



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0164

Introduced 1/14/2009, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2
720 ILCS 5/12-4

from Ch. 38, par. 12-2
from Ch. 38, par. 12-4

Amends the Criminal Code of 1961. Adds, to the elements of aggravated assault and aggravated battery, that a person, in committing an assault or battery, knows the individual assaulted or harmed to be a private social service agency employee, such as a caseworker, investigator, or other person, and the caseworker, investigator, or other person is upon the grounds of a private social service agency or grounds adjacent thereto, or is in any part of a building being used for service delivery, or upon the grounds of a private residence of an adult service recipient or any other adult person being interviewed or investigated in the worker's discharge of his or her duties, or on the grounds adjacent thereto, or is in any part of a building in which the recipient of services resides or is located, including social services staff working under contract with a State agency.

LRB096 03321 RLC 13342 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 and 12-4 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

8 (a) A person commits an aggravated assault, when, in
9 committing an assault, he:

10 (1) Uses a deadly weapon or any device manufactured and
11 designed to be substantially similar in appearance to a
12 firearm, other than by discharging a firearm in the
13 direction of another person, a peace officer, a person
14 summoned or directed by a peace officer, a correctional
15 officer, a private security officer, or a fireman or in the
16 direction of a vehicle occupied by another person, a peace
17 officer, a person summoned or directed by a peace officer,
18 a correctional officer, a private security officer, or a
19 fireman while the officer or fireman is engaged in the
20 execution of any of his official duties, or to prevent the
21 officer or fireman from performing his official duties, or
22 in retaliation for the officer or fireman performing his
23 official duties;

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

5 (3) Knows the individual assaulted to be a teacher or
6 other person employed in any school and such teacher or
7 other employee is upon the grounds of a school or grounds
8 adjacent thereto, or is in any part of a building used for
9 school purposes;

10 (4) Knows the individual assaulted to be a supervisor,
11 director, instructor or other person employed in any park
12 district and such supervisor, director, instructor or
13 other employee is upon the grounds of the park or grounds
14 adjacent thereto, or is in any part of a building used for
15 park purposes;

16 (5) Knows the individual assaulted to be a caseworker,
17 investigator, or other person employed by the Department of
18 Healthcare and Family Services (formerly State Department
19 of Public Aid), a County Department of Public Aid, or the
20 Department of Human Services (acting as successor to the
21 Illinois Department of Public Aid under the Department of
22 Human Services Act) and such caseworker, investigator, or
23 other person is upon the grounds of a public aid office or
24 grounds adjacent thereto, or is in any part of a building
25 used for public aid purposes, or upon the grounds of a home
26 of a public aid applicant, recipient or any other person

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

5 (5.5) Knows the individual assaulted to be a private
6 social service agency employee, such as a caseworker,
7 investigator, or other person, and such caseworker,
8 investigator, or other person is upon the grounds of a
9 private social service agency or grounds adjacent thereto,
10 or is in any part of a building being used for service
11 delivery, or upon the grounds of a private residence of an
12 adult service recipient or any other adult person being
13 interviewed or investigated in the worker's discharge of
14 his or her duties, or on the grounds adjacent thereto, or
15 is in any part of a building in which the recipient of
16 services resides or is located, including social services
17 staff working under contract with a State agency;

18 (6) Knows the individual assaulted to be a peace
19 officer, a community policing volunteer, a private
20 security officer, or a fireman while the officer or fireman
21 is engaged in the execution of any of his official duties,
22 or to prevent the officer, community policing volunteer, or
23 fireman from performing his official duties, or in
24 retaliation for the officer, community policing volunteer,
25 or fireman performing his official duties, and the assault
26 is committed other than by the discharge of a firearm in

1 the direction of the officer or fireman or in the direction
2 of a vehicle occupied by the officer or fireman;

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

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

1 (9) Or the individual assaulted is on or about a public
2 way, public property, or public place of accommodation or
3 amusement;

