



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0190

Introduced 2/2/2005, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-6.6 new	
720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-4	from Ch. 38, par. 12-4
720 ILCS 5/12-4.2	from Ch. 38, par. 12-4.2
720 ILCS 5/12-4.2-5	
720 ILCS 5/24-1.2	from Ch. 38, par. 24-1.2
720 ILCS 5/24-1.2-5	
720 ILCS 5/31-9 new	
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Criminal Code of 1961. Provides for various enhanced penalties for assaulting or harming an emergency management worker that is acting in the course of performing his or her official duties or in retaliation for performing his or her official duties. Creates the offense of obstructing an emergency management worker. Amends the Unified Code of Corrections to provide that a person convicted of the first degree murder of an emergency management worker in the course of performing his or her official duties or in retaliation for performing his or her official duties shall be sentenced to a term of natural life imprisonment. Effective January 1, 2006.

LRB094 04313 RSP 34342 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to 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 Sections 12-2, 12-4, 12-4.2, 12-4.2-5, 24-1.2, and 24-1.2-5 and
6 adding Sections 2-6.6 and 31-9 as follows:

7 (720 ILCS 5/2-6.6 new)

8 Sec. 2-6.6. Emergency management worker.

9 "Emergency management worker" shall include the following:

10 (a) any person, paid or unpaid, who is a member of a
11 local or county emergency services and disaster agency as
12 defined by the Illinois Emergency Management Agency Act, or
13 who is an employee of the Illinois Emergency Management
14 Agency or the Federal Emergency Management Agency.

15 (b) any employee or volunteer of the American Red
16 Cross.

17 (c) any employee of a federal, state, county or local
18 government agency assisting an emergency services and
19 disaster agency, the Illinois Emergency Management Agency,
20 or the Federal Emergency Management Agency through mutual
21 aid or as otherwise requested or directed in time of
22 disaster or emergency.

23 (d) any person volunteering or directed to assist an
24 emergency services and disaster agency, the Illinois
25 Emergency Management Agency, or the Federal Emergency
26 Management Agency.

27 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

28 Sec. 12-2. Aggravated assault.

29 (a) A person commits an aggravated assault, when, in
30 committing an assault, he:

31 (1) Uses a deadly weapon or any device manufactured and

1 designed to be substantially similar in appearance to a
2 firearm, other than by discharging a firearm in the
3 direction of another person, a peace officer, a person
4 summoned or directed by a peace officer, a correctional
5 officer or a fireman or in the direction of a vehicle
6 occupied by another person, a peace officer, a person
7 summoned or directed by a peace officer, a correctional
8 officer or a fireman while the officer or fireman is
9 engaged in the execution of any of his official duties, or
10 to prevent the officer or fireman from performing his
11 official duties, or in retaliation for the officer or
12 fireman performing his official duties;

13 (2) Is hooded, robed or masked in such manner as to
14 conceal his identity or any device manufactured and
15 designed to be substantially similar in appearance to a
16 firearm;

17 (3) Knows the individual assaulted 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 assaulted 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 assaulted 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
33 the Department of Human Services Act) and such caseworker,
34 investigator, or other person is upon the grounds of a
35 public aid office or grounds adjacent thereto, or is in any
36 part of a building used for public aid purposes, or upon

1 the grounds of a home of a public aid applicant, recipient
2 or any other person being interviewed or investigated in
3 the employees' discharge of his duties, or on grounds
4 adjacent thereto, or is in any part of a building in which
5 the applicant, recipient, or other such person resides or
6 is located;

7 (6) Knows the individual assaulted to be a peace
8 officer, or a community policing volunteer, or a fireman
9 while the officer or fireman is engaged in the execution of
10 any of his official duties, or to prevent the officer,
11 community policing volunteer, or fireman from performing
12 his official duties, or in retaliation for the officer,
13 community policing volunteer, or fireman performing his
14 official duties, and the assault is committed other than by
15 the discharge of a firearm in the direction of the officer
16 or fireman or in the direction of a vehicle occupied by the
17 officer or fireman;

