



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1147

Introduced 02/07/11, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

See Index

Amends the Humane Care for Animals Act. Provides that, upon being furnished with a notice of violation, a violator may not, without the written consent of an investigator or law enforcement official, intentionally relocate an animal from the property where the violator resides or the property where the violation occurred, unless (i) doing so is necessary to render veterinary care to the animal or to protect the animal from an imminent disaster or emergency or (ii) the case against the violator has been closed. Defines "relocate an animal". Authorizes Department investigators and approved humane investigators to seek compensation from a violator for medical expenses incurred as a result of the investigation of a founded complaint. Provides that, once an animal is the subject of a notice of violation or impoundment, the violator or individual caring for the animal that is the subject of the notice must, until the closure of the case, present the animal to any investigator or law enforcement official who, in the course of conducting the investigation, deems it necessary to examine the animal. Creates penalties for violations. Amends the Criminal Code of 1961. Makes it an aggravated assault if a person, when committing an assault, knows the individual assaulted to be an investigator of the Department of Agriculture or an approved humane investigator. Makes it an aggravated battery if a person, when committing a battery, knows the individual harmed to be an investigator of the Department of Agriculture or an approved humane investigator. Effective immediately.

LRB097 06306 CEL 46383 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Humane Care for Animals Act is amended by
5 changing Sections 11 and 16.3 and by adding Section 16.6 as
6 follows:

7 (510 ILCS 70/11) (from Ch. 8, par. 711)

8 Sec. 11. (a) If an investigation under Section 10 discloses
9 that a violation of this Act has been committed, the approved
10 humane investigator shall furnish the violator, if known, with
11 a notice of violation, and state what action is necessary to
12 come into compliance with this Act and that a maximum of 48
13 hours may be granted in which to take corrective action.

14 (b) If the violator fails or refuses to take corrective
15 action necessary for compliance or if the violator is still
16 unknown after an attempt to identify ownership, the humane
17 investigator shall contact the Department and request
18 authorization to impound the animal or animals. The Department
19 will authorize impoundment if a review of facts gathered by the
20 humane investigator indicates a violation of Section 3 of this
21 Act has occurred and the violator, if known, has failed or
22 refused to take corrective action necessary for compliance.

23 (c) Upon being furnished with a notice of violation, a

1 violator may not, without the written consent of an
2 investigator or law enforcement official, intentionally
3 relocate an animal from the property where the violator resides
4 or the property where the violation occurred, unless (i) doing
5 so is necessary to render veterinary care to the animal or to
6 protect the animal from an imminent disaster or emergency or
7 (ii) the case against the violator has been closed. For the
8 purposes of this subsection (c), "relocate an animal" means to
9 move an animal from a location with the intent to keep that
10 animal at a separate location for more than 2 hours.

11 (d) A first violation of subsection (c) is a Class A
12 misdemeanor. A second or subsequent violation is a Class 4
13 felony.

14 This Section shall not apply to violations committed under
15 Section 4.01 of this Act.

16 (Source: P.A. 83-649.)

17 (510 ILCS 70/16.3)

18 Sec. 16.3. Civil actions. Any person who has a right of
19 ownership in an animal that is subjected to an act of
20 aggravated cruelty under Section 3.02 or torture under Section
21 3.03 in violation of this Act or in an animal that is injured
22 or killed as a result of actions taken by a person who acts in
23 bad faith under subsection (b) of Section 3.06 or under Section
24 12 of this Act may bring a civil action to recover the damages
25 sustained by that owner. Damages may include, but are not

1 limited to, the monetary value of the animal, veterinary
2 expenses incurred on behalf of the animal, any other expenses
3 incurred by the owner in rectifying the effects of the cruelty,
4 pain, and suffering of the animal, and emotional distress
5 suffered by the owner. In addition to damages that may be
6 proven, the owner is also entitled to punitive or exemplary
7 damages of not less than \$500 but not more than \$25,000 for
8 each act of abuse or neglect to which the animal was subjected.
9 In addition, the court must award reasonable attorney's fees
10 and costs actually incurred by the owner in the prosecution of
11 any action under this Section.

12 In addition, Department investigators and approved humane
13 investigators may seek compensation from a violator for medical
14 expenses incurred as a result of the investigation of a founded
15 complaint.

16 The remedies provided in this Section are in addition to
17 any other remedies allowed by law.

18 In an action under this Section, the court may enter any
19 injunctive orders reasonably necessary to protect animals from
20 any further acts of abuse, neglect, or harassment by a
21 defendant.

