

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 12-4 as follows:

6 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

7 Sec. 12-4. Aggravated Battery.

8 (a) A person who, in committing a battery, intentionally  
9 or knowingly causes great bodily harm, or permanent  
10 disability or disfigurement commits aggravated battery.

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

13 (1) Uses a deadly weapon other than by the  
14 discharge of a firearm;

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

17 (3) Knows the individual harmed to be a teacher or  
18 other person employed in any school and such teacher or  
19 other employee is upon the grounds of a school or grounds  
20 adjacent thereto, or is in any part of a building used  
21 for school purposes;

22 (4) Knows the individual harmed to be a supervisor,  
23 director, instructor or other person employed in any park  
24 district and such supervisor, director, instructor or  
25 other employee is upon the grounds of the park or grounds  
26 adjacent thereto, or is in any part of a building used  
27 for park purposes;

28 (5) Knows the individual harmed to be a caseworker,  
29 investigator, or other person employed by the State  
30 Department of Public Aid, a County Department of Public  
31 Aid, or the Department of Human Services (acting as

1 successor to the Illinois Department of Public Aid under  
2 the Department of Human Services Act) and such  
3 caseworker, investigator, or other person is upon the  
4 grounds of a public aid office or grounds adjacent  
5 thereto, or is in any part of a building used for public  
6 aid purposes, or upon the grounds of a home of a public  
7 aid applicant, recipient, or any other person being  
8 interviewed or investigated in the employee's discharge  
9 of his duties, or on grounds adjacent thereto, or is in  
10 any part of a building in which the applicant, recipient,  
11 or other such person resides or is located;

12 (6) Knows the individual harmed to be a peace  
13 officer, a community policing volunteer, a correctional  
14 institution employee, or a fireman while such officer,  
15 volunteer, employee or fireman is engaged in the  
16 execution of any official duties including arrest or  
17 attempted arrest, or to prevent the officer, volunteer,  
18 employee or fireman from performing official duties, or  
19 in retaliation for the officer, volunteer, employee or  
20 fireman performing official duties, and the battery is  
21 committed other than by the discharge of a firearm;

22 (7) Knows the individual harmed to be an emergency  
23 medical technician - ambulance, emergency medical  
24 technician - intermediate, emergency medical technician -  
25 paramedic, ambulance driver, other medical assistance,  
26 first aid personnel, or hospital emergency room personnel  
27 engaged in the performance of any of his or her official  
28 duties, or to prevent the emergency medical technician -  
29 ambulance, emergency medical technician - intermediate,  
30 emergency medical technician - paramedic, ambulance  
31 driver, other medical assistance, first aid personnel, or  
32 hospital emergency room personnel from performing  
33 official duties, or in retaliation for performing  
34 official duties;

1           (8) Is, or the person battered is, on or about a  
2 public way, public property or public place of  
3 accommodation or amusement;

4           (9) Knows the individual harmed to be the driver,  
5 operator, employee or passenger of any transportation  
6 facility or system engaged in the business of  
7 transportation of the public for hire and the individual  
8 assaulted is then performing in such capacity or then  
9 using such public transportation as a passenger or using  
10 any area of any description designated by the  
11 transportation facility or system as a vehicle boarding,  
12 departure, or transfer location;

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

16           (11) Knows the individual harmed is pregnant;

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

20           (13) Knows the individual harmed to be an employee  
21 of the Illinois Department of Children and Family  
22 Services engaged in the performance of his authorized  
23 duties as such employee;

24           (14) Knows the individual harmed to be a person who  
25 is physically handicapped; or

26           (15) Knowingly and without legal justification and  
27 by any means causes bodily harm to a merchant who detains  
28 the person for an alleged commission of retail theft  
29 under Section 16A-5 of this Code. In this item (15),  
30 "merchant" has the meaning ascribed to it in Section  
31 16A-2.4 of this Code.

32 For the purpose of paragraph (14) of subsection (b) of  
33 this Section, a physically handicapped person is a person who  
34 suffers from a permanent and disabling physical

1 characteristic, resulting from disease, injury, functional  
2 disorder or congenital condition.

3 (c) A person who administers to an individual or causes  
4 him or her to take, without his or her consent or by threat  
5 or deception, and for other than medical purposes, any  
6 intoxicating, poisonous, stupefying, narcotic, anesthetic, or  
7 controlled substance commits aggravated battery.

8 (d) A person who knowingly gives to another person any  
9 food that contains any substance or object that is intended  
10 to cause physical injury if eaten, commits aggravated  
11 battery.

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

18 (d-5) An inmate of a penal institution who causes or  
19 attempts to cause a correctional employee of the penal  
20 institution to come into contact with blood, seminal fluid,  
21 urine, or feces, by throwing, tossing, or expelling that  
22 fluid or material commits aggravated battery. For purposes  
23 of this subsection (d-5), "correctional employee" means a  
24 person who is employed by a penal institution.

25 (e) Sentence.

26 Aggravated battery is a Class 3 felony. Aggravated  
27 battery under subsection (c) of this Section is a Class 2  
28 felony when the victim of the offense was under 18 years of  
29 age at the time of the commission of the offense.

30 (Source: P.A. 90-115, eff. 1-1-98; 90-651, eff. 1-1-99;  
31 90-735, eff. 8-11-98; 91-357, eff. 7-29-99; 91-488, eff.  
32 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; revised  
33 1-7-00.)