



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1505

Introduced 2/22/2007, by Rep. Milton Patterson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-23 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 5/12-14	from Ch. 38, par. 12-14
720 ILCS 5/12-16	from Ch. 38, par. 12-16
720 ILCS 5/16-1	from Ch. 38, par. 16-1
720 ILCS 5/16G-20	
720 ILCS 5/18-1	from Ch. 38, par. 18-1
720 ILCS 5/18-4	
720 ILCS 646/15	
720 ILCS 646/25	

Amends the Criminal Code of 1961 and the Methamphetamine Control and Community Protection Act. Provides for enhanced penalties for committing various offenses against a veteran. Increases by one class the penalties for various offenses committed against veterans.

LRB095 10155 RLC 30369 b

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 Sections 12-2, 12-4, 12-14, 12-16, 16-1, 16G-20, 18-1, and 18-4
6 and by adding Section 2-23 as follows:

7 (720 ILCS 5/2-23 new)

8 Sec. 2-23. "Veteran". "Veteran" means an Illinois resident
9 who: (i) was a member of the Armed Forces of the United States,
10 a member of the Illinois National Guard, or a member of any
11 reserve component of the Armed Forces of the United States; and
12 (ii) who was honorably discharged.

13 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

14 Sec. 12-2. Aggravated assault.

15 (a) A person commits an aggravated assault, when, in
16 committing an assault, he:

17 (1) Uses a deadly weapon or any device manufactured and
18 designed to be substantially similar in appearance to a
19 firearm, other than by discharging a firearm in the
20 direction of another person, a peace officer, a person
21 summoned or directed by a peace officer, a correctional
22 officer or a fireman or in the direction of a vehicle

1 occupied by another person, a peace officer, a person
2 summoned or directed by a peace officer, a correctional
3 officer or a fireman while the officer or fireman is
4 engaged in the execution of any of his official duties, or
5 to prevent the officer or fireman from performing his
6 official duties, or in retaliation for the officer or
7 fireman performing his official duties;

8 (2) Is hooded, robed or masked in such manner as to
9 conceal his identity or any device manufactured and
10 designed to be substantially similar in appearance to a
11 firearm;

12 (3) Knows the individual assaulted to be a teacher or
13 other person employed in any school and such teacher or
14 other employee is upon the grounds of a school or grounds
15 adjacent thereto, or is in any part of a building used for
16 school purposes;

17 (4) Knows the individual assaulted to be a supervisor,
18 director, instructor or other person employed in any park
19 district and such supervisor, director, instructor or
20 other employee is upon the grounds of the park or grounds
21 adjacent thereto, or is in any part of a building used for
22 park purposes;

23 (5) Knows the individual assaulted to be a caseworker,
24 investigator, or other person employed by the Department of
25 Healthcare and Family Services (formerly State Department
26 of Public Aid), a County Department of Public Aid, or the

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

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

23 (7) Knows the individual assaulted to be an emergency
24 medical technician - ambulance, emergency medical
25 technician - intermediate, emergency medical technician -
26 paramedic, ambulance driver or other medical assistance or

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

12 (8) Knows the individual assaulted to be the driver,
13 operator, employee or passenger of any transportation
14 facility or system engaged in the business of
15 transportation of the public for hire and the individual
16 assaulted is then performing in such capacity or then using
17 such public transportation as a passenger or using any area
18 of any description designated by the transportation
19 facility or system as a vehicle boarding, departure, or
20 transfer location;

21 (9) Or the individual assaulted is on or about a public
22 way, public property, or public place of accommodation or
23 amusement;

24 (9.5) Is, or the individual assaulted is, in or about a
25 publicly or privately owned sports or entertainment arena,
26 stadium, community or convention hall, special event

1 center, amusement facility, or a special event center in a
2 public park during any 24-hour period when a professional
3 sporting event, National Collegiate Athletic Association
4 (NCAA)-sanctioned sporting event, United States Olympic
5 Committee-sanctioned sporting event, or International
6 Olympic Committee-sanctioned sporting event is taking
7 place in this venue;

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

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

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

16 (12.1) Knowingly and without legal justification,
17 commits an assault on a veteran;

18 (13) Discharges a firearm;

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

25 (15) Knows the individual assaulted to be a
26 correctional employee or an employee of the Department of

1 Human Services supervising or controlling sexually
2 dangerous persons or sexually violent persons, while the
3 employee is engaged in the execution of any of his or her
4 official duties, or to prevent the employee from performing
5 his or her official duties, or in retaliation for the
6 employee performing his or her official duties, and the
7 assault is committed other than by the discharge of a
8 firearm in the direction of the employee or in the
9 direction of a vehicle occupied by the employee;