4 (9.5) Is, or the individual assaulted is, in or about a
5 publicly or privately owned sports or entertainment arena,
6 stadium, community or convention hall, special event
7 center, amusement facility, or a special event center in a
8 public park during any 24-hour period when a professional
9 sporting event, National Collegiate Athletic Association
10 (NCAA)-sanctioned sporting event, United States Olympic
11 Committee-sanctioned sporting event, or International
12 Olympic Committee-sanctioned sporting event is taking
13 place in this venue;

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

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

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

22 (13) Discharges a firearm, other than from a motor
23 vehicle;

24 (13.5) Discharges a firearm from a motor vehicle;

25 (14) Knows the individual assaulted to be a
26 correctional officer, while the officer is engaged in the

1 execution of any of his or her official duties, or to
2 prevent the officer from performing his or her official
3 duties, or in retaliation for the officer performing his or
4 her official duties;

5 (15) Knows the individual assaulted to be a
6 correctional employee or an employee of the Department of
7 Human Services supervising or controlling sexually
8 dangerous persons or sexually violent persons, while the
9 employee is engaged in the execution of any of his or her
10 official duties, or to prevent the employee from performing
11 his or her official duties, or in retaliation for the
12 employee performing his or her official duties, and the
13 assault is committed other than by the discharge of a
14 firearm in the direction of the employee or in the
15 direction of a vehicle occupied by the employee;

16 (16) Knows the individual assaulted to be an employee
17 of a police or sheriff's department, or a person who is
18 employed by a municipality and whose duties include traffic
19 control, engaged in the performance of his or her official
20 duties as such employee;

21 (17) Knows the individual assaulted to be a sports
22 official or coach at any level of competition and the act
23 causing the assault to the sports official or coach
24 occurred within an athletic facility or an indoor or
25 outdoor playing field or within the immediate vicinity of
26 the athletic facility or an indoor or outdoor playing field

1 at which the sports official or coach was an active
2 participant in the athletic contest held at the athletic
3 facility. For the purposes of this paragraph (17), "sports
4 official" means a person at an athletic contest who
5 enforces the rules of the contest, such as an umpire or
6 referee; and "coach" means a person recognized as a coach
7 by the sanctioning authority that conducted the athletic
8 contest;

9 (18) Knows the individual assaulted to be an emergency
10 management worker, while the emergency management worker
11 is engaged in the execution of any of his or her official
12 duties, or to prevent the emergency management worker from
13 performing his or her official duties, or in retaliation
14 for the emergency management worker performing his or her
15 official duties, and the assault is committed other than by
16 the discharge of a firearm in the direction of the
17 emergency management worker or in the direction of a
18 vehicle occupied by the emergency management worker; or

19 (19) Knows the individual assaulted to be a utility
20 worker, while the utility worker is engaged in the
21 execution of his or her duties, or to prevent the utility
22 worker from performing his or her duties, or in retaliation
23 for the utility worker performing his or her duties. In
24 this paragraph (19), "utility worker" means a person
25 employed by a public utility as defined in Section 3-105 of
26 the Public Utilities Act and also includes an employee of a

1 municipally owned utility, an employee of a cable
2 television company, an employee of an electric cooperative
3 as defined in Section 3-119 of the Public Utilities Act, an
4 independent contractor or an employee of an independent
5 contractor working on behalf of a cable television company,
6 public utility, municipally owned utility, or an electric
7 cooperative, or an employee of a telecommunications
8 carrier as defined in Section 13-202 of the Public
9 Utilities Act, an independent contractor or an employee of
10 an independent contractor working on behalf of a
11 telecommunications carrier, or an employee of a telephone
12 or telecommunications cooperative as defined in Section
13 13-212 of the Public Utilities Act, or an independent
14 contractor or an employee of an independent contractor
15 working on behalf of a telephone or telecommunications
16 cooperative.

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

23 (b) Sentence.