22 The statute of limitations for a violation of this Act is 2
23 years.

24 (Source: P.A. 95-868, eff. 8-20-08.)

25 (510 ILCS 70/16.6 new)

1 Sec. 16.6. Once an animal is the subject of a notice of
2 violation under Section 11 or a notice of impoundment under
3 Section 12, the violator or individual caring for the animal
4 that is the subject of the notice must, until the closure of
5 the case, present the animal to any investigator or law
6 enforcement official who, in the course of conducting the
7 investigation, deems it necessary to examine the animal, and he
8 or she must not intentionally hide the animal or conceal its
9 location from an investigator or law enforcement official.
10

11 Section 10. The Criminal Code of 1961 is amended by
12 changing Sections 12-2 and 12-4 as follows:

13 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

14 Sec. 12-2. Aggravated assault.

15 (a) A person commits an aggravated assault, when, in
16 committing an assault, he:

17 (1) Uses a deadly weapon, an air rifle as defined in
18 the Air Rifle Act, or any device manufactured and designed
19 to be substantially similar in appearance to a firearm,
20 other than by discharging a firearm in the direction of
21 another person, a peace officer, a person summoned or
22 directed by a peace officer, a correctional officer, a
23 private security officer, or a fireman or in the direction
24 of a vehicle occupied by another person, a peace officer, a

1 person summoned or directed by a peace officer, a
2 correctional officer, a private security officer, or a
3 fireman while the officer or fireman is engaged in the
4 execution of any of his official duties, or to prevent the
5 officer or fireman from performing his official duties, or
6 in retaliation for the officer or fireman performing his
7 official duties;

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

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

17 (4) Knows the individual assaulted to be a supervisor,
18 director, instructor or other person employed in any park
19 district and such supervisor, director, instructor or
20 other employee is upon the grounds of the park or grounds
21 adjacent thereto, or is in any part of a building used for
22 park purposes;

23 (5) Knows the individual assaulted to be a caseworker,
24 investigator, or other person employed by the Department of
25 Healthcare and Family Services (formerly State Department
26 of Public Aid), a County Department of Public Aid, or the

1 Department of Human Services (acting as successor to the
2 Illinois Department of Public Aid under the Department of
3 Human Services Act) and such caseworker, investigator, or
4 other person is upon the grounds of a public aid office or
5 grounds adjacent thereto, or is in any part of a building
6 used for public aid purposes, or upon the grounds of a home
7 of a public aid applicant, recipient or any other person
8 being interviewed or investigated in the employee's
9 discharge of his duties, or on grounds adjacent thereto, or
10 is in any part of a building in which the applicant,
11 recipient, or other such person resides or is located;

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

23 (7) Knows the individual assaulted to be an emergency
24 medical technician - ambulance, emergency medical
25 technician - intermediate, emergency medical technician -
26 paramedic, ambulance driver or other medical assistance or

1 first aid personnel engaged in the execution of any of his
2 official duties, or to prevent the emergency medical
3 technician - ambulance, emergency medical technician -
4 intermediate, emergency medical technician - paramedic,
5 ambulance driver, or other medical assistance or first aid
6 personnel from performing his official duties, or in
7 retaliation for the emergency medical technician -
8 ambulance, emergency medical technician - intermediate,
9 emergency medical technician - paramedic, ambulance
10 driver, or other medical assistance or first aid personnel
11 performing his official duties;

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

21 (9) Or the individual assaulted is on or about a public
22 way, public property, or public place of accommodation or
23 amusement;

24 (9.5) Is, or the individual assaulted is, in or about a
25 publicly or privately owned sports or entertainment arena,
26 stadium, community or convention hall, special event

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

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

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

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

16 (13) Discharges a firearm, other than from a motor
17 vehicle;

18 (13.5) Discharges a firearm from a motor vehicle;

19 (14) Knows the individual assaulted to be a
20 correctional officer, while the officer is engaged in the
21 execution of any of his or her official duties, or to
22 prevent the officer from performing his or her official
23 duties, or in retaliation for the officer performing his or
24 her official duties;

25 (14.5) Knows the individual assaulted to be a probation
26 officer, as defined in the Probation and Probation Officers

