



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4995

by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

510 ILCS 70/4.03	from Ch. 8, par. 704.03
720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4

Amends the Humane Care for Animals Act. Increases the penalty for teasing, striking, or tampering with police animals, service animals, accelerant detection dogs, or search and rescue dogs from a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense to a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense. Amends the Criminal Code of 1961. Changes the penalty for aggravated assault of a physically handicapped person or a person 60 years of age or older from a Class A misdemeanor to a Class 4 felony. Changes the penalty for aggravated battery of a pregnant or physically handicapped person from a Class 3 felony to a Class 2 felony.

LRB097 16800 RLC 61980 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 Humane Care for Animals Act is amended by
5 changing Section 4.03 as follows:

6 (510 ILCS 70/4.03) (from Ch. 8, par. 704.03)

7 Sec. 4.03. Teasing, striking or tampering with police
8 animals, service animals, accelerant detection dogs, or search
9 and rescue dogs prohibited. It shall be unlawful for any person
10 to willfully and maliciously taunt, torment, tease, beat,
11 strike, or administer or subject any desensitizing drugs,
12 chemicals, or substance to (i) any animal used by a law
13 enforcement officer in the performance of his or her functions
14 or duties, or when placed in confinement off duty, (ii) any
15 service animal, (iii) any search and rescue dog, (iv) any
16 police, service, or search and rescue animal in training, or
17 (v) any accelerant detection canine used by a fire officer for
18 arson investigations in the performance of his or her functions
19 or while off duty. It is unlawful for any person to interfere
20 or meddle with (i) any animal used by a law enforcement
21 department or agency or any handler thereof in the performance
22 of the functions or duties of the department or agency, (ii)
23 any service animal, (iii) any search and rescue dog, (iv) any

1 law enforcement, service, or search and rescue animal in
2 training, or (v) any accelerant detection canine used by a fire
3 officer for arson investigations in the performance of his or
4 her functions or while off duty.

5 Any person convicted of violating this Section is guilty of
6 a Class 4 felony ~~A misdemeanor~~. A second or subsequent
7 violation is a Class 3 ~~4~~ felony.

8 (Source: P.A. 96-1171, eff. 7-22-10.)

9 Section 10. The Criminal Code of 1961 is amended by
10 changing Sections 12-2 and 12-3.05 as follows:

11 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

12 Sec. 12-2. Aggravated assault.

13 (a) Offense based on location of conduct. A person commits
14 aggravated assault when he or she commits an assault against an
15 individual who is on or about a public way, public property, a
16 public place of accommodation or amusement, or a sports venue.

17 (b) Offense based on status of victim. A person commits
18 aggravated assault when, in committing an assault, he or she
19 knows the individual assaulted to be any of the following:

20 (1) A physically handicapped person or a person 60
21 years of age or older and the assault is without legal
22 justification.

23 (2) A teacher or school employee upon school grounds or
24 grounds adjacent to a school or in any part of a building

1 used for school purposes.

2 (3) A park district employee upon park grounds or
3 grounds adjacent to a park or in any part of a building
4 used for park purposes.

5 (4) A peace officer, community policing volunteer,
6 fireman, private security officer, emergency management
7 worker, emergency medical technician, or utility worker:

8 (i) performing his or her official duties;

9 (ii) assaulted to prevent performance of his or her
10 official duties; or

11 (iii) assaulted in retaliation for performing his
12 or her official duties.

13 (5) A correctional officer or probation officer:

14 (i) performing his or her official duties;

15 (ii) assaulted to prevent performance of his or her
16 official duties; or

17 (iii) assaulted in retaliation for performing his
18 or her official duties.

19 (6) A correctional institution employee, a county
20 juvenile detention center employee who provides direct and
21 continuous supervision of residents of a juvenile
22 detention center, including a county juvenile detention
23 center employee who supervises recreational activity for
24 residents of a juvenile detention center, or a Department
25 of Human Services employee, Department of Human Services
26 officer, or employee of a subcontractor of the Department

1 of Human Services supervising or controlling sexually
2 dangerous persons or sexually violent persons:

3 (i) performing his or her official duties;

4 (ii) assaulted to prevent performance of his or her
5 official duties; or

6 (iii) assaulted in retaliation for performing his
7 or her official duties.

