

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 1961 is amended by  
5 changing 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) A person commits an aggravated assault, when, in  
9 committing an assault, he:

10 (1) Uses a deadly weapon or any device manufactured  
11 and designed to be substantially similar in appearance to  
12 a firearm, other than by discharging a firearm in the  
13 direction of another person, a peace officer, a person  
14 summoned or directed by a peace officer, a correctional  
15 officer or a fireman or in the direction of a vehicle  
16 occupied by another person, a peace officer, a person  
17 summoned or directed by a peace officer, a correctional  
18 officer or a fireman while the officer or fireman is  
19 engaged in the execution of any of his official duties,  
20 or to prevent the officer or fireman from performing his  
21 official duties, or in retaliation for the officer or  
22 fireman performing his official duties;

23 (2) Is hooded, robed or masked in such manner as to  
24 conceal his identity or any device manufactured and  
25 designed to be substantially similar in appearance to a  
26 firearm;

27 (3) Knows the individual assaulted to be a teacher  
28 or other person employed in any school and such teacher  
29 or other employee is upon the grounds of a school or  
30 grounds adjacent thereto, or is in any part of a building  
31 used for school purposes;

1           (4) Knows the individual assaulted to be a  
 2 supervisor, director, instructor or other person employed  
 3 in any park district and such supervisor, director,  
 4 instructor or other employee is upon the grounds of the  
 5 park or grounds adjacent thereto, or is in any part of a  
 6 building used for park purposes;

7           (5) Knows the individual assaulted to be a  
 8 caseworker, investigator, or other person employed by the  
 9 State Department of Public Aid, a County Department of  
 10 Public Aid, or the Department of Human Services (acting  
 11 as successor to the Illinois Department of Public Aid  
 12 under the Department of Human Services Act) and such  
 13 caseworker, investigator, or other person is upon the  
 14 grounds of a public aid office or grounds adjacent  
 15 thereto, or is in any part of a building used for public  
 16 aid purposes, or upon the grounds of a home of a public  
 17 aid applicant, recipient or any other person being  
 18 interviewed or investigated in the employees' discharge  
 19 of his duties, or on grounds adjacent thereto, or is in  
 20 any part of a building in which the applicant, recipient,  
 21 or other such person resides or is located;

22           (6) Knows the individual assaulted to be a peace  
 23 officer, or a community policing volunteer, or a fireman  
 24 while the officer or fireman is engaged in the execution  
 25 of any of his official duties, or to prevent the officer,  
 26 community policing volunteer, or fireman from performing  
 27 his official duties, or in retaliation for the officer,  
 28 community policing volunteer, or fireman performing his  
 29 official duties, ~~and the assault is committed other than~~  
 30 ~~by the discharge of a firearm in the direction of the~~  
 31 ~~officer or fireman or in the direction of a vehicle~~  
 32 ~~occupied by the officer or fireman;~~

33           (7) Knows the individual assaulted to be an  
 34 emergency medical technician - ambulance, emergency

1 medical technician - intermediate, emergency medical  
2 technician - paramedic, ambulance driver or other medical  
3 assistance or first aid personnel employed by a  
4 municipality or other governmental unit engaged in the  
5 execution of any of his official duties, or to prevent  
6 the emergency medical technician - ambulance, emergency  
7 medical technician - intermediate, emergency medical  
8 technician - paramedic, ambulance driver, or other  
9 medical assistance or first aid personnel from performing  
10 his official duties, or in retaliation for the emergency  
11 medical technician - ambulance, emergency medical  
12 technician - intermediate, emergency medical technician -  
13 paramedic, ambulance driver, or other medical assistance  
14 or first aid personnel performing his official duties;

15 (8) Knows the individual assaulted to be the  
16 driver, operator, employee or passenger of any  
17 transportation facility or system engaged in the business  
18 of transportation of the public for hire and the  
19 individual assaulted is then performing in such capacity  
20 or then using such public transportation as a passenger  
21 or using any area of any description designated by the  
22 transportation facility or system as a vehicle boarding,  
23 departure, or transfer location;

24 (9) Or the individual assaulted is on or about a  
25 public way, public property, or public place of  
26 accommodation or amusement;

27 (10) Knows the individual assaulted to be an  
28 employee of the State of Illinois, a municipal  
29 corporation therein or a political subdivision thereof,  
30 engaged in the performance of his authorized duties as  
31 such employee;

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

34 (12) Knowingly and without legal justification,

1 commits an assault on a person 60 years of age or older;

2 (13) Discharges a firearm;

3 (14) Knows the individual assaulted to be a  
4 correctional officer, while the officer is engaged in the  
5 execution of any of his or her official duties, or to  
6 prevent the officer from performing his or her official  
7 duties, or in retaliation for the officer performing his  
8 or her official duties; or

9 (15) (Blank). ~~Knows the individual assaulted to be~~  
10 ~~a correctional employee, while the employee is engaged in~~  
11 ~~the execution of any of his or her official duties, or to~~  
12 ~~prevent the employee from performing his or her official~~  
13 ~~duties, or in retaliation for the employee performing his~~  
14 ~~or her official duties, and the assault is committed~~  
15 ~~other than by the discharge of a firearm in the direction~~  
16 ~~of the employee or in the direction of a vehicle occupied~~  
17 ~~by the employee.~~

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

24 (b) Sentence.

25 Aggravated assault as defined in paragraphs (1) through  
26 (5) and (8) ~~(7)~~ through (12) of subsection (a) of this  
27 Section is a Class A misdemeanor. Aggravated assault as  
28 defined in paragraphs (13) and ~~(14)~~, ~~and (15)~~ of subsection  
29 (a) of this Section and as defined in subsection (a-5) of  
30 this Section is a Class 4 felony. Aggravated assault as  
31 defined in ~~paragraphs~~ paragraph (6) and (7) of subsection (a)  
32 of this Section is a Class A misdemeanor if a deadly weapon  
33 or any device manufactured and designed to be substantially  
34 similar in appearance to a firearm is not used in the

1 commission of the assault. Aggravated assault as defined in  
2 paragraphs paragraph (6) and (7) of subsection (a) of this  
3 Section is a Class 4 felony if a deadly weapon or any device  
4 manufactured and designed to be substantially similar in  
5 appearance to a firearm is used in the commission of the  
6 assault.

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