

# HB4252



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4252

by Rep. Brian W. Stewart

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2

from Ch. 38, par. 12-2

Amends the Criminal Code of 2012. Provides that aggravated assault committed by using an air rifle, any device manufactured and designed to be substantially similar in appearance to a firearm, or a deadly weapon other than a firearm, is a Class 4 felony (rather than a Class A misdemeanor) when the victim is a peace officer.

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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 (6.5) Uses an air rifle, any device manufactured and  
21 designed to be substantially similar in appearance to a  
22 firearm, or a deadly weapon other than a firearm against a  
23 peace officer:

24 (i) performing his or her official duties;

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

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

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

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

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

13          (d) Sentence. Aggravated assault as defined in subdivision  
14          (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),  
15          (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except that  
16          aggravated assault as defined in subdivision (b) (4) and (b) (7)  
17          is a Class 4 felony if a Category I, Category II, or Category  
18          III weapon is used in the commission of the assault. Aggravated  
19          assault as defined in subdivision (b) (5), (b) (6), (b) (10),  
20          (c) (2), (c) (5), (c) (6), (c) (6.5), or (c) (7) is a Class 4  
21          felony. Aggravated assault as defined in subdivision (c) (3) or  
22          (c) (8) is a Class 3 felony.

23          (e) For the purposes of this Section:

24          "Air rifle" has the meaning ascribed to that term in  
25          Section 24.8-0.1 of this Code.

26          "Category I weapon", "Category II weapon, and "Category III

1     weapon" have the meanings ascribed to those terms in Section  
2     33A-1 of this Code.

3     (Source: P.A. 97-225, eff. 7-28-11; 97-313, eff. 1-1-12;  
4     97-333, eff. 8-12-11; 97-1109, eff. 1-1-13; 98-385, eff.  
5     1-1-14; revised 12-10-14.)