



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Chapin Rose - John J. Millner

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-4

from Ch. 38, par. 12-4

Amends the Criminal Code of 1961. Reduces the number of factors that enhances a battery to an aggravated battery. Provides that a person who commits the offense of battery resulting in substantial risk of death or causes serious permanent disfigurement or impairment of a bodily function commits aggravated battery. Provides that a person, who in committing a battery, knows that the individual harmed was acting in the course of his or her professional or official duties in providing a function of health, safety, or general welfare to another or the public as a whole commits aggravated battery.

LRB093 17798 RLC 43478 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 12-4 as follows:

6 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

7 Sec. 12-4. Aggravated Battery.

8 (a) A person who commits the offense of battery resulting
9 in substantial risk of death or causes serious permanent
10 disfigurement or impairment of a bodily function, ~~in committing~~
11 ~~a battery, intentionally or knowingly causes great bodily harm,~~
12 ~~or permanent disability or disfigurement~~ commits aggravated
13 battery.

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

16 (1) Uses a deadly weapon other than by the discharge of
17 a firearm;

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

20 (3) Knows that the individual harmed was acting in the
21 course of his or her professional or official duties in
22 providing a function of health, safety, or general welfare
23 to another or the public as a whole ~~Knows the individual~~
24 ~~harmed to be a teacher or other person employed in any~~
25 ~~school and such teacher or other employee is upon the~~
26 ~~grounds of a school or grounds adjacent thereto, or is in~~
27 ~~any part of a building used for school purposes;~~

28 (4) (Blank) ~~Knows the individual harmed to be a~~
29 ~~supervisor, director, instructor or other person employed~~
30 ~~in any park district and such supervisor, director,~~
31 ~~instructor or other employee is upon the grounds of the~~
32 ~~park or grounds adjacent thereto, or is in any part of a~~

1 ~~building used for park purposes;~~

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

17 (6) (Blank) ~~Knows the individual harmed to be a peace~~
18 ~~officer, a community policing volunteer, a correctional~~
19 ~~institution employee, an employee of the Department of~~
20 ~~Human Services supervising or controlling sexually~~
21 ~~dangerous persons or sexually violent persons, or a fireman~~
22 ~~while such officer, volunteer, employee or fireman is~~
23 ~~engaged in the execution of any official duties including~~
24 ~~arrest or attempted arrest, or to prevent the officer,~~
25 ~~volunteer, employee or fireman from performing official~~
26 ~~duties, or in retaliation for the officer, volunteer,~~
27 ~~employee or fireman performing official duties, and the~~
28 ~~battery is committed other than by the discharge of a~~
29 ~~firearm;~~

30 (7) (Blank) ~~Knows the individual harmed to be an~~
31 ~~emergency medical technician — ambulance, emergency~~
32 ~~medical technician — intermediate, emergency medical~~
33 ~~technician — paramedic, ambulance driver, other medical~~
34 ~~assistance, first aid personnel, or hospital personnel~~
35 ~~engaged in the performance of any of his or her official~~
36 ~~duties, or to prevent the emergency medical technician —~~

1 ~~ambulance, emergency medical technician — intermediate,~~
2 ~~emergency medical technician — paramedic, ambulance~~
3 ~~driver, other medical assistance, first aid personnel, or~~
4 ~~hospital personnel from performing official duties, or in~~
5 ~~retaliation for performing official duties;~~

6 (8) (Blank) ~~is, or the person battered is, on or about~~
7 ~~a public way, public property or public place of~~
8 ~~accommodation or amusement;~~

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

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

21 (11) Knows the individual harmed is pregnant;

22 (12) (Blank) ~~Knows the individual harmed to be a judge~~
23 ~~whom the person intended to harm as a result of the judge's~~
24 ~~performance of his or her official duties as a judge;~~

25 (13) (Blank) ~~Knows the individual harmed to be an~~
26 ~~employee of the Illinois Department of Children and Family~~
27 ~~Services engaged in the performance of his authorized~~
28 ~~duties as such employee;~~

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

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

1 (16) (Blank) ~~Is, or the person battered is, in any~~
2 ~~building or other structure used to provide shelter or~~
3 ~~other services to victims or to the dependent children of~~
4 ~~victims of domestic violence pursuant to the Illinois~~
5 ~~Domestic Violence Act of 1986 or the Domestic Violence~~
6 ~~Shelters Act, or the person battered is within 500 feet of~~
7 ~~such a building or other structure while going to or from~~
8 ~~such a building or other structure. "Domestic violence" has~~
9 ~~the meaning ascribed to it in Section 103 of the Illinois~~
10 ~~Domestic Violence Act of 1986. "Building or other structure~~
11 ~~used to provide shelter" has the meaning ascribed to~~
12 ~~"shelter" in Section 1 of the Domestic Violence Shelters~~
13 ~~Act; or~~

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

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

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

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

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

36 (d-5) An inmate of a penal institution or a sexually

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

10 (e) Sentence.

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

18 (Source: P.A. 92-16, eff. 6-28-01; 92-516, eff. 1-1-02; 92-841,
19 eff. 8-22-02; 92-865, eff. 1-3-03; 93-83, eff. 7-2-03.)