

1 AMENDMENT TO SENATE BILL 2030

2 AMENDMENT NO. _____. Amend Senate Bill 2030 as follows:

3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by
6 changing Sections 12-2, 12-4, and 31-1 as follows:

7 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

8 Sec. 12-2. Aggravated assault.

9 (a) A person commits an aggravated assault, when, in
10 committing an assault, he:

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

1 official duties, or in retaliation for the officer or
2 fireman performing his official duties;

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

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

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

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

33 (6) Knows the individual assaulted to be a peace
34 officer, or a community policing volunteer, or a fireman

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

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

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

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

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

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

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

13 (13) Discharges a firearm;

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

20 (15) Knows the individual assaulted to be a
21 correctional employee or an employee of the Department of
22 Human Services supervising or controlling sexually
23 dangerous persons or sexually violent persons, while the
24 employee is engaged in the execution of any of his or her
25 official duties, or to prevent the employee from
26 performing his or her official duties, or in retaliation
27 for the employee performing his or her official duties,
28 and the assault is committed other than by the discharge
29 of a firearm in the direction of the employee or in the
30 direction of a vehicle occupied by the employee.

31 (a-5) A person commits an aggravated assault when he or
32 she knowingly and without lawful justification shines or
33 flashes a laser gunsight or other laser device that is
34 attached or affixed to a firearm, or used in concert with a

1 firearm, so that the laser beam strikes near or in the
2 immediate vicinity of any person.

3 (b) Sentence.

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

15 (Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99;
16 91-672, eff. 1-1-00.)

17 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

18 Sec. 12-4. Aggravated Battery.

19 (a) A person who, in committing a battery, intentionally
20 or knowingly causes great bodily harm, or permanent
21 disability or disfigurement commits aggravated battery.

22 (b) In committing a battery, a person commits aggravated
23 battery if he or she:

24 (1) Uses a deadly weapon other than by the
25 discharge of a firearm;

26 (2) Is hooded, robed or masked, in such manner as
27 to conceal his identity;

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

33 (4) Knows the individual harmed to be a supervisor,

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

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

21 (6) Knows the individual harmed to be a peace
22 officer, a community policing volunteer, a correctional
23 institution employee, an employee of the Department of
24 Human Services supervising or controlling sexually
25 dangerous persons or sexually violent persons, or a
26 fireman while such officer, volunteer, employee or
27 fireman is engaged in the execution of any official
28 duties including arrest or attempted arrest, or to
29 prevent the officer, volunteer, employee or fireman from
30 performing official duties, or in retaliation for the
31 officer, volunteer, employee or fireman performing
32 official duties, and the battery is committed other than
33 by the discharge of a firearm;

34 (7) Knows the individual harmed to be an emergency

1 medical technician - ambulance, emergency medical
2 technician - intermediate, emergency medical technician -
3 paramedic, ambulance driver, other medical assistance,
4 first aid personnel, or hospital emergency room personnel
5 engaged in the performance of any of his or her official
6 duties, or to prevent the emergency medical technician -
7 ambulance, emergency medical technician - intermediate,
8 emergency medical technician - paramedic, ambulance
9 driver, other medical assistance, first aid personnel, or
10 hospital emergency room personnel from performing
11 official duties, or in retaliation for performing
12 official duties;

13 (8) Is, or the person battered is, on or about a
14 public way, public property or public place of
15 accommodation or amusement;

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

25 (10) Knowingly and without legal justification and
26 by any means causes bodily harm to an individual of 60
27 years of age or older;

28 (11) Knows the individual harmed is pregnant;

29 (12) Knows the individual harmed to be a judge whom
30 the person intended to harm as a result of the judge's
31 performance of his or her official duties as a judge;

32 (13) Knows the individual harmed to be an employee
33 of the Illinois Department of Children and Family
34 Services engaged in the performance of his authorized

1 duties as such employee;

2 (14) Knows the individual harmed to be a person who
3 is physically handicapped;