8 (7) An employee of the State of Illinois, a municipal
9 corporation therein, or a political subdivision thereof,
10 performing his or her official duties.

11 (8) A transit employee performing his or her official
12 duties, or a transit passenger.

13 (9) A sports official or coach actively participating
14 in any level of athletic competition within a sports venue,
15 on an indoor playing field or outdoor playing field, or
16 within the immediate vicinity of such a facility or field.

17 (10) A person authorized to serve process under Section
18 2-202 of the Code of Civil Procedure or a special process
19 server appointed by the circuit court, while that
20 individual is in the performance of his or her duties as a
21 process server.

22 (c) Offense based on use of firearm, device, or motor
23 vehicle. A person commits aggravated assault when, in
24 committing an assault, he or she does any of the following:

25 (1) Uses a deadly weapon, an air rifle as defined in
26 the Air Rifle Act, or any device manufactured and designed

1 to be substantially similar in appearance to a firearm,
2 other than by discharging a firearm.

3 (2) Discharges a firearm, other than from a motor
4 vehicle.

5 (3) Discharges a firearm from a motor vehicle.

6 (4) Wears a hood, robe, or mask to conceal his or her
7 identity.

8 (5) Knowingly and without lawful justification shines
9 or flashes a laser gun sight or other laser device attached
10 to a firearm, or used in concert with a firearm, so that
11 the laser beam strikes near or in the immediate vicinity of
12 any person.

13 (6) Uses a firearm, other than by discharging the
14 firearm, against a peace officer, community policing
15 volunteer, fireman, private security officer, emergency
16 management worker, emergency medical technician, employee
17 of a police department, employee of a sheriff's department,
18 or traffic control municipal employee:

19 (i) performing his or her official duties;

20 (ii) assaulted to prevent performance of his or her
21 official duties; or

22 (iii) assaulted in retaliation for performing his
23 or her official duties.

24 (7) Without justification operates a motor vehicle in a
25 manner which places a person, other than a person listed in
26 subdivision (b)(4), in reasonable apprehension of being

1 struck by the moving motor vehicle.

2 (8) Without justification operates a motor vehicle in a
3 manner which places a person listed in subdivision (b)(4),
4 in reasonable apprehension of being struck by the moving
5 motor vehicle.

6 (d) Sentence. Aggravated assault as defined in subdivision
7 (a), ~~(b)(1)~~, (b)(2), (b)(3), (b)(4), (b)(7), (b)(8), (b)(9),
8 (c)(1), or (c)(4) is a Class A misdemeanor, except that
9 aggravated assault as defined in subdivision (b)(4) and (b)(7)
10 is a Class 4 felony if a Category I, Category II, or Category
11 III weapon is used in the commission of the assault. Aggravated
12 assault as defined in subdivision (b)(1), (b)(5), (b)(6),
13 (b)(10), (c)(2), (c)(5), (c)(6), or (c)(7) is a Class 4 felony.
14 Aggravated assault as defined in subdivision (c)(3) or (c)(8)
15 is a Class 3 felony.

16 (e) For the purposes of this Section, "Category I weapon",
17 "Category II weapon, and "Category III weapon" have the
18 meanings ascribed to those terms in Section 33A-1 of this Code.

19 ~~an employee of a county juvenile detention center who provides~~
20 ~~direct and continuous supervision of residents of a juvenile~~
21 ~~detention center, including an employee of a county juvenile~~
22 ~~detention center who supervises recreational activity for~~
23 ~~residents of a juvenile detention center,~~

24 ~~or~~

25 ~~(20) Knows the individual assaulted to be either:~~

26 ~~(A) a person authorized to serve process under~~

1 ~~Section 2-202 of the Code of Civil Procedure; or~~

2 ~~(B) a special process server appointed by the~~

3 ~~circuit court;~~

4 ~~while that individual is in the performance of his or her~~

5 ~~duties as a process server.~~

6 ~~, and (20)~~

7 (Source: P.A. 96-201, eff. 8-10-09; 96-1000, eff. 7-2-10;

8 96-1109, eff. 1-1-11; 96-1398, eff. 7-29-10; 96-1551, eff.

