



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5280

Introduced 2/3/2010, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

Amends the Criminal Code of 1961. Increases from a Class A misdemeanor to a Class 4 felony the aggravated assault of a peace officer, a community policing volunteer, a private security officer, or a fireman while the officer or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, community policing volunteer, or fireman from performing his or her official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman. Effective immediately.

LRB096 18302 RLC 33677 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 12-2 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, an air rifle as defined in
11 the Air Rifle Act, or any device manufactured and designed
12 to be substantially similar in appearance to a firearm,
13 other than by discharging a firearm in the direction of
14 another person, a peace officer, a person summoned or
15 directed by a peace officer, a correctional officer, a
16 private security officer, or a fireman or in the direction
17 of a vehicle occupied by another person, a peace officer, a
18 person summoned or directed by a peace officer, a
19 correctional officer, a private security officer, or a
20 fireman while the officer or fireman is engaged in the
21 execution of any of his official duties, or to prevent the
22 officer or fireman from performing his official duties, or
23 in retaliation for the officer or fireman performing his

1 official duties;

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

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

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

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

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

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

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

19 (9.5) Is, or the individual assaulted is, in or about a
20 publicly or privately owned sports or entertainment arena,
21 stadium, community or convention hall, special event
22 center, amusement facility, or a special event center in a
23 public park during any 24-hour period when a professional
24 sporting event, National Collegiate Athletic Association
25 (NCAA)-sanctioned sporting event, United States Olympic
26 Committee-sanctioned sporting event, or International

1 Olympic Committee-sanctioned sporting event is taking
2 place in this venue;

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

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

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

11 (13) Discharges a firearm, other than from a motor
12 vehicle;

13 (13.5) Discharges a firearm from a motor vehicle;

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

20 (15) Knows the individual assaulted to be a
21 correctional employee or an employee of the Department of
22 Human Services supervising or controlling sexually
23 dangerous persons or sexually violent persons, while the
24 employee is engaged in the execution of any of his or her
25 official duties, or to prevent the employee from performing
26 his or her official duties, or in retaliation for the

1 employee performing his or her official duties, and the
2 assault is committed other than by the discharge of a
3 firearm in the direction of the employee or in the
4 direction of a vehicle occupied by the employee;

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

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

24 (18) Knows the individual assaulted to be an emergency
25 management worker, while the emergency management worker
26 is engaged in the execution of any of his or her official

1 duties, or to prevent the emergency management worker from
2 performing his or her official duties, or in retaliation
3 for the emergency management worker performing his or her
4 official duties, and the assault is committed other than by
5 the discharge of a firearm in the direction of the
6 emergency management worker or in the direction of a
7 vehicle occupied by the emergency management worker; or

8 (19) Knows the individual assaulted to be a utility
9 worker, while the utility worker is engaged in the
10 execution of his or her duties, or to prevent the utility
11 worker from performing his or her duties, or in retaliation
12 for the utility worker performing his or her duties. In
13 this paragraph (19), "utility worker" means a person
14 employed by a public utility as defined in Section 3-105 of
15 the Public Utilities Act and also includes an employee of a
16 municipally owned utility, an employee of a cable
17 television company, an employee of an electric cooperative
18 as defined in Section 3-119 of the Public Utilities Act, an
19 independent contractor or an employee of an independent
20 contractor working on behalf of a cable television company,
21 public utility, municipally owned utility, or an electric
22 cooperative, or an employee of a telecommunications
23 carrier as defined in Section 13-202 of the Public
24 Utilities Act, an independent contractor or an employee of
25 an independent contractor working on behalf of a
26 telecommunications carrier, or an employee of a telephone

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

6 (a-5) A person commits an aggravated assault when he or she
7 knowingly and without lawful justification shines or flashes a
8 laser gunsight or other laser device that is attached or
9 affixed to a firearm, or used in concert with a firearm, so
10 that the laser beam strikes near or in the immediate vicinity
11 of any person.

12 (b) Sentence.

13 Aggravated assault as defined in paragraphs (1) through (5)
14 and (8) through (12) and (17) and (19) of subsection (a) of
15 this Section is a Class A misdemeanor. Aggravated assault as
16 defined in paragraphs (6), (13), (14), and (15) of subsection
17 (a) of this Section and as defined in subsection (a-5) of this
18 Section is a Class 4 felony. Aggravated assault as defined in
19 paragraphs ~~(6)~~, (7), (16), and (18) of subsection (a) of this
20 Section is a Class A misdemeanor if a firearm is not used in
21 the commission of the assault. Aggravated assault as defined in
22 paragraphs ~~(6)~~, (7), (16), and (18) of subsection (a) of this
23 Section is a Class 4 felony if a firearm is used in the
24 commission of the assault. Aggravated assault as defined in
25 paragraph (13.5) of subsection (a) is a Class 3 felony.

26 (c) For the purposes of paragraphs (1) and (6) of

1 subsection (a), "private security officer" means a registered
2 employee of a private security contractor agency under the
3 Private Detective, Private Alarm, Private Security,
4 Fingerprint Vendor, and Locksmith Act of 2004.

5 (Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;
6 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.
7 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; revised
8 11-4-09.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.