18 (7) Knows the individual assaulted to be an emergency
19 medical technician - ambulance, emergency medical
20 technician - intermediate, emergency medical technician -
21 paramedic, ambulance driver or other medical assistance or
22 first aid personnel engaged in the execution of any of his
23 official duties, or to prevent the emergency medical
24 technician - ambulance, emergency medical technician -
25 intermediate, emergency medical technician - paramedic,
26 ambulance driver, or other medical assistance or first aid
27 personnel from performing his official duties, or in
28 retaliation for the emergency medical technician -
29 ambulance, emergency medical technician - intermediate,
30 emergency medical technician - paramedic, ambulance
31 driver, or other medical assistance or first aid personnel
32 performing his official duties;

33 (8) Knows the individual assaulted to be the driver,
34 operator, employee or passenger of any transportation
35 facility or system engaged in the business of
36 transportation of the public for hire and the individual

1 assaulted is then performing in such capacity or then using
2 such public transportation as a passenger or using any area
3 of any description designated by the transportation
4 facility or system as a vehicle boarding, departure, or
5 transfer location;

6 (9) Or the individual assaulted is on or about a public
7 way, public property, or public place of accommodation or
8 amusement;

9 (10) Knows the individual assaulted to be an employee
10 of the State of Illinois, a municipal corporation therein
11 or a political subdivision thereof, engaged in the
12 performance of his authorized duties as such employee;

13 (11) Knowingly and without legal justification,
14 commits an assault on a physically handicapped person;

15 (12) Knowingly and without legal justification,
16 commits an assault on a person 60 years of age or older;

17 (13) Discharges a firearm;

18 (14) Knows the individual assaulted to be a
19 correctional officer, while the officer is engaged in the
20 execution of any of his or her official duties, or to
21 prevent the officer from performing his or her official
22 duties, or in retaliation for the officer performing his or
23 her official duties;

24 (15) Knows the individual assaulted to be a
25 correctional employee or an employee of the Department of
26 Human Services supervising or controlling sexually
27 dangerous persons or sexually violent persons, while the
28 employee is engaged in the execution of any of his or her
29 official duties, or to prevent the employee from performing
30 his or her official duties, or in retaliation for the
31 employee performing his or her official duties, and the
32 assault is committed other than by the discharge of a
33 firearm in the direction of the employee or in the
34 direction of a vehicle occupied by the employee;

35 (16) Knows the individual assaulted to be an employee
36 of a police or sheriff's department engaged in the

1 performance of his or her official duties as such employee;
2 or

3 (17) Knows the individual assaulted to be a sports
4 official or coach at any level of competition and the act
5 causing the assault to the sports official or coach
6 occurred within an athletic facility or an indoor or
7 outdoor playing field or within the immediate vicinity of
8 the athletic facility or an indoor or outdoor playing field
9 at which the sports official or coach was an active
10 participant in the athletic contest held at the athletic
11 facility. For the purposes of this paragraph (17), "sports
12 official" means a person at an athletic contest who
13 enforces the rules of the contest, such as an umpire or
14 referee; and "coach" means a person recognized as a coach
15 by the sanctioning authority that conducted the athletic
16 contest.

17 (18) Knows the individual assaulted to be an emergency
18 management worker, while the emergency management worker
19 is engaged in the execution of any of his or her official
20 duties, or to prevent the emergency management worker from
21 performing his or her official duties, or in retaliation
22 for the emergency management worker performing his or her
23 official duties, and the assault is committed other than by
24 the discharge of a firearm in the direction of the
25 emergency management worker or in the direction of a
26 vehicle occupied by the emergency management worker.

27 (a-5) A person commits an aggravated assault when he or she
28 knowingly and without lawful justification shines or flashes a
29 laser gunsight or other laser device that is attached or
30 affixed to a firearm, or used in concert with a firearm, so
31 that the laser beam strikes near or in the immediate vicinity
32 of any person.

33 (b) Sentence.

34 Aggravated assault as defined in paragraphs (1) through (5)
35 and (8) through (12) and (17) of subsection (a) of this Section
36 is a Class A misdemeanor. Aggravated assault as defined in

1 paragraphs (13), (14), and (15) of subsection (a) of this
2 Section and as defined in subsection (a-5) of this Section is a
3 Class 4 felony. Aggravated assault as defined in paragraphs
4 (6), (7), ~~and~~ (16), and 18 of subsection (a) of this Section is
5 a Class A misdemeanor if a firearm is not used in the
6 commission of the assault. Aggravated assault as defined in
7 paragraphs (6), (7), ~~and~~ (16), and 18 of subsection (a) of this
8 Section is a Class 4 felony if a firearm is used in the
9 commission of the assault.

