retaliation for the officer, volunteer,  
25 employee or fireman performing his or her official  
26 duties;

27 (4) Discharges a firearm in the direction of a  
28 vehicle he or she knows to be occupied by a peace  
29 officer, a person summoned or directed by a peace  
30 officer, a correctional institution employee or a fireman  
31 while the officer, employee or fireman is engaged in the  
32 execution of any of his or her official duties, or to  
33 prevent the officer, employee or fireman from performing

1 his or her official duties, or in retaliation for the  
2 officer, employee or fireman performing his or her  
3 official duties;

4 (5) Discharges a firearm in the direction of a  
5 person he or she knows to be an emergency medical  
6 technician - ambulance, emergency medical technician -  
7 intermediate, emergency medical technician - paramedic,  
8 ambulance driver, or other medical assistance or first  
9 aid personnel, employed by a municipality or other  
10 governmental unit, while the emergency medical technician  
11 - ambulance, emergency medical technician - intermediate,  
12 emergency medical technician - paramedic, ambulance  
13 driver, or other medical assistance or first aid  
14 personnel is engaged in the execution of any of his or  
15 her official duties, or to prevent the emergency medical  
16 technician - ambulance, emergency medical technician -  
17 intermediate, emergency medical technician - paramedic,  
18 ambulance driver, or other medical assistance or first  
19 aid personnel from performing his or her official duties,  
20 or in retaliation for the emergency medical technician -  
21 ambulance, emergency medical technician - intermediate,  
22 emergency medical technician - paramedic, ambulance  
23 driver, or other medical assistance or first aid  
24 personnel performing his or her official duties;

25 (6) Discharges a firearm in the direction of a  
26 vehicle he or she knows to be occupied by an emergency  
27 medical technician - ambulance, emergency medical  
28 technician - intermediate, emergency medical technician -  
29 paramedic, ambulance driver, or other medical assistance  
30 or first aid personnel, employed by a municipality or  
31 other governmental unit, while the emergency medical  
32 technician - ambulance, emergency medical technician -  
33 intermediate, emergency medical technician - paramedic,  
34 ambulance driver, or other medical assistance or first



1 aid personnel is engaged in the execution of any of his  
2 or her official duties, or to prevent the emergency  
3 medical technician - ambulance, emergency medical  
4 technician - intermediate, emergency medical technician -  
5 paramedic, ambulance driver, or other medical assistance  
6 or first aid personnel from performing his or her  
7 official duties, or in retaliation for the emergency  
8 medical technician - ambulance, emergency medical  
9 technician - intermediate, emergency medical technician -  
10 paramedic, ambulance driver, or other medical assistance  
11 or first aid personnel performing his or her official  
12 duties; or

13 (7) Discharges a firearm in the direction of a  
14 person he or she knows to be a teacher or other person  
15 employed in any school and the teacher or other employee  
16 is upon the grounds of a school or grounds adjacent to a  
17 school, or is in any part of a building used for school  
18 purposes;

19 (8) Discharges a firearm in the direction of a  
20 person he or she knows to be an emergency management  
21 worker while the emergency management worker is engaged  
22 in the execution of any of his or her official duties, or  
23 to prevent the emergency management worker from  
24 performing his or her official duties, or in retaliation  
25 for the emergency management worker performing his or her  
26 official duties; or

27 (9) Discharges a firearm in the direction of a  
28 vehicle he or she knows to be occupied by an emergency  
29 management worker while the emergency management worker  
30 is engaged in the execution of any of his or her official  
31 duties, or to prevent the emergency management worker  
32 from performing his or her official duties, or in  
33 retaliation for the emergency management worker  
34 performing his or her official duties.

1 (b) A violation of subsection (a)(1) or subsection  
 2 (a)(2) of this Section is a Class 1 felony. A violation of  
 3 subsection (a)(1) or (a)(2) of this Section committed in a  
 4 school, on the real property comprising a school, within  
 5 1,000 feet of the real property comprising a school, at a  
 6 school related activity or on or within 1,000 feet of any  
 7 conveyance owned, leased, or contracted by a school to  
 8 transport students to or from school or a school related  
 9 activity, regardless of the time of day or time of year that  
 10 the offense was committed is a Class X felony. A violation of  
 11 subsection (a)(3), (a)(4), (a)(5), (a)(6), ~~or (a)(7), (a)(8),~~  
 12 or (a)(9) of this Section is a Class X felony for which the  
 13 sentence shall be a term of imprisonment of no less than 10  
 14 years and not more than 45 years.

15 (c) For purposes of this Section:

16 "School" means a public or private elementary or  
 17 secondary school, community college, college, or university.

18 "School related activity" means any sporting, social,  
 19 academic, or other activity for which students' attendance or  
 20 participation is sponsored, organized, or funded in whole or  
 21 in part by a school or school district.

22 (Source: P.A. 90-651, eff. 1-1-99; 91-12, eff. 1-1-00;  
 23 91-357, eff. 7-29-99; 91-434, eff. 1-1-00; 91-696, eff.  
 24 4-13-00.)

25 (720 ILCS 5/24-1.2-5)

26 Sec. 24-1.2-5. Aggravated discharge of a machine gun or  
 27 a firearm equipped with a device designed or used for  
 28 silencing the report of a firearm.

