



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1249

Introduced 1/31/2013, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

70 ILCS 3605/28b	from Ch. 111 2/3, par. 328b
625 ILCS 5/6-106.1	
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
720 ILCS 5/36-1	from Ch. 38, par. 36-1

Amends the Metropolitan Transit Authority Act, the Illinois Vehicle Code, and the Criminal Code of 2012. Provides that, except when greater penalties are imposed in the aggravated battery statute, aggravated battery that causes permanent disability or disfigurement is a Class 2 (rather than a Class 3) felony. Effective immediately.

LRB098 06675 RLC 36720 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Metropolitan Transit Authority Act is
5 amended by changing Section 28b as follows:

6 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

7 Sec. 28b. Any person applying for a position as a driver of
8 a vehicle owned by a private carrier company which provides
9 public transportation pursuant to an agreement with the
10 Authority shall be required to authorize an investigation by
11 the private carrier company to determine if the applicant has
12 been convicted of any of the following offenses: (i) those
13 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
14 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
15 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
16 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
17 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,
18 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,
19 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1, 31A-1.1,
20 and 33A-2, in subsection (a) and subsection (b), clause (1), of
21 Section 12-4, in subdivisions (a)(1), (a)(1.5), (b)(1), and
22 (f)(1) of Section 12-3.05, and in subsection (a-5) of Section
23 12-3.1 of the Criminal Code of 1961 or the Criminal Code of

1 2012; (ii) those offenses defined in the Cannabis Control Act
2 except those offenses defined in subsections (a) and (b) of
3 Section 4, and subsection (a) of Section 5 of the Cannabis
4 Control Act (iii) those offenses defined in the Illinois
5 Controlled Substances Act; (iv) those offenses defined in the
6 Methamphetamine Control and Community Protection Act; and (v)
7 any offense committed or attempted in any other state or
8 against the laws of the United States, which if committed or
9 attempted in this State would be punishable as one or more of
10 the foregoing offenses. Upon receipt of this authorization, the
11 private carrier company shall submit the applicant's name, sex,
12 race, date of birth, fingerprints and social security number to
13 the Department of State Police on forms prescribed by the
14 Department. The Department of State Police shall conduct an
15 investigation to ascertain if the applicant has been convicted
16 of any of the above enumerated offenses. The Department shall
17 charge the private carrier company a fee for conducting the
18 investigation, which fee shall be deposited in the State Police
19 Services Fund and shall not exceed the cost of the inquiry; and
20 the applicant shall not be charged a fee for such investigation
21 by the private carrier company. The Department of State Police
22 shall furnish, pursuant to positive identification, records of
23 convictions, until expunged, to the private carrier company
24 which requested the investigation. A copy of the record of
25 convictions obtained from the Department shall be provided to
26 the applicant. Any record of conviction received by the private

1 carrier company shall be confidential. Any person who releases
2 any confidential information concerning any criminal
3 convictions of an applicant shall be guilty of a Class A
4 misdemeanor, unless authorized by this Section.

5 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;
6 96-1551, Article 2, Section 960, eff. 7-1-11; 97-1108, eff.
7 1-1-13; 97-1109, eff. 1-1-13.)

8 Section 10. The Illinois Vehicle Code is amended by
9 changing Section 6-106.1 as follows:

10 (625 ILCS 5/6-106.1)

11 Sec. 6-106.1. School bus driver permit.

12 (a) The Secretary of State shall issue a school bus driver
13 permit to those applicants who have met all the requirements of
14 the application and screening process under this Section to
15 insure the welfare and safety of children who are transported
16 on school buses throughout the State of Illinois. Applicants
17 shall obtain the proper application required by the Secretary
18 of State from their prospective or current employer and submit
19 the completed application to the prospective or current
20 employer along with the necessary fingerprint submission as
21 required by the Department of State Police to conduct
22 fingerprint based criminal background checks on current and
23 future information available in the state system and current
24 information available through the Federal Bureau of

