



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3665

Introduced 2/10/2012, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
720 ILCS 5/18-1	from Ch. 38, par. 18-1

Amends the Criminal Code of 1961. Enhances to aggravated assault or aggravated battery the assault or battery of a letter carrier or postal worker while that individual is performing his or her duties delivering mail for the United States Postal Service. Provides that the robbery of a letter carrier or postal worker while that individual is performing his or her duties delivering mail for the United States Postal Service is a Class 1 (rather than a Class 2) felony.

LRB097 18760 RLC 63996 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 Sections 12-2, 12-3.05, and 18-1 as follows:

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

7 Sec. 12-2. Aggravated assault.

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

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

15 (1) A physically handicapped person or a person 60
16 years of age or older and the assault is without legal
17 justification.

18 (2) A teacher or school employee upon school grounds or
19 grounds adjacent to a school or in any part of a building
20 used for school purposes.

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

1 (4) A peace officer, community policing volunteer,
2 fireman, private security officer, emergency management
3 worker, emergency medical technician, or utility worker:

4 (i) performing his or her official duties;

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

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

9 (5) A correctional officer or probation officer:

10 (i) performing his or her official duties;

11 (ii) assaulted to prevent performance of his or her
12 official duties; or

13 (iii) assaulted in retaliation for performing his
14 or her official duties.

15 (6) A correctional institution employee, a county
16 juvenile detention center employee who provides direct and
17 continuous supervision of residents of a juvenile
18 detention center, including a county juvenile detention
19 center employee who supervises recreational activity for
20 residents of a juvenile detention center, or a Department
21 of Human Services employee, Department of Human Services
22 officer, or employee of a subcontractor of the Department
23 of Human Services supervising or controlling sexually
24 dangerous persons or sexually violent persons:

25 (i) performing his or her official duties;

26 (ii) assaulted to prevent performance of his or her

1 official duties; or

2 (iii) assaulted in retaliation for performing his
3 or her official duties.

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

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

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

13 (10) A person authorized to serve process under Section
14 2-202 of the Code of Civil Procedure or a special process
15 server appointed by the circuit court, while that
16 individual is in the performance of his or her duties as a
17 process server.

18 (11) A letter carrier or postal worker while that
19 individual is performing his or her duties delivering mail
20 for the United States Postal Service.

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

24 (1) Uses a deadly weapon, an air rifle as defined in
25 the Air Rifle Act, or any device manufactured and designed
26 to be substantially similar in appearance to a firearm,

1 other than by discharging a firearm.

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

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

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

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

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

18 (i) performing his or her official duties;

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

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

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

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

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

15 (e) For the purposes of this Section, "Category I weapon",
16 "Category II weapon, and "Category III weapon" have the
17 meanings ascribed to those terms in Section 33A-1 of this Code.
18 ~~an employee of a county juvenile detention center who provides~~
19 ~~direct and continuous supervision of residents of a juvenile~~
20 ~~detention center, including an employee of a county juvenile~~
21 ~~detention center who supervises recreational activity for~~
22 ~~residents of a juvenile detention center,~~

23 ~~;~~ ~~or~~

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

25 ~~(A) a person authorized to serve process under~~
26 ~~Section 2-202 of the Code of Civil Procedure; or~~

1 ~~(B) a special process server appointed by the~~
2 ~~circuit court;~~
3 ~~while that individual is in the performance of his or her~~
4 ~~duties as a process server.~~

5 ~~, and (20)~~

6 (Source: P.A. 96-201, eff. 8-10-09; 96-1000, eff. 7-2-10;
7 96-1109, eff. 1-1-11; 96-1398, eff. 7-29-10; 96-1551, eff.
8 7-1-11; 97-225, eff. 7-28-11; 97-313, eff. 1-1-12; 97-333, eff.
9 8-12-11; revised 9-12-11.)

10 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

11 Sec. 12-3.05. Aggravated battery.

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

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

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

23 (3) Causes great bodily harm or permanent disability or
24 disfigurement to an individual whom the person knows to be
25 a peace officer, community policing volunteer, fireman,

1 private security officer, correctional institution
2 employee, or Department of Human Services employee
3 supervising or controlling sexually dangerous persons or
4 sexually violent persons:

5 (i) performing his or her official duties;

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

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

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

12 (5) Strangles another individual.