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

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

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

26 (17) Knows the individual assaulted to be a sports

1 official or coach at any level of competition and the act
2 causing the assault to the sports official or coach
3 occurred within an athletic facility or an indoor or
4 outdoor playing field or within the immediate vicinity of
5 the athletic facility or an indoor or outdoor playing field
6 at which the sports official or coach was an active
7 participant in the athletic contest held at the athletic
8 facility. For the purposes of this paragraph (17), "sports
9 official" means a person at an athletic contest who
10 enforces the rules of the contest, such as an umpire or
11 referee; and "coach" means a person recognized as a coach
12 by the sanctioning authority that conducted the athletic
13 contest;

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

24 (19) Knows the individual assaulted to be a utility
25 worker, while the utility worker is engaged in the
26 execution of his or her duties, or to prevent the utility

1 worker from performing his or her duties, or in retaliation
2 for the utility worker performing his or her duties. In
3 this paragraph (19), "utility worker" means a person
4 employed by a public utility as defined in Section 3-105 of
5 the Public Utilities Act and also includes an employee of a
6 municipally owned utility, an employee of a cable
7 television company, an employee of an electric cooperative
8 as defined in Section 3-119 of the Public Utilities Act, an
9 independent contractor or an employee of an independent
10 contractor working on behalf of a cable television company,
11 public utility, municipally owned utility, or an electric
12 cooperative, or an employee of a telecommunications
13 carrier as defined in Section 13-202 of the Public
14 Utilities Act, an independent contractor or an employee of
15 an independent contractor working on behalf of a
16 telecommunications carrier, or an employee of a telephone
17 or telecommunications cooperative as defined in Section
18 13-212 of the Public Utilities Act, or an independent
19 contractor or an employee of an independent contractor
20 working on behalf of a telephone or telecommunications
21 cooperative; or -

22 (20) Knows the individual assaulted to be an
23 investigator of the Department of Agriculture or an
24 approved humane investigator, while the investigator is
25 engaged in the execution of his or her duties under the
26 Humane Care for Animals Act.

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

7 (a-10) A person commits an aggravated assault when he or
8 she knowingly and without justification operates a motor
9 vehicle in a manner which places a person in reasonable
10 apprehension of being struck by a moving vehicle.

11 (b) Sentence.

12 Aggravated assault as defined in paragraphs (1) through (5)
13 and (8) through (12) and (17) and (19) of subsection (a) of
14 this Section is a Class A misdemeanor. Aggravated assault as
15 defined in paragraphs (13), (14), (14.5), and (15) of
16 subsection (a) of this Section and as defined in subsection
17 (a-5) or (a-10) of this Section is a Class 4 felony. Aggravated
18 assault as defined in paragraphs (6) and (16) of subsection (a)
19 of this Section is a Class A misdemeanor if a Category I,
20 Category II, or Category III weapon is not used in the
21 commission of the assault. Aggravated assault as defined in
22 paragraphs (6) and (16) of subsection (a) of this Section is a
23 Class 4 felony if a Category I, Category II, or Category III
24 weapon is used in the commission of the assault. Aggravated
25 assault as defined in paragraphs (7) and (18) of subsection (a)
26 of this Section is a Class A misdemeanor if a firearm is not

1 used in the commission of the assault. Aggravated assault as
2 defined in paragraphs (7) and (18) of subsection (a) of this
3 Section is a Class 4 felony if a firearm is used in the
4 commission of the assault. Aggravated assault as defined in
5 subsection (a-10) where the victim was a person defined in
6 paragraph (6) or paragraph (13.5) of subsection (a) is a Class
7 3 felony. For the purposes of this subsection (b), "Category I
8 weapon", "Category II weapon", and "Category III weapon" have
9 the meanings ascribed to those terms in subsection (c) of
10 Section 33A-1 of this Code.

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. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;
17 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.
18 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; 96-1000,
19 eff. 7-2-10; 96-1109, eff. 1-1-11; 96-1398, eff. 7-29-10;
20 revised 9-16-10.)