1 Investigation's system. Applicants who have completed the
2 fingerprinting requirements shall not be subjected to the
3 fingerprinting process when applying for subsequent permits or
4 submitting proof of successful completion of the annual
5 refresher course. Individuals who on the effective date of this
6 Act possess a valid school bus driver permit that has been
7 previously issued by the appropriate Regional School
8 Superintendent are not subject to the fingerprinting
9 provisions of this Section as long as the permit remains valid
10 and does not lapse. The applicant shall be required to pay all
11 related application and fingerprinting fees as established by
12 rule including, but not limited to, the amounts established by
13 the Department of State Police and the Federal Bureau of
14 Investigation to process fingerprint based criminal background
15 investigations. All fees paid for fingerprint processing
16 services under this Section shall be deposited into the State
17 Police Services Fund for the cost incurred in processing the
18 fingerprint based criminal background investigations. All
19 other fees paid under this Section shall be deposited into the
20 Road Fund for the purpose of defraying the costs of the
21 Secretary of State in administering this Section. All
22 applicants must:

- 23 1. be 21 years of age or older;
- 24 2. possess a valid and properly classified driver's
25 license issued by the Secretary of State;
- 26 3. possess a valid driver's license, which has not been

1 revoked, suspended, or canceled for 3 years immediately
2 prior to the date of application, or have not had his or
3 her commercial motor vehicle driving privileges
4 disqualified within the 3 years immediately prior to the
5 date of application;

6 4. successfully pass a written test, administered by
7 the Secretary of State, on school bus operation, school bus
8 safety, and special traffic laws relating to school buses
9 and submit to a review of the applicant's driving habits by
10 the Secretary of State at the time the written test is
11 given;

12 5. demonstrate ability to exercise reasonable care in
13 the operation of school buses in accordance with rules
14 promulgated by the Secretary of State;

15 6. demonstrate physical fitness to operate school
16 buses by submitting the results of a medical examination,
17 including tests for drug use for each applicant not subject
18 to such testing pursuant to federal law, conducted by a
19 licensed physician, an advanced practice nurse who has a
20 written collaborative agreement with a collaborating
21 physician which authorizes him or her to perform medical
22 examinations, or a physician assistant who has been
23 delegated the performance of medical examinations by his or
24 her supervising physician within 90 days of the date of
25 application according to standards promulgated by the
26 Secretary of State;

1 7. affirm under penalties of perjury that he or she has
2 not made a false statement or knowingly concealed a
3 material fact in any application for permit;

4 8. have completed an initial classroom course,
5 including first aid procedures, in school bus driver safety
6 as promulgated by the Secretary of State; and after
7 satisfactory completion of said initial course an annual
8 refresher course; such courses and the agency or
9 organization conducting such courses shall be approved by
10 the Secretary of State; failure to complete the annual
11 refresher course, shall result in cancellation of the
12 permit until such course is completed;

13 9. not have been under an order of court supervision
14 for or convicted of 2 or more serious traffic offenses, as
15 defined by rule, within one year prior to the date of
16 application that may endanger the life or safety of any of
17 the driver's passengers within the duration of the permit
18 period;

19 10. not have been under an order of court supervision
20 for or convicted of reckless driving, aggravated reckless
21 driving, driving while under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or
23 any combination thereof, or reckless homicide resulting
24 from the operation of a motor vehicle within 3 years of the
25 date of application;

26 11. not have been convicted of committing or attempting

1 to commit any one or more of the following offenses: (i)
2 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
3 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
4 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
5 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
6 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
7 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
8 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
9 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
10 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
11 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
12 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
13 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
14 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
15 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
16 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
17 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,
18 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section
19 8-1, and in subdivisions (a) (1), (a) (1.5), (a) (2), (b) (1),
20 (e) (1), (e) (2), (e) (3), (e) (4), and (f) (1) of Section
21 12-3.05, and in subsection (a) and subsection (b), clause
22 (1), of Section 12-4, and in subsection (A), clauses (a)
23 and (b), of Section 24-3, and those offenses contained in
24 Article 29D of the Criminal Code of 1961 or the Criminal
25 Code of 2012; (ii) those offenses defined in the Cannabis
26 Control Act except those offenses defined in subsections