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

13 ~~or~~

14 (17) Knows the individual assaulted to be a sports
15 official or coach at any level of competition and the act
16 causing the assault to the sports official or coach
17 occurred within an athletic facility or an indoor or
18 outdoor playing field or within the immediate vicinity of
19 the athletic facility or an indoor or outdoor playing field
20 at which the sports official or coach was an active
21 participant in the athletic contest held at the athletic
22 facility. For the purposes of this paragraph (17), "sports
23 official" means a person at an athletic contest who
24 enforces the rules of the contest, such as an umpire or
25 referee; and "coach" means a person recognized as a coach
26 by the sanctioning authority that conducted the athletic

1 contest; or.

2 (18) Knows the individual assaulted to be an emergency
3 management worker, while the emergency management worker
4 is engaged in the execution of any of his or her official
5 duties, or to prevent the emergency management worker from
6 performing his or her official duties, or in retaliation
7 for the emergency management worker performing his or her
8 official duties, and the assault is committed other than by
9 the discharge of a firearm in the direction of the
10 emergency management worker or in the direction of a
11 vehicle occupied by the emergency management worker.

12 (a-5) A person commits an aggravated assault when he or she
13 knowingly and without lawful justification shines or flashes a
14 laser gunsight or other laser device that is attached or
15 affixed to a firearm, or used in concert with a firearm, so
16 that the laser beam strikes near or in the immediate vicinity
17 of any person.

18 (b) Sentence.

19 Aggravated assault as defined in paragraphs (1) through (5)
20 and (8) through (11) ~~(12)~~ and (17) of subsection (a) of this
21 Section is a Class A misdemeanor. Aggravated assault as defined
22 in paragraphs (12.1), (13), (14), and (15) of subsection (a) of
23 this Section and as defined in subsection (a-5) of this Section
24 is a Class 4 felony. Aggravated assault as defined in
25 paragraphs (6), (7), (16), and (18) of subsection (a) of this
26 Section is a Class A misdemeanor if a firearm is not used in

1 the commission of the assault. Aggravated assault as defined in
2 paragraphs (6), (7), (16), and (18) of subsection (a) of this
3 Section is a Class 4 felony if a firearm is used in the
4 commission of the assault.

5 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,
6 eff. 1-1-06; revised 12-15-05.)

7 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

8 Sec. 12-4. Aggravated Battery.

9 (a) A person who, in committing a battery, intentionally or
10 knowingly causes great bodily harm, or permanent disability or
11 disfigurement commits aggravated battery.

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

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

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

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

23 (4) (Blank);

24 (5) (Blank);

25 (6) Knows the individual harmed to be a community

1 policing volunteer while such volunteer is engaged in the
2 execution of any official duties, or to prevent the
3 volunteer from performing official duties, or in
4 retaliation for the volunteer performing official duties,
5 and the battery is committed other than by the discharge of
6 a firearm;

7 (7) Knows the individual harmed to be an emergency
8 medical technician - ambulance, emergency medical
9 technician - intermediate, emergency medical technician -
10 paramedic, ambulance driver, other medical assistance,
11 first aid personnel, or hospital personnel engaged in the
12 performance of any of his or her official duties, or to
13 prevent the emergency medical technician - ambulance,
14 emergency medical technician - intermediate, emergency
15 medical technician - paramedic, ambulance driver, other
16 medical assistance, first aid personnel, or hospital
17 personnel from performing official duties, or in
18 retaliation for performing official duties;

19 (8) Is, or the person battered is, on or about a public
20 way, public property or public place of accommodation or
21 amusement;

22 (8.5) Is, or the person battered is, on a publicly or
23 privately owned sports or entertainment arena, stadium,
24 community or convention hall, special event center,
25 amusement facility, or a special event center in a public
26 park during any 24-hour period when a professional sporting

1 event, National Collegiate Athletic Association
2 (NCAA)-sanctioned sporting event, United States Olympic
3 Committee-sanctioned sporting event, or International
4 Olympic Committee-sanctioned sporting event is taking
5 place in this venue;

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

15 (10) Knows the individual harmed to be an individual of
16 60 years 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) (Blank);

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

1 Section 16A-5 of this Code. In this item (15), "merchant"
2 has the meaning ascribed to it in Section 16A-2.4 of this
3 Code;

