

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) (Blank);

23 (5) (Blank);

24 (6) Knows the individual harmed to be a community
25 policing volunteer while such volunteer is engaged in the
26 execution of any official duties, or to prevent the
27 volunteer from performing official duties, or in
28 retaliation for the volunteer performing official duties,
29 and the battery is committed other than by the discharge of
30 a firearm;

31 (7) Knows the individual harmed to be an emergency
32 medical technician - ambulance, emergency medical

1 technician - intermediate, emergency medical technician -
2 paramedic, ambulance driver, other medical assistance,
3 first aid personnel, or hospital personnel engaged in the
4 performance of any of his or her official duties, or to
5 prevent the emergency medical technician - ambulance,
6 emergency medical technician - intermediate, emergency
7 medical technician - paramedic, ambulance driver, other
8 medical assistance, first aid personnel, or hospital
9 personnel from performing official duties, or in
10 retaliation for performing official duties;

11 (8) Is, or the person battered is, on or about a public
12 way, public property or public place of accommodation or
13 amusement;

14 (8.5) Is, or the person battered is, on a publicly or
15 privately owned sports or entertainment arena, stadium,
16 community or convention hall, special event center,
17 amusement facility, or a special event center in a public
18 park during any 24-hour period when a professional sporting
19 event, National Collegiate Athletic Association
20 (NCAA)-sanctioned sporting event, United States Olympic
21 Committee-sanctioned sporting event, or International
22 Olympic Committee-sanctioned sporting event is taking
23 place in this venue;

24 (9) Knows the individual harmed to be the driver,
25 operator, employee or passenger of any transportation
26 facility or system engaged in the business of
27 transportation of the public for hire and the individual
28 assaulted is then performing in such capacity or then using
29 such public transportation as a passenger or using any area
30 of any description designated by the transportation
31 facility or system as a vehicle boarding, departure, or
32 transfer location;

33 (10) Knows the individual harmed to be an individual of
34 60 years of age or older;

35 (11) Knows the individual harmed is pregnant;

36 (12) Knows the individual harmed to be a judge whom the

1 person intended to harm as a result of the judge's
2 performance of his or her official duties as a judge;

3 (13) (Blank);

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

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

12 (16) Is, or the person battered is, in any building or
13 other structure used to provide shelter or other services
14 to victims or to the dependent children of victims of
15 domestic violence pursuant to the Illinois Domestic
16 Violence Act of 1986 or the Domestic Violence Shelters Act,
17 or the person battered is within 500 feet of such a
18 building or other structure while going to or from such a
19 building or other structure. "Domestic violence" has the
20 meaning ascribed to it in Section 103 of the Illinois
21 Domestic Violence Act of 1986. "Building or other structure
22 used to provide shelter" has the meaning ascribed to
23 "shelter" in Section 1 of the Domestic Violence Shelters
24 Act;

25 (17) (Blank); ~~or~~

26 (18) Knows the individual harmed to be an officer or
27 employee of the State of Illinois, a unit of local
28 government, or school district engaged in the performance
29 of his or her authorized duties as such officer or
30 employee;or

31 (19) ~~(18)~~ Knows the individual harmed to be an
32 emergency management worker engaged in the performance of
33 any of his or her official duties, or to prevent the
34 emergency management worker from performing official
35 duties, or in retaliation for the emergency management
36 worker performing official duties;or

1 (20) Knows the individual harmed to be a taxi driver
2 and the battery is committed while the taxi driver is on
3 duty.

4 For the purpose of paragraph (14) of subsection (b) of this
5 Section, a physically handicapped person is a person who
6 suffers from a permanent and disabling physical
7 characteristic, resulting from disease, injury, functional
8 disorder or congenital condition.

9 (c) A person who administers to an individual or causes him
10 to take, without his consent or by threat or deception, and for
11 other than medical purposes, any intoxicating, poisonous,
12 stupefying, narcotic, anesthetic, or controlled substance
13 commits aggravated battery.

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

17 (d-3) A person commits aggravated battery when he or she
18 knowingly and without lawful justification shines or flashes a
19 laser gunsight or other laser device that is attached or
20 affixed to a firearm, or used in concert with a firearm, so
21 that the laser beam strikes upon or against the person of
22 another.

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

33 (e) Sentence.

34 (1) Except as otherwise provided in paragraphs (2) and
35 (3), aggravated battery is a Class 3 felony.

36 (2) Aggravated battery that does not cause great bodily

1 harm or permanent disability or disfigurement is a Class 2
2 felony when the person knows the individual harmed to be a
3 peace officer, a community policing volunteer, a
4 correctional institution employee, an employee of the
5 Department of Human Services supervising or controlling
6 sexually dangerous persons or sexually violent persons, or
7 a fireman while such officer, volunteer, employee, or
8 fireman is engaged in the execution of any official duties
9 including arrest or attempted arrest, or to prevent the
10 officer, volunteer, employee, or fireman from performing
11 official duties, or in retaliation for the officer,
12 volunteer, employee, or fireman performing official
13 duties, and the battery is committed other than by the
14 discharge of a firearm.

15 (3) Aggravated battery that causes great bodily harm or
16 permanent disability or disfigurement in violation of
17 subsection (a) is a Class 1 felony when the person knows
18 the individual harmed to be a peace officer, a community
19 policing volunteer, a correctional institution employee,
20 an employee of the Department of Human Services supervising
21 or controlling sexually dangerous persons or sexually
22 violent persons, or a fireman while such officer,
23 volunteer, employee, or fireman is engaged in the execution
24 of any official duties including arrest or attempted
25 arrest, or to prevent the officer, volunteer, employee, or
26 fireman from performing official duties, or in retaliation
27 for the officer, volunteer, employee, or fireman
28 performing official duties, and the battery is committed
29 other than by the discharge of a firearm.

30 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,
31 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;
32 94-482, eff. 1-1-06; revised 8-19-05.)