1 (a) and (b) of Section 4, and subsection (a) of Section 5
2 of the Cannabis Control Act; (iii) those offenses defined
3 in the Illinois Controlled Substances Act; (iv) those
4 offenses defined in the Methamphetamine Control and
5 Community Protection Act; (v) any offense committed or
6 attempted in any other state or against the laws of the
7 United States, which if committed or attempted in this
8 State would be punishable as one or more of the foregoing
9 offenses; (vi) the offenses defined in Section 4.1 and 5.1
10 of the Wrongs to Children Act or Section 11-9.1A of the
11 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
12 those offenses defined in Section 6-16 of the Liquor
13 Control Act of 1934; and (viii) those offenses defined in
14 the Methamphetamine Precursor Control Act;

15 12. not have been repeatedly involved as a driver in
16 motor vehicle collisions or been repeatedly convicted of
17 offenses against laws and ordinances regulating the
18 movement of traffic, to a degree which indicates lack of
19 ability to exercise ordinary and reasonable care in the
20 safe operation of a motor vehicle or disrespect for the
21 traffic laws and the safety of other persons upon the
22 highway;

23 13. not have, through the unlawful operation of a motor
24 vehicle, caused an accident resulting in the death of any
25 person;

26 14. not have, within the last 5 years, been adjudged to

1 be afflicted with or suffering from any mental disability
2 or disease; and

3 15. consent, in writing, to the release of results of
4 reasonable suspicion drug and alcohol testing under
5 Section 6-106.1c of this Code by the employer of the
6 applicant to the Secretary of State.

7 (b) A school bus driver permit shall be valid for a period
8 specified by the Secretary of State as set forth by rule. It
9 shall be renewable upon compliance with subsection (a) of this
10 Section.

11 (c) A school bus driver permit shall contain the holder's
12 driver's license number, legal name, residence address, zip
13 code, and date of birth, a brief description of the holder and
14 a space for signature. The Secretary of State may require a
15 suitable photograph of the holder.

16 (d) The employer shall be responsible for conducting a
17 pre-employment interview with prospective school bus driver
18 candidates, distributing school bus driver applications and
19 medical forms to be completed by the applicant, and submitting
20 the applicant's fingerprint cards to the Department of State
21 Police that are required for the criminal background
22 investigations. The employer shall certify in writing to the
23 Secretary of State that all pre-employment conditions have been
24 successfully completed including the successful completion of
25 an Illinois specific criminal background investigation through
26 the Department of State Police and the submission of necessary

1 fingerprints to the Federal Bureau of Investigation for
2 criminal history information available through the Federal
3 Bureau of Investigation system. The applicant shall present the
4 certification to the Secretary of State at the time of
5 submitting the school bus driver permit application.

6 (e) Permits shall initially be provisional upon receiving
7 certification from the employer that all pre-employment
8 conditions have been successfully completed, and upon
9 successful completion of all training and examination
10 requirements for the classification of the vehicle to be
11 operated, the Secretary of State shall provisionally issue a
12 School Bus Driver Permit. The permit shall remain in a
13 provisional status pending the completion of the Federal Bureau
14 of Investigation's criminal background investigation based
15 upon fingerprinting specimens submitted to the Federal Bureau
16 of Investigation by the Department of State Police. The Federal
17 Bureau of Investigation shall report the findings directly to
18 the Secretary of State. The Secretary of State shall remove the
19 bus driver permit from provisional status upon the applicant's
20 successful completion of the Federal Bureau of Investigation's
21 criminal background investigation.

