

SB1754



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1754

Introduced 2/9/2011, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

Amends the Criminal Code of 1961. Includes in the offense of aggravated assault, the assault of an employee of a county juvenile detention center who provides direct and continuous supervision of residents of a juvenile detention center, including an employee of a county juvenile detention center who supervises recreational activity for residents of a juvenile detention center. Effective immediately.

LRB097 09951 RLC 50117 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 discharge of his duties, or on grounds adjacent thereto, or
4 is in any part of a building in which the applicant,
5 recipient, or other such person resides or is located;

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

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

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

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

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

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

1 place in this venue;

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

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

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

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

12 (13.5) Discharges a firearm from a motor vehicle;

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

19 (14.5) Knows the individual assaulted to be a probation
20 officer, as defined in the Probation and Probation Officers
21 Act, while the officer is engaged in the execution of any
22 of his or her official duties, or to prevent the officer
23 from performing his or her official duties, or in
24 retaliation for the officer performing his or her official
25 duties;

26 (15) Knows the individual assaulted to be a

1 correctional employee, an employee of a county juvenile
2 detention center who provides direct and continuous
3 supervision of residents of a juvenile detention center,
4 including an employee of a county juvenile detention center
5 who supervises recreational activity for residents of a
6 juvenile detention center, or an employee or officer of the
7 Department of Human Services supervising or controlling
8 sexually dangerous persons or sexually violent persons, or
9 an employee of a subcontractor of the Department of Human
10 Services supervising or controlling sexually dangerous
11 persons or sexually violent persons, while the employee or
12 officer is engaged in the execution of any of his or her
13 official duties, or to prevent the employee or officer from
14 performing his or her official duties, or in retaliation
15 for the employee or officer performing his or her official
16 duties, and the assault is committed other than by the
17 discharge of a firearm in the direction of the employee or
18 officer or in the direction of a vehicle occupied by the
19 employee or officer;

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

25 (17) Knows the individual assaulted to be a sports
26 official or coach at any level of competition and the act

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

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

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

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

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

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

5 (b) Sentence.

6 Aggravated assault as defined in paragraphs (1) through (5)
7 and (8) through (12) and (17) and (19) of subsection (a) of
8 this Section is a Class A misdemeanor. Aggravated assault as
9 defined in paragraphs (13), (14), (14.5), and (15) of
10 subsection (a) of this Section and as defined in subsection
11 (a-5) or (a-10) of this Section is a Class 4 felony. Aggravated
12 assault as defined in paragraphs (6) and (16) of subsection (a)
13 of this Section is a Class A misdemeanor if a Category I,
14 Category II, or Category III weapon is not used in the
15 commission of the assault. Aggravated assault as defined in
16 paragraphs (6) and (16) of subsection (a) of this Section is a
17 Class 4 felony if a Category I, Category II, or Category III
18 weapon is used in the commission of the assault. Aggravated
19 assault as defined in paragraphs (7) and (18) of subsection (a)
20 of this Section is a Class A misdemeanor if a firearm is not
21 used in the commission of the assault. Aggravated assault as
22 defined in paragraphs (7) 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 subsection (a-10) where the victim was a person defined in
26 paragraph (6) or paragraph (13.5) of subsection (a) is a Class

1 3 felony. For the purposes of this subsection (b), "Category I
2 weapon", "Category II weapon", and "Category III weapon" have
3 the meanings ascribed to those terms in subsection (c) of
4 Section 33A-1 of this Code.

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

10 (Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;
11 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.
12 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; 96-1000,
13 eff. 7-2-10; 96-1109, eff. 1-1-11; 96-1398, eff. 7-29-10;
14 revised 9-16-10.)

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