

1 AMENDMENT TO HOUSE BILL 1812

2 AMENDMENT NO. _____. Amend House Bill 1812 as follows:

3 on page 1, line 6, after "9-1,", by inserting "12-2,"; and

4 on page 6, line 27, after "by", by inserting "reason of"; and

5 on page 6, line 29, by deleting ", and the murdered victim
6 was not a member of an"; and

7 on page 6, line 30, by deleting "organized gang"; and

8 on page 10, below line 12, by inserting the following:

9 "(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

10 Sec. 12-2. Aggravated assault.

11 (a) A person commits an aggravated assault, when, in
12 committing an assault, he or she:

- 13 (1) Uses a deadly weapon or any device manufactured
- 14 and designed to be substantially similar in appearance to
- 15 a firearm, other than by discharging a firearm in the
- 16 direction of another person, a peace officer, a person
- 17 summoned or directed by a peace officer, a correctional
- 18 officer or a fireman or in the direction of a vehicle
- 19 occupied by another person, a peace officer, a person
- 20 summoned or directed by a peace officer, a correctional
- 21 officer or a fireman while the officer or fireman is

1 engaged in the execution of any of his official duties,
2 or to prevent the officer or fireman from performing his
3 official duties, or in retaliation for the officer or
4 fireman performing his official duties;

5 (2) Is hooded, robed or masked in such manner as to
6 conceal his identity or any device manufactured and
7 designed to be substantially similar in appearance to a
8 firearm;

9 (3) Knows the individual assaulted to be a teacher
10 or other person employed in any school and such teacher
11 or other employee is upon the grounds of a school or
12 grounds adjacent thereto, or is in any part of a building
13 used for school purposes;

14 (4) Knows the individual assaulted to be a
15 supervisor, director, instructor or other person employed
16 in any park district and such supervisor, director,
17 instructor or other employee is upon the grounds of the
18 park or grounds adjacent thereto, or is in any part of a
19 building used for park purposes;

20 (5) Knows the individual assaulted to be a
21 caseworker, investigator, or other person employed by the
22 State Department of Public Aid, a County Department of
23 Public Aid, or the Department of Human Services (acting
24 as successor to the Illinois Department of Public Aid
25 under the Department of Human Services Act) and such
26 caseworker, investigator, or other person is upon the
27 grounds of a public aid office or grounds adjacent
28 thereto, or is in any part of a building used for public
29 aid purposes, or upon the grounds of a home of a public
30 aid applicant, recipient or any other person being
31 interviewed or investigated in the employees' discharge
32 of his duties, or on grounds adjacent thereto, or is in
33 any part of a building in which the applicant, recipient,
34 or other such person resides or is located;

1 (6) Knows the individual assaulted to be a peace
2 officer, or a community policing volunteer, or a fireman
3 while the officer or fireman is engaged in the execution
4 of any of his official duties, or to prevent the officer,
5 community policing volunteer, or fireman from performing
6 his official duties, or in retaliation for the officer,
7 community policing volunteer, or fireman performing his
8 official duties, and the assault is committed other than
9 by the discharge of a firearm in the direction of the
10 officer or fireman or in the direction of a vehicle
11 occupied by the officer or fireman;

12 (7) Knows the individual assaulted to be an
13 emergency medical technician - ambulance, emergency
14 medical technician - intermediate, emergency medical
15 technician - paramedic, ambulance driver or other medical
16 assistance or first aid personnel employed by a
17 municipality or other governmental unit engaged in the
18 execution of any of his official duties, or to prevent
19 the emergency medical technician - ambulance, emergency
20 medical technician - intermediate, emergency medical
21 technician - paramedic, ambulance driver, or other
22 medical assistance or first aid personnel from performing
23 his official duties, or in retaliation for the emergency
24 medical technician - ambulance, emergency medical
25 technician - intermediate, emergency medical technician -
26 paramedic, ambulance driver, or other medical assistance
27 or first aid personnel performing his official duties;

28 (8) Knows the individual assaulted to be the
29 driver, operator, employee or passenger of any
30 transportation facility or system engaged in the business
31 of transportation of the public for hire and the
32 individual assaulted is then performing in such capacity
33 or then using such public transportation as a passenger
34 or using any area of any description designated by the

1 transportation facility or system as a vehicle boarding,
2 departure, or transfer location;

