



Sen. Ira I. Silverstein

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1 AMENDMENT TO HOUSE BILL 1309

2 AMENDMENT NO. _____. Amend House Bill 1309 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 12-2 and 12-3.05 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

1 justification.

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

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

8 (4) A peace officer, community policing volunteer,
9 fireman, private security officer, emergency management
10 worker, emergency medical technician, or utility worker:

11 (i) performing his or her official duties;

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

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

16 (5) A correctional officer or probation officer:

17 (i) performing his or her official duties;

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

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

22 (6) A correctional institution employee, a county
23 juvenile detention center employee who provides direct and
24 continuous supervision of residents of a juvenile
25 detention center, including a county juvenile detention
26 center employee who supervises recreational activity for

1 residents of a juvenile detention center, or a Department
2 of Human Services employee, Department of Human Services
3 officer, or employee of a subcontractor of the Department
4 of Human Services supervising or controlling sexually
5 dangerous persons or sexually violent persons:

6 (i) performing his or her official duties;

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

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

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

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

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

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

25 (c) Offense based on use of firearm, device, or motor
26 vehicle. A person commits aggravated assault when, in

1 committing an assault, he or she does any of the following:

2 (1) Uses a deadly weapon, an air rifle as defined in
3 the Air Rifle Act, or any device manufactured and designed
4 to be substantially similar in appearance to a firearm,
5 other than by discharging a firearm.

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

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

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

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

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

22 (i) performing his or her official duties;

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

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

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

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

9 (9) Knowingly video or audio records the offense with
10 the intent to disseminate the recording.

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

21 (e) For the purposes of this Section, "Category I weapon",
22 "Category II weapon, and "Category III weapon" have the
23 meanings ascribed to those terms in Section 33A-1 of this Code.
24 (Source: P.A. 96-201, eff. 8-10-09; 96-1000, eff. 7-2-10;
25 96-1109, eff. 1-1-11; 96-1398, eff. 7-29-10; 96-1551, eff.
26 7-1-11; 97-225, eff. 7-28-11; 97-313, eff. 1-1-12; 97-333, eff.

1 8-12-11; 97-1109, eff. 1-1-13.)

2 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

3 Sec. 12-3.05. Aggravated battery.

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

8 (1) Causes great bodily harm or permanent disability or
9 disfigurement.

10 (2) Causes severe and permanent disability, great
11 bodily harm, or disfigurement by means of a caustic or
12 flammable substance, a poisonous gas, a deadly biological
13 or chemical contaminant or agent, a radioactive substance,
14 or a bomb or explosive compound.

15 (3) Causes great bodily harm or permanent disability or
16 disfigurement to an individual whom the person knows to be
17 a peace officer, community policing volunteer, fireman,
18 private security officer, correctional institution
19 employee, or Department of Human Services employee
20 supervising or controlling sexually dangerous persons or
21 sexually violent persons:

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

1 or her official duties.

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

4 (5) Strangles another individual.

5 (b) Offense based on injury to a child or intellectually
6 disabled person. A person who is at least 18 years of age
7 commits aggravated battery when, in committing a battery, he or
8 she knowingly and without legal justification by any means:

9 (1) causes great bodily harm or permanent disability or
10 disfigurement to any child under the age of 13 years, or to
11 any severely or profoundly intellectually disabled person;
12 or

13 (2) causes bodily harm or disability or disfigurement
14 to any child under the age of 13 years or to any severely
15 or profoundly intellectually disabled person.

16 (c) Offense based on location of conduct. A person commits
17 aggravated battery when, in committing a battery, other than by
18 the discharge of a firearm, he or she is or the person battered
19 is on or about a public way, public property, a public place of
20 accommodation or amusement, a sports venue, or a domestic
21 violence shelter.

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

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

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

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

5 (4) A peace officer, community policing volunteer,
6 fireman, private security officer, correctional
7 institution employee, or Department of Human Services
8 employee supervising or controlling sexually dangerous
9 persons or sexually violent persons:

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

17 (i) performing his or her official duties;

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

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

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

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

1 (8) A taxi driver on duty.

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

6 (10) A person authorized to serve process under Section
7 2-202 of the Code of Civil Procedure or a special process
8 server appointed by the circuit court while that individual
9 is in the performance of his or her duties as a process
10 server.