4 (16) Is, or the person battered is, in any building or
5 other structure used to provide shelter or other services
6 to victims or to the dependent children of victims of
7 domestic violence pursuant to the Illinois Domestic
8 Violence Act of 1986 or the Domestic Violence Shelters Act,
9 or the person battered is within 500 feet of such a
10 building or other structure while going to or from such a
11 building or other structure. "Domestic violence" has the
12 meaning ascribed to it in Section 103 of the Illinois
13 Domestic Violence Act of 1986. "Building or other structure
14 used to provide shelter" has the meaning ascribed to
15 "shelter" in Section 1 of the Domestic Violence Shelters
16 Act;

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

18 (18) Knows the individual harmed to be an officer or
19 employee of the State of Illinois, a unit of local
20 government, or school district engaged in the performance
21 of his or her authorized duties as such officer or
22 employee; or

23 (19) ~~(18)~~ Knows the individual harmed to be an
24 emergency management worker engaged in the performance of
25 any of his or her official duties, or to prevent the
26 emergency management worker from performing official

1 duties, or in retaliation for the emergency management
2 worker performing official duties.

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

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

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

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

22 (d-5) An inmate of a penal institution or a sexually
23 dangerous person or a sexually violent person in the custody of
24 the Department of Human Services who causes or attempts to
25 cause a correctional employee of the penal institution or an
26 employee of the Department of Human Services to come into

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

6 (e) Sentence.

7 (1) Except as otherwise provided in paragraphs (2), ~~and~~
8 (3), and (4) aggravated battery is a Class 3 felony.

9 (2) Aggravated battery that does not cause great bodily
10 harm or permanent disability or disfigurement is a Class 2
11 felony when the person knows the individual harmed to be a
12 peace officer, a community policing volunteer, a
13 correctional institution employee, an employee of the
14 Department of Human Services supervising or controlling
15 sexually dangerous persons or sexually violent persons, or
16 a fireman while such officer, volunteer, employee, or
17 fireman is engaged in the execution of any official duties
18 including arrest or attempted arrest, or to prevent the
19 officer, volunteer, employee, or fireman from performing
20 official duties, or in retaliation for the officer,
21 volunteer, employee, or fireman performing official
22 duties, and the battery is committed other than by the
23 discharge of a firearm.

24 (3) Aggravated battery that causes great bodily harm or
25 permanent disability or disfigurement in violation of
26 subsection (a) is a Class 1 felony when the person knows

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

13 (4) Aggravated battery of an individual who is a
14 veteran is a Class 2 felony.

15 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,
16 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;
17 94-482, eff. 1-1-06; revised 8-19-05.)

18 (720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

19 Sec. 12-14. Aggravated Criminal Sexual Assault.

20 (a) The accused commits aggravated criminal sexual assault
21 if he or she commits criminal sexual assault and any of the
22 following aggravating circumstances existed during, or for the
23 purposes of paragraph (7) of this subsection (a) as part of the
24 same course of conduct as, the commission of the offense:

25 (1) the accused displayed, threatened to use, or used a

1 dangerous weapon, other than a firearm, or any object
2 fashioned or utilized in such a manner as to lead the
3 victim under the circumstances reasonably to believe it to
4 be a dangerous weapon; or

5 (2) the accused caused bodily harm, except as provided
6 in subsection (a)(10), to the victim; or

7 (3) the accused acted in such a manner as to threaten
8 or endanger the life of the victim or any other person; or

9 (4) the criminal sexual assault was perpetrated during
10 the course of the commission or attempted commission of any
11 other felony by the accused; or

12 (5) the victim was 60 years of age or over when the
13 offense was committed; or

14 (5.1) the victim was a veteran; or

15 (6) the victim was a physically handicapped person; or

16 (7) the accused delivered (by injection, inhalation,
17 ingestion, transfer of possession, or any other means) to
18 the victim without his or her consent, or by threat or
19 deception, and for other than medical purposes, any
20 controlled substance; or

21 (8) the accused was armed with a firearm; or

22 (9) the accused personally discharged a firearm during
23 the commission of the offense; or

24 (10) the accused, during the commission of the offense,
25 personally discharged a firearm that proximately caused
26 great bodily harm, permanent disability, permanent

1 disfigurement, or death to another person.

2 (b) The accused commits aggravated criminal sexual assault
3 if the accused was under 17 years of age and (i) commits an act
4 of sexual penetration with a victim who was under 9 years of
5 age when the act was committed; or (ii) commits an act of
6 sexual penetration with a victim who was at least 9 years of
7 age but under 13 years of age when the act was committed and
8 the accused used force or threat of force to commit the act.

9 (c) The accused commits aggravated criminal sexual assault
10 if he or she commits an act of sexual penetration with a victim
11 who was a severely or profoundly mentally retarded person at
12 the time the act was committed.

13 (d) Sentence.