10 (Source: P.A. 92-841, eff. 8-22-02; 92-865, eff. 1-3-03;
11 93-692, eff. 1-1-05.)

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

13 Sec. 12-4. Aggravated Battery.

14 (a) A person who, in committing a battery, intentionally or
15 knowingly causes great bodily harm, or permanent disability or
16 disfigurement commits aggravated battery.

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

19 (1) Uses a deadly weapon other than by the discharge of
20 a firearm;

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

23 (3) Knows the individual harmed to be a teacher or
24 other person employed in any school and such teacher or
25 other employee is upon the grounds of a school or grounds
26 adjacent thereto, or is in any part of a building used for
27 school purposes;

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

34 (5) Knows the individual harmed to be a caseworker,
35 investigator, or other person employed by the State

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

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

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

1 retaliation for performing official duties;

2 (8) Is, or the person battered is, on or about a public
3 way, public property or public place of accommodation or
4 amusement;

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

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

17 (11) Knows the individual harmed is pregnant;

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

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

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

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

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

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

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

13 (18) Knows the individual harmed to be an emergency
14 management worker engaged in the performance of any of his
15 or her official duties, or to prevent the emergency
16 management worker from performing official duties, or in
17 retaliation for the emergency management worker performing
18 official duties.

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

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

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

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

1 another.

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

12 (e) Sentence.

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

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

22 (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

23 Sec. 12-4.2. Aggravated Battery with a firearm.

24 (a) A person commits aggravated battery with a firearm when
25 he, in committing a battery, knowingly or intentionally by
26 means of the discharging of a firearm (1) causes any injury to
27 another person, or (2) causes any injury to a person he knows
28 to be a peace officer, a community policing volunteer, a
29 correctional institution employee or a fireman while the
30 officer, volunteer, employee or fireman is engaged in the
31 execution of any of his official duties, or to prevent the
32 officer, volunteer, employee or fireman from performing his
33 official duties, or in retaliation for the officer, volunteer,
34 employee or fireman performing his official duties, or (3)
35 causes any injury to a person he knows to be an emergency

1 medical technician - ambulance, emergency medical technician -
2 intermediate, emergency medical technician - paramedic,
3 ambulance driver, or other medical assistance or first aid
4 personnel, employed by a municipality or other governmental
5 unit, while the emergency medical technician - ambulance,
6 emergency medical technician - intermediate, emergency medical
7 technician - paramedic, ambulance driver, or other medical
8 assistance or first aid personnel is engaged in the execution
9 of any of his official duties, or to prevent the emergency
10 medical technician - ambulance, emergency medical technician -
11 intermediate, emergency medical technician - paramedic,
12 ambulance driver, or other medical assistance or first aid
13 personnel from performing his official duties, or in
14 retaliation for the emergency medical technician - ambulance,
15 emergency medical technician - intermediate, emergency medical
16 technician - paramedic, ambulance driver, or other medical
17 assistance or first aid personnel performing his official
18 duties, ~~or~~ (4) causes any injury to a person he or she knows to
19 be a teacher or other person employed in a school and the
20 teacher or other employee is upon grounds of a school or
21 grounds adjacent to a school, or is in any part of a building
22 used for school purposes, or (5) causes any injury to a person
23 he or she knows to be an emergency management worker while the
24 emergency management worker is engaged in the execution of any
25 of his or her official duties, or to prevent the emergency
26 management worker from performing his or her official duties,
27 or in retaliation for the emergency management worker
28 performing his or her official duties.

29 (b) A violation of subsection (a)(1) of this Section is a
30 Class X felony. A violation of subsection (a)(2), subsection
31 (a)(3), ~~or~~ subsection (a)(4), or subsection (a)(5) of this
32 Section is a Class X felony for which the sentence shall be a
33 term of imprisonment of no less than 15 years and no more than
34 60 years.

35 (c) For purposes of this Section, "firearm" is defined as
36 in "An Act relating to the acquisition, possession and transfer

1 of firearms and firearm ammunition, to provide a penalty for
2 the violation thereof and to make an appropriation in
3 connection therewith", approved August 1, 1967, as amended.

4 (Source: P.A. 90-651, eff. 1-1-99; 91-434, eff. 1-1-00; 91-696,
5 eff. 4-13-00.)