3 (9) Or the individual assaulted is on or about a
4 public way, public property, or public place of
5 accommodation or amusement;

6 (10) Knows the individual assaulted to be an
7 employee of the State of Illinois, a municipal
8 corporation therein or a political subdivision thereof,
9 engaged in the performance of his authorized duties as
10 such employee;

11 (11) Knowingly and without legal justification,
12 commits an assault on a physically handicapped person;

13 (12) Knowingly and without legal justification,
14 commits an assault on a person 60 years of age or older;

15 (13) Discharges a firearm;

16 (14) Knows the individual assaulted to be a
17 correctional officer, while the officer is engaged in the
18 execution of any of his or her official duties, or to
19 prevent the officer from performing his or her official
20 duties, or in retaliation for the officer performing his
21 or her official duties; ~~or~~

22 (15) Knows the individual assaulted to be a
23 correctional employee, while the employee is engaged in
24 the execution of any of his or her official duties, or to
25 prevent the employee from performing his or her official
26 duties, or in retaliation for the employee performing his
27 or her official duties, and the assault is committed
28 other than by the discharge of a firearm in the direction
29 of the employee or in the direction of a vehicle occupied
30 by the employee; or-

31 (16) Commits the assault in furtherance of the
32 activities of an organized gang or by reason of his or
33 her membership in or allegiance to an organized gang.
34 For the purposes of this subsection, "organized gang" has

1 the meaning ascribed to it in Section 10 of the
2 Streetgang Terrorism Omnibus Prevention Act.

3 (a-5) A person commits an aggravated assault when he or
4 she knowingly and without lawful justification shines or
5 flashes a laser gunsight or other laser device that is
6 attached or affixed to a firearm, or used in concert with a
7 firearm, so that the laser beam strikes near or in the
8 immediate vicinity of any person.

9 (b) Sentence.

10 Aggravated assault as defined in paragraphs (1) through
11 (5) and (7) through (12) of subsection (a) of this Section is
12 a Class A misdemeanor. Aggravated assault as defined in
13 paragraphs (13), (14), and (15), and (16) of subsection (a)
14 of this Section and as defined in subsection (a-5) of this
15 Section is a Class 4 felony. Aggravated assault as defined
16 in paragraph (6) of subsection (a) of this Section is a Class
17 A misdemeanor if a firearm is not used in the commission of
18 the assault. Aggravated assault as defined in paragraph (6)
19 of subsection (a) of this Section is a Class 4 felony if a
20 firearm is used in the commission of the assault.

21 (Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99;
22 91-672, eff. 1-1-00.)"; and

23 on page 12, line 30, after "by", by inserting "reason of";
24 and

25 on page 12, line 31, by replacing "gang, and the" with
26 "gang."; and

27 on page 12, by deleting line 32; and

28 on page 15, line 13, after "by", by inserting "reason of";
29 and

30 on page 15, line 14, by deleting ", and the battered"; and

31 on page 15, line 15, by deleting "person is not a member of

- 1 an organized gang"; and
- 2 on page 15, line 21, by replacing "or" with "or"; and
- 3 on page 15, line 21, after "(a)(4)", by inserting ", or
- 4 subsection (a)(5)"; and
- 5 on page 15, line 24, by deleting "A violation of subsection
- 6 (a)(5) is a Class X felony"; and
- 7 on page 15, by deleting lines 25 and 26; and
- 8 on page 18, line 16, after "by", by inserting "reason of";
- 9 and
- 10 on page 18, line 18, by replacing "a person" with "another
- 11 person or in the direction of a vehicle or building he or she
- 12 knows or reasonably should know is occupied by another
- 13 person, and the firearm is discharged from a place or
- 14 position outside the vehicle or building"; and
- 15 on page 18, line 18, by deleting "who is not a member of";
- 16 and
- 17 on page 18, line 19, by deleting "an organized gang"; and
- 18 on page 18, line 32, by replacing "or" with "or"; and
- 19 on page 18, line 32, after "(a)(7)", by inserting ", or
- 20 (a-5)"; and
- 21 on page 19, line 1, by deleting "A violation of subsection
- 22 (a-5) is a Class X"; and
- 23 on page 19, by deleting lines 2 and 3; and
- 24 on page 19, by deleting lines 14 through 32; and
- 25 by deleting pages 20 through 34.