24 Aggravated assault as defined in paragraphs (1) through (5)
25 and (8) through (12) and (17) and (19) of subsection (a) of
26 this Section is a Class A misdemeanor. Aggravated assault as

1 defined in paragraphs (13), (14), and (15) of subsection (a) of
2 this Section and as defined in subsection (a-5) of this Section
3 is a Class 4 felony. Aggravated assault as defined in
4 paragraphs (6), (7), (16), and (18) of subsection (a) of this
5 Section is a Class A misdemeanor if a firearm is not used in
6 the commission of the assault. Aggravated assault as defined in
7 paragraphs (6), (7), (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. Aggravated assault as defined in
10 paragraph (13.5) of subsection (a) is a Class 3 felony.

11 (c) For the purposes of paragraphs (1) and (6) of
12 subsection (a), "private security officer" means a registered
13 employee of a private security contractor agency under the
14 Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004.

16 (Source: P.A. 94-243, eff. 1-1-06; 94-482, eff. 1-1-06; 95-236,
17 eff. 1-1-08; 95-292, eff. 8-20-07; 95-331, eff. 8-21-07;
18 95-429, eff. 1-1-08; 95-591, eff. 9-10-07; 95-876, eff.
19 8-21-08.)

20 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

21 Sec. 12-4. Aggravated Battery.

22 (a) A person who, in committing a battery, intentionally or
23 knowingly causes great bodily harm, or permanent disability or
24 disfigurement commits aggravated battery.

25 (b) In committing a battery, a person commits aggravated

1 battery if he or she:

2 (1) Uses a deadly weapon other than by the discharge of
3 a firearm;

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

6 (3) Knows the individual harmed to be a teacher or
7 other person employed in any school and such teacher or
8 other employee is upon the grounds of a school or grounds
9 adjacent thereto, or is in any part of a building used for
10 school purposes;

11 (4) (Blank);

12 (5) (Blank);

13 (6) Knows the individual harmed to be a community
14 policing volunteer while such volunteer is engaged in the
15 execution of any official duties, or to prevent the
16 volunteer from performing official duties, or in
17 retaliation for the volunteer performing official duties,
18 and the battery is committed other than by the discharge of
19 a firearm;

20 (7) Knows the individual harmed to be an emergency
21 medical technician - ambulance, emergency medical
22 technician - intermediate, emergency medical technician -
23 paramedic, ambulance driver, other medical assistance,
24 first aid personnel, or hospital personnel engaged in the
25 performance of any of his or her official duties, or to
26 prevent the emergency medical technician - ambulance,

1 emergency medical technician - intermediate, emergency
2 medical technician - paramedic, ambulance driver, other
3 medical assistance, first aid personnel, or hospital
4 personnel from performing official duties, or in
5 retaliation for performing official duties;

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

9 (8.5) Is, or the person battered is, on a publicly or
10 privately owned sports or entertainment arena, stadium,
11 community or convention hall, special event center,
12 amusement facility, or a special event center in a public
13 park during any 24-hour period when a professional sporting
14 event, National Collegiate Athletic Association
15 (NCAA)-sanctioned sporting event, United States Olympic
16 Committee-sanctioned sporting event, or International
17 Olympic Committee-sanctioned sporting event is taking
18 place in this venue;

19 (9) Knows the individual harmed to be the driver,
20 operator, employee or passenger of any transportation
21 facility or system engaged in the business of
22 transportation of the public for hire and the individual
23 assaulted is then performing in such capacity or then using
24 such public transportation as a passenger or using any area
25 of any description designated by the transportation
26 facility or system as a vehicle boarding, departure, or

1 transfer location;

2 (10) Knows the individual harmed to be an individual of
3 60 years of age or older;

4 (11) Knows the individual harmed is pregnant;

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

8 (13) (Blank);

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

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

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

1 used to provide shelter" has the meaning ascribed to
2 "shelter" in Section 1 of the Domestic Violence Shelters
3 Act;

4 (17) (Blank);

5 (18) Knows the individual harmed to be an officer or
6 employee of the State of Illinois, a unit of local
7 government, or school district engaged in the performance
8 of his or her authorized duties as such officer or
9 employee;