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

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

17 (2) Discharges a firearm, other than a machine gun or a
18 firearm equipped with a silencer, and causes any injury to
19 a person he or she knows to be a peace officer, community
20 policing volunteer, person summoned by a police officer,
21 fireman, private security officer, correctional
22 institution employee, or emergency management worker:

23 (i) performing his or her official duties;

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

26 (iii) battered in retaliation for performing his

1 or her official duties.

2 (3) 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 an emergency medical
5 technician employed by a municipality or other
6 governmental unit:

7 (i) performing his or her official duties;

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

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

12 (4) Discharges a firearm and causes any injury to a
13 person he or she knows to be a teacher, a student in a
14 school, or a school employee, and the teacher, student, or
15 employee is upon school grounds or grounds adjacent to a
16 school or in any part of a building used for school
17 purposes.

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

20 (6) Discharges a machine gun or a firearm equipped with
21 a silencer, and causes any injury to a person he or she
22 knows to be a peace officer, community policing volunteer,
23 person summoned by a police officer, fireman, private
24 security officer, correctional institution employee or
25 emergency management worker:

26 (i) performing his or her official duties;

1 (ii) battered to prevent performance of his or her
2 official duties; or

3 (iii) battered in retaliation for performing his
4 or her official duties.

5 (7) 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 an emergency medical technician employed by a
8 municipality or other governmental unit:

9 (i) performing his or her official duties;

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

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

14 (8) Discharges a machine gun or a firearm equipped with
15 a silencer, and causes any injury to a person he or she
16 knows to be a teacher, or a student in a school, or a
17 school employee, and the teacher, student, or employee is
18 upon school grounds or grounds adjacent to a school or in
19 any part of a building used for school purposes.

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

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

26 (2) Wears a hood, robe, or mask to conceal his or her

1 identity.

2 (3) Knowingly and without lawful justification shines
3 or flashes a laser gunsight or other laser device attached
4 to a firearm, or used in concert with a firearm, so that
5 the laser beam strikes upon or against the person of
6 another.

7 (4) Knowingly video or audio records the offense with
8 the intent to disseminate the recording.

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

12 (1) Violates Section 401 of the Illinois Controlled
13 Substances Act by unlawfully delivering a controlled
14 substance to another and any user experiences great bodily
15 harm or permanent disability as a result of the injection,
16 inhalation, or ingestion of any amount of the controlled
17 substance.

18 (2) Knowingly administers to an individual or causes
19 him or her to take, without his or her consent or by threat
20 or deception, and for other than medical purposes, any
21 intoxicating, poisonous, stupefying, narcotic, anesthetic,
22 or controlled substance, or gives to another person any
23 food containing any substance or object intended to cause
24 physical injury if eaten.

25 (3) Knowingly causes or attempts to cause a
26 correctional institution employee or Department of Human

1 Services employee to come into contact with blood, seminal
2 fluid, urine, or feces by throwing, tossing, or expelling
3 the fluid or material, and the person is an inmate of a
4 penal institution or is a sexually dangerous person or
5 sexually violent person in the custody of the Department of
6 Human Services.

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

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

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

13 Aggravated battery as defined in subdivision (a)(1) is a
14 Class 1 felony when the aggravated battery was intentional and
15 involved the infliction of torture, as defined in paragraph
16 (14) of subsection (b) of Section 9-1 of this Code, as the
17 infliction of or subjection to extreme physical pain, motivated
18 by an intent to increase or prolong the pain, suffering, or
19 agony of the victim.

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

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

24 (B) the person caused great bodily harm or permanent
25 disability or disfigurement to the other person while
26 committing the offense; or

1 (C) the person has been previously convicted of a
2 violation of subdivision (a)(5) under the laws of this
3 State or laws similar to subdivision (a)(5) of any other
4 state.

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

7 Aggravated battery as defined in subdivision (a)(2) is a
8 Class X felony for which a person shall be sentenced to a term
9 of imprisonment of a minimum of 6 years and a maximum of 45
10 years.

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

15 Aggravated battery as defined in subdivision (e)(2),
16 (e)(3), or (e)(4) is a Class X felony for which a person shall
17 be sentenced to a term of imprisonment of a minimum of 15 years
18 and a maximum of 60 years.

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

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

25 (1) if the person committed the offense while armed
26 with a firearm, 15 years shall be added to the term of

1 imprisonment imposed by the court;

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

5 (3) if, during the commission of the offense, the
6 person personally discharged a firearm that proximately
7 caused great bodily harm, permanent disability, permanent
8 disfigurement, or death to another person, 25 years or up
9 to a term of natural life shall be added to the term of
10 imprisonment imposed by the court.

