

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 1961 is amended by changing  
5 Section 12-2 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

8 (a) A person commits an aggravated assault, when, in  
9 committing an assault, he:

10 (1) Uses a deadly weapon or any device manufactured and  
11 designed to be substantially similar in appearance to a  
12 firearm, other than by discharging a firearm in the  
13 direction of another person, a peace officer, a person  
14 summoned or directed by a peace officer, a correctional  
15 officer or a fireman or in the direction of a vehicle  
16 occupied by another person, a peace officer, a person  
17 summoned or directed by a peace officer, a correctional  
18 officer or a fireman while the officer or fireman is  
19 engaged in the execution of any of his official duties, or  
20 to prevent the officer or fireman from performing his  
21 official duties, or in retaliation for the officer or  
22 fireman performing his official duties;

23 (2) Is hooded, robed or masked in such manner as to  
24 conceal his identity or any device manufactured and  
25 designed to be substantially similar in appearance to a  
26 firearm;

27 (3) Knows the individual assaulted to be a teacher or  
28 other person employed in any school and such teacher or  
29 other employee is upon the grounds of a school or grounds  
30 adjacent thereto, or is in any part of a building used for  
31 school purposes;

32 (4) Knows the individual assaulted to be a supervisor,

1 director, instructor or other person employed in any park  
2 district and such supervisor, director, instructor or  
3 other employee is upon the grounds of the park or grounds  
4 adjacent thereto, or is in any part of a building used for  
5 park purposes;

6 (5) Knows the individual assaulted to be a caseworker,  
7 investigator, or other person employed by the State  
8 Department of Public Aid, a County Department of Public  
9 Aid, or the Department of Human Services (acting as  
10 successor to the Illinois Department of Public Aid under  
11 the Department of Human Services Act) and such caseworker,  
12 investigator, or other person is upon the grounds of a  
13 public aid office or grounds adjacent thereto, or is in any  
14 part of a building used for public aid purposes, or upon  
15 the grounds of a home of a public aid applicant, recipient  
16 or any other person being interviewed or investigated in  
17 the employees' discharge of his duties, or on grounds  
18 adjacent thereto, or is in any part of a building in which  
19 the applicant, recipient, or other such person resides or  
20 is located;

21 (6) Knows the individual assaulted to be a peace  
22 officer, or a community policing volunteer, or a fireman  
23 while the officer or fireman is engaged in the execution of  
24 any of his official duties, or to prevent the officer,  
25 community policing volunteer, or fireman from performing  
26 his official duties, or in retaliation for the officer,  
27 community policing volunteer, or fireman performing his  
28 official duties, and the assault is committed other than by  
29 the discharge of a firearm in the direction of the officer  
30 or fireman or in the direction of a vehicle occupied by the  
31 officer or fireman;

32 (7) Knows the individual assaulted to be an emergency  
33 medical technician - ambulance, emergency medical  
34 technician - intermediate, emergency medical technician -  
35 paramedic, ambulance driver or other medical assistance or  
36 first aid personnel engaged in the execution of any of his

1 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 aid  
5 personnel from performing his official duties, or in  
6 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 personnel  
10 performing his official duties;

11 (8) Knows the individual assaulted to be the driver,  
12 operator, employee or passenger of any transportation  
13 facility or system engaged in the business of  
14 transportation of the public for hire and the individual  
15 assaulted is then performing in such capacity or then using  
16 such public transportation as a passenger or using any area  
17 of any description designated by the transportation  
18 facility or system as a vehicle boarding, departure, or  
19 transfer location;

20 (9) Or the individual assaulted is on or about a public  
21 way, public property, or public place of accommodation or  
22 amusement;

23 (10) Knows the individual assaulted to be an employee  
24 of the State of Illinois, a municipal corporation therein  
25 or a political subdivision thereof, engaged in the  
26 performance of his authorized duties as such employee;

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

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

31 (13) Discharges a firearm;

32 (14) Knows the individual assaulted to be a  
33 correctional officer, while the officer is engaged in the  
34 execution of any of his or her official duties, or to  
35 prevent the officer from performing his or her official  
36 duties, or in retaliation for the officer performing his or

1 her official duties;

2 (15) Knows the individual assaulted to be a  
3 correctional employee or an employee of the Department of  
4 Human Services supervising or controlling sexually  
5 dangerous persons or sexually violent persons, while the  
6 employee is engaged in the execution of any of his or her  
7 official duties, or to prevent the employee from performing  
8 his or her official duties, or in retaliation for the  
9 employee performing his or her official duties, and the  
10 assault is committed other than by the discharge of a  
11 firearm in the direction of the employee or in the  
12 direction of a vehicle occupied by the employee; ~~or~~

13 (16) Knows the individual assaulted to be an employee  
14 of a police or sheriff's department engaged in the  
15 performance of his or her official duties as such employee;  
16 or.

17 (17) Knows the individual assaulted to be a sports  
18 official or coach at any level of competition and the act  
19 causing the assault to the sports official or coach  
20 occurred within an athletic facility or an indoor or  
21 outdoor playing field or within the immediate vicinity of  
22 the athletic facility or an indoor or outdoor playing field  
23 at which the sports official or coach was an active  
24 participant in the athletic contest held at the athletic  
25 facility. For the purposes of this paragraph (17), "sports  
26 official" means a person at an athletic contest who  
27 enforces the rules of the contest, such as an umpire or  
28 referee; and "coach" means a person recognized as a coach  
29 by the sanctioning authority that conducted the athletic  
30 contest.

31 (a-5) A person commits an aggravated assault when he or she  
32 knowingly and without lawful justification shines or flashes a  
33 laser gunsight or other laser device that is attached or  
34 affixed to a firearm, or used in concert with a firearm, so  
35 that the laser beam strikes near or in the immediate vicinity  
36 of any person.

1 (b) Sentence.

2 Aggravated assault as defined in paragraphs (1) through (5)  
3 and (8) through (12) and (17) of subsection (a) of this Section  
4 is a Class A misdemeanor. Aggravated assault as defined in  
5 paragraphs (13), (14), and (15) of subsection (a) of this  
6 Section and as defined in subsection (a-5) of this Section is a  
7 Class 4 felony. Aggravated assault as defined in paragraphs  
8 (6), (7), and (16) of subsection (a) of this Section is a Class  
9 A misdemeanor if a firearm is not used in the commission of the  
10 assault. Aggravated assault as defined in paragraphs (6), (7),  
11 and (16) of subsection (a) of this Section is a Class 4 felony  
12 if a firearm is used in the commission of the assault.

13 (Source: P.A. 91-672, eff. 1-1-00; 92-841, eff. 8-22-02;  
14 92-865, eff. 1-3-03; revised 1-9-03.)