9 7-1-11; 97-225, eff. 7-28-11; 97-313, eff. 1-1-12; 97-333, eff.

10 8-12-11; revised 9-12-11.)

11 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

12 Sec. 12-3.05. Aggravated battery.

13 (a) Offense based on injury. A person commits aggravated
14 battery when, in committing a battery, other than by the
15 discharge of a firearm, he or she knowingly does any of the
16 following:

17 (1) Causes great bodily harm or permanent disability or
18 disfigurement.

19 (2) Causes severe and permanent disability, great
20 bodily harm, or disfigurement by means of a caustic or
21 flammable substance, a poisonous gas, a deadly biological
22 or chemical contaminant or agent, a radioactive substance,
23 or a bomb or explosive compound.

24 (3) Causes great bodily harm or permanent disability or
25 disfigurement to an individual whom the person knows to be

1 a peace officer, community policing volunteer, fireman,
2 private security officer, correctional institution
3 employee, or Department of Human Services employee
4 supervising or controlling sexually dangerous persons or
5 sexually violent persons:

6 (i) performing his or her official duties;

7 (ii) battered to prevent performance of his or her
8 official duties; or

9 (iii) battered in retaliation for performing his
10 or her official duties.

11 (4) Causes great bodily harm or permanent disability or
12 disfigurement to an individual 60 years of age or older.

13 (5) Strangles another individual.

14 (b) Offense based on injury to a child or intellectually
15 disabled ~~mentally retarded~~ person. A person who is at least 18
16 years of age commits aggravated battery when, in committing a
17 battery, he or she knowingly and without legal justification by
18 any means:

19 (1) causes great bodily harm or permanent disability or
20 disfigurement to any child under the age of 13 years, or to
21 any severely or profoundly intellectually disabled
22 ~~mentally retarded~~ person; or

23 (2) causes bodily harm or disability or disfigurement
24 to any child under the age of 13 years or to any severely
25 or profoundly intellectually disabled ~~mentally retarded~~
26 person.

1 (c) Offense based on location of conduct. A person commits
2 aggravated battery when, in committing a battery, other than by
3 the discharge of a firearm, he or she is or the person battered
4 is on or about a public way, public property, a public place of
5 accommodation or amusement, a sports venue, or a domestic
6 violence shelter.

7 (d) Offense based on status of victim. A person commits
8 aggravated battery when, in committing a battery, other than by
9 discharge of a firearm, he or she knows the individual battered
10 to be any of the following:

11 (1) A person 60 years of age or older.

12 (2) A person who is pregnant or physically handicapped.

13 (3) A teacher or school employee upon school grounds or
14 grounds adjacent to a school or in any part of a building
15 used for school purposes.

16 (4) A peace officer, community policing volunteer,
17 fireman, private security officer, correctional
18 institution employee, or Department of Human Services
19 employee supervising or controlling sexually dangerous
20 persons or sexually violent persons:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (5) A judge, emergency management worker, emergency

1 medical technician, or utility worker:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (6) An officer or employee of the State of Illinois, a
8 unit of local government, or a school district, while
9 performing his or her official duties.

10 (7) A transit employee performing his or her official
11 duties, or a transit passenger.

12 (8) A taxi driver on duty.

13 (9) A merchant who detains the person for an alleged
14 commission of retail theft under Section 16-26 of this Code
15 and the person without legal justification by any means
16 causes bodily harm to the merchant.

17 (10) A person authorized to serve process under Section
18 2-202 of the Code of Civil Procedure or a special process
19 server appointed by the circuit court while that individual
20 is in the performance of his or her duties as a process
21 server.