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

12 "Building or other structure used to provide shelter" has
13 the meaning ascribed to "shelter" in Section 1 of the Domestic
14 Violence Shelters Act.

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

17 "Domestic violence shelter" means any building or other
18 structure used to provide shelter or other services to victims
19 or to the dependent children of victims of domestic violence
20 pursuant to the Illinois Domestic Violence Act of 1986 or the
21 Domestic Violence Shelters Act, or any place within 500 feet of
22 such a building or other structure in the case of a person who
23 is going to or from such a building or other structure.

24 "Firearm" has the meaning provided under Section 1.1 of the
25 Firearm Owners Identification Card Act, and does not include an
26 air rifle as defined by Section 24.8-0.1 ~~+~~ of this Code ~~the Air~~

1 ~~Rifle Act.~~

2 "Machine gun" has the meaning ascribed to it in Section
3 24-1 of this Code.

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

6 "Strangle" means intentionally impeding the normal
7 breathing or circulation of the blood of an individual by
8 applying pressure on the throat or neck of that individual or
9 by blocking the nose or mouth of that individual.

10 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
11 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.
12 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,
13 and 97-467, eff. 1-1-12; 97-1109, eff. 1-1-13.)

14 Section 10. The Unified Code of Corrections is amended by
15 changing Section 5-5-3.2 as follows:

16 (730 ILCS 5/5-5-3.2)

17 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
18 Sentencing.

19 (a) The following factors shall be accorded weight in favor
20 of imposing a term of imprisonment or may be considered by the
21 court as reasons to impose a more severe sentence under Section
22 5-8-1 or Article 4.5 of Chapter V:

23 (1) the defendant's conduct caused or threatened
24 serious harm;

1 (2) the defendant received compensation for committing
2 the offense;

3 (3) the defendant has a history of prior delinquency or
4 criminal activity;

5 (4) the defendant, by the duties of his office or by
6 his position, was obliged to prevent the particular offense
7 committed or to bring the offenders committing it to
8 justice;

9 (5) the defendant held public office at the time of the
10 offense, and the offense related to the conduct of that
11 office;

12 (6) the defendant utilized his professional reputation
13 or position in the community to commit the offense, or to
14 afford him an easier means of committing it;

15 (7) the sentence is necessary to deter others from
16 committing the same crime;

17 (8) the defendant committed the offense against a
18 person 60 years of age or older or such person's property;

19 (9) the defendant committed the offense against a
20 person who is physically handicapped or such person's
21 property;

22 (10) by reason of another individual's actual or
23 perceived race, color, creed, religion, ancestry, gender,
24 sexual orientation, physical or mental disability, or
25 national origin, the defendant committed the offense
26 against (i) the person or property of that individual; (ii)

1 the person or property of a person who has an association
2 with, is married to, or has a friendship with the other
3 individual; or (iii) the person or property of a relative
4 (by blood or marriage) of a person described in clause (i)
5 or (ii). For the purposes of this Section, "sexual
6 orientation" means heterosexuality, homosexuality, or
7 bisexuality;

8 (11) the offense took place in a place of worship or on
9 the grounds of a place of worship, immediately prior to,
10 during or immediately following worship services. For
11 purposes of this subparagraph, "place of worship" shall
12 mean any church, synagogue or other building, structure or
13 place used primarily for religious worship;

14 (12) the defendant was convicted of a felony committed
15 while he was released on bail or his own recognizance
16 pending trial for a prior felony and was convicted of such
17 prior felony, or the defendant was convicted of a felony
18 committed while he was serving a period of probation,
19 conditional discharge, or mandatory supervised release
20 under subsection (d) of Section 5-8-1 for a prior felony;

21 (13) the defendant committed or attempted to commit a
22 felony while he was wearing a bulletproof vest. For the
23 purposes of this paragraph (13), a bulletproof vest is any
24 device which is designed for the purpose of protecting the
25 wearer from bullets, shot or other lethal projectiles;

26 (14) the defendant held a position of trust or

1 supervision such as, but not limited to, family member as
2 defined in Section 11-0.1 of the Criminal Code of 2012,
3 teacher, scout leader, baby sitter, or day care worker, in
4 relation to a victim under 18 years of age, and the
5 defendant committed an offense in violation of Section
6 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
7 11-14.4 except for an offense that involves keeping a place
8 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
9 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
10 or 12-16 of the Criminal Code of 1961 or the Criminal Code
11 of 2012 against that victim;

