

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.