6 (720 ILCS 5/12-4.2-5)

7 Sec. 12-4.2-5. Aggravated battery with a machine gun or a
8 firearm equipped with any device or attachment designed or used
9 for silencing the report of a firearm.

10 (a) A person commits aggravated battery with a machine gun
11 or a firearm equipped with a device designed or used for
12 silencing the report of a firearm when he or she, in committing
13 a battery, knowingly or intentionally by means of the
14 discharging of a machine gun or a firearm equipped with a
15 device designed or used for silencing the report of a firearm
16 (1) causes any injury to another person, or (2) causes any
17 injury to a person he or she knows to be a peace officer, a
18 person summoned by a peace officer, a correctional institution
19 employee or a fireman while the officer, employee or fireman is
20 engaged in the execution of any of his or her official duties,
21 or to prevent the officer, employee or fireman from performing
22 his or her official duties, or in retaliation for the officer,
23 employee or fireman performing his or her official duties, or
24 (3) causes any injury to a person he or she knows to be an
25 emergency medical technician - ambulance, emergency medical
26 technician - intermediate, emergency medical technician -
27 paramedic, ambulance driver, or other medical assistance or
28 first aid personnel, employed by a municipality or other
29 governmental unit, while the emergency medical technician -
30 ambulance, emergency medical technician - intermediate,
31 emergency medical technician - paramedic, ambulance driver, or
32 other medical assistance or first aid personnel is engaged in
33 the execution of any of his or her official duties, or to
34 prevent the emergency medical technician - ambulance,
35 emergency medical technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver, or other medical
2 assistance or first aid personnel from performing his or her
3 official duties, or in retaliation for the emergency medical
4 technician - ambulance, emergency medical technician -
5 intermediate, emergency medical technician - paramedic,
6 ambulance driver, or other medical assistance or first aid
7 personnel performing his or her official duties, or (4) causes
8 any injury to a person he or she knows to be an emergency
9 management worker while the emergency management worker is
10 engaged in the execution of any of his or her official duties,
11 or to prevent the emergency management worker from performing
12 his or her official duties, or in retaliation for the emergency
13 management worker performing his or her official duties.

14 (b) A violation of subsection (a) (1) of this Section is a
15 Class X felony for which the person shall be sentenced to a
16 term of imprisonment of no less than 12 years and no more than
17 45 years. A violation of subsection (a) (2), ~~or~~ subsection (a)
18 (3), or subsection (a) (4) of this Section is a Class X felony
19 for which the sentence shall be a term of imprisonment of no
20 less than 20 years and no more than 60 years.

21 (c) For purposes of this Section, "firearm" is defined as
22 in the Firearm Owners Identification Card Act.

23 (d) For purposes of this Section, "machine gun" has the
24 meaning ascribed to it in clause (i) of paragraph (7) of
25 subsection (a) of Section 24-1 of this Code.

26 (Source: P.A. 91-121, eff. 7-15-99.)

27 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

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

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

31 (1) Discharges a firearm at or into a building he or
32 she knows or reasonably should know to be occupied and the
33 firearm is discharged from a place or position outside that
34 building;

35 (2) Discharges a firearm in the direction of another

1 person or in the direction of a vehicle he or she knows or
2 reasonably should know to be occupied by a person;

3 (3) Discharges a firearm in the direction of a person
4 he or she knows to be a peace officer, a community policing
5 volunteer, a correctional institution employee, or a
6 fireman while the officer, volunteer, employee or fireman
7 is engaged in the execution of any of his or her official
8 duties, or to prevent the officer, volunteer, employee or
9 fireman from performing his or her official duties, or in
10 retaliation for the officer, volunteer, employee or
11 fireman performing his or her official duties;

12 (4) Discharges a firearm in the direction of a vehicle
13 he or she knows to be occupied by a peace officer, a person
14 summoned or directed by a peace officer, a correctional
15 institution employee or a fireman while the officer,
16 employee or fireman is engaged in the execution of any of
17 his or her official duties, or to prevent the officer,
18 employee or fireman from performing his or her official
19 duties, or in retaliation for the officer, employee or
20 fireman performing his or her official duties;

