

1 AN ACT in relation to 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) Knows the individual assaulted to be a
10 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), (14), and (15) of subsection (a)
29 of this Section and as defined in subsection (a-5) of this
30 Section is a Class 4 felony. Aggravated assault as defined
31 in ~~paragraphs~~ ~~paragraph~~ (6) and (7) of subsection (a) of this
32 Section is a Class A misdemeanor if a firearm is not used in
33 the commission of the assault. Aggravated assault as defined
34 in ~~paragraphs~~ ~~paragraph~~ (6) and (7) of subsection (a) of this

1 Section is a Class 4 felony if a firearm is used in the
2 commission of the assault.

3 (Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99;

4 91-672, eff. 1-1-00.)