

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

16 (7) Knows the individual assaulted to be an emergency  
17 medical technician - ambulance, emergency medical  
18 technician - intermediate, emergency medical technician -  
19 paramedic, ambulance driver or other medical assistance or  
20 first aid personnel engaged in the execution of any of his  
21 official duties, or to prevent the emergency medical  
22 technician - ambulance, emergency medical technician -  
23 intermediate, emergency medical technician - paramedic,  
24 ambulance driver, or other medical assistance or first aid  
25 personnel from performing his official duties, or in  
26 retaliation for the emergency medical technician -

1 ambulance, emergency medical technician - intermediate,  
2 emergency medical technician - paramedic, ambulance  
3 driver, or other medical assistance or first aid personnel  
4 performing his official duties;

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

14 (9) Or the individual assaulted is on or about a public  
15 way, public property, or public place of accommodation or  
16 amusement;

17 (9.5) Is, or the individual assaulted is, in or about a  
18 publicly or privately owned sports or entertainment arena,  
19 stadium, community or convention hall, special event  
20 center, amusement facility, or a special event center in a  
21 public park during any 24-hour period when a professional  
22 sporting event, National Collegiate Athletic Association  
23 (NCAA)-sanctioned sporting event, United States Olympic  
24 Committee-sanctioned sporting event, or International  
25 Olympic Committee-sanctioned sporting event is taking  
26 place in this venue;

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

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

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

9           (13) Discharges a firearm, other than from a motor  
10          vehicle;

11          (13.5) Discharges a firearm from a motor vehicle;

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

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

1 firearm in the direction of the employee or in the  
2 direction of a vehicle occupied by the employee;

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

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

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

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

6 (19) Knows the individual assaulted to be a utility  
7 worker, while the utility worker is engaged in the  
8 execution of his or her duties, or to prevent the utility  
9 worker from performing his or her duties, or in retaliation  
10 for the utility worker performing his or her duties. In  
11 this paragraph (19), "utility worker" means a person  
12 employed by a public utility as defined in Section 3-105 of  
13 the Public Utilities Act and also includes an employee of a  
14 municipally owned utility, an employee of a cable  
15 television company, an employee of an electric cooperative  
16 as defined in Section 3-119 of the Public Utilities Act, an  
17 independent contractor or an employee of an independent  
18 contractor working on behalf of a cable television company,  
19 public utility, municipally owned utility, or an electric  
20 cooperative, or an employee of a telecommunications  
21 carrier as defined in Section 13-202 of the Public  
22 Utilities Act, an independent contractor or an employee of  
23 an independent contractor working on behalf of a  
24 telecommunications carrier, or an employee of a telephone  
25 or telecommunications cooperative as defined in Section  
26 13-212 of the Public Utilities Act, or an independent

1 contractor or an employee of an independent contractor  
2 working on behalf of a telephone or telecommunications  
3 cooperative.

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

10 (b) Sentence.

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

1 paragraphs ~~(6)~~, (7), ~~(16)~~, and (18) of subsection (a) of this  
2 Section is a Class 4 felony if a firearm is used in the  
3 commission of the assault. Aggravated assault as defined in  
4 paragraph (13.5) of subsection (a) is a Class 3 felony. For the  
5 purposes of this subsection (b), "Category I weapon", "Category  
6 II weapon", and "Category III weapon" have the meanings  
7 ascribed to those terms in subsection (c) of Section 33A-1 of  
8 this Code.

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

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