21 (5) Discharges a firearm in the direction of a person
22 he or she knows to be an emergency medical technician -
23 ambulance, emergency medical technician - intermediate,
24 emergency medical technician - paramedic, ambulance
25 driver, or other medical assistance or first aid personnel,
26 employed by a municipality or other governmental unit,
27 while the emergency medical technician - ambulance,
28 emergency medical technician - intermediate, emergency
29 medical technician - paramedic, ambulance driver, or other
30 medical assistance or first aid personnel is engaged in the
31 execution of any of his or her official duties, or to
32 prevent the emergency medical technician - ambulance,
33 emergency medical technician - intermediate, emergency
34 medical technician - paramedic, ambulance driver, or other
35 medical assistance or first aid personnel from performing
36 his or her official duties, or in retaliation for the

1 emergency medical technician - ambulance, emergency
2 medical technician - intermediate, emergency medical
3 technician - paramedic, ambulance driver, or other medical
4 assistance or first aid personnel performing his or her
5 official duties;

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

27 (7) Discharges a firearm in the direction of a person
28 he or she knows to be a teacher or other person employed in
29 any school and the teacher or other employee is upon the
30 grounds of a school or grounds adjacent to a school, or is
31 in any part of a building used for school purposes; ~~or~~

32 (8) Discharges a firearm in the direction of a person
33 he or she knows to be an emergency management worker while
34 the emergency management worker is engaged in the execution
35 of any of his or her official duties, or to prevent the
36 emergency management worker from performing his or her

1 official duties, or in retaliation for the emergency
2 management worker performing his or her official duties; or

3 (9) Discharges a firearm in the direction of a vehicle
4 he or she knows to be occupied by an emergency management
5 worker while the emergency management worker is engaged in
6 the execution of any of his or her official duties, or to
7 prevent the emergency management worker from performing
8 his or her official duties, or in retaliation for the
9 emergency management worker performing his or her official
10 duties.

11 (b) A violation of subsection (a)(1) or subsection (a)(2)
12 of this Section is a Class 1 felony. A violation of subsection
13 (a)(1) or (a)(2) of this Section committed in a school, on the
14 real property comprising a school, within 1,000 feet of the
15 real property comprising a school, at a school related activity
16 or on or within 1,000 feet of any conveyance owned, leased, or
17 contracted by a school to transport students to or from school
18 or a school related activity, regardless of the time of day or
19 time of year that the offense was committed is a Class X
20 felony. A violation of subsection (a)(3), (a)(4), (a)(5),
21 (a)(6), ~~or~~ (a)(7), (a)(8), or (a)(9) of this Section is a Class
22 X felony for which the sentence shall be a term of imprisonment
23 of no less than 10 years and not more than 45 years.

24 (c) For purposes of this Section:

25 "School" means a public or private elementary or secondary
26 school, community college, college, or university.

27 "School related activity" means any sporting, social,
28 academic, or other activity for which students' attendance or
29 participation is sponsored, organized, or funded in whole or in
30 part by a school or school district.

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

33 (720 ILCS 5/24-1.2-5)

34 Sec. 24-1.2-5. Aggravated discharge of a machine gun or a
35 firearm equipped with a device designed or used for silencing

1 the report of a firearm.

2 (a) A person commits aggravated discharge of a machine gun
3 or a firearm equipped with a device designed or used for
4 silencing the report of a firearm when he or she knowingly or
5 intentionally:

6 (1) Discharges a machine gun or a firearm equipped with
7 a device designed or used for silencing the report of a
8 firearm at or into a building he or she knows to be
9 occupied and the machine gun or the firearm equipped with a
10 device designed or used for silencing the report of a
11 firearm is discharged from a place or position outside that
12 building;

13 (2) Discharges a machine gun or a firearm equipped with
14 a device designed or used for silencing the report of a
15 firearm in the direction of another person or in the
16 direction of a vehicle he or she knows to be occupied;

17 (3) Discharges a machine gun or a firearm equipped with
18 a device designed or used for silencing the report of a
19 firearm in the direction of a person he or she knows to be
20 a peace officer, a person summoned or directed by a peace
21 officer, a correctional institution employee, or a fireman
22 while the officer, employee or fireman is engaged in the
23 execution of any of his or her official duties, or to
24 prevent the officer, employee or fireman from performing
25 his or her official duties, or in retaliation for the
26 officer, employee or fireman performing his or her official
27 duties;

28 (4) Discharges a machine gun or a firearm equipped with
29 a device designed or used for silencing the report of a
30 firearm in the direction of a vehicle he or she knows to be
31 occupied by a peace officer, a person summoned or directed
32 by a peace officer, a correctional institution employee or
33 a fireman while the officer, employee or fireman is engaged
34 in the execution of any of his or her official duties, or
35 to prevent the officer, employee or fireman from performing
36 his or her official duties, or in retaliation for the