12 (15) the defendant committed an offense related to the
13 activities of an organized gang. For the purposes of this
14 factor, "organized gang" has the meaning ascribed to it in
15 Section 10 of the Streetgang Terrorism Omnibus Prevention
16 Act;

17 (16) the defendant committed an offense in violation of
18 one of the following Sections while in a school, regardless
19 of the time of day or time of year; on any conveyance
20 owned, leased, or contracted by a school to transport
21 students to or from school or a school related activity; on
22 the real property of a school; or on a public way within
23 1,000 feet of the real property comprising any school:
24 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
25 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
26 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,

1 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
2 18-2, or 33A-2, or Section 12-3.05 except for subdivision
3 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
4 Criminal Code of 2012;

5 (16.5) the defendant committed an offense in violation
6 of one of the following Sections while in a day care
7 center, regardless of the time of day or time of year; on
8 the real property of a day care center, regardless of the
9 time of day or time of year; or on a public way within
10 1,000 feet of the real property comprising any day care
11 center, regardless of the time of day or time of year:
12 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
13 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
14 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
15 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
16 18-2, or 33A-2, or Section 12-3.05 except for subdivision
17 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
18 Criminal Code of 2012;

19 (17) the defendant committed the offense by reason of
20 any person's activity as a community policing volunteer or
21 to prevent any person from engaging in activity as a
22 community policing volunteer. For the purpose of this
23 Section, "community policing volunteer" has the meaning
24 ascribed to it in Section 2-3.5 of the Criminal Code of
25 2012;

26 (18) the defendant committed the offense in a nursing

1 home or on the real property comprising a nursing home. For
2 the purposes of this paragraph (18), "nursing home" means a
3 skilled nursing or intermediate long term care facility
4 that is subject to license by the Illinois Department of
5 Public Health under the Nursing Home Care Act, the
6 Specialized Mental Health Rehabilitation Act, or the ID/DD
7 Community Care Act;

8 (19) the defendant was a federally licensed firearm
9 dealer and was previously convicted of a violation of
10 subsection (a) of Section 3 of the Firearm Owners
11 Identification Card Act and has now committed either a
12 felony violation of the Firearm Owners Identification Card
13 Act or an act of armed violence while armed with a firearm;

14 (20) the defendant (i) committed the offense of
15 reckless homicide under Section 9-3 of the Criminal Code of
16 1961 or the Criminal Code of 2012 or the offense of driving
17 under the influence of alcohol, other drug or drugs,
18 intoxicating compound or compounds or any combination
19 thereof under Section 11-501 of the Illinois Vehicle Code
20 or a similar provision of a local ordinance and (ii) was
21 operating a motor vehicle in excess of 20 miles per hour
22 over the posted speed limit as provided in Article VI of
23 Chapter 11 of the Illinois Vehicle Code;

24 (21) the defendant (i) committed the offense of
25 reckless driving or aggravated reckless driving under
26 Section 11-503 of the Illinois Vehicle Code and (ii) was

1 operating a motor vehicle in excess of 20 miles per hour
2 over the posted speed limit as provided in Article VI of
3 Chapter 11 of the Illinois Vehicle Code;

4 (22) the defendant committed the offense against a
5 person that the defendant knew, or reasonably should have
6 known, was a member of the Armed Forces of the United
7 States serving on active duty. For purposes of this clause
8 (22), the term "Armed Forces" means any of the Armed Forces
9 of the United States, including a member of any reserve
10 component thereof or National Guard unit called to active
11 duty;

12 (23) the defendant committed the offense against a
13 person who was elderly, disabled, or infirm by taking
14 advantage of a family or fiduciary relationship with the
15 elderly, disabled, or infirm person;

16 (24) the defendant committed any offense under Section
17 11-20.1 of the Criminal Code of 1961 or the Criminal Code
18 of 2012 and possessed 100 or more images;

19 (25) the defendant committed the offense while the
20 defendant or the victim was in a train, bus, or other
21 vehicle used for public transportation;

22 (26) the defendant committed the offense of child
23 pornography or aggravated child pornography, specifically
24 including paragraph (1), (2), (3), (4), (5), or (7) of
25 subsection (a) of Section 11-20.1 of the Criminal Code of
26 1961 or the Criminal Code of 2012 where a child engaged in,