21 (720 ILCS 5/12-4)

22 Sec. 12-4. Aggravated Battery.

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

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

3 (1) Uses a deadly weapon other than by the discharge of
4 a firearm, or uses an air rifle as defined in the Air Rifle
5 Act;

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

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

13 (4) (Blank);

14 (5) (Blank);

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

22 (7) Knows the individual harmed to be an emergency
23 medical technician - ambulance, emergency medical
24 technician - intermediate, emergency medical technician -
25 paramedic, ambulance driver, other medical assistance,
26 first aid personnel, or hospital personnel engaged in the

1 performance of any of his or her official duties, or to
2 prevent the emergency medical technician - ambulance,
3 emergency medical technician - intermediate, emergency
4 medical technician - paramedic, ambulance driver, other
5 medical assistance, first aid personnel, or hospital
6 personnel from performing official duties, or in
7 retaliation for performing official duties;

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

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

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

1 of any description designated by the transportation
2 facility or system as a vehicle boarding, departure, or
3 transfer location;

4 (10) Knows the individual harmed to be an individual of
5 60 years of age or older;

6 (11) Knows the individual harmed is pregnant;

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

10 (13) (Blank);

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

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

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

1 meaning ascribed to it in Section 103 of the Illinois
2 Domestic Violence Act of 1986. "Building or other structure
3 used to provide shelter" has the meaning ascribed to
4 "shelter" in Section 1 of the Domestic Violence Shelters
5 Act;

6 (17) (Blank);

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

12 (19) Knows the individual harmed to be an emergency
13 management worker engaged in the performance of any of his
14 or her official duties, or to prevent the emergency
15 management worker from performing official duties, or in
16 retaliation for the emergency management worker performing
17 official duties;

18 (20) Knows the individual harmed to be a private
19 security officer engaged in the performance of any of his
20 or her official duties, or to prevent the private security
21 officer from performing official duties, or in retaliation
22 for the private security officer performing official
23 duties; ~~or~~

24 (21) Knows the individual harmed to be a taxi driver
25 and the battery is committed while the taxi driver is on
26 duty; ~~or~~

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

25 (23) Knows the individual harmed to be an investigator
26 of the Department of Agriculture or an approved humane

1 investigator, while the investigator is engaged in the
2 execution of his or her duties under the Humane Care for
3 Animals Act.

4 For the purpose of paragraph (14) of subsection (b) of this
5 Section, a physically handicapped person is a person who
6 suffers from a permanent and disabling physical
7 characteristic, resulting from disease, injury, functional
8 disorder or congenital condition.

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

14 (c) A person who administers to an individual or causes him
15 to take, without his consent or by threat or deception, and for
16 other than medical purposes, any intoxicating, poisonous,
17 stupefying, narcotic, anesthetic, or controlled substance
18 commits aggravated battery.

19 (d) A person who knowingly gives to another person any food
20 that contains any substance or object that is intended to cause
21 physical injury if eaten, commits aggravated battery.

22 (d-3) A person commits aggravated battery when he or she
23 knowingly and without lawful justification shines or flashes a
24 laser gunsight or other laser device that is attached or
25 affixed to a firearm, or used in concert with a firearm, so
26 that the laser beam strikes upon or against the person of

1 another.

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

12 (d-6) A person commits aggravated battery when he or she,
13 in committing a battery, strangles another individual. For the
14 purposes of this subsection (d-6), "strangle" means
15 intentionally impeding the normal breathing or circulation of
16 the blood of an individual by applying pressure on the throat
17 or neck of that individual or by blocking the nose or mouth of
18 that individual.

19 (e) Sentence.

20 (1) Except as otherwise provided in paragraphs (2),
21 (3), (4), and (5) aggravated battery is a Class 3 felony.

22 (2) Aggravated battery that does not cause great bodily
23 harm or permanent disability or disfigurement is a Class 2
24 felony when the person knows the individual harmed to be a
25 peace officer, a community policing volunteer, a private
26 security officer, a correctional institution employee, an

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

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

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

3 (5) Aggravated battery under subsection (d-6) is a
4 Class 1 felony if:

5 (A) the person used or attempted to use a dangerous
6 instrument while committing the offense; or

7 (B) the person caused great bodily harm or
8 permanent disability or disfigurement to the other
9 person while committing the offense; or

10 (C) the person has been previously convicted of a
11 violation of subsection (d-6) under the laws of this
12 State or laws similar to subsection (d-6) of any other
13 state.

14 (6) For purposes of this subsection (e), the term
15 "firearm" shall have the meaning provided under Section 1.1
16 of the Firearms Owners Identification Card Act, and shall
17 not include an air rifle as defined by Section 1 of the Air
18 Rifle Act.

19 (Source: P.A. 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331,
20 eff. 8-21-07; 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876,
21 eff. 8-21-08; 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
22 96-1000, eff. 7-2-10.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 510 ILCS 70/11 from Ch. 8, par. 711

4 510 ILCS 70/16.3

5 510 ILCS 70/16.6 new

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

7 720 ILCS 5/12-4