1 officer, employee or fireman performing his or her official
2 duties;

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

26 (6) Discharges a machine gun or a firearm equipped with
27 a device designed or used for silencing the report of a
28 firearm in the direction of a vehicle he or she knows to be
29 occupied by an emergency medical technician - ambulance,
30 emergency medical technician - intermediate, emergency
31 medical technician - paramedic, ambulance driver, or other
32 medical assistance or first aid personnel, employed by a
33 municipality or other governmental unit, while the
34 emergency medical technician - ambulance, emergency
35 medical technician - intermediate, emergency medical
36 technician - paramedic, ambulance driver, or other medical

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

13 (7) Discharges a machine gun or a firearm equipped with
14 a device designed or used for silencing the report of a
15 firearm in the direction of a person he or she knows to be
16 an emergency management worker while the emergency
17 management worker is engaged in the execution of any of his
18 or her official duties, or to prevent the emergency
19 management worker from performing his or her official
20 duties, or in retaliation for the emergency management
21 worker performing his or her official duties; or

22 (8) Discharges a machine gun or a firearm equipped with
23 a device designed or used for silencing the report of a
24 firearm in the direction of a vehicle he or she knows to be
25 occupied by an emergency management worker while the
26 emergency management worker is engaged in the execution of
27 any of his or her official duties, or to prevent the
28 emergency management worker from performing his or her
29 official duties, or in retaliation for the emergency
30 management worker performing his or her official duties.

31 (b) A violation of subsection (a) (1) or subsection (a) (2)
32 of this Section is a Class X felony. A violation of subsection
33 (a) (3), (a) (4), (a) (5), ~~or~~ (a) (6), (a) (7), or (a) (8) of
34 this Section is a Class X felony for which the sentence shall
35 be a term of imprisonment of no less than 12 years and no more
36 than 50 years.

1 (c) For the purpose of this Section, "machine gun" has the
2 meaning ascribed to it in clause (i) of paragraph (7) of
3 subsection (a) of Section 24-1 of this Code.

4 (Source: P.A. 91-121, eff. 7-15-99.)

5 (720 ILCS 5/31-9 new)

6 Sec. 31-9. Obstructing an emergency management worker. A
7 person who knowingly obstructs the performance by one known to
8 the person to be an emergency management worker of any
9 authorized act within his or her official capacity commits a
10 Class A misdemeanor.

11 Section 10. The Unified Code of Corrections is amended by
12 changing Section 5-8-1 as follows:

13 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

14 Sec. 5-8-1. Sentence of Imprisonment for Felony.

15 (a) Except as otherwise provided in the statute defining
16 the offense, a sentence of imprisonment for a felony shall be a
17 determinate sentence set by the court under this Section,
18 according to the following limitations:

19 (1) for first degree murder,

20 (a) a term shall be not less than 20 years and not
21 more than 60 years, or

22 (b) if a trier of fact finds beyond a reasonable
23 doubt that the murder was accompanied by exceptionally
24 brutal or heinous behavior indicative of wanton
25 cruelty or, except as set forth in subsection (a) (1) (c)
26 of this Section, that any of the aggravating factors
27 listed in subsection (b) of Section 9-1 of the Criminal
28 Code of 1961 are present, the court may sentence the
29 defendant to a term of natural life imprisonment, or

30 (c) the court shall sentence the defendant to a
31 term of natural life imprisonment when the death
32 penalty is not imposed if the defendant,

33 (i) has previously been convicted of first

1 degree murder under any state or federal law, or

2 (ii) is a person who, at the time of the
3 commission of the murder, had attained the age of
4 17 or more and is found guilty of murdering an
5 individual under 12 years of age; or, irrespective
6 of the defendant's age at the time of the
7 commission of the offense, is found guilty of
8 murdering more than one victim, or

9 (iii) is found guilty of murdering a peace
10 officer or fireman, or emergency management worker
11 when the peace officer, ~~or~~ fireman, or emergency
12 management worker was killed in the course of
13 performing his official duties, or to prevent the
14 peace officer or fireman from performing his
15 official duties, or in retaliation for the peace
16 officer, ~~or~~ fireman, or emergency management
17 worker from performing his official duties, and
18 the defendant knew or should have known that the
19 murdered individual was a peace officer, ~~or~~
20 fireman, oremergency management worker, or