1 solicited for, depicted in, or posed in any act of sexual
2 penetration or bound, fettered, or subject to sadistic,
3 masochistic, or sadomasochistic abuse in a sexual context
4 and specifically including paragraph (1), (2), (3), (4),
5 (5), or (7) of subsection (a) of Section 11-20.1B or
6 Section 11-20.3 of the Criminal Code of 1961 where a child
7 engaged in, solicited for, depicted in, or posed in any act
8 of sexual penetration or bound, fettered, or subject to
9 sadistic, masochistic, or sadomasochistic abuse in a
10 sexual context;

11 (27) the defendant committed the offense of first
12 degree murder, assault, aggravated assault, battery,
13 aggravated battery, robbery, armed robbery, or aggravated
14 robbery against a person who was a veteran and the
15 defendant knew, or reasonably should have known, that the
16 person was a veteran performing duties as a representative
17 of a veterans' organization. For the purposes of this
18 paragraph (27), "veteran" means an Illinois resident who
19 has served as a member of the United States Armed Forces, a
20 member of the Illinois National Guard, or a member of the
21 United States Reserve Forces; and "veterans' organization"
22 means an organization comprised of members of which
23 substantially all are individuals who are veterans or
24 spouses, widows, or widowers of veterans, the primary
25 purpose of which is to promote the welfare of its members
26 and to provide assistance to the general public in such a

1 way as to confer a public benefit; or

2 (28) the defendant committed the offense of assault,
3 aggravated assault, battery, aggravated battery, robbery,
4 armed robbery, or aggravated robbery against a person that
5 the defendant knew or reasonably should have known was a
6 letter carrier or postal worker while that person was
7 performing his or her duties delivering mail for the United
8 States Postal Service.

9 For the purposes of this Section:

10 "School" is defined as a public or private elementary or
11 secondary school, community college, college, or university.

12 "Day care center" means a public or private State certified
13 and licensed day care center as defined in Section 2.09 of the
14 Child Care Act of 1969 that displays a sign in plain view
15 stating that the property is a day care center.

16 "Public transportation" means the transportation or
17 conveyance of persons by means available to the general public,
18 and includes paratransit services.

19 (b) The following factors, related to all felonies, may be
20 considered by the court as reasons to impose an extended term
21 sentence under Section 5-8-2 upon any offender:

22 (1) When a defendant is convicted of any felony, after
23 having been previously convicted in Illinois or any other
24 jurisdiction of the same or similar class felony or greater
25 class felony, when such conviction has occurred within 10
26 years after the previous conviction, excluding time spent

1 in custody, and such charges are separately brought and
2 tried and arise out of different series of acts; or

3 (2) When a defendant is convicted of any felony and the
4 court finds that the offense was accompanied by
5 exceptionally brutal or heinous behavior indicative of
6 wanton cruelty; or

7 (3) When a defendant is convicted of any felony
8 committed against:

9 (i) a person under 12 years of age at the time of
10 the offense or such person's property;

11 (ii) a person 60 years of age or older at the time
12 of the offense or such person's property; or

13 (iii) a person physically handicapped at the time
14 of the offense or such person's property; or

15 (4) When a defendant is convicted of any felony and the
16 offense involved any of the following types of specific
17 misconduct committed as part of a ceremony, rite,
18 initiation, observance, performance, practice or activity
19 of any actual or ostensible religious, fraternal, or social
20 group:

21 (i) the brutalizing or torturing of humans or
22 animals;

23 (ii) the theft of human corpses;

24 (iii) the kidnapping of humans;

25 (iv) the desecration of any cemetery, religious,
26 fraternal, business, governmental, educational, or

1 other building or property; or

2 (v) ritualized abuse of a child; or

3 (5) When a defendant is convicted of a felony other
4 than conspiracy and the court finds that the felony was
5 committed under an agreement with 2 or more other persons
6 to commit that offense and the defendant, with respect to
7 the other individuals, occupied a position of organizer,
8 supervisor, financier, or any other position of management
9 or leadership, and the court further finds that the felony
10 committed was related to or in furtherance of the criminal
11 activities of an organized gang or was motivated by the
12 defendant's leadership in an organized gang; or

13 (6) When a defendant is convicted of an offense
14 committed while using a firearm with a laser sight attached
15 to it. For purposes of this paragraph, "laser sight" has
16 the meaning ascribed to it in Section 26-7 of the Criminal
17 Code of 2012; or

18 (7) When a defendant who was at least 17 years of age
19 at the time of the commission of the offense is convicted
20 of a felony and has been previously adjudicated a
21 delinquent minor under the Juvenile Court Act of 1987 for
22 an act that if committed by an adult would be a Class X or
23 Class 1 felony when the conviction has occurred within 10
24 years after the previous adjudication, excluding time
25 spent in custody; or

26 (8) When a defendant commits any felony and the

1 defendant used, possessed, exercised control over, or
2 otherwise directed an animal to assault a law enforcement
3 officer engaged in the execution of his or her official
4 duties or in furtherance of the criminal activities of an
5 organized gang in which the defendant is engaged; or -

6 (9) When a defendant commits any felony and the
7 defendant knowingly video or audio records the offense with
8 the intent to disseminate the recording.