22 (f) A school bus driver permit holder shall notify the
23 employer and the Secretary of State if he or she is issued an
24 order of court supervision for or convicted in another state of
25 an offense that would make him or her ineligible for a permit
26 under subsection (a) of this Section. The written notification

1 shall be made within 5 days of the entry of the order of court
2 supervision or conviction. Failure of the permit holder to
3 provide the notification is punishable as a petty offense for a
4 first violation and a Class B misdemeanor for a second or
5 subsequent violation.

6 (g) Cancellation; suspension; notice and procedure.

7 (1) The Secretary of State shall cancel a school bus
8 driver permit of an applicant whose criminal background
9 investigation discloses that he or she is not in compliance
10 with the provisions of subsection (a) of this Section.

11 (2) The Secretary of State shall cancel a school bus
12 driver permit when he or she receives notice that the
13 permit holder fails to comply with any provision of this
14 Section or any rule promulgated for the administration of
15 this Section.

16 (3) The Secretary of State shall cancel a school bus
17 driver permit if the permit holder's restricted commercial
18 or commercial driving privileges are withdrawn or
19 otherwise invalidated.

20 (4) The Secretary of State may not issue a school bus
21 driver permit for a period of 3 years to an applicant who
22 fails to obtain a negative result on a drug test as
23 required in item 6 of subsection (a) of this Section or
24 under federal law.

25 (5) The Secretary of State shall forthwith suspend a
26 school bus driver permit for a period of 3 years upon

1 receiving notice that the holder has failed to obtain a
2 negative result on a drug test as required in item 6 of
3 subsection (a) of this Section or under federal law.

4 (6) The Secretary of State shall suspend a school bus
5 driver permit for a period of 3 years upon receiving notice
6 from the employer that the holder failed to perform the
7 inspection procedure set forth in subsection (a) or (b) of
8 Section 12-816 of this Code.

9 (7) The Secretary of State shall suspend a school bus
10 driver permit for a period of 3 years upon receiving notice
11 from the employer that the holder refused to submit to an
12 alcohol or drug test as required by Section 6-106.1c or has
13 submitted to a test required by that Section which
14 disclosed an alcohol concentration of more than 0.00 or
15 disclosed a positive result on a National Institute on Drug
16 Abuse five-drug panel, utilizing federal standards set
17 forth in 49 CFR 40.87.

18 The Secretary of State shall notify the State
19 Superintendent of Education and the permit holder's
20 prospective or current employer that the applicant has (1) has
21 failed a criminal background investigation or (2) is no longer
22 eligible for a school bus driver permit; and of the related
23 cancellation of the applicant's provisional school bus driver
24 permit. The cancellation shall remain in effect pending the
25 outcome of a hearing pursuant to Section 2-118 of this Code.
26 The scope of the hearing shall be limited to the issuance

1 criteria contained in subsection (a) of this Section. A
2 petition requesting a hearing shall be submitted to the
3 Secretary of State and shall contain the reason the individual
4 feels he or she is entitled to a school bus driver permit. The
5 permit holder's employer shall notify in writing to the
6 Secretary of State that the employer has certified the removal
7 of the offending school bus driver from service prior to the
8 start of that school bus driver's next workshift. An employing
9 school board that fails to remove the offending school bus
10 driver from service is subject to the penalties defined in
11 Section 3-14.23 of the School Code. A school bus contractor who
12 violates a provision of this Section is subject to the
13 penalties defined in Section 6-106.11.

14 All valid school bus driver permits issued under this
15 Section prior to January 1, 1995, shall remain effective until
16 their expiration date unless otherwise invalidated.