4 (15) Knowingly and without legal justification and
5 by any means causes bodily harm to a merchant who detains
6 the person for an alleged commission of retail theft
7 under Section 16A-5 of this Code. In this item (15),
8 "merchant" has the meaning ascribed to it in Section
9 16A-2.4 of this Code; or

10 (16) Is, or the person battered is, in any building
11 or other structure used to provide shelter or other
12 services to victims or to the dependent children of
13 victims of domestic violence pursuant to the Illinois
14 Domestic Violence Act of 1986 or the Domestic Violence
15 Shelters Act, or the person battered is within 500 feet
16 of such a building or other structure while going to or
17 from such a building or other structure. "Domestic
18 violence" has the meaning ascribed to it in Section 103
19 of the Illinois Domestic Violence Act of 1986. "Building
20 or other structure used to provide shelter" has the
21 meaning ascribed to "shelter" in Section 1 of the
22 Domestic Violence Shelters Act.

23 For the purpose of paragraph (14) of subsection (b) of
24 this Section, a physically handicapped person is a person who
25 suffers from a permanent and disabling physical
26 characteristic, resulting from disease, injury, functional
27 disorder or congenital condition.

28 (c) A person who administers to an individual or causes
29 him to take, without his consent or by threat or deception,
30 and for other than medical purposes, any intoxicating,
31 poisonous, stupefying, narcotic, anesthetic, or controlled
32 substance commits aggravated battery.

33 (d) A person who knowingly gives to another person any
34 food that contains any substance or object that is intended

1 to cause physical injury if eaten, commits aggravated
2 battery.

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

9 (d-5) An inmate of a penal institution or a sexually
10 dangerous person or a sexually violent person in the custody
11 of the Department of Human Services who causes or attempts to
12 cause a correctional employee of the penal institution or an
13 employee of the Department of Human Services to come into
14 contact with blood, seminal fluid, urine, or feces, by
15 throwing, tossing, or expelling that fluid or material
16 commits aggravated battery. For purposes of this subsection
17 (d-5), "correctional employee" means a person who is employed
18 by a penal institution.

19 (e) Sentence.

20 Aggravated battery is a Class 3 felony, except a
21 violation of subsection (a) is a Class 2 felony when the
22 person knows the individual harmed to be a peace officer
23 engaged in the execution of any of his or her official
24 duties, or the battery is to prevent the officer from
25 performing his or her official duties, or in retaliation for
26 the officer performing his or her official duties.

27 (Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00;
28 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff.
29 6-28-01; 92-516, eff. 1-1-02.)

30 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

31 Sec. 31-1. Resisting or obstructing a peace officer or
32 correctional institution employee.

33 (a) A person who knowingly resists or obstructs the

1 performance by one known to the person to be a peace officer
2 or correctional institution employee of any authorized act
3 within his official capacity commits a Class A misdemeanor.

4 (a-5) In addition to any other sentence that may be
5 imposed, a court shall order any person convicted of
6 resisting or obstructing a peace officer to be sentenced to a
7 minimum of 48 consecutive hours of imprisonment or ordered to
8 perform community service for not less than 100 hours as may
9 be determined by the court. The imprisonment or community
10 service under this subsection (a-5) shall not be subject to
11 suspension nor shall the person be eligible for probation in
12 order to reduce the sentence of imprisonment or community
13 service.

14 (b) For purposes of this Section, "correctional
15 institution employee" means any person employed to supervise
16 and control inmates incarcerated in a penitentiary, State
17 farm, reformatory, prison, jail, house of correction, police
18 detention area, half-way house, or other institution or place
19 for the incarceration or custody of persons under sentence
20 for offenses or awaiting trial or sentence for offenses,
21 under arrest for an offense, a violation of probation, a
22 violation of parole, or a violation of mandatory supervised
23 release, or awaiting a bail setting hearing or preliminary
24 hearing, or who are sexually dangerous persons or who are
25 sexually violent persons.

26 (Source: P.A. 87-1198.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law."