22 (e) Offense based on use of a firearm. A person commits
23 aggravated battery when, in committing a battery, he or she
24 knowingly does any of the following:

25 (1) Discharges a firearm, other than a machine gun or a
26 firearm equipped with a silencer, and causes any injury to

1 another person.

2 (2) Discharges a firearm, other than a machine gun or a
3 firearm equipped with a silencer, and causes any injury to
4 a person he or she knows to be a peace officer, community
5 policing volunteer, person summoned by a police officer,
6 fireman, private security officer, correctional
7 institution employee, or emergency management worker:

8 (i) performing his or her official duties;

9 (ii) battered to prevent performance of his or her
10 official duties; or

11 (iii) battered in retaliation for performing his
12 or her official duties.

13 (3) Discharges a firearm, other than a machine gun or a
14 firearm equipped with a silencer, and causes any injury to
15 a person he or she knows to be an emergency medical
16 technician employed by a municipality or other
17 governmental unit:

18 (i) performing his or her official duties;

19 (ii) battered to prevent performance of his or her
20 official duties; or

21 (iii) battered in retaliation for performing his
22 or her official duties.

23 (4) Discharges a firearm and causes any injury to a
24 person he or she knows to be a teacher, a student in a
25 school, or a school employee, and the teacher, student, or
26 employee is upon school grounds or grounds adjacent to a

1 school or in any part of a building used for school
2 purposes.

3 (5) Discharges a machine gun or a firearm equipped with
4 a silencer, and causes any injury to another person.

5 (6) Discharges a machine gun or a firearm equipped with
6 a silencer, and causes any injury to a person he or she
7 knows to be a peace officer, community policing volunteer,
8 person summoned by a police officer, fireman, private
9 security officer, correctional institution employee or
10 emergency management worker:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (7) Discharges a machine gun or a firearm equipped with
17 a silencer, and causes any injury to a person he or she
18 knows to be an emergency medical technician employed by a
19 municipality or other governmental unit:

20 (i) performing his or her official duties;

21 (ii) battered to prevent performance of his or her
22 official duties; or

23 (iii) battered in retaliation for performing his
24 or her official duties.

25 (8) Discharges a machine gun or a firearm equipped with
26 a silencer, and causes any injury to a person he or she

1 knows to be a teacher, or a student in a school, or a
2 school employee, and the teacher, student, or employee is
3 upon school grounds or grounds adjacent to a school or in
4 any part of a building used for school purposes.

5 (f) Offense based on use of a weapon or device. A person
6 commits aggravated battery when, in committing a battery, he or
7 she does any of the following:

8 (1) Uses a deadly weapon other than by discharge of a
9 firearm, or uses an air rifle as defined in the Air Rifle
10 Act.

11 (2) Wears a hood, robe, or mask to conceal his or her
12 identity.

13 (3) Knowingly and without lawful justification shines
14 or flashes a laser gunsight or other laser device attached
15 to a firearm, or used in concert with a firearm, so that
16 the laser beam strikes upon or against the person of
17 another.

18 (g) Offense based on certain conduct. A person commits
19 aggravated battery when, other than by discharge of a firearm,
20 he or she does any of the following:

21 (1) Violates Section 401 of the Illinois Controlled
22 Substances Act by unlawfully delivering a controlled
23 substance to another and any user experiences great bodily
24 harm or permanent disability as a result of the injection,
25 inhalation, or ingestion of any amount of the controlled
26 substance.

1 (2) Knowingly administers to an individual or causes
2 him or her to take, without his or her consent or by threat
3 or deception, and for other than medical purposes, any
4 intoxicating, poisonous, stupefying, narcotic, anesthetic,
5 or controlled substance, or gives to another person any
6 food containing any substance or object intended to cause
7 physical injury if eaten.

8 (3) Knowingly causes or attempts to cause a
9 correctional institution employee or Department of Human
10 Services employee to come into contact with blood, seminal
11 fluid, urine, or feces by throwing, tossing, or expelling
12 the fluid or material, and the person is an inmate of a
13 penal institution or is a sexually dangerous person or
14 sexually violent person in the custody of the Department of
15 Human Services.