14 (1) Aggravated criminal sexual assault in violation of
15 paragraph (2), (3), (4), ~~(5)~~, (6), or (7) of subsection (a)
16 or in violation of subsection (b) or (c) is a Class X
17 felony. Aggravated criminal sexual assault in violation of
18 paragraph (5.1) of subsection (a) is a Class X felony for
19 which the offender shall be sentenced to an extended term
20 sentence under Section 5-8-2 of the Unified Code of
21 Corrections. A violation of subsection (a)(1) is a Class X
22 felony for which 10 years shall be added to the term of
23 imprisonment imposed by the court. A violation of
24 subsection (a)(8) is a Class X felony for which 15 years
25 shall be added to the term of imprisonment imposed by the
26 court. A violation of subsection (a)(9) is a Class X felony

1 for which 20 years shall be added to the term of
2 imprisonment imposed by the court. A violation of
3 subsection (a)(10) is a Class X felony for which 25 years
4 or up to a term of natural life imprisonment shall be added
5 to the term of imprisonment imposed by the court.

6 (2) A person who is convicted of a second or subsequent
7 offense of aggravated criminal sexual assault, or who is
8 convicted of the offense of aggravated criminal sexual
9 assault after having previously been convicted of the
10 offense of criminal sexual assault or the offense of
11 predatory criminal sexual assault of a child, or who is
12 convicted of the offense of aggravated criminal sexual
13 assault after having previously been convicted under the
14 laws of this or any other state of an offense that is
15 substantially equivalent to the offense of criminal sexual
16 assault, the offense of aggravated criminal sexual assault
17 or the offense of predatory criminal sexual assault of a
18 child, shall be sentenced to a term of natural life
19 imprisonment. The commission of the second or subsequent
20 offense is required to have been after the initial
21 conviction for this paragraph (2) to apply.

22 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502,
23 eff. 12-19-01; 92-721, eff. 1-1-03.)

24 (720 ILCS 5/12-16) (from Ch. 38, par. 12-16)

25 Sec. 12-16. Aggravated Criminal Sexual Abuse.

1 (a) The accused commits aggravated criminal sexual abuse if
2 he or she commits criminal sexual abuse as defined in
3 subsection (a) of Section 12-15 of this Code and any of the
4 following aggravating circumstances existed during, or for the
5 purposes of paragraph (7) of this subsection (a) as part of the
6 same course of conduct as, the commission of the offense:

7 (1) the accused displayed, threatened to use or used a
8 dangerous weapon or any object fashioned or utilized in
9 such a manner as to lead the victim under the circumstances
10 reasonably to believe it to be a dangerous weapon; or

11 (2) the accused caused bodily harm to the victim; or

12 (3) the victim was 60 years of age or over when the
13 offense was committed; or

14 (4) the victim was a physically handicapped person; or

15 (5) the accused acted in such a manner as to threaten
16 or endanger the life of the victim or any other person; or

17 (6) the criminal sexual abuse was perpetrated during
18 the course of the commission or attempted commission of any
19 other felony by the accused; or

20 (7) the accused delivered (by injection, inhalation,
21 ingestion, transfer of possession, or any other means) to
22 the victim without his or her consent, or by threat or
23 deception, and for other than medical purposes, any
24 controlled substance.

25 (b) The accused commits aggravated criminal sexual abuse if
26 he or she commits an act of sexual conduct with a victim who

1 was under 18 years of age when the act was committed and the
2 accused was a family member.

3 (c) The accused commits aggravated criminal sexual abuse
4 if:

5 (1) the accused was 17 years of age or over and (i)
6 commits an act of sexual conduct with a victim who was
7 under 13 years of age when the act was committed; or (ii)
8 commits an act of sexual conduct with a victim who was at
9 least 13 years of age but under 17 years of age when the
10 act was committed and the accused used force or threat of
11 force to commit the act; or

12 (2) the accused was under 17 years of age and (i)
13 commits an act of sexual conduct with a victim who was
14 under 9 years of age when the act was committed; or (ii)
15 commits an act of sexual conduct with a victim who was at
16 least 9 years of age but under 17 years of age when the act
17 was committed and the accused used force or threat of force
18 to commit the act.

19 (d) The accused commits aggravated criminal sexual abuse if
20 he or she commits an act of sexual penetration or sexual
21 conduct with a victim who was at least 13 years of age but
22 under 17 years of age and the accused was at least 5 years
23 older than the victim.

24 (e) The accused commits aggravated criminal sexual abuse if
25 he or she commits an act of sexual conduct with a victim who
26 was a severely or profoundly mentally retarded person at the

1 time the act was committed.