17 (h) When a school bus driver permit holder who is a service
18 member is called to active duty, the employer of the permit
19 holder shall notify the Secretary of State, within 30 days of
20 notification from the permit holder, that the permit holder has
21 been called to active duty. Upon notification pursuant to this
22 subsection, (i) the Secretary of State shall characterize the
23 permit as inactive until a permit holder renews the permit as
24 provided in subsection (i) of this Section, and (ii) if a
25 permit holder fails to comply with the requirements of this
26 Section while called to active duty, the Secretary of State

1 shall not characterize the permit as invalid.

2 (i) A school bus driver permit holder who is a service
3 member returning from active duty must, within 90 days, renew a
4 permit characterized as inactive pursuant to subsection (h) of
5 this Section by complying with the renewal requirements of
6 subsection (b) of this Section.

7 (j) For purposes of subsections (h) and (i) of this
8 Section:

9 "Active duty" means active duty pursuant to an executive
10 order of the President of the United States, an act of the
11 Congress of the United States, or an order of the Governor.

12 "Service member" means a member of the Armed Services or
13 reserve forces of the United States or a member of the Illinois
14 National Guard.

15 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
16 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
17 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,
18 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;
19 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.
20 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised
21 9-20-12.)

22 Section 15. The Criminal Code of 2012 is amended by
23 changing Sections 12-3.05 and 36-1 as follows:

24 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

1 Sec. 12-3.05. Aggravated battery.

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

6 (1) Causes great bodily harm ~~or permanent disability or~~
7 ~~disfigurement.~~

8 (1.5) Causes permanent disability or disfigurement.

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

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

21 (i) performing his or her official duties;

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

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

26 (4) Causes great bodily harm or permanent disability or

1 disfigurement to an individual 60 years of age or older.

2 (5) Strangles another individual.

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

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

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

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

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

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

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

26 (3) A teacher or school employee upon school grounds or

1 grounds adjacent to a school or in any part of a building
2 used for school purposes.

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

8 (i) performing his or her official duties;

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

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

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

15 (i) performing his or her official duties;

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

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

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

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

25 (8) A taxi driver on duty.

26 (9) A merchant who detains the person for an alleged

1 commission of retail theft under Section 16-26 of this Code
2 and the person without legal justification by any means
3 causes bodily harm to the merchant.

4 (10) A person authorized to serve process under Section
5 2-202 of the Code of Civil Procedure or a special process
6 server appointed by the circuit court while that individual
7 is in the performance of his or her duties as a process
8 server.

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

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

15 (2) 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 a peace officer, community
18 policing volunteer, person summoned by a police officer,
19 fireman, private security officer, correctional
20 institution employee, or emergency management worker:

21 (i) performing his or her official duties;

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

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

26 (3) Discharges a firearm, other than a machine gun or a

1 firearm equipped with a silencer, and causes any injury to
2 a person he or she knows to be an emergency medical
3 technician employed by a municipality or other
4 governmental unit:

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

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

18 (6) 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 a peace officer, community policing volunteer,
21 person summoned by a police officer, fireman, private
22 security officer, correctional institution employee or
23 emergency management worker:

24 (i) performing his or her official duties;

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

1 (iii) battered in retaliation for performing his
2 or her official duties.

3 (7) Discharges a machine gun or a firearm equipped with
4 a silencer, and causes any injury to a person he or she
5 knows to be an emergency medical technician employed by a
6 municipality or other 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 (8) Discharges a machine gun or a firearm equipped with
13 a silencer, and causes any injury to a person he or she
14 knows to be a teacher, or a student in a school, or a
15 school employee, and the teacher, student, or employee is
16 upon school grounds or grounds adjacent to a school or in
17 any part of a building used for school purposes.

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

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

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

26 (3) Knowingly and without lawful justification shines

1 or flashes a laser gunsight or other laser device attached
2 to a firearm, or used in concert with a firearm, so that
3 the laser beam strikes upon or against the person of
4 another.

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

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

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

21 (3) Knowingly causes or attempts to cause a
22 correctional institution employee or Department of Human
23 Services employee to come into contact with blood, seminal
24 fluid, urine, or feces by throwing, tossing, or expelling
25 the fluid or material, and the person is an inmate of a
26 penal institution or is a sexually dangerous person or

1 sexually violent person in the custody of the Department of
2 Human Services.