10 (18.5) Knows the individual harmed to be a private
11 social service agency employee, such as a caseworker,
12 investigator, or other person, and such caseworker,
13 investigator, or other person is upon the grounds of a
14 private social service agency or grounds adjacent thereto,
15 or is in any part of a building being used for service
16 delivery, or upon the grounds of a private residence of an
17 adult service recipient or any other adult person being
18 interviewed or investigated in the worker's discharge of
19 his or her duties, or on the grounds adjacent thereto, or
20 is in any part of a building in which the recipient of
21 services resides or is located, including social services
22 staff working under contract with a State agency;

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

1 retaliation for the emergency management worker performing
2 official duties;

3 (20) Knows the individual harmed to be a private
4 security officer engaged in the performance of any of his
5 or her official duties, or to prevent the private security
6 officer from performing official duties, or in retaliation
7 for the private security officer performing official
8 duties; or

9 (21) Knows the individual harmed to be a taxi driver
10 and the battery is committed while the taxi driver is on
11 duty; or

12 (22) Knows the individual harmed to be a utility
13 worker, while the utility worker is engaged in the
14 execution of his or her duties, or to prevent the utility
15 worker from performing his or her duties, or in retaliation
16 for the utility worker performing his or her duties. In
17 this paragraph (22), "utility worker" means a person
18 employed by a public utility as defined in Section 3-105 of
19 the Public Utilities Act and also includes an employee of a
20 municipally owned utility, an employee of a cable
21 television company, an employee of an electric cooperative
22 as defined in Section 3-119 of the Public Utilities Act, an
23 independent contractor or an employee of an independent
24 contractor working on behalf of a cable television company,
25 public utility, municipally owned utility, or an electric
26 cooperative, or an employee of a telecommunications

1 carrier as defined in Section 13-202 of the Public
2 Utilities Act, an independent contractor or an employee of
3 an independent contractor working on behalf of a
4 telecommunications carrier, or an employee of a telephone
5 or telecommunications cooperative as defined in Section
6 13-212 of the Public Utilities Act, or an independent
7 contractor or an employee of an independent contractor
8 working on behalf of a telephone or telecommunications
9 cooperative.

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

15 For the purpose of paragraph (20) of subsection (b) and
16 subsection (e) of this Section, "private security officer"
17 means a registered employee of a private security contractor
18 agency under the Private Detective, Private Alarm, Private
19 Security, Fingerprint Vendor, and Locksmith Act of 2004.

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

25 (d) A person who knowingly gives to another person any food
26 that contains any substance or object that is intended to cause

1 physical injury if eaten, commits aggravated battery.

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

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

18 (e) Sentence.

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

21 (2) Aggravated battery that does not cause great bodily
22 harm or permanent disability or disfigurement is a Class 2
23 felony when the person knows the individual harmed to be a
24 peace officer, a community policing volunteer, a public or
25 private social service agency employee, such as a
26 caseworker, investigator, or other person, a private

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

12 (3) Aggravated battery that causes great bodily harm or
13 permanent disability or disfigurement in violation of
14 subsection (a) is a Class 1 felony when the person knows
15 the individual harmed to be a peace officer, a community
16 policing volunteer, a public or private social service
17 agency employee, such as a caseworker, investigator, or
18 other person, a private security officer, a correctional
19 institution employee, an employee of the Department of
20 Human Services supervising or controlling sexually
21 dangerous persons or sexually violent persons, or a fireman
22 while such officer, volunteer, employee, or fireman is
23 engaged in the execution of any official duties including
24 arrest or attempted arrest, or to prevent the officer,
25 volunteer, employee, or fireman from performing official
26 duties, or in retaliation for the officer, volunteer,

1 employee, or fireman performing official duties, and the
2 battery is committed other than by the discharge of a
3 firearm.

4 (4) Aggravated battery under subsection (d-5) is a
5 Class 2 felony.

6 (Source: P.A. 94-243, eff. 1-1-06; 94-327, eff. 1-1-06; 94-333,
7 eff. 7-26-05; 94-363, eff. 7-29-05; 94-482, eff. 1-1-06;
8 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331, eff. 8-21-07;
9 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876, eff.
10 8-21-08.)