



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0594

Introduced 2/6/2009, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.3

720 ILCS 5/12-4

from Ch. 38, par. 12-4

Amends the Criminal Code of 1961. Provides that a person who, in committing a domestic battery, strangles another individual commits aggravated domestic battery. Provides that a person commits aggravated battery when he or she, in committing a battery, strangles another individual. Defines "strangle". Effective immediately.

LRB096 08304 RLC 18412 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 12-3.3 and 12-4 as follows:

6 (720 ILCS 5/12-3.3)

7 Sec. 12-3.3. Aggravated domestic battery.

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

12 (a-5) A person who, in committing a domestic battery,
13 strangles another individual commits aggravated domestic
14 battery. For the purposes of this subsection (a-5), "strangle"
15 means intentionally impeding the normal breathing or
16 circulation of the blood of an individual by applying pressure
17 on the throat or neck of that individual or by blocking the
18 nose or mouth of that individual.

19 (b) Sentence. Aggravated domestic battery is a Class 2
20 felony. Any order of probation or conditional discharge entered
21 following a conviction for an offense under this Section must
22 include, in addition to any other condition of probation or
23 conditional discharge, a condition that the offender serve a

1 mandatory term of imprisonment of not less than 60 consecutive
2 days. A person convicted of a second or subsequent violation of
3 this Section must be sentenced to a mandatory term of
4 imprisonment of not less than 3 years and not more than 7 years
5 or an extended term of imprisonment of not less than 7 years
6 and not more than 14 years.

7 (Source: P.A. 91-445, eff. 1-1-00.)

8 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

9 Sec. 12-4. Aggravated Battery.

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

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

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

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

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

24 (4) (Blank);

25 (5) (Blank);

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

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

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

23 (8.5) Is, or the person battered is, on a publicly or
24 privately owned sports or entertainment arena, stadium,
25 community or convention hall, special event center,
26 amusement facility, or a special event center in a public

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

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

16 (10) Knows the individual harmed to be an individual of
17 60 years of age or older;

18 (11) Knows the individual harmed is pregnant;

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

22 (13) (Blank);

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

25 (15) Knowingly and without legal justification and by
26 any means causes bodily harm to a merchant who detains the

1 person for an alleged commission of retail theft under
2 Section 16A-5 of this Code. In this item (15), "merchant"
3 has the meaning ascribed to it in Section 16A-2.4 of this
4 Code;

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

18 (17) (Blank);

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

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

1 management worker from performing official duties, or in
2 retaliation for the emergency management worker performing
3 official duties;

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

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

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

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

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

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

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

26 (d) A person who knowingly gives to another person any food

1 that contains any substance or object that is intended to cause
2 physical injury if eaten, commits aggravated battery.

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

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

19 (d-6) A person commits aggravated battery when he or she,
20 in committing a battery, strangles another individual. For the
21 purposes of this subsection (d-6), "strangle" means
22 intentionally impeding the normal breathing or circulation of
23 the blood of an individual by applying pressure on the throat
24 or neck of that individual or by blocking the nose or mouth of
25 that individual.

26 (e) Sentence.

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

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

18 (3) Aggravated battery that causes great bodily harm or
19 permanent disability or disfigurement in violation of
20 subsection (a) is a Class 1 felony when the person knows
21 the individual harmed to be a peace officer, a community
22 policing volunteer, a private security officer, a
23 correctional institution employee, an employee of the
24 Department of Human Services supervising or controlling
25 sexually dangerous persons or sexually violent persons, or
26 a fireman while such officer, volunteer, employee, or

1 fireman is engaged in the execution of any official duties
2 including arrest or attempted arrest, or to prevent the
3 officer, volunteer, employee, or fireman from performing
4 official duties, or in retaliation for the officer,
5 volunteer, employee, or fireman performing official
6 duties, and the battery is committed other than by the
7 discharge of a firearm.

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

10 (Source: P.A. 94-243, eff. 1-1-06; 94-327, eff. 1-1-06; 94-333,
11 eff. 7-26-05; 94-363, eff. 7-29-05; 94-482, eff. 1-1-06;
12 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331, eff. 8-21-07;
13 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876, eff.
14 8-21-08.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.