21 (iv) is found guilty of murdering an employee
22 of an institution or facility of the Department of
23 Corrections, or any similar local correctional
24 agency, when the employee was killed in the course
25 of performing his official duties, or to prevent
26 the employee from performing his official duties,
27 or in retaliation for the employee performing his
28 official duties, or

29 (v) is found guilty of murdering an emergency
30 medical technician - ambulance, emergency medical
31 technician - intermediate, emergency medical
32 technician - paramedic, ambulance driver or other
33 medical assistance or first aid person while
34 employed by a municipality or other governmental
35 unit when the person was killed in the course of
36 performing official duties or to prevent the

1 person from performing official duties or in
2 retaliation for performing official duties and the
3 defendant knew or should have known that the
4 murdered individual was an emergency medical
5 technician - ambulance, emergency medical
6 technician - intermediate, emergency medical
7 technician - paramedic, ambulance driver, or other
8 medical assistant or first aid personnel, or

9 (vi) is a person who, at the time of the
10 commission of the murder, had not attained the age
11 of 17, and is found guilty of murdering a person
12 under 12 years of age and the murder is committed
13 during the course of aggravated criminal sexual
14 assault, criminal sexual assault, or aggravated
15 kidnaping, or

16 (vii) is found guilty of first degree murder
17 and the murder was committed by reason of any
18 person's activity as a community policing
19 volunteer or to prevent any person from engaging in
20 activity as a community policing volunteer. For
21 the purpose of this Section, "community policing
22 volunteer" has the meaning ascribed to it in
23 Section 2-3.5 of the Criminal Code of 1961.

24 For purposes of clause (v), "emergency medical
25 technician - ambulance", "emergency medical technician
26 - intermediate", "emergency medical technician -
27 paramedic", have the meanings ascribed to them in the
28 Emergency Medical Services (EMS) Systems Act.

29 (d) (i) if the person committed the offense while
30 armed with a firearm, 15 years shall be added to
31 the term of imprisonment imposed by the court;

32 (ii) if, during the commission of the offense,
33 the person personally discharged a firearm, 20
34 years shall be added to the term of imprisonment
35 imposed by the court;

36 (iii) if, during the commission of the

1 offense, the person personally discharged a
2 firearm that proximately caused great bodily harm,
3 permanent disability, permanent disfigurement, or
4 death to another person, 25 years or up to a term
5 of natural life shall be added to the term of
6 imprisonment imposed by the court.

7 (1.5) for second degree murder, a term shall be not
8 less than 4 years and not more than 20 years;

9 (2) for a person adjudged a habitual criminal under
10 Article 33B of the Criminal Code of 1961, as amended, the
11 sentence shall be a term of natural life imprisonment;

12 (2.5) for a person convicted under the circumstances
13 described in paragraph (3) of subsection (b) of Section
14 12-13, paragraph (2) of subsection (d) of Section 12-14,
15 paragraph (1.2) of subsection (b) of Section 12-14.1, or
16 paragraph (2) of subsection (b) of Section 12-14.1 of the
17 Criminal Code of 1961, the sentence shall be a term of
18 natural life imprisonment;

19 (3) except as otherwise provided in the statute
20 defining the offense, for a Class X felony, the sentence
21 shall be not less than 6 years and not more than 30 years;

22 (4) for a Class 1 felony, other than second degree
23 murder, the sentence shall be not less than 4 years and not
24 more than 15 years;

25 (5) for a Class 2 felony, the sentence shall be not
26 less than 3 years and not more than 7 years;

27 (6) for a Class 3 felony, the sentence shall be not
28 less than 2 years and not more than 5 years;

29 (7) for a Class 4 felony, the sentence shall be not
30 less than 1 year and not more than 3 years.

31 (b) The sentencing judge in each felony conviction shall
32 set forth his reasons for imposing the particular sentence he
33 enters in the case, as provided in Section 5-4-1 of this Code.
34 Those reasons may include any mitigating or aggravating factors
35 specified in this Code, or the lack of any such circumstances,
36 as well as any other such factors as the judge shall set forth

1 on the record that are consistent with the purposes and
2 principles of sentencing set out in this Code.