16 (h) Sentence. Unless otherwise provided, aggravated
17 battery is a Class 3 felony.

18 Aggravated battery as defined in subdivision (a)(4),
19 (d)(2), (d)(4), or (g)(3) is a Class 2 felony.

20 Aggravated battery as defined in subdivision (a)(3) or
21 (g)(1) is a Class 1 felony.

22 Aggravated battery as defined in subdivision (a)(1) is a
23 Class 1 felony when the aggravated battery was intentional and
24 involved the infliction of torture, as defined in paragraph
25 (14) of subsection (b) of Section 9-1 of this Code, as the
26 infliction of or subjection to extreme physical pain, motivated

1 by an intent to increase or prolong the pain, suffering, or
2 agony of the victim.

3 Aggravated battery under subdivision (a)(5) is a Class 1
4 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 permanent
8 disability or disfigurement to the other person while
9 committing the offense; or

10 (C) the person has been previously convicted of a
11 violation of subdivision (a)(5) under the laws of this
12 State or laws similar to subdivision (a)(5) of any other
13 state.

14 Aggravated battery as defined in subdivision (e)(1) is a
15 Class X felony.

16 Aggravated battery as defined in subdivision (a)(2) is a
17 Class X felony for which a person shall be sentenced to a term
18 of imprisonment of a minimum of 6 years and a maximum of 45
19 years.

20 Aggravated battery as defined in subdivision (e)(5) is a
21 Class X felony for which a person shall be sentenced to a term
22 of imprisonment of a minimum of 12 years and a maximum of 45
23 years.

24 Aggravated battery as defined in subdivision (e)(2),
25 (e)(3), or (e)(4) is a Class X felony for which a person shall
26 be sentenced to a term of imprisonment of a minimum of 15 years

1 and a maximum of 60 years.

2 Aggravated battery as defined in subdivision (e)(6),
3 (e)(7), or (e)(8) is a Class X felony for which a person shall
4 be sentenced to a term of imprisonment of a minimum of 20 years
5 and a maximum of 60 years.

6 Aggravated battery as defined in subdivision (b)(1) is a
7 Class X felony, except that:

8 (1) if the person committed the offense while armed
9 with a firearm, 15 years shall be added to the term of
10 imprisonment imposed by the court;

11 (2) if, during the commission of the offense, the
12 person personally discharged a firearm, 20 years shall be
13 added to the term of imprisonment imposed by the court;

14 (3) if, during the commission of the offense, the
15 person personally discharged a firearm that proximately
16 caused great bodily harm, permanent disability, permanent
17 disfigurement, or death to another person, 25 years or up
18 to a term of natural life shall be added to the term of
19 imprisonment imposed by the court.

20 (i) Definitions. For the purposes of this Section:

21 "Building or other structure used to provide shelter" has
22 the meaning ascribed to "shelter" in Section 1 of the Domestic
23 Violence Shelters Act.

24 "Domestic violence" has the meaning ascribed to it in
25 Section 103 of the Illinois Domestic Violence Act of 1986.

26 "Domestic violence shelter" means any building or other

1 structure used to provide shelter or other services to victims
2 or to the dependent children of victims of domestic violence
3 pursuant to the Illinois Domestic Violence Act of 1986 or the
4 Domestic Violence Shelters Act, or any place within 500 feet of
5 such a building or other structure in the case of a person who
6 is going to or from such a building or other structure.

7 "Firearm" has the meaning provided under Section 1.1 of the
8 Firearm Owners Identification Card Act, and does not include an
9 air rifle as defined by Section 1 of the Air Rifle Act.

10 "Machine gun" has the meaning ascribed to it in Section
11 24-1 of this Code.

12 "Merchant" has the meaning ascribed to it in Section 16-0.1
13 of this Code.

14 "Strangle" means intentionally impeding the normal
15 breathing or circulation of the blood of an individual by
16 applying pressure on the throat or neck of that individual or
17 by blocking the nose or mouth of that individual.

18 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
19 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.
20 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,
21 and 97-467, eff. 1-1-12; revised 10-12-11.)