2 (f) The accused commits aggravated criminal sexual abuse if
3 he or she commits an act of sexual conduct with a victim who
4 was at least 13 years of age but under 18 years of age when the
5 act was committed and the accused was 17 years of age or over
6 and held a position of trust, authority or supervision in
7 relation to the victim.

8 (g) Sentence. Aggravated criminal sexual abuse is a Class 2
9 felony, except that aggravated criminal sexual abuse when the
10 victim was a veteran is a Class 1 felony.

11 (Source: P.A. 92-434, eff. 1-1-02.)

12 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

13 Sec. 16-1. Theft.

14 (a) A person commits theft when he knowingly:

15 (1) Obtains or exerts unauthorized control over
16 property of the owner; or

17 (2) Obtains by deception control over property of the
18 owner; or

19 (3) Obtains by threat control over property of the
20 owner; or

21 (4) Obtains control over stolen property knowing the
22 property to have been stolen or under such circumstances as
23 would reasonably induce him to believe that the property
24 was stolen; or

25 (5) Obtains or exerts control over property in the

1 custody of any law enforcement agency which is explicitly
2 represented to him by any law enforcement officer or any
3 individual acting in behalf of a law enforcement agency as
4 being stolen, and

5 (A) Intends to deprive the owner permanently of the
6 use or benefit of the property; or

7 (B) Knowingly uses, conceals or abandons the
8 property in such manner as to deprive the owner
9 permanently of such use or benefit; or

10 (C) Uses, conceals, or abandons the property
11 knowing such use, concealment or abandonment probably
12 will deprive the owner permanently of such use or
13 benefit.

14 (b) Sentence.

15 (1) Theft of property not from the person and not
16 exceeding \$300 in value is a Class A misdemeanor.

17 (1.1) Theft of property not from the person and not
18 exceeding \$300 in value is a Class 4 felony if the theft
19 was committed in a school or place of worship or if the
20 theft was of governmental property.

21 (2) A person who has been convicted of theft of
22 property not from the person and not exceeding \$300 in
23 value who has been previously convicted of any type of
24 theft, robbery, armed robbery, burglary, residential
25 burglary, possession of burglary tools, home invasion,
26 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or

1 4-103.3 of the Illinois Vehicle Code relating to the
2 possession of a stolen or converted motor vehicle, or a
3 violation of Section 8 of the Illinois Credit Card and
4 Debit Card Act is guilty of a Class 4 felony. When a person
5 has any such prior conviction, the information or
6 indictment charging that person shall state such prior
7 conviction so as to give notice of the State's intention to
8 treat the charge as a felony. The fact of such prior
9 conviction is not an element of the offense and may not be
10 disclosed to the jury during trial unless otherwise
11 permitted by issues properly raised during such trial.

12 (3) (Blank).

13 (4) Theft of property from the person not exceeding
14 \$300 in value, or theft of property exceeding \$300 and not
15 exceeding \$10,000 in value, is a Class 3 felony.

16 (4.1) Theft of property from the person not exceeding
17 \$300 in value, or theft of property exceeding \$300 and not
18 exceeding \$10,000 in value, is a Class 2 felony if the
19 theft was committed in a school or place of worship or if
20 the theft was of governmental property.

21 (5) Theft of property exceeding \$10,000 and not
22 exceeding \$100,000 in value is a Class 2 felony.

23 (5.1) Theft of property exceeding \$10,000 and not
24 exceeding \$100,000 in value is a Class 1 felony if the
25 theft was committed in a school or place of worship or if
26 the theft was of governmental property.

1 (6) Theft of property exceeding \$100,000 and not
2 exceeding \$500,000 in value is a Class 1 felony.

3 (6.1) Theft of property exceeding \$100,000 in value is
4 a Class X felony if the theft was committed in a school or
5 place of worship or if the theft was of governmental
6 property.

7 (6.2) Theft of property exceeding \$500,000 in value is
8 a Class 1 non-probationable felony.

9 (7) Theft by deception, as described by paragraph (2)
10 of subsection (a) of this Section, in which the offender
11 obtained money or property valued at \$5,000 or more from a
12 victim 60 years of age or older is a Class 2 felony.

13 (7.1) Theft by deception, as described by paragraph (2)
14 of subsection (a) of this Section, in which the offender
15 obtained money or property valued at \$5,000 or more from a
16 veteran is a Class 1 felony.

17 (c) When a charge of theft of property exceeding a
18 specified value is brought, the value of the property involved
19 is an element of the offense to be resolved by the trier of
20 fact as either exceeding or not exceeding the specified value.

21 (Source: P.A. 93-520, eff. 8-6-03; 94-134, eff. 1-1-06.)