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

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

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

26 (c) Offense based on location of conduct. A person commits

1 aggravated battery when, in committing a battery, other than by
2 the discharge of a firearm, he or she is or the person battered
3 is on or about a public way, public property, a public place of
4 accommodation or amusement, a sports venue, or a domestic
5 violence shelter.

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

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

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

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

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

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 (5) A judge, emergency management worker, emergency
26 medical technician, or utility worker:

- 1 (i) performing his or her official duties;
2 (ii) battered to prevent performance of his or her
3 official duties; or
4 (iii) battered in retaliation for performing his
5 or her official duties.

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

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

11 (8) A taxi driver on duty.

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

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

21 (11) A letter carrier or postal worker while that
22 individual is performing his or her duties delivering mail
23 for the United States Postal Service.

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

1 (1) Discharges a firearm, other than a machine gun or a
2 firearm equipped with a silencer, and causes any injury to
3 another person.

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

10 (i) performing his or her official duties;

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

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

15 (3) Discharges a firearm, other than a machine gun or a
16 firearm equipped with a silencer, and causes any injury to
17 a person he or she knows to be an emergency medical
18 technician employed by a municipality or other
19 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 (4) Discharges a firearm and causes any injury to a
26 person he or she knows to be a teacher, a student in a

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

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

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

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her
15 official duties; or

16 (iii) battered in retaliation for performing his
17 or her official duties.

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

22 (i) performing his or her official duties;

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

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

1 (8) Discharges a machine gun or a firearm equipped with
2 a silencer, and causes any injury to a person he or she
3 knows to be a teacher, or a student in a school, or a
4 school employee, and the teacher, student, or employee is
5 upon school grounds or grounds adjacent to a school or in
6 any part of a building used for school purposes.

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

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

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

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

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

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

1 inhalation, or ingestion of any amount of the controlled
2 substance.

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

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

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

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

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

24 Aggravated battery as defined in subdivision (a)(1) is a
25 Class 1 felony when the aggravated battery was intentional and
26 involved the infliction of torture, as defined in paragraph

1 (14) of subsection (b) of Section 9-1 of this Code, as the
2 infliction of or subjection to extreme physical pain, motivated
3 by an intent to increase or prolong the pain, suffering, or
4 agony of the victim.

5 Aggravated battery under subdivision (a)(5) is a Class 1
6 felony if:

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

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

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

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

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

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

26 Aggravated battery as defined in subdivision (e)(2),

1 (e) (3), or (e) (4) is a Class X felony for which a person shall
2 be sentenced to a term of imprisonment of a minimum of 15 years
3 and a maximum of 60 years.

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

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

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

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

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

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

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

26 "Domestic violence" has the meaning ascribed to it in

1 Section 103 of the Illinois Domestic Violence Act of 1986.

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

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

12 "Machine gun" has the meaning ascribed to it in Section
13 24-1 of this Code.

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

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

20 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
21 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.
22 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,
23 and 97-467, eff. 1-1-12; revised 10-12-11.)

24 (720 ILCS 5/18-1) (from Ch. 38, par. 18-1)

25 Sec. 18-1. Robbery.

1 (a) A person commits robbery when he or she takes property,
2 except a motor vehicle covered by Section 18-3 or 18-4, from
3 the person or presence of another by the use of force or by
4 threatening the imminent use of force.

5 (b) Sentence.

6 Robbery is a Class 2 felony. However, if the victim is 60
7 years of age or over or is a physically handicapped person, or
8 if the robbery is committed in a school, day care center, day
9 care home, group day care home, or part day child care
10 facility, or place of worship, or if the victim is a letter
11 carrier or postal worker while that individual is performing
12 his or her duties delivering mail for the United States Postal
13 Service, robbery is a Class 1 felony.

14 (c) Regarding penalties prescribed in subsection (b) for
15 violations committed in a day care center, day care home, group
16 day care home, or part day child care facility, the time of
17 day, time of year, and whether children under 18 years of age
18 were present in the day care center, day care home, group day
19 care home, or part day child care facility are irrelevant.

20 (Source: P.A. 96-556, eff. 1-1-10.)