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

5 Aggravated battery as defined in subdivision (a)(1.5),
6 (a)(4), (d)(4), or (g)(3) is a Class 2 felony.

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

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

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

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

20 (B) the person caused great bodily harm or permanent
21 disability or disfigurement to the other person while
22 committing the offense; or

23 (C) the person has been previously convicted of a
24 violation of subdivision (a)(5) under the laws of this
25 State or laws similar to subdivision (a)(5) of any other
26 state.

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

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

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

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

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

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

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

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

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

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

8 "Building or other structure used to provide shelter" has
9 the meaning ascribed to "shelter" in Section 1 of the Domestic
10 Violence Shelters Act.

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

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

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

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

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

1 "Strangle" means intentionally impeding the normal
2 breathing or circulation of the blood of an individual by
3 applying pressure on the throat or neck of that individual or
4 by blocking the nose or mouth of that individual.

5 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
6 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.
7 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,
8 and 97-467, eff. 1-1-12; 97-1109, eff. 1-1-13.)

9 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

10 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
11 with the knowledge and consent of the owner in the commission
12 of, or in the attempt to commit as defined in Section 8-4 of
13 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
14 11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a
15 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
16 11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,
17 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of
18 precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1,
19 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or 29D-15.2 of this Code,
20 subdivision (a) (1), (a) (1.5), (a) (2), (a) (4), (b) (1), (e) (1),
21 (e) (2), (e) (3), (e) (4), (e) (5), (e) (6), or (e) (7) of Section
22 12-3.05, paragraph (a) of Section 12-4 of this Code, paragraph
23 (a) of Section 11-1.50, paragraph (a) of Section 12-15,
24 paragraph (a), (c), or (d) of Section 11-1.60, or paragraphs
25 (a), (c) or (d) of Section 12-16 of this Code, or paragraph

1 (a) (6) or (a) (7) of Section 24-1 of this Code; (b) Section 21,
2 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel,
3 vehicle or aircraft contains more than 10 cartons of such
4 cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use Tax
5 Act if the vessel, vehicle or aircraft contains more than 10
6 cartons of such cigarettes; (d) Section 44 of the Environmental
7 Protection Act; (e) 11-204.1 of the Illinois Vehicle Code; (f)
8 (1) driving under the influence of alcohol or other drug or
9 drugs, intoxicating compound or compounds or any combination
10 thereof under Section 11-501 of the Illinois Vehicle Code
11 during a period in which his or her driving privileges are
12 revoked or suspended where the revocation or suspension was for
13 driving under the influence of alcohol or other drug or drugs,
14 intoxicating compound or compounds or any combination thereof,
15 Section 11-501.1, paragraph (b) of Section 11-401, or for
16 reckless homicide as defined in Section 9-3 of the Criminal
17 Code of 1961 or the Criminal Code of 2012; (2) driving while
18 under the influence of alcohol, other drug or drugs,
19 intoxicating compound or compounds or any combination thereof
20 and has been previously convicted of reckless homicide or a
21 similar provision of a law of another state relating to
22 reckless homicide in which the person was determined to have
23 been under the influence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds as an element of the offense
25 or the person has previously been convicted of committing a
26 violation of driving under the influence of alcohol or other