3 (c) A motion to reduce a sentence may be made, or the court
4 may reduce a sentence without motion, within 30 days after the
5 sentence is imposed. A defendant's challenge to the correctness
6 of a sentence or to any aspect of the sentencing hearing shall
7 be made by a written motion filed within 30 days following the
8 imposition of sentence. However, the court may not increase a
9 sentence once it is imposed.

10 If a motion filed pursuant to this subsection is timely
11 filed within 30 days after the sentence is imposed, the
12 proponent of the motion shall exercise due diligence in seeking
13 a determination on the motion and the court shall thereafter
14 decide such motion within a reasonable time.

15 If a motion filed pursuant to this subsection is timely
16 filed within 30 days after the sentence is imposed, then for
17 purposes of perfecting an appeal, a final judgment shall not be
18 considered to have been entered until the motion to reduce a
19 sentence has been decided by order entered by the trial court.

20 A motion filed pursuant to this subsection shall not be
21 considered to have been timely filed unless it is filed with
22 the circuit court clerk within 30 days after the sentence is
23 imposed together with a notice of motion, which notice of
24 motion shall set the motion on the court's calendar on a date
25 certain within a reasonable time after the date of filing.

26 (d) Except where a term of natural life is imposed, every
27 sentence shall include as though written therein a term in
28 addition to the term of imprisonment. For those sentenced under
29 the law in effect prior to February 1, 1978, such term shall be
30 identified as a parole term. For those sentenced on or after
31 February 1, 1978, such term shall be identified as a mandatory
32 supervised release term. Subject to earlier termination under
33 Section 3-3-8, the parole or mandatory supervised release term
34 shall be as follows:

35 (1) for first degree murder or a Class X felony, 3
36 years;

1 (2) for a Class 1 felony or a Class 2 felony, 2 years;

2 (3) for a Class 3 felony or a Class 4 felony, 1 year;

3 (4) if the victim is under 18 years of age, for a
4 second or subsequent offense of criminal sexual assault or
5 aggravated criminal sexual assault, 5 years, at least the
6 first 2 years of which the defendant shall serve in an
7 electronic home detention program under Article 8A of
8 Chapter V of this Code;

9 (5) if the victim is under 18 years of age, for a
10 second or subsequent offense of aggravated criminal sexual
11 abuse or felony criminal sexual abuse, 4 years, at least
12 the first 2 years of which the defendant shall serve in an
13 electronic home detention program under Article 8A of
14 Chapter V of this Code.

15 (e) A defendant who has a previous and unexpired sentence
16 of imprisonment imposed by another state or by any district
17 court of the United States and who, after sentence for a crime
18 in Illinois, must return to serve the unexpired prior sentence
19 may have his sentence by the Illinois court ordered to be
20 concurrent with the prior sentence in the other state. The
21 court may order that any time served on the unexpired portion
22 of the sentence in the other state, prior to his return to
23 Illinois, shall be credited on his Illinois sentence. The other
24 state shall be furnished with a copy of the order imposing
25 sentence which shall provide that, when the offender is
26 released from confinement of the other state, whether by parole
27 or by termination of sentence, the offender shall be
28 transferred by the Sheriff of the committing county to the
29 Illinois Department of Corrections. The court shall cause the
30 Department of Corrections to be notified of such sentence at
31 the time of commitment and to be provided with copies of all
32 records regarding the sentence.

33 (f) A defendant who has a previous and unexpired sentence
34 of imprisonment imposed by an Illinois circuit court for a
35 crime in this State and who is subsequently sentenced to a term
36 of imprisonment by another state or by any district court of

1 the United States and who has served a term of imprisonment
2 imposed by the other state or district court of the United
3 States, and must return to serve the unexpired prior sentence
4 imposed by the Illinois Circuit Court may apply to the court
5 which imposed sentence to have his sentence reduced.

6 The circuit court may order that any time served on the
7 sentence imposed by the other state or district court of the
8 United States be credited on his Illinois sentence. Such
9 application for reduction of a sentence under this subsection
10 (f) shall be made within 30 days after the defendant has
11 completed the sentence imposed by the other state or district
12 court of the United States.

13 (Source: P.A. 91-279, eff. 1-1-00; 91-404, eff. 1-1-00; 91-953,
14 eff. 2-23-01; 92-16, eff. 6-28-01.)

15 Section 99. Effective date. This Act takes effect January
16 1, 2006.