



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5636

by Rep. Frances Ann Hurley

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

Amends the Criminal Code of 2012. Provides that aggravated assault of a peace officer, community policing volunteer, fireman, private security officer, emergency management worker, emergency medical technician, or utility worker: (1) performing his or her official duties; (2) assaulted to prevent performance of his or her official duties; or (3) assaulted in retaliation for performing his or her official duties is a Class 4 felony (rather than a Class A misdemeanor if a Category I, Category II, or Category III weapon is not used in the commission of the assault).

LRB098 18030 RLC 53159 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 2012 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) 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 (c) Offense based on use of firearm, device, or motor
19 vehicle. A person commits aggravated assault when, in
20 committing an assault, he or she does any of the following:

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

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

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

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

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

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

15 (i) performing his or her official duties;

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

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

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

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

1 motor vehicle.

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

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

14 (e) For the purposes of this Section, "Category I weapon",
15 "Category II weapon, and "Category III weapon" have the
16 meanings ascribed to those terms in Section 33A-1 of this Code.
17 (Source: P.A. 97-225, eff. 7-28-11; 97-313, eff. 1-1-12;
18 97-333, eff. 8-12-11; 97-1109, eff. 1-1-13; 98-385, eff.
19 1-1-14.)