1 drug or drugs, intoxicating compound or compounds or any
2 combination thereof and was involved in a motor vehicle
3 accident that resulted in death, great bodily harm, or
4 permanent disability or disfigurement to another, when the
5 violation was a proximate cause of the death or injuries; (3)
6 the person committed a violation of driving under the influence
7 of alcohol or other drug or drugs, intoxicating compound or
8 compounds or any combination thereof under Section 11-501 of
9 the Illinois Vehicle Code or a similar provision for the third
10 or subsequent time; (4) the person committed the violation
11 while he or she did not possess a driver's license or permit or
12 a restricted driving permit or a judicial driving permit or a
13 monitoring device driving permit; or (5) the person committed
14 the violation while he or she knew or should have known that
15 the vehicle he or she was driving was not covered by a
16 liability insurance policy; (g) an offense described in
17 subsection (g) of Section 6-303 of the Illinois Vehicle Code;
18 or (h) an offense described in subsection (e) of Section 6-101
19 of the Illinois Vehicle Code; may be seized and delivered
20 forthwith to the sheriff of the county of seizure.

21 Within 15 days after such delivery the sheriff shall give
22 notice of seizure to each person according to the following
23 method: Upon each such person whose right, title or interest is
24 of record in the office of the Secretary of State, the
25 Secretary of Transportation, the Administrator of the Federal
26 Aviation Agency, or any other Department of this State, or any

1 other state of the United States if such vessel, vehicle or
2 aircraft is required to be so registered, as the case may be,
3 by mailing a copy of the notice by certified mail to the
4 address as given upon the records of the Secretary of State,
5 the Department of Aeronautics, Department of Public Works and
6 Buildings or any other Department of this State or the United
7 States if such vessel, vehicle or aircraft is required to be so
8 registered. Within that 15 day period the sheriff shall also
9 notify the State's Attorney of the county of seizure about the
10 seizure.

11 In addition, any mobile or portable equipment used in the
12 commission of an act which is in violation of Section 7g of the
13 Metropolitan Water Reclamation District Act shall be subject to
14 seizure and forfeiture under the same procedures provided in
15 this Article for the seizure and forfeiture of vessels,
16 vehicles and aircraft, and any such equipment shall be deemed a
17 vessel, vehicle or aircraft for purposes of this Article.

18 When a person discharges a firearm at another individual
19 from a vehicle with the knowledge and consent of the owner of
20 the vehicle and with the intent to cause death or great bodily
21 harm to that individual and as a result causes death or great
22 bodily harm to that individual, the vehicle shall be subject to
23 seizure and forfeiture under the same procedures provided in
24 this Article for the seizure and forfeiture of vehicles used in
25 violations of clauses (a), (b), (c), or (d) of this Section.

26 If the spouse of the owner of a vehicle seized for an

1 offense described in subsection (g) of Section 6-303 of the
2 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
3 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
4 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
5 Code makes a showing that the seized vehicle is the only source
6 of transportation and it is determined that the financial
7 hardship to the family as a result of the seizure outweighs the
8 benefit to the State from the seizure, the vehicle may be
9 forfeited to the spouse or family member and the title to the
10 vehicle shall be transferred to the spouse or family member who
11 is properly licensed and who requires the use of the vehicle
12 for employment or family transportation purposes. A written
13 declaration of forfeiture of a vehicle under this Section shall
14 be sufficient cause for the title to be transferred to the
15 spouse or family member. The provisions of this paragraph shall
16 apply only to one forfeiture per vehicle. If the vehicle is the
17 subject of a subsequent forfeiture proceeding by virtue of a
18 subsequent conviction of either spouse or the family member,
19 the spouse or family member to whom the vehicle was forfeited
20 under the first forfeiture proceeding may not utilize the
21 provisions of this paragraph in another forfeiture proceeding.
22 If the owner of the vehicle seized owns more than one vehicle,
23 the procedure set out in this paragraph may be used for only
24 one vehicle.

25 Property declared contraband under Section 40 of the
26 Illinois Streetgang Terrorism Omnibus Prevention Act may be

1 seized and forfeited under this Article.

2 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;
3 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.
4 1-1-11; 96-1551, Article 1, Section 960, eff. 7-1-11; 96-1551,
5 Article 2, Section 1035, eff. 7-1-11; 97-333, eff. 8-12-11;
6 97-1109, eff. 1-1-13.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.