9 (c) The following factors may be considered by the court as
10 reasons to impose an extended term sentence under Section 5-8-2
11 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

12 (1) When a defendant is convicted of first degree
13 murder, after having been previously convicted in Illinois
14 of any offense listed under paragraph (c)(2) of Section
15 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
16 within 10 years after the previous conviction, excluding
17 time spent in custody, and the charges are separately
18 brought and tried and arise out of different series of
19 acts.

20 (1.5) When a defendant is convicted of first degree
21 murder, after having been previously convicted of domestic
22 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
23 (720 ILCS 5/12-3.3) committed on the same victim or after
24 having been previously convicted of violation of an order
25 of protection (720 ILCS 5/12-30) in which the same victim
26 was the protected person.

1 (2) When a defendant is convicted of voluntary
2 manslaughter, second degree murder, involuntary
3 manslaughter, or reckless homicide in which the defendant
4 has been convicted of causing the death of more than one
5 individual.

6 (3) When a defendant is convicted of aggravated
7 criminal sexual assault or criminal sexual assault, when
8 there is a finding that aggravated criminal sexual assault
9 or criminal sexual assault was also committed on the same
10 victim by one or more other individuals, and the defendant
11 voluntarily participated in the crime with the knowledge of
12 the participation of the others in the crime, and the
13 commission of the crime was part of a single course of
14 conduct during which there was no substantial change in the
15 nature of the criminal objective.

16 (4) If the victim was under 18 years of age at the time
17 of the commission of the offense, when a defendant is
18 convicted of aggravated criminal sexual assault or
19 predatory criminal sexual assault of a child under
20 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
21 of Section 12-14.1 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

23 (5) When a defendant is convicted of a felony violation
24 of Section 24-1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
26 finding that the defendant is a member of an organized

1 gang.

2 (6) When a defendant was convicted of unlawful use of
3 weapons under Section 24-1 of the Criminal Code of 1961 or
4 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
5 a weapon that is not readily distinguishable as one of the
6 weapons enumerated in Section 24-1 of the Criminal Code of
7 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

8 (7) When a defendant is convicted of an offense
9 involving the illegal manufacture of a controlled
10 substance under Section 401 of the Illinois Controlled
11 Substances Act (720 ILCS 570/401), the illegal manufacture
12 of methamphetamine under Section 25 of the Methamphetamine
13 Control and Community Protection Act (720 ILCS 646/25), or
14 the illegal possession of explosives and an emergency
15 response officer in the performance of his or her duties is
16 killed or injured at the scene of the offense while
17 responding to the emergency caused by the commission of the
18 offense. In this paragraph, "emergency" means a situation
19 in which a person's life, health, or safety is in jeopardy;
20 and "emergency response officer" means a peace officer,
21 community policing volunteer, fireman, emergency medical
22 technician-ambulance, emergency medical
23 technician-intermediate, emergency medical
24 technician-paramedic, ambulance driver, other medical
25 assistance or first aid personnel, or hospital emergency
26 room personnel.

1 (d) For the purposes of this Section, "organized gang" has
2 the meaning ascribed to it in Section 10 of the Illinois
3 Streetgang Terrorism Omnibus Prevention Act.

4 (e) The court may impose an extended term sentence under
5 Article 4.5 of Chapter V upon an offender who has been
6 convicted of a felony violation of Section 11-1.20, 11-1.30,
7 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
8 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
9 when the victim of the offense is under 18 years of age at the
10 time of the commission of the offense and, during the
11 commission of the offense, the victim was under the influence
12 of alcohol, regardless of whether or not the alcohol was
13 supplied by the offender; and the offender, at the time of the
14 commission of the offense, knew or should have known that the
15 victim had consumed alcohol.

16 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
17 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
18 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
19 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
20 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
21 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-693, eff. 1-1-13;
22 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff.
23 1-25-13.)".