



## 93RD GENERAL ASSEMBLY

### State of Illinois

#### 2003 and 2004

##### HB7287

Introduced 3/25/2004, by Rep. John J. Millner

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.2  
725 ILCS 5/110-4

from Ch. 38, par. 24-1.2  
from Ch. 38, par. 110-4

Amends the Criminal Code of 1961. Provides that aggravated discharge of a firearm also includes the discharge of a firearm in the direction of a person the defendant reasonably should know to be a peace officer, a community policing volunteer, a correctional institution employee, or a fireman while the officer, volunteer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, volunteer, employee or fireman from performing his or her official duties, or in retaliation for the officer, volunteer, employee or fireman performing his or her official duties. Provides that the penalty is a Class X felony for which the sentence shall be a term of imprisonment of no less than 10 years and not more than 45 years. Amends the Code of Criminal Procedure of 1963. Provides that the offense is nonbailable. Effective immediately.

LRB093 21600 RLC 49010 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 24-1.2 as follows:

6 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

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

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

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

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

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

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

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

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

25 (6) Discharges a firearm in the direction of a vehicle  
26 he or she knows to be occupied by an emergency medical  
27 technician - ambulance, emergency medical technician -  
28 intermediate, emergency medical technician - paramedic,  
29 ambulance driver, or other medical assistance or first aid  
30 personnel, employed by a municipality or other  
31 governmental unit, while the emergency medical technician  
32 - ambulance, emergency medical technician - intermediate,  
33 emergency medical technician - paramedic, ambulance  
34 driver, or other medical assistance or first aid personnel  
35 is engaged in the execution 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, or other medical assistance or first aid personnel  
4 from performing his or her official duties, or in  
5 retaliation for the emergency medical technician -  
6 ambulance, emergency medical technician - intermediate,  
7 emergency medical technician - paramedic, ambulance  
8 driver, or other medical assistance or first aid personnel  
9 performing his or her official duties; or

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

15 (b) A violation of subsection (a)(1) or subsection (a)(2)  
16 of this Section is a Class 1 felony. A violation of subsection  
17 (a)(1) or (a)(2) of this Section committed in a school, on the  
18 real property comprising a school, within 1,000 feet of the  
19 real property comprising a school, at a school related activity  
20 or on or within 1,000 feet of any conveyance owned, leased, or  
21 contracted by a school to transport students to or from school  
22 or a school related activity, regardless of the time of day or  
23 time of year that the offense was committed is a Class X  
24 felony. A violation of subsection (a)(3), (a)(4), (a)(5),  
25 (a)(6), or (a)(7) of this Section is a Class X felony for which  
26 the sentence shall be a term of imprisonment of no less than 10  
27 years and not more than 45 years.

28 (c) For purposes of this Section:

29 "School" means a public or private elementary or secondary  
30 school, community college, college, or university.

31 "School related activity" means any sporting, social,  
32 academic, or other activity for which students' attendance or  
33 participation is sponsored, organized, or funded in whole or in  
34 part by a school or school district.

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

1 Section 10. The Code of Criminal Procedure of 1963 is  
2 amended by changing Section 110-4 as follows:

3 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

4 Sec. 110-4. Bailable Offenses.

5 (a) All persons shall be bailable before conviction, except  
6 the following offenses where the proof is evident or the  
7 presumption great that the defendant is guilty of the offense:  
8 capital offenses; offenses for which a sentence of life  
9 imprisonment may be imposed as a consequence of conviction;  
10 felony offenses for which a sentence of imprisonment, without  
11 conditional and revocable release, shall be imposed by law as a  
12 consequence of conviction, where the court after a hearing,  
13 determines that the release of the defendant would pose a real  
14 and present threat to the physical safety of any person or  
15 persons; stalking or aggravated stalking, where the court,  
16 after a hearing, determines that the release of the defendant  
17 would pose a real and present threat to the physical safety of  
18 the alleged victim of the offense and denial of bail is  
19 necessary to prevent fulfillment of the threat upon which the  
20 charge is based; ~~or~~ unlawful use of weapons in violation of  
21 item (4) of subsection (a) of Section 24-1 of the Criminal Code  
22 of 1961 when that offense occurred in a school or in any  
23 conveyance owned, leased, or contracted by a school to  
24 transport students to or from school or a school-related  
25 activity, or on any public way within 1,000 feet of real  
26 property comprising any school, where the court, after a  
27 hearing, determines that the release of the defendant would  
28 pose a real and present threat to the physical safety of any  
29 person and denial of bail is necessary to prevent fulfillment  
30 of that threat; or aggravated discharge of a firearm in  
31 violation of subsection (a)(3) of Section 24-1.2 of the  
32 Criminal Code of 1961.

33 (b) A person seeking release on bail who is charged with a  
34 capital offense or an offense for which a sentence of life

1 imprisonment may be imposed shall not be bailable until a  
2 hearing is held wherein such person has the burden of  
3 demonstrating that the proof of his guilt is not evident and  
4 the presumption is not great.

5 (c) Where it is alleged that bail should be denied to a  
6 person upon the grounds that the person presents a real and  
7 present threat to the physical safety of any person or persons,  
8 the burden of proof of such allegations shall be upon the  
9 State.

10 (d) When it is alleged that bail should be denied to a  
11 person charged with stalking or aggravated stalking upon the  
12 grounds set forth in Section 110-6.3 of this Code, the burden  
13 of proof of those allegations shall be upon the State.

14 (Source: P.A. 91-11, eff. 6-4-99.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.