22 (720 ILCS 5/16G-20)

23 Sec. 16G-20. Aggravated identity theft.

24 (a) A person commits the offense of aggravated identity
25 theft when he or she commits the offense of identity theft as

1 set forth in subsection (a) of Section 16G-15 against a
2 veteran, a person 60 years of age or older or a disabled person
3 as defined in Section 16-1.3 of this Code.

4 (b) Knowledge shall be determined by an evaluation of all
5 circumstances surrounding the use of the other person's
6 identifying information or document.

7 (c) When a charge of aggravated identity theft of credit,
8 money, goods, services, or other property exceeding a specified
9 value is brought the value of the credit, money, goods,
10 services, or other property is an element of the offense to be
11 resolved by the trier of fact as either exceeding or not
12 exceeding the specified value.

13 (d) A defense to aggravated identity theft does not exist
14 merely because the accused reasonably believed the victim to be
15 a person less than 60 years of age.

16 (e) Sentence.

17 (1) Aggravated identity theft of credit, money, goods,
18 services, or other property not exceeding \$300 in value is
19 a Class 3 felony.

20 (2) Aggravated identity theft of credit, money, goods,
21 services, or other property exceeding \$300 and not
22 exceeding \$10,000 in value is a Class 2 felony.

23 (3) Aggravated identity theft of credit, money, goods,
24 services, or other property exceeding \$10,000 in value and
25 not exceeding \$100,000 in value is a Class 1 felony.

26 (4) Aggravated identity theft of credit, money, goods,

1 services, or other property exceeding \$100,000 in value is
2 a Class X felony.

3 (5) A person who has been previously convicted of
4 aggravated identity theft regardless of the value of the
5 property involved who is convicted of a second or
6 subsequent offense of aggravated identity theft regardless
7 of the value of the property involved is guilty of a Class
8 X felony.

9 (Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05.)

10 (720 ILCS 5/18-1) (from Ch. 38, par. 18-1)

11 Sec. 18-1. Robbery.

12 (a) A person commits robbery when he or she takes property,
13 except a motor vehicle covered by Section 18-3 or 18-4, from
14 the person or presence of another by the use of force or by
15 threatening the imminent use of force.

16 (b) Sentence.

17 Robbery is a Class 2 felony. However, if the victim is a
18 veteran, 60 years of age or over or is a physically handicapped
19 person, or if the robbery is committed in a school or place of
20 worship, robbery is a Class 1 felony.

21 (Source: P.A. 91-360, eff. 7-29-99.)

22 (720 ILCS 5/18-4)

23 Sec. 18-4. Aggravated vehicular hijacking.

24 (a) A person commits aggravated vehicular hijacking when he

1 or she violates Section 18-3; and

2 (1) the person from whose immediate presence the motor
3 vehicle is taken is a physically handicapped person or a
4 person 60 years of age or over; or

5 (1.1) the person from whose immediate presence the
6 motor vehicle is taken is a veteran; or

7 (2) a person under 16 years of age is a passenger in
8 the motor vehicle at the time of the offense; or

9 (3) he or she carries on or about his or her person, or
10 is otherwise armed with a dangerous weapon, other than a
11 firearm; or

12 (4) he or she carries on or about his or her person or
13 is otherwise armed with a firearm; or

14 (5) he or she, during the commission of the offense,
15 personally discharges a firearm; or

16 (6) he or she, during the commission of the offense,
17 personally discharges a firearm that proximately causes
18 great bodily harm, permanent disability, permanent
19 disfigurement, or death to another person.

20 (b) Sentence. Aggravated vehicular hijacking in violation
21 of subsections (a) (1) , (a) (1.1), or (a) (2) is a Class X felony.
22 Aggravated vehicular hijacking in violation of subsection
23 (a) (3) is a Class X felony for which a term of imprisonment of
24 not less than 7 years shall be imposed. Aggravated vehicular
25 hijacking in violation of subsection (a) (4) is a Class X felony
26 for which 15 years shall be added to the term of imprisonment

1 imposed by the court. Aggravated vehicular hijacking in
2 violation of subsection (a) (5) is a Class X felony for which 20
3 years shall be added to the term of imprisonment imposed by the
4 court. Aggravated vehicular hijacking in violation of
5 subsection (a) (6) is a Class X felony for which 25 years or up
6 to a term of natural life shall be added to the term of
7 imprisonment imposed by the court.

8 (Source: P.A. 91-404, eff. 1-1-00.)

9 Section 10. The Methamphetamine Control and Community
10 Protection Act is amended by changing Sections 15 and 25 as
11 follows:

12 (720 ILCS 646/15)

13 Sec. 15. Participation in methamphetamine manufacturing.

14 (a) Participation in methamphetamine manufacturing.

