



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0456

Introduced 1/26/2005, by Rep. Patricia Reid Lindner

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-4

from Ch. 38, par. 12-4

Amends the Criminal Code of 1961 in relation to aggravated battery. Changes references in the aggravated battery statute from "harmed" to "battered" and from "causes bodily harm to" to "batters".

LRB094 07117 RLC 37262 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, in committing a battery, intentionally or
9 knowingly causes great bodily harm, or permanent disability or
10 disfigurement commits aggravated battery.

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

13 (1) Uses a deadly weapon other than by the discharge of
14 a firearm;

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

17 (3) Knows the individual battered ~~harmed~~ to be a
18 teacher or other person employed in any school and such
19 teacher or other employee is upon the grounds of a school
20 or grounds adjacent thereto, or is in any part of a
21 building used for school purposes;

22 (4) Knows the individual battered ~~harmed~~ to be a
23 supervisor, director, instructor or other person employed
24 in any park district and such supervisor, director,
25 instructor or other employee is upon the grounds of the
26 park or grounds adjacent thereto, or is in any part of a
27 building used for park purposes;

28 (5) Knows the individual battered ~~harmed~~ to be a
29 caseworker, investigator, or other person employed by the
30 State Department of Public Aid, a County Department of
31 Public Aid, or the Department of Human Services (acting as
32 successor to the Illinois Department of Public Aid under

1 the Department of Human Services Act) and such caseworker,
2 investigator, or other person is upon the grounds of a
3 public aid office or grounds adjacent thereto, or is in any
4 part of a building used for public aid purposes, or upon
5 the grounds of a home of a public aid applicant, recipient,
6 or any other person being interviewed or investigated in
7 the employee's discharge of his duties, or on grounds
8 adjacent thereto, or is in any part of a building in which
9 the applicant, recipient, or other such person resides or
10 is located;

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

24 (7) Knows the individual battered ~~harmed~~ to be an
25 emergency medical technician - ambulance, emergency
26 medical technician - intermediate, emergency medical
27 technician - paramedic, ambulance driver, other medical
28 assistance, first aid personnel, or hospital personnel
29 engaged in the performance of any of his or her official
30 duties, or to prevent the emergency medical technician -
31 ambulance, emergency medical technician - intermediate,
32 emergency medical technician - paramedic, ambulance
33 driver, other medical assistance, first aid personnel, or
34 hospital personnel from performing official duties, or in
35 retaliation for performing official duties;

36 (8) Is, or the person battered is, on or about a public

1 way, public property or public place of accommodation or
2 amusement;

3 (9) Knows the individual battered ~~harmed~~ to be the
4 driver, operator, employee or passenger of any
5 transportation facility or system engaged in the business
6 of transportation of the public for hire and the individual
7 assaulted is then performing in such capacity or then using
8 such public transportation as a passenger or using any area
9 of any description designated by the transportation
10 facility or system as a vehicle boarding, departure, or
11 transfer location;

12 (10) Knowingly and without legal justification and by
13 any means batters ~~causes bodily harm to~~ an individual of 60
14 years of age or older;

15 (11) Knows the individual battered ~~harmed~~ is pregnant;

16 (12) Knows the individual battered ~~harmed~~ to be a judge
17 whom the person intended to batter ~~harm~~ as a result of the
18 judge's performance of his or her official duties as a
19 judge;

20 (13) Knows the individual battered ~~harmed~~ to be an
21 employee of the Illinois Department of Children and Family
22 Services engaged in the performance of his authorized
23 duties as such employee;

24 (14) Knows the individual battered ~~harmed~~ to be a
25 person who is physically handicapped;

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

32 (16) Is, or the person battered is, in any building or
33 other structure used to provide shelter or other services
34 to victims or to the dependent children of victims of
35 domestic violence pursuant to the Illinois Domestic
36 Violence Act of 1986 or the Domestic Violence Shelters Act,

1 or the person battered is within 500 feet of such a
2 building or other structure while going to or from such a
3 building or other structure. "Domestic violence" has the
4 meaning ascribed to it in Section 103 of the Illinois
5 Domestic Violence Act of 1986. "Building or other structure
6 used to provide shelter" has the meaning ascribed to
7 "shelter" in Section 1 of the Domestic Violence Shelters
8 Act; or

9 (17) Knows the individual battered ~~harmed~~ to be an
10 employee of a police or sheriff's department engaged in the
11 performance of his or her official duties as such employee.

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

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

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

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

31 (d-5) An inmate of a penal institution or a sexually
32 dangerous person or a sexually violent person in the custody of
33 the Department of Human Services who causes or attempts to
34 cause a correctional employee of the penal institution or an
35 employee of the Department of Human Services to come into
36 contact with blood, seminal fluid, urine, or feces, by

1 throwing, tossing, or expelling that fluid or material commits
2 aggravated battery. For purposes of this subsection (d-5),
3 "correctional employee" means a person who is employed by a
4 penal institution.

5 (e) Sentence.

6 Aggravated battery is a Class 3 felony, except a violation
7 of subsection (a) is a Class 2 felony when the person knows the
8 individual battered ~~harmed~~ to be a peace officer engaged in the
9 execution of any of his or her official duties, or the battery
10 is to prevent the officer from performing his or her official
11 duties, or in retaliation for the officer performing his or her
12 official duties.

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