



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2159

Introduced 2/14/2008, by Sen. Larry K. Bomke

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-4.3

from Ch. 38, par. 12-4.3

Amends the Criminal Code of 1961. Provides that a person also commits aggravated battery of a child when the person is of the age 18 years and upwards and intentionally or knowingly, and without legal justification and by any means, causes bodily harm or disability or disfigurement to any child under the age of 13 years or to any severely or profoundly mentally retarded person. Provides that the penalty is a Class 3 felony. Effective January 1, 2009.

LRB095 14234 RLC 45306 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 Section 12-4.3 as follows:

6 (720 ILCS 5/12-4.3) (from Ch. 38, par. 12-4.3)

7 Sec. 12-4.3. Aggravated battery of a child.

8 (a) Any person of the age 18 years and upwards who  
9 intentionally or knowingly, and without legal justification  
10 and by any means, causes great bodily harm or permanent  
11 disability or disfigurement to any child under the age of 13  
12 years or to any severely or profoundly mentally retarded  
13 person, commits the offense of aggravated battery of a child.

14 (a-5) Any person of the age 18 years and upwards who  
15 intentionally or knowingly, and without legal justification  
16 and by any means, causes bodily harm or disability or  
17 disfigurement to any child under the age of 13 years or to any  
18 severely or profoundly mentally retarded person, commits the  
19 offense of aggravated battery of a child.

20 (b) Sentence.

21 (1) Aggravated battery of a child under subsection (a) of  
22 this Section is a Class X felony, except that:

23 (A) ~~(1)~~ if the person committed the offense while armed

1 with a firearm, 15 years shall be added to the term of  
2 imprisonment imposed by the court;

3 (B) ~~(2)~~ if, during the commission of the offense, the  
4 person personally discharged a firearm, 20 years shall be  
5 added to the term of imprisonment imposed by the court;

6 (C) ~~(3)~~ if, during the commission of the offense, the  
7 person personally discharged a firearm that proximately  
8 caused great bodily harm, permanent disability, permanent  
9 disfigurement, or death to another person, 25 years or up  
10 to a term of natural life shall be added to the term of  
11 imprisonment imposed by the court.

12 (2) Aggravated battery of a child under subsection (a-5) of  
13 this Section is a Class 3 felony.

14 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;  
15 92-434, eff. 1-1-02.)

16 Section 99. Effective date. This Act takes effect January  
17 1, 2009.