15 (1) It is unlawful to knowingly participate in the
16 manufacture of methamphetamine with the intent that
17 methamphetamine or a substance containing methamphetamine
18 be produced.

19 (2) A person who violates paragraph (1) of this
20 subsection (a) is subject to the following penalties:

21 (A) A person who participates in the manufacture of
22 less than 15 grams of methamphetamine or a substance
23 containing methamphetamine is guilty of a Class 1
24 felony.

1 (B) A person who participates in the manufacture of
2 15 or more grams but less than 100 grams of
3 methamphetamine or a substance containing
4 methamphetamine is guilty of a Class X felony, subject
5 to a term of imprisonment of not less than 6 years and
6 not more than 30 years, and subject to a fine not to
7 exceed \$100,000 or the street value of the
8 methamphetamine manufactured, whichever is greater.

9 (C) A person who participates in the manufacture of
10 100 or more grams but less than 400 grams of
11 methamphetamine or a substance containing
12 methamphetamine is guilty of a Class X felony, subject
13 to a term of imprisonment of not less than 9 years and
14 not more than 40 years, and subject to a fine not to
15 exceed \$200,000 or the street value of the
16 methamphetamine manufactured, whichever is greater.

17 (D) A person who participates in the manufacture of
18 400 or more grams but less than 900 grams of
19 methamphetamine or a substance containing
20 methamphetamine is guilty of a Class X felony, subject
21 to a term of imprisonment of not less than 12 years and
22 not more than 50 years, and subject to a fine not to
23 exceed \$300,000 or the street value of the
24 methamphetamine manufactured, whichever is greater.

25 (E) A person who participates in the manufacture of
26 900 grams or more of methamphetamine or a substance

1 containing methamphetamine is guilty of a Class X
2 felony, subject to a term of imprisonment of not less
3 than 15 years and not more than 60 years, and subject
4 to a fine not to exceed \$400,000 or the street value of
5 the methamphetamine, whichever is greater.

6 (b) Aggravated participation in methamphetamine
7 manufacturing.

8 (1) It is unlawful to engage in aggravated
9 participation in the manufacture of methamphetamine. A
10 person engages in aggravated participation in the
11 manufacture of methamphetamine when the person violates
12 paragraph (1) of subsection (a) and:

13 (A) the person knowingly does so in a multi-unit
14 dwelling;

15 (B) the person knowingly does so in a structure or
16 vehicle where a child under the age of 18, a veteran as
17 defined in Section 2-23 of the Criminal Code of 1961, a
18 person with a disability, or a person 60 years of age
19 or older who is incapable of adequately providing for
20 his or her own health and personal care resides, is
21 present, or is endangered by the manufacture of
22 methamphetamine;

23 (C) the person does so in a structure or vehicle
24 where a woman the person knows to be pregnant
25 (including but not limited to the person herself)
26 resides, is present, or is endangered by the

1 methamphetamine manufacture;

2 (D) the person knowingly does so in a structure or
3 vehicle protected by one or more firearms, explosive
4 devices, booby traps, alarm systems, surveillance
5 systems, guard dogs, or dangerous animals;

6 (E) the methamphetamine manufacturing in which the
7 person participates is a contributing cause of the
8 death, serious bodily injury, disability, or
9 disfigurement of another person, including but not
10 limited to an emergency service provider;

11 (F) the methamphetamine manufacturing in which the
12 person participates is a contributing cause of a fire
13 or explosion that damages property belonging to
14 another person; or

15 (G) the person knowingly organizes, directs, or
16 finances the methamphetamine manufacturing or
17 activities carried out in support of the
18 methamphetamine manufacturing.

19 (2) A person who violates paragraph (1) of this
20 subsection (b) is subject to the following penalties:

21 (A) A person who participates in the manufacture of
22 less than 15 grams of methamphetamine or a substance
23 containing methamphetamine is guilty of a Class X
24 felony, subject to a term of imprisonment of not less
25 than 6 years and not more than 30 years, and subject to
26 a fine not to exceed \$100,000 or the street value of

1 the methamphetamine, whichever is greater.

2 (B) A person who participates in the manufacture of
3 15 or more grams but less than 100 grams of
4 methamphetamine or a substance containing
5 methamphetamine is guilty of a Class X felony, subject
6 to a term of imprisonment of not less than 9 years and
7 not more than 40 years, and subject to a fine not to
8 exceed \$200,000 or the street value of the
9 methamphetamine, whichever is greater.

