



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0864

Introduced 2/2/2005, by Rep. Jim Sacia - John J. Millner

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-4

from Ch. 38, par. 12-4

Amends the Criminal Code of 1961. Provides that aggravated battery is a Class X felony (rather than a Class 2 felony if the victim is a peace officer) if the person who commits the battery intentionally or knowingly causes great bodily harm or permanent disability or disfigurement to an individual known by the person to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee, or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee, or fireman from performing official duties, or in retaliation for the officer, volunteer, employee, or fireman performing official duties, and the battery is committed other than by the discharge of a firearm. Effective immediately.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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

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

28 (5) Knows the individual harmed to be a caseworker,  
29 investigator, or other person employed by the State  
30 Department of Public Aid, a County Department of Public  
31 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 harmed to be a peace officer,  
12 a community policing volunteer, a correctional institution  
13 employee, an employee of the Department of Human Services  
14 supervising or controlling sexually dangerous persons or  
15 sexually violent persons, or a fireman while such officer,  
16 volunteer, employee or fireman is engaged in the execution  
17 of any official duties including arrest or attempted  
18 arrest, or to prevent the officer, volunteer, employee or  
19 fireman from performing official duties, or in retaliation  
20 for the officer, volunteer, employee or fireman performing  
21 official duties, and the battery is committed other than by  
22 the discharge of a firearm;

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

35 (8) Is, or the person battered is, on or about a public  
36 way, public property or public place of accommodation or

1 amusement;

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

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

14 (11) Knows the individual harmed is pregnant;

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

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

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

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

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

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

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

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

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

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

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

29 (d-5) An inmate of a penal institution or a sexually  
30 dangerous person or a sexually violent person in the custody of  
31 the Department of Human Services who causes or attempts to  
32 cause a correctional employee of the penal institution or an  
33 employee of the Department of Human Services to come into  
34 contact with blood, seminal fluid, urine, or feces, by  
35 throwing, tossing, or expelling that fluid or material commits  
36 aggravated battery. For purposes of this subsection (d-5),

1 "correctional employee" means a person who is employed by a  
2 penal institution.

3 (e) Sentence.

4 Aggravated battery is a Class 3 felony, except a violation  
5 of subsection (a) is a Class X ~~2~~ felony when the person knows  
6 the individual harmed to be a peace officer, a community  
7 policing volunteer, a correctional institution employee, an  
8 employee of the Department of Human Services supervising or  
9 controlling sexually dangerous persons or sexually violent  
10 persons, or a fireman while such officer, volunteer, employee,  
11 or fireman is engaged in the execution of any official duties  
12 including arrest or attempted arrest, or to prevent the  
13 officer, volunteer, employee, or fireman from performing  
14 official duties, or in retaliation for the officer, volunteer,  
15 employee, or fireman performing official duties, and the  
16 battery is committed other than by the discharge of a firearm  
17 ~~engaged in the execution of any of his or her official duties,~~  
18 ~~or the battery is to prevent the officer from performing his or~~  
19 ~~her official duties, or in retaliation for the officer~~  
20 ~~performing his or her official duties.~~

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

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.