29 (a) A person commits aggravated discharge of a machine  
 30 gun or a firearm equipped with a device designed or used for  
 31 silencing the report of a firearm when he or she knowingly or  
 32 intentionally:

33 (1) Discharges a machine gun or a firearm equipped

1 with a device designed or used for silencing the report  
2 of a firearm at or into a building he or she knows to be  
3 occupied and the machine gun or the firearm equipped with  
4 a device designed or used for silencing the report of a  
5 firearm is discharged from a place or position outside  
6 that building;

7 (2) Discharges a machine gun or a firearm equipped  
8 with a device designed or used for silencing the report  
9 of a firearm in the direction of another person or in the  
10 direction of a vehicle he or she knows to be occupied;

11 (3) Discharges a machine gun or a firearm equipped  
12 with a device designed or used for silencing the report  
13 of a firearm in the direction of a person he or she knows  
14 to be a peace officer, a person summoned or directed by a  
15 peace officer, a correctional institution employee, or a  
16 fireman while the officer, employee or fireman is engaged  
17 in the execution of any of his or her official duties, or  
18 to prevent the officer, employee or fireman from  
19 performing his or her official duties, or in retaliation  
20 for the officer, employee or fireman performing his or  
21 her official duties;

22 (4) Discharges a machine gun or a firearm equipped  
23 with a device designed or used for silencing the report  
24 of a firearm in the direction of a vehicle he or she  
25 knows to be occupied by a peace officer, a person  
26 summoned or directed by a peace officer, a correctional  
27 institution employee or a fireman while the officer,  
28 employee or fireman is engaged in the execution of any of  
29 his or her official duties, or to prevent the officer,  
30 employee or fireman from performing his or her official  
31 duties, or in retaliation for the officer, employee or  
32 fireman performing his or her official duties;

33 (5) Discharges a machine gun or a firearm equipped  
34 with a device designed or used for silencing the report

1 of a firearm in the direction of a person he or she knows  
2 to be an emergency medical technician - ambulance,  
3 emergency medical technician - intermediate, emergency  
4 medical technician - paramedic, ambulance driver, or  
5 other medical assistance or first aid personnel, employed  
6 by a municipality or other governmental unit, while the  
7 emergency medical technician - ambulance, emergency  
8 medical technician - intermediate, emergency medical  
9 technician - paramedic, ambulance driver, or other  
10 medical assistance or first aid personnel is engaged in  
11 the execution of any of his or her official duties, or to  
12 prevent the emergency medical technician - ambulance,  
13 emergency medical technician - intermediate, emergency  
14 medical technician - paramedic, ambulance driver, or  
15 other medical assistance or first aid personnel from  
16 performing his or her official duties, or in retaliation  
17 for the emergency medical technician - ambulance,  
18 emergency medical technician - intermediate, emergency  
19 medical technician - paramedic, ambulance driver, or  
20 other medical assistance or first aid personnel  
21 performing his or her official duties; or

22 (6) Discharges a machine gun or a firearm equipped  
23 with a device designed or used for silencing the report  
24 of a firearm in the direction of a vehicle he or she  
25 knows to be occupied by an emergency medical technician -  
26 ambulance, emergency medical technician - intermediate,  
27 emergency medical technician - paramedic, ambulance  
28 driver, or other medical assistance or first aid  
29 personnel, employed by a municipality or other  
30 governmental unit, while the emergency medical technician  
31 - ambulance, emergency medical technician - intermediate,  
32 emergency medical technician - paramedic, ambulance  
33 driver, or other medical assistance or first aid  
34 personnel is engaged in the execution of any of his or

1 her official duties, or to prevent the emergency medical  
2 technician - ambulance, emergency medical technician -  
3 intermediate, emergency medical technician - paramedic,  
4 ambulance driver, or other medical assistance or first  
5 aid personnel from performing his or her official duties,  
6 or in retaliation for the emergency medical technician -  
7 ambulance, emergency medical technician - intermediate,  
8 emergency medical technician - paramedic, ambulance  
9 driver, or other medical assistance or first aid  
10 personnel performing his or her official duties;

11 (7) Discharges a machine gun or a firearm equipped  
12 with a device designed or used for silencing the report  
13 of a firearm in the direction of a person he or she knows  
14 to be an emergency management worker while the emergency  
15 management worker is engaged in the execution of any of  
16 his or her official duties, or to prevent the emergency  
17 management worker from performing his or her official  
18 duties, or in retaliation for the emergency management  
19 worker performing his or her official duties; or

20 (8) Discharges a machine gun or a firearm equipped  
21 with a device designed or used for silencing the report  
22 of a firearm in the direction of a vehicle he or she  
23 knows to be occupied by an emergency management worker  
24 while the emergency management worker is engaged in the  
25 execution of any of his or her official duties, or to  
26 prevent the emergency management worker from performing  
27 his or her official duties, or in retaliation for the  
28 emergency management worker performing his or her  
29 official duties.

30 (b) A violation of subsection (a) (1) or subsection  
31 (a) (2) of this Section is a Class X felony. A violation of  
32 subsection (a) (3), (a) (4), (a) (5), ~~or~~ (a) (6), (a) (7), or  
33 (a) (8) of this Section is a Class X felony for which the  
34 sentence shall be a term of imprisonment of no less than 12

1 years and no more than 50 years.

2 (c) For the purpose of this Section, "machine gun" has  
3 the meaning ascribed to it in clause (i) of paragraph (7) of  
4 subsection (a) of Section 24-1 of this Code.

5 (Source: P.A. 91-121, eff. 7-15-99.)

6 (720 ILCS 5/31-9 new)

7 Sec. 31-9. Obstructing an emergency management worker.

8 A person who knowingly obstructs the performance by one known  
9 to the person to be an emergency management worker of any  
10 authorized act within his or her official capacity commits a  
11 Class A misdemeanor.