10 (C) A person who participates in the manufacture of
11 100 or more grams but less than 400 grams of
12 methamphetamine or a substance containing
13 methamphetamine is guilty of a Class X felony, subject
14 to a term of imprisonment of not less than 12 years and
15 not more than 50 years, and subject to a fine not to
16 exceed \$300,000 or the street value of the
17 methamphetamine, whichever is greater.

18 (D) A person who participates in the manufacture of
19 400 grams or more of methamphetamine or a substance
20 containing methamphetamine is guilty of a Class X
21 felony, subject to a term of imprisonment of not less
22 than 15 years and not more than 60 years, and subject
23 to a fine not to exceed \$400,000 or the street value of
24 the methamphetamine, whichever is greater.

25 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

1 (720 ILCS 646/25)

2 Sec. 25. Anhydrous ammonia.

3 (a) Possession, procurement, transportation, storage, or
4 delivery of anhydrous ammonia with the intent that it be used
5 to manufacture methamphetamine.

6 (1) It is unlawful to knowingly engage in the
7 possession, procurement, transportation, storage, or
8 delivery of anhydrous ammonia or to attempt to engage in
9 any of these activities or to assist another in engaging in
10 any of these activities with the intent that the anhydrous
11 ammonia be used to manufacture methamphetamine.

12 (2) A person who violates paragraph (1) of this
13 subsection (a) is guilty of a Class 1 felony.

14 (b) Aggravated possession, procurement, transportation,
15 storage, or delivery of anhydrous ammonia with the intent that
16 it be used to manufacture methamphetamine.

17 (1) It is unlawful to knowingly engage in the
18 aggravated possession, procurement, transportation,
19 storage, or delivery of anhydrous ammonia with the intent
20 that it be used to manufacture methamphetamine. A person
21 commits this offense when the person engages in the
22 possession, procurement, transportation, storage, or
23 delivery of anhydrous ammonia or attempts to engage in any
24 of these activities or assists another in engaging in any
25 of these activities with the intent that the anhydrous
26 ammonia be used to manufacture methamphetamine and:

1 (A) the person knowingly does so in a multi-unit
2 dwelling;

3 (B) the person knowingly does so in a structure or
4 vehicle where a child under the age of 18, a veteran as
5 defined in Section 2-23 of the Criminal Code of 1961,
6 or a person with a disability, or a person who is 60
7 years of age or older who is incapable of adequately
8 providing for his or her own health and personal care
9 resides, is present, or is endangered by the anhydrous
10 ammonia;

11 (C) the person's possession, procurement,
12 transportation, storage, or delivery of anhydrous
13 ammonia is a contributing cause of the death, serious
14 bodily injury, disability, or disfigurement of another
15 person; or

16 (D) the person's possession, procurement,
17 transportation, storage, or delivery of anhydrous
18 ammonia is a contributing cause of a fire or explosion
19 that damages property belonging to another person.

20 (2) A person who violates paragraph (1) of this
21 subsection (b) is guilty of a Class X felony, subject to a
22 term of imprisonment of not less than 6 years and not more
23 than 30 years, and subject to a fine not to exceed
24 \$100,000.

25 (c) Possession, procurement, transportation, storage, or
26 delivery of anhydrous ammonia in an unauthorized container.

1 (1) It is unlawful to knowingly possess, procure,
2 transport, store, or deliver anhydrous ammonia in an
3 unauthorized container.

4 (2) A person who violates paragraph (1) of this
5 subsection (c) is guilty of a Class 3 felony.

6 (3) Affirmative defense. It is an affirmative defense
7 that the person charged possessed, procured, transported,
8 stored, or delivered anhydrous ammonia in a manner that
9 substantially complied with the rules governing anhydrous
10 ammonia equipment found in 8 Illinois Administrative Code
11 Section 215, in 92 Illinois Administrative Code Sections
12 171 through 180, or in any provision of the Code of Federal
13 Regulations incorporated by reference into these Sections
14 of the Illinois Administrative Code.

15 (d) Tampering with anhydrous ammonia equipment.

16 (1) It is unlawful to knowingly tamper with anhydrous
17 ammonia equipment. A person tampers with anhydrous ammonia
18 equipment when, without authorization from the lawful
19 owner, the person:

20 (A) removes or attempts to remove anhydrous
21 ammonia from the anhydrous ammonia equipment used by
22 the lawful owner;

23 (B) damages or attempts to damage the anhydrous
24 ammonia equipment used by the lawful owner; or

25 (C) vents or attempts to vent anhydrous ammonia
26 into the environment.

1 (2) A person who violates paragraph (1) of this
2 subsection (d) is guilty of a Class 3 felony.

3 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)